

REPUBLIK KOREA

Plant Protection Act

(Pflanzenschutzgesetz)

Quelle: Statutes of the Republic of Korea, http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=33688&type=part&key=24, aufgerufen am 05.7.2017

(redaktionelle Bearbeitung, Julius Kühn-Institut, Bundesforschungsinstitut für Kulturpflanzen, Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit, 05.07.2017)

Übersetzung und Wiedergabe erfolgen ohne Gewähr.

PLANT PROTECTION ACT

Wholly Amended by Act No. 8930, Mar. 21, 2008

Amended by Act No. 10018, Feb. 4, 2010

Act No. 10839, Jul. 14, 2011

Act No. 10898, Jul. 25, 2011

Act No. 10938, Jul. 25, 2011

Act No. 11077, Nov. 14, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12433, Mar. 18, 2014

Act No. 13141, Feb. 3, 2015

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to safety and improvement in agricultural and forestry production and to conserve the natural environment by providing for matters necessary for phytosanitary measures for imported and exported plants, as well as domestic plants, and matters necessary for control measures against pests injurious to plants.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

>Amended by Act No. 10018, Feb. 4, 2010; Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. The term "plant" refers to either of the following things, except pests under subparagraph 2:
 - (a) A seed plant, a fern, moss, or a mushroom;
 - (b) Seeds, fruits, or processed products of any of those under item (a) (excluding those processed by means of deactivating pathogenic organisms and specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs);
2. The term "pests" refers to:

- (a) Microorganisms harmful to plants, such as fungi, slime molds, bacteria, and virus;
 - (b) Insects, mites, eelworms, snails, and other invertebrate animals, harmful to plants;
 - (c) Weeds (including seeds) specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs;
3. The term "articles subject to phytosanitary measures" refers to plants, containers and packaging for containing or wrapping plants, pests, and soil specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (hereinafter referred to as "soil");
 4. The term "regulated pests" refers to quarantine pests and regulated non-quarantine pests, both of which are considered to severely harm plants if measures, such as disinfection and discarding, are not taken;
 5. The term "quarantine pests" refers to pests specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among the following pests that have an economically unacceptable impact to bring about severe damage:
 - (a) Pests that have not yet occurred in the Republic of Korea;
 - (b) Pests that have occurred in part of the Republic of Korea, but against which preventive observations and other measures have been taken;
 6. The term "regulated non-quarantine pests" refers to pests, other than quarantine pests, specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among those whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore unregulated in the Republic of Korea;
 7. The term "provisionally regulated pests" refers to pests that were discovered first in the course of the import quarantine process or that have been subject to the pest risk analysis under Article 6, and thus, against which provisional measures, such as disinfection and discarding, have been taken to the degree equivalent to measures against regulated pests;
 8. The term "pest population survey" refers to the following survey activities performed to control pests in advance and prevent them from spreading where pests have occurred or are likely to occur:
 - (a) Activities for investigating areas in which pests occur;
 - (b) Activities for investigating pest population density and the extent of damage;
 9. The term "epidemiological investigation" refers to the following activities performed to control pests in advance and prevent them from spreading where pests have occurred or are likely to occur:
 - (a) Activities for tracing sources of infection by pests;
 - (b) Activities for discovering channels through which pests are introduced.

Article 3 (Responsibilities, etc. of State and Local Governments)

- (1) The State and local governments shall take necessary measures, such as quarantine, observation and control, to prevent the introduction and spread of pests.
- (2) The owners or managers of plants shall actively cooperate in the implementation of measures under paragraph (1).

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

[Previous Article 3 moved to Article 7-2]

Article 4

[Previous Article 4 moved to Article 7-3]

Article 5

[Previous Article 5 moved to Article 7-4]

CHAPTER II PHYTOSANITARY MEASURES

SECTION 1 Common Provisions

Article 6 (Pest Risk Analysis)

(1) The Minister of Agriculture, Food and Rural Affairs shall evaluate the level of risks of pests, and establish measures to reduce the risk (hereinafter referred to as "pest risk analysis"), in order to prevent economic losses which may incur on agricultural products and the natural environment if such pests are introduced into the Republic of Korea from a foreign country.

<Amended by Act No. 11690, Mar. 23, 2013>

(2) The methods and procedures for implementing pest risk analysis and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 7 (Safety Control of Articles subject to Phytosanitary Measures)

A person who imports an article subject to phytosanitary measures, transports it via the Republic of Korea, or stores it in the Republic of Korea shall transport or store such article in a safe manner, such as keeping it in a sealed container or receptacle in compliance with standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to prevent the spread of pests on the article subject to phytosanitary measures.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 7-2 (Plant Quarantine Officers)

(1) The Ministry of Agriculture, Food and Rural Affairs and agencies responsible for phytosanitary measures established within the Ministry of Agriculture, Food and Rural Affairs (hereinafter referred to as "phytosanitary agencies") may each appoint a plant quarantine officer to carry out phytosanitary measures and pest control under this Act, while each local government may appoint a local public official as a plant quarantine officer. In such cases, the scope of duties of plant quarantine officers assigned to local governments shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) Qualifications for plant quarantine officers under paragraph (1), procedures for selection of such officers, and other necessary measures shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

[Moved from Article 3]

Article 7-3 (Authority, etc. of Plant Quarantine Officers)

(1) Each plant quarantine officer may inspect an article, parcel of land, storage, warehouse, place of business, ship, vehicle, aircraft, etc., subject to the application of phytosanitary measures, if it is suspected to carry regulated pests, provisionally regulated pests, or pests subject to pest control under Article 32 (3).

>Amended by Act No. 10839, Jul. 14, 2011>

(2) If regulated pests, provisionally regulated pests, or pests subject to pest control under Article 32 (3) are detected, or a prohibited article 2 under Article 10 (1) is found, as a result of an inspection under paragraph (1), each plant quarantine officer may issue an order to a person who owns the article, parcel of land, storage, warehouse, place of business, ship, vehicle, aircraft, etc., subject to phytosanitary measures, or an agent to whom the owner has delegated his/her authority for disposal (hereinafter referred to as "agent") to perform disinfection or discarding, or to take other necessary measures.

>Amended by Act No. 10839, Jul. 14, 2011>

(3) Each plant quarantine officer, who deems it necessary for an inspection under paragraph (1), may enter a parcel of land, storage, warehouse, place of business, ship, vehicle, aircraft, etc., or ask questions to the relevant persons, and also collect the minimum quantity of materials necessary for testing without compensation.

>Amended by Act No. 10839, Jul. 14, 2011>

(4) No person shall refuse, interfere with, or evade an inspection under paragraph (1) or the entry or collection under paragraph (3) without just cause.

<Newly Inserted by Act No. 10839, Jul. 14, 2011>

(5) Each plant quarantine officer, who performs his/her duties pursuant to this Act, shall carry an identification certifying his/her authority, and produce it to the relevant person.

>Amended by Act No. 10839, Jul. 14, 2011>

[Moved from Article 4]

Article 7-4 (Technology Development Plans for Phytosanitary Measures)

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate and implement a comprehensive technology development plan for phytosanitary measures, including methods of prevention, diagnosis, and disinfection of pests.

>Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the formulation and implementation of technology development plans for phytosanitary measures under paragraph (1) shall be prescribed by Presidential Decree.

[Moved from Article 5]

SECTION 2 Phytosanitary Measures for Imports

Article 8 (Phytosanitary Certificates)

Each person, who intends to import plants, and containers and packaging in which the plants are wrapped or contained (hereinafter referred to as "plants, etc."), shall submit a phytosanitary certificate issued by the governmental entity of an exporting country in the form of a phytosanitary certificate provided for in the International Plant Protection Convention: Provided, That the foregoing shall not apply in any of the following cases:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Where a plant is imported from a country that does not have any governmental entity responsible for phytosanitary measures;
2. Where a plant is imported as accompanying luggage, by mail, or as consignment or removal goods (excluding cases of importing plants for planting or propagation in excess of the quantity specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs);
3. Where it is impracticable to submit a phytosanitary certificate due to any other reason specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9 (Ports of Importation)

No article subject to phytosanitary measures shall be imported through any place other than a port, harbor, airport, railroad station, or other place specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (hereinafter referred to as "port of importation").

>Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Prohibition against Importation)

(1) None of the following articles (hereinafter referred to as "prohibited articles") shall be imported:

<Amended by Act No. 11690, Mar. 23, 2013>

1. Plants specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among plants produced in, dispatched from, or transported via an area in which pests anticipated as a result of pest risk analysis under Article 6 to cause severe damage to domestic plants if they are introduced into the Republic of Korea, are distributed (excluding consignments in simple transit defined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs);
2. Pests: Provided, That pests the Minister of Agriculture, Food and Rural Affairs recognizes, as a result of pest risk analysis, as unlikely to inflict economic damage on domestic plants shall be excluded herefrom;
3. Soil or plants with soil adhering thereto;
4. Containers and packaging of articles specified in subparagraphs 1 through 3.

(2) Notwithstanding paragraph (1), a prohibited article may be imported in any of the following cases:

<Amended by Act No. 10839, Jul. 14, 2011; Act No. 10938, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

1. Where a prohibited article is imported with permission from the Minister of Agriculture, Food and Rural Affairs after satisfying requirements specified by Presidential Decree, as set forth in any of

the following:

- (a) Where it is imported for testing, research, or display at an international exhibition recognized by the Government;
 - (b) Where it is imported to secure agricultural genetic resources pursuant to the Act on the Preservation, Management and Utilization of Agricultural Genetic Resources;
2. Where a prohibited article at issue is a plant under paragraph (1) 1, but an exporting country has presented a risk management scheme with respect to pests that inhabit the plant, and the Minister of Agriculture, Food and Rural Affairs recognizes, as a result of pest risk analysis with regard to the adequacy of the scheme, that the plant is unlikely to cause any damage to domestic plants;
 3. Deleted.

<by Act No. 10839, Jul. 14, 2011>

(3) The Minister of Agriculture, Food and Rural Affairs may prescribe the methods of importation and the methods of follow-up management, or attach other necessary conditions with regard to articles that may be imported pursuant to paragraph (2) among prohibited articles.

<Amended by Act No. 11690, Mar. 23, 2013>

Article 11 (Restrictions on Importation)

(1) The Minister of Agriculture, Food and Rural Affairs may place a temporary restriction on importation of plants, etc. produced in, dispatched from, or transported via a specified area in a foreign country, if he/she finds that regulated pests have existed in the specified area and are likely to be introduced into the Republic of Korea or that a pest control emergency has occurred.

<Amended by Act No. 11690, March 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may request an exporting country to inspect or disinfect growing areas, or take other necessary measures for plants imported from the exporting country in which regulated pests are distributed. In such cases, countries and plants subject to such request shall be prescribed by the Minister of Agriculture, Food and Rural Affairs.

<Amended by Act No. 11690, March. 23, 2013>

(3) The Minister of Agriculture, Food and Rural Affairs may place restrictions on importation of plants from a country that has failed to comply with a request to inspect or disinfect growing areas, or take necessary measures, pursuant to paragraph (2).

<Amended by Act No. 11 690, Mar. 23, 2013>

Article 12 (Inspection of Articles Subject to Phytosanitary Measures)

(1) Each person, who imports an article subject to phytosanitary measures, shall promptly file a declaration with the head of the phytosanitary agency at the port of its first arrival, which shall be a port of importation, and have it inspected by a plant quarantine officer: Provided, That the foregoing shall not apply where an article is subject to an inspection under paragraph (4) or (6).

<Amended by Act No. 10839, Jul. 14, 2011>

(2) Notwithstanding paragraph (1), a person who imports an article subject to phytosanitary

measures may promptly file a declaration with the head of the phytosanitary agency at the place of its arrival and have it inspected by a plant quarantine officer, in any of the following cases:

<Newly Inserted by Act No. 10839, Jul. 14, 2011>

1. Where an article subject to phytosanitary measures is transported to an inland container depot (only applicable to articles other than plants for planting or propagation) or to a sea area, in compliance with standards under Article 7;
 2. Where an article subject to phytosanitary measures provided for an international exhibition recognized by the Government is transported to the international exhibition, in compliance with standards under Article 7.
- (3) With respect to an article subject to phytosanitary measures transported from one bonded area to another without having it inspected at the port of its first arrival, which is a port of importation, in violation of paragraph (1), the head of the phytosanitary agency may have it inspected at the place of its arrival in such other bonded area if deemed necessary in consideration of its pest risk, possibility of pest spread, etc.

<Newly Inserted by Act No. 10839, Jul. 14, 2011>

(4) If a plant quarantine officer suspects that an article subject to phytosanitary measures carries regulated pests, and considers that the regulated pests are likely to spread, he/she may board a ship, vehicle, or aircraft prior to customs clearance to inspect the article subject to phytosanitary measures.

<Amended by Act No. 10839, Jul. 14, 2011>

(5) Where the head of a post office that carries out customs clearance receives a postal matter that contains, or is suspected to contain, an article subject to phytosanitary measures, he/she shall notify the head of the competent phytosanitary agency without delay.

<Amended by Act No. 10839, Jul. 14, 2011>

(6) Each plant quarantine officer shall inspect a postal matter in question upon receiving notice from the head of a post office pursuant to paragraph (5).

<Amended by Act No. 10839, Jul. 14, 2011>

(7) Each person, who has received a postal matter that contains an article subject to phytosanitary measures without an inspection under paragraph (6), shall file a report on the fact with the head of the relevant phytosanitary agency without delay, along with the postal matter, and have it inspected by a plant quarantine officer.

<Amended by Act No. 10839, Jul. 14, 2011>

Article 12-2 (Reporting, etc. on Wood Packaging Materials)

(1) If any wood packaging material for imported articles (referring to any wooden material used for propping up, protecting, or transporting articles, specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs; hereinafter the same shall apply) falls under any of the following, the importer thereof shall promptly report the fact to the head of the competent phytosanitary agency and discard the material:

>Amended by Act No. 11690, Mar. 23, 2013>

1. Where it is not disinfected in compliance with guidelines for disinfection treatment prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or is disinfected in a manner inconsistent with such guidelines;
2. Where it is not labeled in compliance with guidelines for the labeling of disinfection treatment prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or is labeled in a manner inconsistent with such guidelines;
3. Where it does not meet importation requirements prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) A plant quarantine officer may examine wood packaging materials for imported articles to ascertain whether such materials carry regulated pests or provisionally regulated pests or fall under any of the subparagraphs of paragraph (1).

(3) As a result of an examination under paragraph (2), if any regulated pest or provisionally regulated pest is detected in any wood packaging material for imported articles, a plant quarantine officer shall order the disinfection or discarding of such material, and if the wood packaging material falls under any of the subparagraphs of paragraph (1), he/she shall order the importer thereof to discard it.

(4) Procedures for reporting, and methods of an examination and discarding under paragraphs (1) through (3), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 13 (Post entry Quarantine Growing and Inspection)

(1) If it is difficult to determine the presence or absence of regulated pests on plants for planting or propagation specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, including seeds, seedlings, and bulbs, as a result of an inspection conducted pursuant to Article 12, a plant quarantine officer may order the owner or his/her agent to grow such plants under post entry quarantine conditions to inspect them in the growing area, or may order the phytosanitary agency to grow all or some of such plants under post entry quarantine conditions to inspect them.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) Methods and procedures for post entry quarantine growing and inspection under paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 14 (Designation, etc. of Places of Inspection)

(1) An inspection by a plant quarantine officer under the main sentence of Article 12 (1) and paragraph (2) of the same Article shall be conducted in a place designated by the head of the competent phytosanitary agency (hereinafter referred to as "place of inspection").

