

REPUBLIC OF KOREA

Main provision of Enforcement Decree of Plant Protection Act 15176/1996

ARTICLE 7. STANDARDS FOR THE IMPOSITION OF A FINE FOR NEGLIGENCE

The standards for the imposition of a fine for negligence under paragraph 1 of Article 50 of Plant Protection Act shall be prescribed in the attached Table

STANDARDS FOR THE IMPOSITION OF A FINE FOR NEGLIGENCE (in relation to Article 7)

1. General standards

A. The standards for the imposition of a fine for negligence based on the number of violations shall be applicable to cases where fines were imposed on the same act of violation within the past 1 year from the date of violation.

B. When imposing a fine, the Minister for Food, Agriculture, Forestry and Fisheries or mayors or *Do* governors may, in consideration of motive, act and frequency, increase or reduce the amount of the fine for negligence within the 50% range of the amount of the fine under subparagraph 2. Nevertheless, when increasing the amount, the total amount of the fine for negligence cannot exceed the ceiling of fines for negligence under paragraph 1 of Article 50 of the Act.

2. Individual standards (unit: million won) (as of 2020)

Violation	Applicable provisions	Amount of a fine		
		once	twice	More than 3 times
A. a person who is conveying or storing plants subject to quarantine inspection, in violation of standards stipulated by the Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries	paragraph 2 (1) of Article 50 of the Act			
(1) a person who violates the standards during the conveyance of plants subject to quarantine inspection in the process of importation		10	20	40
(2) a person who violates the standards during the conveyance of plants subject to quarantine inspection in the process of transit in Korea		100	200	400
(3) a person who violates the standards during the storage of plants subject to quarantine inspection in the process of importation		50	100	200
(4) a person who violates the standards during the storage of plants subject to quarantine inspection in the process of transit in Korea		100	200	400

Violation	Applicable provisions	Amount of a fine		
		once	twice	More than 3 times
B. A person who makes a false statement in response to a question under Article 7-3 (3) or 31-3 (2);	paragraph 3 (1) of Article 50 of the Act	25	50	100
C. A person who refuses, obstructs or avoids to confirm the cargo manifest without justifiable reason in violation of Article 7-3 paragraph (4) of the Act	paragraph 3 (2) of Article 50 of the Act	50	100	300
D. 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)	paragraph 1 (1) of Article 50 of the Act	200	500	1000
E. 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)	paragraph 3(2) of Article 50 of the Act	10	50	100
F. A person who delays a declaration under Article 12 (1) or (2) 1) delayed declaration for moving good 2) If the application for inspection is delayed for all imported consignments except moving goods	paragraph 3(3) of Article 50 of the Act	10 100	30 200	90 300
G...	paragraph 3(3-2) of Article 50 of the Act	100	200	300
H. A person who evades an inspection under Article 12 (7) or who passes such inspection by fraud or other wrongful means	paragraph 3(3-3) of Article 50 of the Act	10	30	90
I. A person who fails to undergo inspection under Article 12 (9) of the Act, or who passes such inspection by fraud or other wrongful means	Art. 50 3(4)	10	20	40

Violation	Applicable provisions	Amount of a fine		
		once	twice	More than 3 times
J. 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)	paragraph 2(2) of Article 50 of the Act			
1) A person who fails to file a report, filed a false report or destroyed the wooden packing material that is carried, imported, shipped or mailed.		10	20	40
2) A person who fails to report, falsely reports or discard the imported wood packaging material in any other way.		100	200	400
K. Violation of Article 13 of the Act	paragraph 1 (2) of Article 50 of the Act	100	200	400
1) if the plants have not been moved to the growing site (incl. storage)		25	50	100
2) if the quarantine inspector's instructions have not been complied with		100	200	400
3) deleted				
L. A person who fails to declare the arrival of an item in transit, in violation of Article 25	paragraph 2 (3) of Article 50 of the Act	100	200	400
Intentional forging, altering or damaging a label/tag in violation of Art. 13 (3) of the Act	50 1(2) of the Act	100	200	400
If pests are not reported in violation of 19-2 and 27-2of the Act	50 2(2-2) of the Act	150	250	400
If transit consignments were not reported in violation of Art. 25 of the Act	50 2(3) of the Act	100	200	400
M. 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	paragraph 1 (3) of Article 50 of the Act	500	750	1000

Violation	Applicable provisions	Amount of a fine		
		once	twice	More than 3 times
N. Failure to report the occurrence of pests by violation of Article 30-2 (1) of the Act	paragraph 2 (4) of Article 50 of the Act			
1) Failure to report a plant damaged by an unclear pest		10	20	40
2) Failure to report a regulated pest according to Article 2 (4) of the Act or a pest subject to control under Article 32 (3) of the Act		100	200	400
3) If a pest is suspected to be found first in Korea is not reported		150	250	400
O. 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	paragraph 1 (4) of Article 50 of the Act	500	750	1000
P. 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)	paragraph 3 (5) of Article 50 of the Act	100	200	300

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