

REPUBLIC OF KOREA

Main provisions 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 16.07.2024)

Violation	Applicable provisions	Amount of a fine		
		1x	2x	More than 3 x
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 in accordance with Article 7	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		
		1x	2x	More than 3 x
B. A person who makes a false statement in response to a question under Article 7-3 (3) or Article 31-3 (2) of the Act;	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 declaration for an article subject to phytosanitary measures imported for personal consumption or as moving good rather than for sale, 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)	paragraph 3 (3) of Article 50 of the Act			
1) delayed declaration for moving good		10	30	90
2) If the application for inspection is delayed for all imported consignments except moving goods		100	200	300
G. In the event that an article subject to phytosanitary measures that has no owner (including cases where the owner is unknown) or whose owner refuses to receive it is brought into the quarantine site in violation of Article 12, Paragraph 4 of the Act (including cases where the owner no longer exists or the owner refuses to receive the article subject to phytosanitary measures after it is brought in), and the fact is not reported to the head of the plant quarantine agency even though the fact is known.	paragraph 3 (3-2) of Article 50 of the Act	100	200	300
H. In case of not reporting the fact to the head of the plant quarantine agency that the consignment contains articles subject to phytosanitary measures even though he/she knows it or	paragraph 3 (3-3) of Article 50 of the Act	10	30	90

Violation	Applicable provisions	Amount of a fine		
		1x	2x	More than 3 x
suspects that the consignment contains articles subject to phytosanitary measures in violation of Article 12, Paragraph 7 of the Act.				
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
J. A person who fails to file a report, files a false report, or fails to dispose of the wood packaging material of a consignment or mail, 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 failed to dispose of the wooden packing material that is carried, imported, shipped or mailed.		10	20	40
2) A person who fails to report, falsely reports or fails to dispose of the wood packaging material imported in any other way.		100	200	400
K. In case of violation of the quarantine cultivation order for plants for planting or propagation under Article 13 of the Act	paragraph 1 (2) of Article 50 of the Act			
1) if the regulated plants have not been moved to the quarantine facility (incl. storage; hereinafter the same shall apply) by the designated date without a justifiable reason)		25	50	100
2) in case of not following the legitimate instructions of the plant quarantine officer related to the quarantine cultivation order, such as supplementing quarantine cultivation facilities		100	200	400
3) deleted <2017. 11. 28.>				
L. In case of intentionally forging, altering or damaging the tag in violation of Article 13, Paragraph 3 of the Act	paragraph 1 (2) of Article 50 of the Act	100	200	400
M. In case of refusing, obstructing or avoiding entry inspection or investigation pursuant to Paragraph 6 of the same Article without justifiable cause in violation of Paragraph 7 of Article 15-2 of the Act	Article 50, Paragraph 3, Subparagraph 4-2 of the Act	50	100	300
N. If regulated pests found in articles subject to plant quarantine are not reported in violation of	Paragraph 2 (2-2) of Article 50	150	250	400

Violation	Applicable provisions	Amount of a fine		
		1x	2x	More than 3 x
Articles 19-2 and 27-2 of the Act	of the Act			
O. If transit consignments were not reported in violation of Art. 25 of the Act	50 2 (3) of the Act	100	200	400
P. 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
Q. 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 unknown pest		10	20	40
2) Failure to report a regulated pest according to Article 2 (4) of the Act or a regulated pest under Article 32 (3) of the Act		100	200	400
3) Failure to report a pest suspected to be a pest discovered for the first time in Korea		150	250	400
R. In case of refusing, obstructing or avoiding entry inspection or investigation pursuant to Paragraph 6 of the same Article without justifiable reason in violation of Article 30-3 Paragraph 7 of the Act	paragraph 3 (4-3) of Article 50 of the Act	50	100	300
S. In case of refusing, obstructing or avoiding entry inspection or investigation pursuant to Paragraph 6 of the same Article without justifiable reason in violation of Article 33-2 Paragraph 7 of the Act	paragraph 3 (4-4) of Article 50 of the Act	50	100	300
T. In case of falsely creating or failing to create or preserve records pursuant to Article 33-4 Paragraph 2 of the Act	paragraph 3 (4-5) of Article 50 of the Act	50	100	300
U. In case of failing to comply with preventive rules in violation of Article 33-5 Paragraph 3 of the Act	paragraph 3 (4-6) of Article 50 of the Act	100	200	300
V. A person who violates an order to take pest control measures under Article 36 (1) (excluding an order to conduct a disposal under subparagraph 3 of the same paragraph) or a phytosanitary control officer's or plant	paragraph 1 (4) of Article 50 of the Act	500	750	1000

Violation	Applicable provisions	Amount of a fine		
		1x	2x	More than 3 x
quarantine officer's order to take measures under paragraph (2) of the same Article				
W. A person who fails to file a report on succession to the status of an export-import timber heat treatment business operator without justifiable reason, in violation of Article 40-3 (3)	paragraph 3 (5) of Article 50 of the Act	100	200	300

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