<Amended by Act No. 10839, Jul. 14, 2011>

(2) Each person, who intends to have a place of inspection designated, shall satisfy requirements prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with regard to facilities,

etc. necessary for the inspection.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(3) Procedures and methods for designating places of inspection and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(4) Each person, who has obtained the designation of a place of inspection, shall maintain the place of inspection in compliance with standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs for maintenance.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(5) Each person, who has obtained the designation of a place of inspection, shall be prohibited from carrying any article subject to phytosanitary measures out of the place of inspection without obtaining approval from the head of the competent phytosanitary agency, if such article is subject to disinfection or discarding according to an order issued pursuant to Article 16 (1) or (3).

<Newly Inserted by Act No. 10839, Jul. 14, 2011>

(6) A place of customs inspection under Article 173 of the Customs Act shall be deemed designated as a place of inspection.

>Amended by Act No. 10839, Jul. 14, 2011>

Article 15 (Cancellation, etc. of Designation of Places of Inspection)

(1) The head of a phytosanitary agency may order a person who has obtained the designation of a place of inspection to take corrective measures in any of the following cases:

>Amended by Act No. 10839, Jul. 14, 2011>

1. Where the place of inspection ceases to meet requirements for designation under Article 14 (2);
2. Where a person fails to satisfy standards for maintenance under Article 14 (4).

(2) The head of a phytosanitary agency may cancel the designation of a place of inspection or issue an order to suspend the operation of a place of inspection for a specified period not exceeding six months in any of the following cases: Provided, That the designation shall be cancelled in cases falling under subparagraph 1:

>Amended by Act No. 10839, Jul. 14, 2011>

1. Where a place of inspection has been designated by fraud or other wrongful means;
2. Where a person fails to comply with an order to take corrective measures under paragraph (1);
3. Where it is no longer necessary to maintain a place of inspection due to a decrease in imports of plants, etc. or any other reason;
4. Where a person carries any article subject to phytosanitary measures out of a place of inspection, in violation of Article 14 (5).

(3) If the designation of a place of inspection is cancelled due to any reason under paragraph (2) 1 and 2, no person who had the place of inspection designated shall be eligible to file an application for the re-designation of the place of inspection or the designation of a new place of inspection for one

year from the date on which the designation is cancelled.

>Amended by Act No. 10839, Jul. 14, 2011>

(4) The head of a phytosanitary agency shall hold a hearing whenever he/she intends to cancel the designation of a place of inspection pursuant to paragraph (2).

>Amended by Act No. 10839, Jul. 14, 2011>

(5) Guidelines and procedures for taking administrative dispositions under paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 16 (Measures to be Taken as Result of Inspection)

(1) If an article subject to phytosanitary measures falls under any of the following, a plant quarantine officer shall order the owner or his/her agent to discard or return the article, or to take other necessary measures:

>Amended by Act No. 10839, Jul. 14, 2011>

1. A plant, etc. imported without a phytosanitary certificate under Article 8;
2. An article subject to phytosanitary measures, imported through any place other than a port of importation, in violation of Article 9;
3. A prohibited article imported in violation of Article 10 (1): Provided, That articles imported pursuant to Article 10 (2) shall be excluded herefrom;
4. A prohibited article that contravenes the methods of importation, the methods of follow-up management, or other necessary conditions under Article 10 (3);
5. A plant, etc. imported in violation of a restriction on importation under Article 11 (1) or (3);
6. An article subject to phytosanitary measures which has been imported without an inspection under Article 12 (1) through (3), or has passed such inspection by fraud or other wrongful means;
7. An article subject to phytosanitary measures which evaded an inspection under Article 12 (7), or has passed such inspection by fraud or other wrongful means.

(2) If the owner of specified plants or his/her agent fails to comply with an order to grow them under post entry quarantine conditions pursuant to Article 13, a plant quarantine officer may order the owner or his/her agent to discard the plants, or to take other necessary measures: Provided, That the foregoing shall not apply where a facility for post entry quarantine growing is destroyed by a natural disaster or where any other cause or event specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs occurs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(3) If any regulated pests or provisionally regulated pests are detected as a result of an inspection under Article 12 (1) through (4), (6) or (7) or 13, a plant quarantine officer may order the owner of the article subject to phytosanitary measures or his/her agent to conduct disinfection or discarding, or to take other necessary measures.

>Amended by Act No. 10839, Jul. 14, 2011>

(4) Notwithstanding paragraphs (1) through (3), a plant quarantine officer may disinfect or discard an article subject to phytosanitary measures at his/her discretion in any of the following cases:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Where the article falls under any of the following, and the plant quarantine officer has obtained consent of the owner or his/her agent to dispose of such article directly:
 - (a) An article subject to phytosanitary measures imported by mail or carried in accompanying luggage;
 - (b) An article subject to phytosanitary measures, imported in a small quantity;
 2. Where an owner or his/her agent fails to comply with an order, issued pursuant to paragraphs (1) through (3), by the deadline specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
 3. Where it is unclear who the owner or his/her agent is or his/her whereabouts is unknown, and thus it is impossible to issue an order under paragraphs (1) through (3).
- (5) If a plant quarantine officer disinfects or discards an article subject to phytosanitary measures at his/her discretion pursuant to paragraph(4), he/she may claim for the owner or his/her agent to pay expenses therefore.

>Amended by Act No. 10839, Jul. 14, 2011>

(6) Matters necessary for claiming expenses for disinfection or discarding under paragraph (4) or (5) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 17 (Quarantine Inspection Certificate)

(1) If, as a result of an inspection under Article 12, a plant quarantine officer finds that an article subject to phytosanitary measures does not violate any provision of Articles 8 through 11 nor carry any regulated pests or provisionally regulated pests or otherwise is unlikely to cause any economic damage because it is disinfected, he/she shall determine that the article has successfully passed the inspection and notify the relevant administrative agency thereof. In such cases, he/she shall issue a quarantine inspection certificate if the importer thereof so requests.

>Amended by Act No. 10839, Jul. 14, 2011>

(2) Matters necessary for the issuance of quarantine inspection certificates under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 17-2 (Cancellation, etc. of Quarantine Inspection Certification)

(1) If it is verified that an article subject to phytosanitary measures has passed a quarantine inspection by fraud or other wrongful means, the head of the competent phytosanitary agency shall cancel quarantine inspection certification for the article.

(2) With respect to an article subject to phytosanitary measures (including those in circulation) for which quarantine inspection certification is cancelled under paragraph (1), the head of the competent phytosanitary agency may order the importer of such article to discard it directly or after recalling it.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 18 (Inspection Methods, etc.)

Methods of making declarations and inspections under Articles 7-3, 12, 28 and 28-2, guidelines for administrative dispositions to be taken as results of inspections, inspection fees, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013<

Article 19 (Phytosanitary Measures for Overseas Production Sites)

(1) The Minister of Agriculture, Food and Rural Affairs may dispatch a plant quarantine officer or an employee of the International Plant-Quarantine Accreditation Board referred to in Article 29-2 to an exporting country to take phytosanitary measures for plants, etc. to be imported from such country (hereinafter referred to as "phytosanitary measures for overseas production sites") in any of the following cases:

<Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Where an exporting country requests the Minister of Agriculture, Food and Rural Affairs to take phytosanitary measures within that country before plants, etc. are exported;
2. Where plants are to be imported pursuant to Article 10 (2) 2;
3. Where the Minister of Agriculture, Food and Rural Affairs deems it necessary to prevent the introduction of regulated pests on any other ground.

(2) Methods for taking phytosanitary measures for overseas production sites, and other matters necessary for phytosanitary measures for overseas production sites shall be prescribed and publicly notified by the Minister of Agriculture, Food and Rural Affairs, applying the inspection methods, etc. under Article 18 mutatis mutandis.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013<

(3) As to plants, etc. accompanied by a quarantine inspection certificate indicating results of phytosanitary measures for overseas production sites, Articles 12 (4) and 13 shall not apply.

