

REPUBLIK KOREA

Plant Protection Act

(Pflanzenschutzgesetz)

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(redaktionelle Bearbeitung und Rohübersetzung der Änderungen 2018 und 2019, Julius Kühn-Institut, Bundesforschungsinstitut für Kulturpflanzen, Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit, 25.06.2021)

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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. 10938, Jul. 25, 2011

Act No. 10898, 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

Act No. 13383, Jun. 22, 2015

Act No. 14299, Dec. 2, 2016

English version not available, Act No. 16124 of Dec.31, 2018

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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, etc. as well as domestic plants, and matters necessary for control measures against pests injurious to plants. <Amended by Act No. 14299, Dec. 2, 2016>

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; Act No. 14299, Dec. 2, 2016>

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 therefor 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;
- 7-2. The term "articles with pest transmission concern" refers to articles prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs among the articles not subject to phytosanitary measures, which are deemed likely to cause damage to domestic plants as a result of pest risk analysis conducted under Article 6 if they are imported without inspection, such as wood furniture and waste paper; *<Inserted by Act No. 14299, Dec. 2, 2016>*
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).

Article 4

Article 5

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>*

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 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 at any of the following places or facilities: *<Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>*

1. A place where inspection has been conducted pursuant to paragraph (1);
2. A place of inspection located within an area specified and publicly notified by the head of a phytosanitary agency by each port of importation among the places of inspection designated under Article 14 (1);
3. Disinfection facilities specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs or waste treatment facilities defined in subparagraph 8 of Article 2 of the Wastes Control Act.

(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., and ask questions to the relevant persons or verify cargo manifest (including electronic documents; hereinafter the same shall apply), and also collect the minimum quantity of materials necessary for testing without compensation. *<Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>*

(4) No person shall refuse, interfere with, or evade an inspection conducted under paragraph (1) or verification of cargo manifest or collection conducted under paragraph (3) without any just cause. *<Newly Inserted by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>*

(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>*

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.

SECTION 2 Phytosanitary Measures for Imports

Article 8 (Phytosanitary Certificates, etc.)

(1) Each person, who intends to import plants, and containers and packaging in which the plants are

to be contained or wrapped (hereinafter referred to as "plants, etc."), shall submit or transmit a phytosanitary certificate or an electronic phytosanitary certificate (hereinafter referred to as "phytosanitary certificate").

(2) A phytosanitary certificate referred to in paragraph (1) shall be issued by a government agency of the exporting country in the form provided for in the International Plant Protection Convention.

(3) Notwithstanding paragraph (1), a phytosanitary certificate may be exempted from submission or transmission in any of the following cases:

1. Where a plant is imported from a country that does not have any government agency responsible for phytosanitary measures;

2. ...; <Amended by Act No. 16124, Dec. 31, 2018>

3. Where it is impracticable to submit or transmit a phytosanitary certificate due to any other reason specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Detailed necessary criteria for recognition of contents of a phytosanitary certificate submitted or transmitted pursuant to paragraphs (1) and (2) shall be specified and publicly notified by the Minister 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, etc.)

(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; Act No. 14299, Dec. 2, 2016>

1. Where a prohibited article is imported with permission from the Minister of Agriculture, Food and Rural Affairs after satisfying requirements prescribed by Presidential Decree and specifying a place to manage it after importation (hereinafter referred to as "management

place") 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 Conservation, 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. Where plants specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs as those unlikely to scatter or transmit pests in the Republic of Korea if controlled at a limited place among plants referred to in paragraph (1) 1 are imported for the purpose of exportation after re-packaging, processing and exporting, and permission is obtained from the Minister of Agriculture, Food and Rural Affairs by specifying a place for packing and processing (hereinafter referred to as "packing and processing place") and the period of import after fulfilling the requirement prescribed by Presidential Decree.

(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>

(4) No person shall load or carry prohibited articles imported after obtaining permission under paragraph (2) 1 or 3 out of the relevant management place or packing and processing place. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

(5) The Minister of Agriculture, Food and Rural Affairs may take any of the following measures on a person who has loaded or carried prohibited articles out of the management place or packing and processing place in violation of paragraph (4): <Newly Inserted by Act No. 14299, Dec. 2, 2016>

1. Revocation of permission issued under paragraph (2) 1 or 3;
2. Restriction on granting permission under paragraph (2) 1 or 3 for a period not exceeding two years.

