

AGROCHEMICALS CONTROL ACT

Wholly Amended by Act No. 5023, Dec. 6, 1995

Amended by Act No. 5153, Aug. 8, 1996

Act No. 5453, Dec. 13, 1997

Act No. 5945, Mar. 31, 1999

Act No. 6763, Dec. 11, 2002

Act No. 7459, Mar. 31, 2005

Act No. 8466, May 17, 2007

CHAPTER I GENERAL PROVISIONS

Article 1 (Purposes)

The purpose of this Act is to help enhance the quality of agrochemicals, establish order in their distribution, promote safety in their use, and further contribute to the development of agricultural production and the conservation of the living environment by providing for such matters as related to the manufacture, importation, sales, and use of agrochemicals.

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 5153, Aug. 8, 1996>

1. The term "agrochemicals" means fungicides, insecticides and herbicides used for controlling such germs, insects, aphids, mites, virus, weeds and other animals and plants as may affect farm produce (including trees, crops and forest products; hereinafter the same shall apply), which shall be determined by the Ordinance of the Ministry of Agriculture and Forestry (hereinafter referred to as "blight and harmful insects"), and such other chemicals as prescribed by the Ordinance of the Ministry of Agriculture and Forestry as well as medicines used for promoting or reducing the physiological functions of farm produce;

2. The term "agrochemical items" means the kinds of agrochemicals that are identical in the content of active ingredients and the formulation type;

3. The term "technical concentrates" means materials in which the content of active ingredients of agrochemicals are condensed;

4. The term "manufacturing business" means a business of manufacturing (including processing; hereinafter the same shall apply) and selling agrochemicals in the country;

5. The term "technical concentrates business" means a business of manufacturing and selling technical concentrates in the country;

6. The term "import business" means a business of importing and selling agrochemicals or technical concentrates;

7. The term "sales business" means a business of selling agrochemicals other than the manufacturing business and the import business; and

8. The term "pest control services" means a business of controlling blights and harmful insects or of promoting or reducing the physiological functions of farm produce using agrochemicals.

CHAPTER II REGISTRATION, ETC. OF BUSINESSES

Article 3 (Registration, etc. of Business)

(1) Any person who desires to run a manufacturing business, a technical concentrates business or an import business shall register his business with the Administrator of Rural Development Administration under the conditions as prescribed by the Ordinance of Ministry of Agriculture and Forestry. <Amended by Act No. 5945, Mar. 31, 1999>

(2) Any person who desires to run a sales business shall register his business with the head of *Si/Gun*/autonomous *Gu* which has jurisdiction over the area where his place of business is located (hereinafter referred to as the "head of *Si/Gun/ Gu*"), under the conditions as determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

(3) Deleted. <by Act No. 5945, Mar. 31, 1999>

(4) Any person who desires to make a registration as referred to in paragraph (1) or (2) shall be furnished with such manpower, facilities and equipment, etc. as may satisfy standards prescribed by the Ordinance of the Ministry of Agriculture and Forestry. *<Amended by Act No. 5153, Aug. 8, 1996>*

Article 3-2 (Report of Services)

(1) Any person who desires to run such services as for the pest control of imported or exported plants (hereinafter referred to as the "pest control services for imported or exported plants") shall report the start-up of his services to the Director of the National Plants Quarantine Station determined by the Presidential Decree (hereinafter referred to as the "Director of the National Plants Quarantine Station"), under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(2) The scope of the pest control services for imported or exported plants under the provisions of paragraph (1) shall be determined by the Presidential Decree.