>Amended by Act No. 10839, Jul. 14, 2011<

SECTION 3

Phytosanitary Measures for Consignments in Transit

Article 20 (Approval for Transit)

(1) Any foreign plant subject to phytosanitary measures to be brought into the Republic of Korea for transit may be transported only between ports of importation.

(2) The owner of a foreign plant subject to phytosanitary measures or his/her agent, who intends to transport such plant by vehicle via the Republic of Korea, shall obtain approval for transit from the head of the phytosanitary agency having jurisdiction over the port of departure of the inland transit, which shall be a port of importation.

(3) Upon receipt of an application for approval for transit of a foreign plant subject to phytosanitary measures pursuant to paragraph (2), the head of the competent phytosanitary agency shall issue a letter of approval for transit to the applicant, if he/she finds that the applicant has performed measures

for safety control under Article 7 and the exterior of the vehicle for transit does not carry regulated and provisionally regulated pests.

(4) Matters concerning an application for approval for transit and the issuance of a letter of approval for transit under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 21 (Transit Period)

A foreign plant subject to phytosanitary measures, approved for transit under Article 20 (2) (hereinafter referred to as "item in transit"), shall arrive at the port of destination, which shall be another port of importation, within seven days from the date of issuance of the letter of approval for transit (hereinafter referred to as "transit period"): Provided, That the head of the competent phytosanitary agency may extend the transit period if deemed necessary due to a natural disaster or any other inevitable cause or event, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 22 (Reporting on Occurrence of Accidents)

(1) Where any problem occurs to the safety of the items in transit due to a natural disaster, a traffic accident, or other causes or events, each person, who has obtained approval for transit under Article 20 (2), shall promptly report it to the head of the phytosanitary agency who has granted such approval.

(2) Matters necessary for the methods and procedures for reporting the occurrence of a problem in the safety of items in transit shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 23 (Investigation of Accidents and Measures therefore)

(1) The head of a phytosanitary agency in receipt of a report on the occurrence of a problem in the safety of an item in transit pursuant to Article 22 (1), shall promptly investigate causes of the occurrence, and whether regulated or provisionally regulated pests have spread or are likely to spread due to such problem: Provided, That if an area in which a problem in the safety occurred is outside the jurisdiction, a notice shall be given, without delay, to the head of the phytosanitary agency having jurisdiction over such area to have him/her conduct an investigation.

(2) The head of a phytosanitary agency shall, upon completion of an investigation pursuant to paragraph (1), take emergency measures to prevent pests from spreading and to eradicate such pests, if he/she deems that regulated or provisionally regulated pests have spread or are likely to spread.

Article 24 (Prohibition from Loading Items in Transit)

No person who has obtained approval for transit under Article 20 (2) shall load items in transit in the Republic of Korea.

Article 25 (Declaration of Arrival)

(1) Where items in transit arrive at the port of destination, which shall be a port of importation, each person who has obtained approval for transit under Article 20 (2) shall promptly declare the arrival to

the head of the phytosanitary agency having jurisdiction over the port of importation.

(2) Matters necessary for methods and procedures for the declaration of arrival under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 26 (Inspection of Items in Transit)

A plant quarantine officer may inspect whether any problem occurs in the safety of an item in transit until the item is brought into another country, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 27 (Order to Take Measures, such as Disinfection and Discarding)

(1) A plant quarantine officer may order the owner of an item in transit or his/her agent to disinfect, discard, return, or remove the item in transit or to take other necessary measures in any of the following cases, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Where the item in transit fails to arrive at the port of transit destination, which shall be a port of importation, within the transit period;
2. Where it is found, as a result of an investigation under Article 23 (1), that regulated or provisionally regulated pests have spread or are likely to spread;
3. Where the item in transit has been loaded, in violation of Article 24;
4. Where it is found, as a result of an inspection under Article 26, that any problem occurs in the safety of the item in transit.

(2) A plant quarantine officer may disinfect or discard an item in transit at his/her discretion in either of the following cases:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Where the owner or his/her agent has failed to comply with an order issued pursuant to paragraph (1) during the period specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. Where it is unclear who the owner or his/her agent is or whereabouts of the owner or his/her agent is unknown, and thus complying with an order issued pursuant to paragraph (1) is impossible.

(3) A plant quarantine officer, who disinfects or discards an item in transit at his/her discretion pursuant to paragraph (2), may claim for the owner or his/her agent to pay expenses therefore.

>Amended by Act No. 10839, Jul. 14, 2011>

(4) Matters necessary for claiming the payment of expenses incurred in relation to disinfection or discarding under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

SECTION 4

Phytosanitary Measures for Exportation

Article 28 (Phytosanitary Measures for Exportation of Plants, etc.)

(1) Each person, who intends to export plants, etc., shall undergo an inspection conducted by a plant quarantine officer to ensure that the plants, etc. satisfy requirements of the importing country, and shall not export any plant, etc. that fails to pass the inspection: Provided, That the foregoing shall not apply to plants, etc. for which the importing country does not require a phytosanitary certificate.

>Amended by Act No. 10839, Jul. 14, 2011>

(2) Where a plant, etc. has passed the inspection under paragraph (1), the relevant plant quarantine officer shall issue a phytosanitary certificate prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or indicate on the plant, etc. that it has passed the inspection.

<Newly Inserted by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 28-2 (Phytosanitary Measures for Exportation of Articles, etc. other than Plants, etc.)

(1) A plant quarantine officer may inspect any article (excluding those subject to phytosanitary measures under paragraph (2)), other than plants, etc., if the exporter thereof so requests.

(2) A plant quarantine officer or the International Plant-Quarantine Accreditation Board referred to in Article 29-2 may inspect any ship or other means of transportation (including containers loaded on such means of transportation) prescribed and publicly notified by the Minister of Agriculture, Food and Rural Affairs, at the request of the relevant exporter, carrier, etc.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) Where an article, ship or other means of transportation has passed the inspection under paragraph (1) or (2), a phytosanitary certificate prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or a certificate required by the importing country shall be issued.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 29 (Places of Inspection)

An inspection under Article 28 or 28-2 shall be conducted at a phytosanitary agency, a place of inspection, or a place where a means of transportation is located: Provided, That where a person intends to undergo an inspection at the growing area in which the relevant plant quarantine officer deems appropriate in consideration of the efficiency of inspection, quantity of inspection items, etc., he/she may undergo the inspection at such growing area.

>Amended by Act No. 10839, Jul. 14, 2011>

Article 29-2 (International Plant-Quarantine Accreditation Board)

(1) There shall be established an International Plant-Quarantine Accreditation Board (hereinafter referred to as the "Accreditation Board") to efficiently inspect ships and other means of transportation under Article 28-2 (2) pursuant to international conventions and agreements among States on phytosanitary measures.

(2) The Accreditation Board shall be a legal entity.

(3) The Accreditation Board shall be duly formed by effecting registration for its establishment at the registry for the area in which the principal office is located.

(4) The Accreditation Board may establish branch offices, wherever necessary, with approval from the Minister of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

(5) The Accreditation Board shall carry out the following duties:

>Amended by Act No. 11690, Mar. 23, 2013>

1. Support for phytosanitary measures for overseas production sites under Article 19 (1);
2. Inspections of ships and other means of transportation under Article 28-2 (2) and issuance of certificates under paragraph (3) of the same Article;
3. Observation and control of pests at the port of departure of ships referred to in subparagraph 2 or in its surrounding area;
4. Education and publicity for export enterprises, etc. related to the inspections under subparagraph 2;
5. Development, research and study of technology related to the inspections or the observation and control of pests under subparagraphs 1 through 3;
6. Other duties entrusted by the Minister of Agriculture, Food and Rural Affairs in relation to phytosanitary measures.

(6) The State may subsidize, fully or partially, funds necessary for establishing and operating the Accreditation Board, within its budgetary limit.