(6) A plant quarantine officer may order a person who has loaded or carried prohibited articles out of the management place or packing and processing place in violation of paragraph (4) to collect and discard the prohibited articles. In such cases, if there is any concern about the transmission of pests caused by the prohibited articles, he/she may order to disinfect the relevant area and surrounding areas. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

(7) Detailed standards for administrative measures under paragraph (5), discarding methods under paragraph (6), and other relevant matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs taking into consideration the severity of violations, types of prohibited articles, etc. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

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, Mar. 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, Mar. 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. 11690, 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 (5), (6) or (8). *<Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>*

(2) Notwithstanding paragraph (1), a person who transports an article subject to phytosanitary measures in compliance with standards for transportation referred to in Article 7 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; Act No. 14299, Dec. 2, 2016>*

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;
2. Where an article subject to phytosanitary measures provided for an international exhibition recognized by the Government is transported to the international exhibition;
3. Where an article subject to phytosanitary measures is transported to a place of inspection referred to in Article 7-3 (2) 2;
4. Where an article subject to phytosanitary measures publicly notified by the Minister of Agriculture, Food and Rural Affairs as those subject to inspection by documents is transported to a place of inspection referred to in Article 14 (1).

(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) Where there is no owner at the place of inspection (including cases where it is impossible to

identify the owner) or where any article subject to phytosanitary measures that the owner refuses to receive is brought in (including cases where it becomes impossible to identify its owner or the owner refuses to receive the article subject to phytosanitary measures after it is brought in), the person for whom the relevant place of inspection is designated pursuant to Article 14 (1) shall notify the head of the phytosanitary agency of such fact. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

(5) A plant quarantine officer in receipt of a notification under paragraph (4) shall inspect the relevant articles subject to phytosanitary measures. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

(6) 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>

(7) Where the head of a post office or transportation business entity of consignments that performs its services related to procedures for customs clearance registered under Article 222 (1) 6 of the Customs Act (hereinafter referred to as "transportation business entity of consignments") receives a postal matter or consignment 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; Act No. 14299, Dec. 2, 2016>

(8) Each plant quarantine officer shall inspect a postal matter or consignment in question upon receiving notice from the head of a post office or transportation business entity of consignments pursuant to paragraph (7). <Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>

(9) Each person, who has received a postal matter or consignment that contains an article subject to phytosanitary measures without an inspection under paragraph (8), shall file a report on the fact with the head of the relevant phytosanitary agency without delay, along with the postal matter or consignment, and have it inspected by a plant quarantine officer. <Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>

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; Act No. 14299, Dec. 2, 2016>

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 a mark complying with guidelines for the labeling of disinfection treatment prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (hereinafter referred to as "disinfection treatment mark") is not labeled or a disinfection treatment mark is labeled in a manner not complying 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>

Article 12-3 (Phytosanitary Measures for Articles with Pest Transmission Concern)

(1) A plant quarantine officer may inspect importing articles with pest transmission concern, if necessary to protect domestic plants.

(2) A plant quarantine officer shall order the owner of an article with pest transmission concern or his/her agent to conduct disinfection or discarding or to take other necessary measures, if a regulated pest or provisionally regulated pest is detected therefrom as a result of an inspection conducted pursuant to paragraph (1).

(3) Procedures for and methods of inspection and matters necessary for conducting the disinfection, discarding, etc. of articles with pest transmission concern and other relevant matters under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 12-4 (Registration, etc. of Agent for Filing Plant Quarantine Reports)

(1) A person who intends to import an article subject to phytosanitary measures may cause a person registered with the head of a phytosanitary agency under paragraph (2) to file a quarantine report pursuant to Article 12 (hereafter in this Article referred to as "plant quarantine report") on his/her behalf.