(7) The Minister of Agriculture, Food and Rural Affairs may direct the Accreditation Board to submit necessary reports regarding its duties, or may supervise it.

>Amended by Act No. 11690, Mar. 23, 2013>

(8) Except as otherwise provided for in this Act, the provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to the Accreditation Board.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

SECTION 5

Domestic Phytosanitary Measures

Article 30 (Domestic Phytosanitary Measures)

If necessary to prevent the spread of pests that have been introduced into the Republic of Korea for the first time, or have already been distributed in some areas within the Republic of Korea, the Minister of Agriculture, Food and Rural Affairs may take phytosanitary measures for specific plants, etc., and order the owner of the plants, etc. or his/her agent to disinfect or discard them or to take necessary measures, such as refraining from movement. In such cases, plants and areas subject to phytosanitary measures and methods of phytosanitary measures shall be prescribed and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

CHAPTER III PEST CONTROL MEASURES

Article 31 (Pest Control Measures)

(1) The Minister of Agriculture, Food and Rural Affairs or a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall take pest control measures, if pests that have been introduced into the Republic of Korea for the first time, or have already been distributed in some areas within the Republic of Korea, are likely to spread to inflict severe damage on agricultural and forestry products, or if pests are likely to impede exportation of agricultural and forestry products or other articles: Provided, That the foregoing shall not apply where pest control measures, such as control measures against pests in forests, are taken pursuant to any other Act.

>Amended by Act No. 10839, Jul 14, 2011; Act No. 11077, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) When the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor takes pest control measures pursuant to paragraph (1), he/she shall give public notice of the following matters by not later than 14 days before pest control measures are taken: Provided, That when deemed that an urgent need exists to take pest control measures, the period of such public notice may be adjusted or such public notice may be omitted:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. The area subject to pest control measures and the date and time of such measures;
2. The type of pests subject to control measures;
3. Details of pest control measures;
4. Other matters necessary for pest control measures.

Article 31-2 (Phytosanitary Control Officers)

(1) The Ministry of Agriculture, Food and Rural Affairs, the Rural Development Administration and local governments shall have phytosanitary control officers to take charge of pest observation and control services under this Act.

>Amended by Act No. 11690, Mar. 23, 2013>

(2) Qualifications for phytosanitary control officers under paragraph (1), procedures for their selection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 31-3 (Phytosanitary Control Officers' Authority, etc.)

(1) Where it is deemed that pests subject to pest control measures under Article 32 (3) have existed or are likely to exist, a phytosanitary control officer may inspect the relevant plants and their growing areas, workplaces, warehouses, and other vehicles, articles, etc. related to the plants.

(2) Where it is deemed necessary to conduct an inspection under paragraph (1), a phytosanitary control officer may visit the relevant growing areas, workplaces, warehouses, etc. or question related

persons and collect the minimum quantity of materials necessary for testing without compensation.

(3) No person shall refuse, interfere with or evade an inspection under paragraph (1) or a visit or collection under paragraph (2) without just cause.

(4) When performing his/her duties under this Act, a phytosanitary control officer shall carry his/her certificate of authority and present it to related persons.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 31-4 (Pest Observation and Control Center, etc.)

(1) A Pest Observation and Control Headquarters may be established under the control of the Ministry of Agriculture, Food and Rural Affairs to develop policies for the observation and control of pests and to support a Central Pest Observation and Control Office, City/Do pest observation and control offices and Si/Gun/Gu pest observation and control offices under paragraph (2).

>Amended by Act No. 11690, Mar. 23, 2013>

(2) A Central Pest Observation and Control Office shall be established in the Rural Development Administration, a City/Do pest observation and control office in a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province, and a Si/Gun/Gu pest observation and control office in a Si/Gun/autonomous Gu, in order to efficiently promote the observation and control of pests (excluding forest diseases and pests under subparagraph 3 of Article 2 of the Forest Protection Act). In such cases, the Central Pest Observation and Control Office may support City/Do pest observation and control offices, which in turn may support Si/Gun/Gu pest observation and control offices.

>Amended by Act No. 11077, Nov. 14, 2011>

(3) The organization and operation of the Pest Observation and Control Headquarters referred to in paragraph (1) and the Central Pest Observation and Control Office referred to in paragraph (2), and other necessary matters shall be prescribed by Presidential Decree, and the organization and operation of City/Do pest observation and control offices and Si/Gun/Gu pest observation and control offices referred to in paragraph (2), and other necessary matters shall be prescribed by ordinances of the relevant local governments.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 31-5 (Pest Population Survey)

(1) The Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor may conduct a pest population survey, if deemed necessary for taking pest control measures under Article 31 (1).

>Amended by Act No. 11690, Mar. 23, 2013>

(2) No person shall refuse, interfere with or evade a pest population survey conducted by the Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor, without just cause.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) The period and methods of pest population surveys, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 31-6 (Epidemiological Investigations)

(1) The Minister of Agriculture, Food and Rural Affairs may conduct an epidemiological investigation, if deemed necessary for taking pest control measures under Article 31 (1).

>Amended by Act No. 11690, Mar. 23, 2013>

(2) No one shall reject, interfere with, or evade an epidemiological investigation conducted by the Minister of Agriculture, Food and Rural Affairs pursuant to paragraph (1), without just cause.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) Details and methods of epidemiological investigations under paragraph (1), the organization of an investigative team, and other necessary matters concerning epidemiological investigations shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

<Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10018, Feb. 4, 2010]

[Moved from Article 31-2]

Article 32 (Plans for Pest Control Measures)

(1) The Minister of Agriculture, Food and Rural Affairs shall prepare guidelines for the establishment of a plan for pest control measures including basic matters concerning pest control measures (hereinafter referred to as "basic guidelines for pest control measures") every five years, and notify each Mayor/Do Governor of such guidelines to ensure efficiency in pest control measures under Article 31.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) Upon receiving basic guidelines for pest control measures from the Minister of Agriculture, Food and Rural Affairs, each Mayor/Do Governor shall establish and implement a plan for pest control measures appropriate for his/her jurisdiction.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters to be included in basic guidelines for pest control measures and plans for pest control measures under paragraphs (1) and (2) shall be as follows:

1. Basic guidelines for pest control measures:

- (a) Basic direction setting for pest control measures;
- (b) Types of pests to be subject to pest control measures;
- (c) Guidelines for taking pest control measures, and matters concerning the budget for pest control measures;
- (d) Other matters necessary for the establishment and implementation of a plan for pest control measures;

2. Plans for pest control measures:

- (a) Basic direction setting for pest control measures appropriate for characteristics of the

locality;

- (b) The area subject to pest control measures and the time schedule for pest control measures;
- (c) Types of pests to be subject to pest control measures;
- (d) Specific details of pest control measures and other matters necessary for pest control measures.

(4) When each Mayor/Do Governor establishes a plan for pest control measures pursuant to paragraphs (2) and (3), he/she shall give public notice of details thereof without delay, and report them to the Minister of Agriculture, Food and Rural Affairs. The same shall also apply to an amendment to such plan.

>Amended by Act No. 11690, Mar. 23, 2013>

(5) Notwithstanding paragraphs (1) through (4), the Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor may, without delay, establish and implement an emergency plan for pest control measures whenever there is an urgent need to take pest control measures. In such cases, the Mayor/Do Governor shall report the details and results of implementation of the emergency plan for pest control measures to the Minister of Agriculture, Food and Rural Affairs.

<Newly Inserted by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 33 (Preventive Observations of Development of Pests)

(1) If the Administrator of the Rural Development Administration, the Administrator of the Korea Forest Service, a Mayor/Do Governor, or the head of a phytosanitary agency deems that certain pests are not restrained to limited areas, but are spreading rapidly and extensively and so, are likely to inflict severe damage on agricultural and forestry products, he/she shall research the current status of propagation of the pests, weather conditions, and the growth of agricultural and forestry products, and inform the relevant person of the findings of research.