(2) A person who intends to be an agent for filing plant quarantine reports shall register himself/herself with the head of the competent phytosanitary agency after completing the education course prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) Necessary matters concerning the registration procedures, etc. under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Where a person registered under paragraph (2) falls under any of the following cases, the head of the competent phytosanitary agency may revoke the registration or order to suspend his/her business for a specified period not exceeding six months: Provided, That the registration shall be revoked in cases falling under subparagraph 1 or 2:

1. Where the registration is obtained by fraud or other wrongful means;
2. Where the person performs business during the business suspension period;
3. Where a person files a report on plant quarantine as an agent by wrongful means, such as filing a report differently from the fact or attaching a false document.

(5) A person for whom two years have not lapsed from the date registration was revoked pursuant to

paragraph (4) shall be prohibited from the registration under paragraph (2).

(6) Detailed standards for administrative dispositions under paragraph (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs taking into consideration the types, severity, etc. of violations.

Article 13 (Growing under Post-Entry Quarantine)

(1) If it is difficult to determine the presence or absence of regulated pests on plants specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs among plants for planting or propagation, including seeds, seedlings, and bulbs, (hereinafter referred to as "plants subject to growing under post-entry quarantine conditions") by conducting an inspection 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 (hereinafter referred to as "post-entry quarantine 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; Act No. 14299, Dec. 2, 2016>*

(2) A person who intends to import seedlings among plants subject to growing under post-entry quarantine conditions shall attach a tag to identify the item name, date of import, importer and country of origin to each seedling or minimum packing unit, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Newly Inserted by Act No. 14299, Dec. 2, 2016>*

(3) No person shall forge, falsify or damage a tag attached pursuant to paragraph (2). *<Newly Inserted by Act No. 14299, Dec. 2, 2016>*

(4) 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 paragraphs (2) and (5) 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; Act No. 14299, Dec. 2, 2016>*

(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 15-2 (Designation, etc. of Institution Specialized in Inspection of Plant Pests)

(1) In order to efficiently conduct specialized and technical inspections such as virus inspections and bacterial inspections during the quarantine process of imported plants, the Minister of Agriculture, Food and Rural Affairs may designate an institution specialized in inspection of plant pests (hereinafter referred to as "specialized inspection institution").

(2) A person who intends to obtain designation under paragraph (1) shall file an application with the

Minister of Agriculture, Food and Rural Affairs after fulfilling the requirements for designation, such as facilities, equipment and human resources prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) The term of validity of the designation of the specialized inspection institution under paragraph (1) shall be three years; and a specialized inspection institution that intends to continue the inspection service till after the expiration of the validity term shall renew its designation prior to the expiration of the validity term.

(4) A specialized inspection institution designated under paragraph (1) that intends to change any important matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as changes in the scope of inspection services, among designated matters, shall obtain approval from the Minister of Agriculture, Food and Rural Affairs in advance: Provided, That where changes are made to minor matters prescribed by the Ordinance of the Ministry of Agriculture, Food and Rural Affairs, it shall file a report thereon with the Minister of Agriculture, Food and Rural Affairs within one month from the date of occurrence of the change.

(5) A specialized inspection institution designated under paragraph (1) shall annually report the results of inspection to the Minister of Agriculture, Food and Rural Affairs.

(6) Procedures for the designation, renewal, approval of changes, and reporting on changes of specialized inspection institution under paragraphs (1) through (4), scope of inspection services that can be performed by a specialized inspection institution, performance standards for inspection services, and other necessary matters shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 15-3 (Revocation, etc. of Designation of Specialized Inspection Institution)

(1) Where a person designated as a specialized inspection institution falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs may revoke the designation, order to suspend his/her business for a specified period not exceeding six months, or take necessary measures such as issuance of a corrective order: Provided, That the designation shall be revoked in cases falling under subparagraph 1 or 2:

1. Where the designation is obtained by fraud or other wrongful means;
2. Where the person performs inspection during the business suspension period;
3. Where the result of inspection is delivered differently from the fact intentionally or by gross negligence;
4. Where the person fails to fulfill the requirement for designation referred to in Article 15-2 (2);
5. Where the person fails to obtain approval of change or to file a report on change within one month from the date of occurrence of the change, in violation of Article 15-2 (4);
6. Where the person fails to report the result of an inspection, in violation of Article 15-2 (5);
7. Where the person violates the performance standards for inspection services referred to in Article 15-2 (6).

(2) The Minister of Agriculture, Food and Rural Affairs shall not designate a specialized inspection institution in any of the following cases:

1. Where a person intends to be designated as a specialized inspection institution at the same place before two years lapse from the date his/her designation as a specialized inspection institution was revoked pursuant to paragraph (1);
2. Where a person who has established and operated a specialized inspection institution (if the person is a corporation, including the representative thereof), the designation of which was revoked pursuant to paragraph (1), intends to be designated as a specialized inspection institution before two years lapse from the date the designation was revoked.

(3) Detailed criteria for administrative measures to be taken under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs taking into consideration the types, severity, etc. of violations.

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; Act No. 14299, Dec. 2, 2016>*

1. A plant, etc. imported without submitting or transmitting 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) and (5), 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 (9), or has passed such inspection by fraud or other wrongful means.

(2) A plant quarantine officer may order the owner of any of the following plants subject to growing under post-entry quarantine conditions to collect (limited to cases falling under subparagraph 1) or his/her agent to discard or return them or to take other necessary measures: *<Amended by Act No. 14299, Dec. 2, 2016>*

1. Plants in violation of an order to grow them under post-entry quarantine conditions issued under Article 13 (1) (including those in distribution): Provided, That plants falling under cases prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as where a facility for growing under post-entry quarantine conditions is damaged due to a natural disaster, shall be excluded herefrom;
2. Plants which have no tag attached as prescribed in Article 13 (2) or have violated the method of attaching tags: Provided, That plants for which correction or supplementation is made before the expiration of the period specified by prescribed by the head of the competent phytosanitary

agency shall be excluded herefrom.

(3) If any regulated pests or provisionally regulated pests are detected as a result of an inspection under Article 12 (1) through (3), (5), (6), (8), (9) or 13 (1), 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; Act No. 14299, Dec. 2, 2016>

(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; Act No. 14299, Dec. 2, 2016>

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, as consignment, removal goods, or 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) or Article 13 (1).

(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 therefor. <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.

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 (6) and 13 shall not apply. <Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>

Article 19-2 (Notification of discovery of regulated pests, etc. from goods other than those subject to plant quarantine)

... <Inserted by Act No. 16124, Dec 31, 2018>

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 therefor)

(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 therefor. <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>

Article 27-2 (Notification of the detection of regulated pests on objects not subject to plant quarantine)

... <Inserted by Act No. 16124, Dec 31, 2018>

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; Act No. 14299, Dec. 2, 2016>

(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; Act No. 14299, Dec. 2, 2016>

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>

Article 28-3 (Disinfection Treatment, etc. of Wood Packaging Materials for Exporting Articles)

(1) A person who intends to use any wood packaging material for exporting articles shall use a wood packaging material labeled with disinfection treatment mark.

(2) The disinfection treatment mark under paragraph (1) shall be labeled by an export-import timber heat treatment business operator registered with a phytosanitary agency under Article 40 or a pest controller for imported or exported plants reported to the National Plant Quarantine Service pursuant to Article 3-2 of the Pesticide Control Act (hereinafter referred to as "wood packaging material disinfection business operator"). In such cases, the disinfection treatment mark shall be labeled after disinfecting the wood packaging materials in accordance with the standards for disinfection treatment prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) No person other than wood packaging material disinfection business operators shall conduct disinfection treatment of wood packaging materials or label a disinfection treatment mark.

(4) A plant quarantine officer may inspect a wood packaging material if requested by a person who intends to use it for exporting articles.

(5) If a wood packaging material passes an inspection conducted under paragraph (4), a phytosanitary certificate prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs shall be issued.

Article 28-4 (Phytosanitary Measures for Exportation at Request of Importing Country)

(1) If necessary to fulfill the requirements for quarantine of importing countries when exporting domestic plants, the head of a phytosanitary agency may take phytosanitary measures as requested by importing countries by designating export quarantine complexes by country, by plant, etc. and inspecting growing areas, managing quarantine, etc. by complex.