>Amended by Act No. 10839, Jul. 14, 2011>

(2) Areas to be researched by each agency under paragraph (1), methods of conducting such research, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

<Newly Inserted by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 34 (Duty to Report)

The Administrator of the Rural Development Administration, the Administrator of the Korea Forest Service, the head of a phytosanitary agency, or each Mayor/Do Governor, who finds a fact that causes him/her to consider it necessary to take pest control measures pursuant to Article 31 (1), shall report or notify the Minister of Agriculture, Food and Rural Affairs or the competent Mayor/Do Governor, of such fact.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 35 (Joint Pest Control Measures)

(1) If deemed efficient to take pest control measures under Article 31 jointly with any of the following entities, a Mayor/Do Governor may take joint pest control measures within his/her jurisdiction in

accordance with a plan for pest control measures under Article 32 (2):

<Amended by Act No. 10839, Jul. 14, 2011>

1. A Si, a Gun, or an autonomous Gu;
2. A farmer under subparagraph 2 (a) of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community, and Food Industry, an agricultural producers' organization under subparagraph 4 of the same Article, and an agricultural enterprise under subparagraph 3 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises (hereinafter referred to as "farmer, etc.");
3. A pest control business entity under the Agrochemicals Control Act.

(2) If deemed necessary to take joint pest control measures under paragraph (1), a Mayor/Do Governor may request a cooperative, the National Federation, or a cooperative joint-venture corporation under the Agricultural Cooperatives Act to provide equipment, human resources, etc.

<Newly Inserted by Act No. 10839, Jul. 14, 2011>

Article 36 (Details of Orders for Pest Control Measures)

(1) If deemed necessary to take pest control measures under Article 31, the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may issue any of the following orders:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. An order, issued to a person who grows plants that carry or are likely to carry pests subject to pest control measures, to place a restriction or prohibition on growing such plants;
2. An order, issued to the owner of plants, etc. that carry or are suspected to carry pests subject to pest control measures or his/her agent, to place a restriction or prohibition on transfer and movement of such plants, etc.;
3. An order, issued to the owner of plants, etc. that carry or are suspected to carry pests subject to pest control measures, or his/her agent, to disinfect or discard such plants, etc.;
4. An order, issued to the owner of goods, such as agricultural tools and machines or means of conveyance, or facilities, such as warehouses, that carry or are suspected to carry pests subject to pest control measures or his/her agent, to disinfect or otherwise limit the use of such goods or such facilities.

(2) If deemed necessary to take urgent pest control measures under Article 31 (1), the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may assign a phytosanitary control officer or plant quarantine officer to take measures similar to those under paragraph (1) 3.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 37 (Liability for Expenses)

A Mayor/Do Governor, who takes joint pest control measures pursuant to Article 35, shall bear expenses for such measures at the basic subsidization rate under the Subsidy Management Act: Provided, That a Mayor/Do Governor, who believes that taking pest control measures will bring significant benefits to beneficiaries, may require the beneficiaries to bear some of the expenses therefore, as prescribed by Presidential Decree.

>Amended by Act No. 10898, Jul. 25, 2011>

Article 37-2 (Prohibition against Excavation)

(1) Where plants, etc. are buried for discarding pursuant to Article 36 (1) 3, the ground in which they are buried may not be excavated for a period prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within a 20-year limit, taking into consideration the types, characteristics, etc. of pests: Provided, That the same shall not apply where a plan for appropriate measures to prevent the spread of pests carried by the buried plants, etc. is established and further permitted by the Minister of Agriculture, Food and Rural Affairs or relevant Mayor/Do Governor.

>Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for both the permission and the management of the ground in which plants, etc. are buried under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 38 (Compensation for Losses)

(1) The State or a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do or Special Self-Governing Province shall compensate a person for losses that the person sustains due to an order issued pursuant to Article 36, as prescribed by Presidential Decree: Provided, That with respect to a person who commits an act contributing to an order under Article 36 intentionally or by gross negligence, such compensation may be reduced or denied as prescribed by Presidential Decree.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11077, Nov. 14, 2011>

(2) Each person, who intends to receive compensation under paragraph (1), shall file an application with the Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor having jurisdiction over the location of goods eligible for such compensation, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, an application to the Minister of Agriculture, Food and Rural Affairs shall be filed through the Mayor/Do Governor having jurisdiction over the location of the goods.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) Upon receiving an application under paragraph (2), the Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor shall determine, without delay, as to whether to pay compensation in accordance with the criteria and procedures prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall notify an applicant of the results of such determination.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 38-2 (Support for Livelihood Stabilization)

(1) The State and local governments may reimburse those who carry out an order for pest control measures under Article 36, within their budgetary limits, for expenses incurred in stabilizing their livelihood.

(2) Persons eligible to receive reimbursement for livelihood stabilization expenses under paragraph

(1), the scope of reimbursement, procedures for reimbursement, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 39 (Stocking up with, and Transfer of, Chemicals, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs may secure chemicals necessary for carrying out pest control measures, or require the National Agricultural Cooperative Federation under Article 3 of the Agricultural Cooperatives Act to secure such chemicals.

>Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may transfer chemicals secured pursuant to paragraph (1) to local governments or farmers who will take pest control measures in accordance with a plan for pest control measures or pest control business entities under the Agrochemicals Control Act, or subsidize some of expenses incurred in purchasing chemicals required for taking pest control measures.

<Amended by Act No. 11690, Mar. 23, 2013>

CHAPTER IV

BUSINESS FOR HEAT TREATMENT OF TIMBER FOR EXPORTATION AND IMPORTATION, ETC.

Article 40 (Registration of Business for Heat Treatment of Timber for Exportation or Importation, etc.)

(1) Each person, who intends to engage in business of eradicating pests attached to timber and wooden packaging of goods, exported or imported, by applying heat (hereinafter referred to as "business for heat treatment of timber for exportation or importation"), shall register his/her business with the head of the competent phytosanitary agency, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

(2) Each person, who intends to register his/her business for heat treatment of timbers for exportation or importation in accordance with paragraph (1), shall be equipped with human resources, facilities and equipment specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

(3) Each person, who engages in business for heat treatment of timber for exportation or importation registered under paragraph (1) (hereinafter referred to as "export-import timber heat treatment business operator") shall affix a mark after applying heat treatment in accordance with standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(4) Export-import timber heat treatment business operators shall observe standards for heat treatment and other obligations prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

<Newly Inserted by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(5) Other matters necessary for the operation of a business for heat treatment of timber for

exportation or importation shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 40-2 (Grounds for Disqualification)

Any of the following persons shall be disqualified from registering an export-import timber heat treatment business under Article 40 (1):

<Amended by Act No. 12433, Mar. 18, 2014; Act No. 13141, Feb. 3, 2015>

1. A person under adult guardianship or a quasi-incompetent person under limited guardianship;
2. A person who was sentenced to imprisonment for a violation of this Act and for whom two years have not yet passed since the execution of such sentence was terminated (including cases where the execution of such sentence was deemed to have been terminated) or the execution of such sentence became exempt;
3. A person who is under the suspension of the execution of imprisonment declared for a violation of this Act;
4. A person whose registration was cancelled under Article 41 (2) (excluding a person whose registration has been cancelled because he/she falls under subparagraph 1 of Article 40-2) and for whom two years have not yet passed since the date of such cancellation;
5. A legal entity having an executive falling under any of subparagraphs 1 through 4.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 40-3 (Succession to Status)

(1) Any of the following persons shall succeed to the status of an export-import timber heat treatment business operator: Provided, That when a person referred to in subparagraph 2 or 3 falls under any of subparagraphs 1 through 4 of Article 40-2, he/she may not succeed to the status of an export-import timber heat treatment business operator:

1. If an export-import timber heat treatment business operator is deceased, his/her heir;
2. If an export-import timber heat treatment business operator transfers his/her business, the transferee;
3. If an export-import timber heat treatment business operator who is a legal entity is merged, a legal entity surviving the merger or newly established as a consequence of the merger.