(2) Standards and procedures for designation and cancellation of designation of an export quarantine complex under paragraph (1), and necessary matters concerning the methods, procedures, etc. for quarantine shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 29 (Places of Inspection)

An inspection under Article 28, 28-2 or 28-3 (4) 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; Act No. 14299, Dec. 2, 2016>

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) ... <Inserted by Act No. 16124, Dec 31, 2018>

(6) ... <Inserted by Act No. 16124, Dec 31, 2018>

(7) 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.

(8) In order to perform the affairs related to inspections under paragraph (5), the Accreditation Board may have plant inspectors. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

(9) Qualifications of plant inspectors referred to in paragraph (6), procedures for selection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

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

(11) 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>

(12) 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.

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>

Article 30-2 (Report on Occurrence of Pests subject to Pest Control, etc.)

(1) Upon discovering any of the following plants or pests, a person who grows plants or is in charge of research such as universities or research institutes that have investigated or studied plant pests shall report thereon without delay to the Minister of Agriculture, Food and Rural Affairs, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, the head of a Si/Gun/autonomous Gu (hereinafter referred to as the "head of a local government"): <Amended by Act No. 16784/2019>

1. Where any plant is damaged by an unidentified pest;
2. Where any regulated pest defined in subparagraph 4 of Article 2 or any pest subject to pest control measures under Article 32 (3) is found.
3. Where a pest is suspected to be first reported in Korea. <Amended by Act No. 16784/2019>

(2) A report under paragraph (1) shall be filed in oral or written form, or in electronic document form, and shall include the following matters:

1. Name of a person who grows the relevant plant and place where the relevant plant is grown or discovered;

2. Type and quantity of the plant subject to reporting;
3. Name of the pest (including the name of the pest presumed by the reporter);
4. Date of discovery (including the date of death, if the plant is dead);
5. Name and address of the reporter;
6. Other necessary matters concerning reporting on the cause of the death or disease of the plant, the situation under which the pest has occurred, etc.

(3) The head of a local government in receipt of a report under paragraph (1) shall report such fact to the Minister of Agriculture, Food and Rural Affairs without delay, and shall request the Administrator of the Rural Development Administration or the head of a phytosanitary agency to conduct a thorough inspection of the pest or plant reported.

(4) The Administrator of the Rural Development Administration or the head of a phytosanitary agency in receipt of a request for a thorough inspection under paragraph (3) shall notify the head of the relevant local government of the result of the thorough inspection.

(5) The Minister of Agriculture, Food and Rural Affairs or the head of the local government in receipt of a report under paragraph (1) shall not disclose the identity of the reporter, if so requested by the reporter.

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, support in epidemiological investigation, and control services under this Act. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14299, Dec. 2, 2016>

(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>

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.

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.

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>

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>

Article 31-7 (Pest Risk Assessment)

The Minister of Agriculture, Food and Rural Affairs may conduct pest risk assessment, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, when he/she deems it necessary to take pest control measures pursuant to Article 31 (1).

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) If necessary for conducting the research under paragraph (1) efficiently, 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 may commission farmers, researchers of universities or research institutes related to agriculture, and other relevant persons as preventive observers. *<Newly Inserted by Act No. 14299, Dec. 2, 2016>*

(3) ... *<Inserted by Act No. 16124, Dec 31, 2018>*

(4) ... *<Inserted by Act No. 16124, Dec 31, 2018>*

(5) Areas to be researched by each agency under paragraphs (1) and (2), methods of conducting such research, and other necessary matters such as qualifications of preventive observers, methods of commissioning them and payment of expenses 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; Act No. 14299, Dec. 2, 2016>*

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; Act No. 13383, Jun. 22, 2015>*

1. A Si, a Gun, or an autonomous Gu;
2. A farmer under subparagraph 2 of Article 3 of the Framework Act on Agriculture, 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 (Orders for Pest Control Measures, etc.)

(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>*

(3) The Special Metropolitan City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/autonomous Gu may take such measures as disinfection, discarding, etc. of plants, etc., the owner of which or his/her agent is nonexistent, if pests subject to pest control are carried or are suspected to be carried by plants located within his/her jurisdiction. <Newly Inserted by Act No. 14299, Dec. 2, 2016>

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 therefor, 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>

Article 38 (Compensation for Losses)

(1) The State or the Special Metropolitan City, a Metropolitan City, the Special Self-Governing City, a Do or the Special Self-Governing Province shall compensate a person (referring to the owner of plants, his/her agent, or a person who grows plants on borrowed land, or by borrowing land and plants) 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 does not file a report under Article 30-2 (1) or 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; Act No. 14299, Dec. 2, 2016>

(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.

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.

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>

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)

(1) 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 any of the following persons, as prescribed by Presidential Decree:

1. A person who loads or carries prohibited articles out of a management place or packing and processing place in violation of Article 10 (4);
2. A person who fails to comply with an order to conduct collection, discarding or disinfection issued under Article 10 (6);
3. A person who fails to receive an inspection under Articles 12 (1) through (3), (5), (6), (8) or (9), 13 (1), 28 (1), 28-2, or 30 or receives inspection by fraud or other wrongful means;
4. A person who fails to comply with an order to conduct disinfection, discarding, or return or to take other necessary measures under Article 16;
5. A person who forges or falsifies a disinfection treatment mark referred to in Article 28-3 (1) or uses it as wood packaging material for exporting articles knowing that it has been forged or falsified, or a person who conducts disinfection treatment or labels a disinfection treatment mark in violation of paragraph (2) or (3) of the same Article;
6. A person who receives an inspection under Article 28-3 (4) by fraud or other wrongful means.

(2) The Minister of Agriculture, Food and Rural Affairs may pay a monetary reward, as prescribed by Presidential Decree, to 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 the occurrence of any important pest introduced from a foreign country.

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 ordered pursuant to Article 7-3 (2), 10 (6), 12-2 (3), 12-3 (2), 16 (1) through (3), or 27 (1) or conducted at his/her discretion to perform his/her duties under Article 16 (4) or 27 (2). <Amended by Act No. 10839, Jul. 14, 2011; Act No. 14299, Dec. 2, 2016>

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 45-2 (Coordination between Administrative Bodies)

... <Inserted by Act No. 16124, Dec 31, 2018>

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 PENALTY PROVISIONS

Article 46-2 (Penalty 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 or a fine equal to three times the retail price of the relevant articles in violation or loaded, whichever is higher:

1. A person who violates an order issued under Article 17-2 (2);
2. A person who loads an item in transit in the Republic of Korea in violation of Article 24.

Article 47 (Penalty 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; Act No. 14299, Dec. 2, 2016>

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 submitting or transmitting a phytosanitary certificate, in violation of Article 8, or a person who forges or falsifies a phytosanitary certificate or imports plants, etc. by using a phytosanitary certificate knowing that it is forged or falsified;
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));
- 4-2. A person who loads or carries prohibited articles out of the management place or packing and processing place in violation of Article 10 (4);
- 4-3. A person who fails to comply with an order to conduct collection, discarding or disinfection issued under Article 10 (6);
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 for self-consumption or as removal goods);
7. A person who violates an order to conduct collection, disinfection or discarding, return, or take other necessary measures under any provision of Article 16 (1) through (3);

7-2. Deleted; <by Act No. 14299, Dec. 2, 2016>

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 violates an order to conduct disinfection or discarding, return, remove, or take other necessary measures under Article 27 (1);
11. A person who violates an order to discard plants, etc. under Article 36 (1) 3.

Article 47-2 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won or a fine equal to three times the retail price of the removed articles in violation or loaded, whichever is higher:

1. A person who carries any plant subject to growing under post-entry quarantine conditions out of the post-entry quarantine growing area, in violation of an order to conduct growing under post-entry quarantine conditions issued under Article 13 (1);
2. A person who carries any article subject to phytosanitary measures, for which an order to conduct disinfection and discarding was issued, out of the place of inspection without obtaining approval from the competent phytosanitary agency, in violation of Article 14 (5).