(2) If an heir who has succeeded to the status of an export-import timber heat treatment business operator pursuant to paragraph (1) falls under any of subparagraphs 1 through 4 of Article 40-2 or a legal entity that has succeeded to the status of such export-import timber heat treatment business operator falls under subparagraph 5 of the said Article, the heir or legal entity shall transfer his/her or its status as the export-import timber heat treatment business operator to another person or replace a disqualified executive within six months from the date on which such succession has commenced or from the date of such merger.

(3) Each person, who has succeeded to the status of an export-import timber heat treatment business operator pursuant to paragraph (1) or (2), shall report such fact to the head of the competent

phytosanitary agency, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 41 (Cancellation of Registration, etc.)

(1) The head of a phytosanitary agency may order an export-import timber heat treatment business operator to take corrective measures, if the operator fails to meet requirements for registration under Article 40 (2).

>Amended by Act No. 10839, Jul. 14, 2011>

(2) If an export-import timber heat treatment business operator falls under any of the following subparagraphs, the head of the competent phytosanitary agency may cancel the operator's registration or order the operator to fully or partially suspend his/her business for a specified period not exceeding two years: Provided, That when such operator falls under subparagraph 1, 6 or 7, his/her registration shall be cancelled:

>Amended by Act No. 10839, Jul. 14, 2011>

1. If the operator has registered his/her export-import timber heat treatment business by fraud or other wrongful means;
2. If the operator has ceased to run his/her business for one year or more;
3. If the operator has breached standards for heat treatment or the duty to put a mark under Article 40 (3);
4. If the operator has violated an order to take corrective measures under paragraph (1);
5. If the operator has violated any obligation under Article 40 (4);
6. If the operator falls under any of the grounds for disqualification referred to in Article 40-2: Provided, That this shall not apply where an executive of a legal entity falls under subparagraph 5 of Article 40-2 but is replaced within six months;
7. If the operator has continued to run his/her business, in violation of a business suspension order.

(3) Guidelines for orders to take corrective measures under paragraph (1) and dispositions of business suspension under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 11690, Mar. 23, 2013>

(4) The head of a phytosanitary agency, who intends to cancel the registration of a business for heat treatment of timber for exportation or importation pursuant to paragraph (2), shall hold a hearing.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 42 (Honorary Phytosanitary Guards)

(1) The Minister of Agriculture, Food and Rural Affairs may commission farmers and executives and employees of consumers' organizations and agriculture-related producers' organizations as honorary

phytosanitary guards to authorize them to carry out monitoring, guidance and to raise awareness for the phytosanitary system and pest control measures so as to establish order in the phytosanitary system and ensure effective implementation of pest control measures.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may reimburse honorary phytosanitary guards for expenses incurred in monitoring.

<Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the qualification for honorary phytosanitary guards, the commissioning methods, and missions of such guards, details of expenses incurred in monitoring, and the methods of reimbursement for such expenses under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar 23, 2013>

Article 43 (Monetary Reward)

The Minister of Agriculture, Food and Rural Affairs may pay a monetary reward to a person who files a report or a criminal complaint with a phytosanitary agency or investigative agency regarding a person who evaded an inspection under Article 12 (1) through (4), (6) or (7), 13, 28 (1) or 30 or regarding a person who passes an inspection by fraud or other wrongful means, and a person who files a report with the Administrator of the Rural Development Administration, a Mayor/Do Governor, or the head of a phytosanitary agency on a serious outbreak of pests introduced from abroad, as prescribed by Presidential Decree.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 44 (Immunity from Liability)

No one may claim for a plant quarantine officer to pay compensation for a loss of goods, degradation of quality, damage from chemicals, and other similar damage that may be incurred as a consequence of disinfection, discarding, or any other necessary measure that a plant quarantine officer has conducted or taken to perform an order or his/her duties under any provision of Articles 7-3 (2), 12-2 (3), 16 (1) through (4), and 27 (1) and (2).

>Amended by Act No. 10839, Jul. 14, 2011>

Article 45 (Subsidization for Facilities)

The Minister of Agriculture, Food and Rural Affairs may subsidize, within budgetary limits, some of expenses incurred to a private individual or an organization in installing facilities for inspection, disinfection, or discarding of imported plants.

>Amended by Act No. 11690, Mar. 23, 2013>

Article 46 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs may delegate some of his/her authority under this Act to the Administrator of the Rural Development Administration, a Mayor/Do Governor or the head of a phytosanitary agency, or entrust it to the Accreditation Board, as prescribed by Presidential Decree.

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(2) The head of a phytosanitary agency may re-delegate some of his/her authority under this Act to the heads of his/her affiliated organizations, as prescribed by Presidential Decree.

>Amended by Act No. 10839, Jul. 14, 2011>

CHAPTER VI PENAL PROVISIONS

Article 47 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won:

>Amended by Act No. 10839, Jul. 14, 2011; Act No. 13141, Feb. 3, 2015>

1. A person who violates an order to conduct disinfection or discarding or to take any other necessary measure pursuant to Article 7-3 (2);
2. A person who imports plants, etc. without a phytosanitary certificate, in violation of Article 8;
3. A person who imports an article subject to phytosanitary measures through a place other than ports of importation, in violation of Article 9;
4. A person who imports a prohibited article, in violation of Article 10 (1) (excluding persons who import such article in accordance with Article 10 (2));
5. A person who imports plants, etc., in violation of a restriction on importation under Article 11;
6. A person who makes a false representation in filing a declaration under any provision of Article 12 (1) through (3), who imports an article subject to phytosanitary measures without undergoing an inspection, or who passes an inspection by fraud or other wrongful means (excluding persons who import such article in accompanying luggage);
7. A person who violates an order to conduct disinfection or discarding, return, or take other necessary measures under any provision of Article 16 (1) through (3);
- 7-2. A person who violates an order under Article 17-2 (2);
8. A person who transports a foreign plant, etc. or prohibited article without approval for transit, in violation of Article 20 (2);
9. A person who fails to submit a report on the occurrence of a problem in safety, in violation of Article 22;
10. A person who loads an item in transit into the Republic of Korea, in violation of Article 24;
11. A person who violates an order to conduct disinfection or discarding, return, remove, or take other necessary measures under Article 27 (1);
12. A person who violates an order to discard plants, etc. under Article 36 (1) 3.

Article 48 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won:

>Amended by Act No. 10839, Jul. 14, 2011>

1. A person who refuses, interferes with, or evades an inspection under Article 7-3 (1) without a justifiable ground, in violation of paragraph (4) of the said Article;
2. A person who denies, interferes with, or evades access to land or another place or collection of materials for testing under Article 7-3 (3) without a justifiable ground, in violation of paragraph (4) of the said Article;
3. A person who breaches the methods of importation, the methods of follow-up management after importation, or any other necessary conditions imposed on an article that may be imported pursuant to Article 10 (3);
- 3-2. A person who carries an article, subject to phytosanitary measures and ordered to be disinfected or discarded, out of the place of inspection without obtaining approval from the head of the phytosanitary authorities, in violation of Article 14 (5);
4. A person who rejects, interferes with, or evades a plant quarantine officer's disposition for disinfection or discarding under Article 16 (4);
5. A person who rejects, interferes with, or evades emergency pest control measures under Article 23 (2);
6. A person who refuses, interferes with, or evades a plant quarantine officer's inspection under Article 26;
7. A person who rejects, interferes with, or evades a plant quarantine officer's disposition of disinfection or discarding under Article 27 (2);
8. A person who exports an article without passing an inspection under Article 28 (1) or who commits fraud or another wrongful act in passing an inspection to export an article;
- 8-2. A person who violates Article 28 (2) or 28-2 (3) by forging or altering any certificate or indication of passing an inspection or by using any forged or altered certificate or indication of passing an inspection though he/she has knowledge that such forgery or alteration is made;
- 8-3. A person who violates Article 37-2 (1) by excavating the ground in which plants, etc. are buried;
9. A person who runs an export-import timber heat treatment business without registration of the business under Article 40 or registers the business by fraud or other wrongful means;
10. A person who continues to run his/her business in violation of a business suspension order under Article 41 (2).