Article 48 (Penalty Provisions)

Any of the following persons 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; Act No. 14299, Dec. 2, 2016>

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 obtains designation of a specialized inspection institution under Article 15-2 by fraud or other wrongful means;
- 3-3. A person who has delivered result of an inspection differently from the fact intentionally or by gross negligence at a specialized inspection institution;
- 3-4. A person who conducts inspection during business suspension period imposed under Article 15-3 (1);
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), 28-2 (3) or 28-3 (5) by forging or falsifying any certificate or indication of passing an inspection or by using any forged or falsified certificate or indication of passing an inspection though he/she has knowledge that such forgery or falsification is made;
- 8-3. A person who forges or falsifies a disinfection treatment mark referred to in Article 28-3 (1) or uses it as wood packaging material for exporting articles knowing that it has been forged or falsified;
- 8-4. A person who labels disinfection treatment mark on wood packaging material for which no disinfection treatment has been conducted in accordance with the standards for disinfection treatment, in violation of Article 28-3 (2);
- 8-5. A person who conducts disinfection treatment or labels a disinfection treatment mark in violation of Article 28-3 (3) despite the fact that he/she is not a wood packaging material disinfection business operator;
- 8-6. 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 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding three million won: *<Amended by Act No. 14299, Dec. 2, 2016>*

1. A person who violates an order to discard wood packaging materials under Article 12-2 (3);
- 1-2. A person who violates an order to conduct disinfection or discarding, or to take other necessary measures under Article 12-3 (2);
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.

Article 48-3 (Attempts to Commit Offenses)

A person who attempts to commit an offense under any provision of subparagraphs 4-2 and 6 of Article 47 and subparagraphs 8 and 8-2 through 8-5 of Article 48 shall be punished.

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 46-2, 47, 47-2 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 where the legal entity has not neglected to take reasonable care and supervision of the business to prevent such violation.
<Amended by Act No. 14299, Dec. 2, 2016>

(2) If an agent, an employee, or a servant of a private individual commits a violation under Article 46-2, 47, 47-2 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 where the private individual has not neglected to take reasonable care and supervision of the business to prevent such violation.
<Amended by Act No. 14299, Dec. 2, 2016>

Article 50 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding ten million won: <Amended by Act No. 14299, Dec. 2, 2016>

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 conduct growing under post-entry quarantine conditions under Article 13 (1) (excluding persons who carry an article subject to phytosanitary measures out of the post-entry quarantine growing area) or a person who forges, falsifies or damages a tag intentionally in violation of Article 13 (3);
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; Act No. 14299, Dec. 2, 2016, 16124/2018, 16784/2019>

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);
- 2-2 A person who fails to report on a regulated pest found in an article not subject to plant quarantine in violation of Articles 19-2 and 27-2; . <Inserted by Act No. 16124, Dec 31, 2018>
3. A person who fails to declare the arrival of an item in transit, in violation of Article 25;
4. Plant growers or persons in charge of research at for instance universities or research institutes that have studied or investigated plants pests who have not reported pest outbreaks in violation of Article 30-2, Paragraph 1. < Amended by 16784/2020>

(3) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended by Act No. 14299, Dec. 2, 2016>

1. A person who makes a false statement in response to a question under Article 7-3 (3) or 31-3 (2);
- 1-2. A person who rejects, interferes with, or evades the verification of a cargo manifest without any just cause, in violation of Article 7-3 (4);
2. A person who makes a false representation in filing a declaration for an article subject to phytosanitary measures imported as accompanying luggage for self-consumption or as removal goods, imports such article without any inspection, or passes an inspection by fraud or other wrongful means, in violation of Article 12 (1);
3. A person who delays a declaration under Article 12 (1) or (2);
- 3-2. Where there is no owner at the place of inspection (including cases where it is impossible to know the owner) or where any article subject to phytosanitary measures that the owner refuses to receive is brought into the place of inspection (including where the owner becomes nonexistent or the owner refuses to receive the article subject to phytosanitary measures after it is brought into the place of inspection), a person who fails to notify the head of the competent phytosanitary agency of such fact although he/she is aware of the fact;
- 3-3. A person who knows or suspects that an article subject to phytosanitary measures is contained in a consignment in violation of Article 12 (7) but fails to notify the head of the competent phytosanitary agency of such fact;
4. A person who evades an inspection under Article 12 (9) or who passes such inspection by fraud or other wrongful means;
5. A person who fails to files 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>