Article 48-2 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding three million won:

1. A person who violates an order to discard wood packaging materials under Article 12-2 (3);
2. A person who violates Article 31-3 (3) by refusing, interfering with, or evading an inspection under paragraph (1) of the same Article or a visit or collection under paragraph (2) of the same Article without a justifiable ground;
3. A person who violates Article 31-5 (2) by refusing, interfering with, or evading an investigation of

distribution without a justifiable ground;

4. A person who violates Article 31-6 (2) by refusing, interfering with, or evading an epidemiological investigation without a justifiable ground.

[This Article Wholly Amended by Act No. 10839, Jul. 14, 2011]

Article 48-3 (Attempts to Commit Offenses)

A person who attempts to commit an offense under any provision of subparagraph 6 of Article 47 and subparagraphs 8 and 8-2 of Article 48 shall be punished.

[This Article Newly Inserted by Act No. 10839, Jul. 14, 2011]

Article 49 (Joint Penal Provisions)

(1) If the representative, an agent, an employee, or a servant of a legal entity commits a violation under Article 47 or 48 in connection with the business of the legal entity, not only shall such offender be punished accordingly, but the legal entity also shall be punished by the fine prescribed in the relevant provision: Provided, That the foregoing shall not apply to cases where the legal entity has not neglected to take reasonable care and supervision of the business to prevent such violation.

(2) If an agent, an employee, or a servant of a private individual commits a violation under Article 47 or 48 in connection with the business of the private individual, not only shall such offender be punished accordingly, but the private individual also shall be punished by the fine prescribed in the relevant provision: Provided, That the foregoing shall not apply to cases where the private individual has not neglected to take reasonable care and supervision of the business to prevent such violation.

Article 50 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding ten million won:

1. A person who transports an article subject to phytosanitary measures from one bonded area to another without any inspection at the port of its first arrival, which is a port of importation, in violation of Article 12 (1);
2. A person who violates an order to grow plants for planting or propagation under post entry quarantine conditions under Article 13;
3. A person who refuses, interferes with, or evades phytosanitary measures or fails to comply with an order to conduct disinfection or discarding or an order to take necessary measures, such as refraining from movement, in violation of Article 30;
4. A person who violates an order to take pest control measures under Article 36 (1) (excluding an order to conduct discarding under subparagraph 3 of the same paragraph) or a phytosanitary control officer's or plant quarantine officer's order to take measures under paragraph (2) of the same Article.

(2) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

>Amended by Act No. 11690, Mar. 23, 2013<

1. A person who transports or stores an article subject to phytosanitary measures, in violation of

standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs pursuant to Article 7;

2. A person who fails to file a report, makes a false representation in filing a report, or fails to discard the relevant wood packaging material, in violation of Article 12-2 (1);
 3. A person who fails to declare the arrival of an item in transit, in violation of Article 25.
- (3) Any of the following persons shall be subject to an administrative fine not exceeding three million won:
1. A person who makes a false statement in response to a question under Article 7-3 (3) or 31-3 (2);
 2. A person who makes a false representation in filing a declaration for an article subject to phytosanitary measures imported as accompanying luggage, imports such article without any inspection, or passes an inspection by fraud or other wrongful means, in violation of Article 1(1);
 3. A person who delays a declaration under Article 12 (1) or (2);
 4. A person who evades an inspection under Article 12 (7) or who passes such inspection by fraud or other wrongful means;
 5. A person who fails to file a report on succession to the status of an export-import timber heat treatment business operator without just cause, in violation of Article 40-3 (3).
- (4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor, as prescribed by Presidential Decree.

>Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10839, Jul. 14, 2011]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measure concerning Dispositions, etc.)

An act committed by or in relation to an administrative agency, such as the issuance or submission of various kinds of certificates, pursuant to a former provision as at the time this Act enters into force shall be deemed an act committed by or to the administrative agency pursuant to the corresponding provision of this Act.

Article 3 (Transitional Measure concerning Businesses for Heat Treatment of Timber for Exportation or Importation)

A person who runs a business for heat treatment of timber for exportation or importation as at the time this Act enters into force shall file for registration of the business for heat treatment of timber for exportation or importation under Article 40 within three months after the date this Act enters into force.

Article 4 (Transitional Measure concerning Penal Provisions and Fines for Negligence)

An act committed before this Act enters into force shall be governed by a former provision in applying penal provisions and imposing fines for negligence.

Article 5 (Relationships with other Acts)

A citation of a provision of the former Plant Protection Act by any other Act or subordinate statute in force as at the time this Act enters into force shall be deemed a citation of the corresponding provision of this Act in lieu of the former provision, if such corresponding provision exists in this Act.

ADDENDUM <Act No. 10018, Feb. 4, 2010>

This Act shall enter into force six months after the date of its promulgation. ADDENDA <Act No. 10839, Jul. 14, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Wood Packaging Materials)

The amended provisions of Article 12-2 shall apply to wood packaging materials that are shipped (referring to being loaded in any ship or other means of transport starting from the relevant exporting country) on or after the enforcement date of this Act.

Article 3 (Transitional Measures concerning Phytosanitary Officers)

A phytosanitary officer under the previous provisions as at the time this Act enters into force shall be deemed a plant quarantine officer under this Act.

Article 4 (Transitional Measures concerning Phytosanitary Certificates)

With respect to plants, etc. carried as accompanying luggage or sent by mail from an exporting country under the previous provisions as at the time this Act enters into force, the previous provisions shall prevail, notwithstanding the amended provisions of subparagraph 2 of Article 8.

Article 5 (Transitional Measures concerning Places of Inspection)

A place of inspection under the previous provisions as at the time this Act enters into force shall be deemed a place of inspection under the amended provisions of Article 14 (1).

Article 6 (Transitional Measures concerning Applications for Re-designation of Places of Inspection Designation of Which was Cancelled)

With respect to applications for re-designation of a place of inspection, the designation of which was cancelled (including places of inspection, the designation of which was cancelled pursuant to the previous provisions) due to any cause that accrued before this Act enters into force, the previous provisions shall prevail, notwithstanding the amended provisions of Article 15 (3).

Article 7 (Transitional Measures concerning Grounds for Disqualification)

If a ground for disqualification is applicable under the amended provisions of Article 40-2 due to any cause that accrued before this Act enters into force, the previous provisions shall prevail, notwithstanding the said amended provisions.

Article 8 (Transitional Measures concerning Honorary Phytosanitary Guards)

An honorary phytosanitary guard commissioned under the previous provisions as at the time this Act enters into force shall be deemed an honorary phytosanitary guard commissioned under the amended provisions of Article 42 (1).

Article 9 (Transitional Measures concerning Administrative Dispositions)

With respect to any administrative disposition against an offense committed before this Act enters into force, the previous provisions shall prevail.

Article 10 (Transitional Measures concerning Penalties and Fines for Negligence)

In application of penalties and fines for negligence to offenses committed before this Act enters into force, the previous provisions shall prevail.

Article 11

Omitted.

ADDENDA <Act No. 10898, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 5

Omitted.

ADDENDA <Act No. 10938, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 9

Omitted.

ADDENDUM <Act No. 11077, Nov. 14, 2011>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7

Omitted.

ADDENDA <Act No. 12433, Mar. 18, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Incompetent Persons, etc.)

A person for whom the effect of adjudication of incompetence or quasi-incompetence is maintained pursuant to Article 2 of the Addenda to the Civil Act (Act No. 10429) shall be deemed included in persons under adult guardianship and persons under limited guardianship pursuant to the amended provisions of subparagraph 1 of Article 40-2.

ADDENDUM <Act No. 13141, Feb. 3, 2015>

This Act shall enter into force on the date of its promulgation.

Sign-In | PC Version

© 2017 KLRI