(3) Any person who desires to report the start-up of the pest control services for imported or exported plants in accordance with paragraph (1) shall be furnished with such manpower, facilities, and equipment, etc. as may satisfy standards prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 5945, Mar. 31, 1999]

Article 4 (Disqualification)

No person who falls under any of the following subparagraphs is qualified for the registration as provided in Article 3 (1) and (2): *<Amended by Act No. 6763, Dec. 11, 2002>*

1. Any person who has been declared incompetent or quasi-incompetent;
2. Any person who has not been reinstated yet since he was declared bankrupt;
3. Any person in whose case two years have not passed yet since his imprisonment without labor or a heavier punishment as declared by a court for the violation of this Act was completely executed (including such a case as where it is deemed to have completely been executed) or since it was exempted from being completely exempted;

4. Any person who is under the suspension of the execution of his imprisonment without labor or a heavier punishment as declared by a court for the violation of this Act;

5. Any person in whose case two years have not passed yet since the registration of his business was revoked in accordance with Article 7; and

6. A corporation of which any of the executives falls under any of the subparagraphs 1 through 5.

Article 5 (Succession to Status of Manufacturers, etc.)

(1) In case where any person who has made a registration in accordance with Article 3 (1) or (2) (hereinafter referred to as the "manufacturer, etc.") dies or assigns the manufacturing business or where there occurs a merger between the manufacturers, etc. that are corporations, the successor, the assignee of the business or the corporation that survives the merger or that is formed by the merger, shall succeed to the status of the manufacturer, etc.: *Provided*, That the same shall not apply if the assignee of the business or the corporation surviving, or formed by the merger falls under any of subparagraphs 1 through 5 of Article 4.

(2) In case where any person who has succeeded to the status of the manufacturer, etc. in accordance with paragraph (1) falls under any of the subparagraphs 1 through 5 of Article 4, or where the corporation succeeding to such status falls under subparagraph 6 of Article 4, the said status shall be assigned to other person or the executive concerned shall be substituted within 6 months after the date of commencement of the succession or the date of the merger.

(3) Deleted. <by Act No. 5945, Mar. 31, 1999>

Article 6 Deleted. <by Act No. 5945, Mar. 31, 1999>

Article 7 (Revocation of Registration, etc.)

(1) In case any person who has registered a manufacturing business, a technical concentrates business, or an import business (hereinafter referred to as the "manufacturer", the "supplier of technical concentrates" or the "importer", respectively) in accordance with Article 3 (1) falls under any of the following subparagraphs, the Administrator of Rural Development Administration may order the revocation of the registration of the business or the closure of all or part of the business for a fixed period not exceeding one year: *Provided*, That the registration shall be revoked if he falls under subparagraph 1:

<Amended by Act No. 6763, Dec. 11, 2002>

1. Where he falls under any of the subparagraphs of Article 4, except where any of the executives of a corporation, who falls under subparagraph 6 of Article 4, is replaced within 6 months;
2. and 3. Deleted; <by Act No. 5945, Mar. 31, 1999>
4. Where he manufactures, imports or sells agrochemicals or technical concentrates which have not been registered in violation of Article 8 (1), 16 (1), or 17 (1);
5. Where he has failed to make indications, or has made false indications, on agrochemicals in violation of Article 20;
6. Where he has stored, displayed or sold agrochemicals in violation of Article 21;
7. Where he has advertised in false or exaggerated manner in violation of Article 22, or without regard to the manner as prescribed by the said Article;
8. Where he has handled agrochemicals in violation of the standards for restrictions on the handling of agrochemicals as prescribed in Article 23 (1);
9. Where the quality of an agrochemical has been discovered to be inferior as a result of the inspection as provided in Article 24, or where he has failed to submit a record of self-conducted examination results, or has submitted a false record thereof;
10. Where he has refused, obstructed or evaded the examination or the collection of samples for examination as referred to in Article 24 (1);
11. Where he has failed to comply with an order for the removal or destruction of agrochemicals as provided in Article 24 (5);
12. Where he has violated an order for the supplementation of facilities, etc. as referred to in Article 25 (1) or has failed to submit reports, or has made false reports, on matters concerning the control of agrochemicals as provided in the foregoing paragraph (1);
13. Deleted; and <by Act No. 5945, Mar. 31, 1999>

14. Where he has violated this Act or any of the orders or dispositions thereunder that are determined by the Ordinance of the Ministry of Agriculture and Forestry.

(2) In case any person who has registered a sales business under Article 3 (2) (hereinafter referred to as the "dealer") falls under any of the following subparagraphs, the head of *Si/Gun/Gu* may order the revocation of the registration of the business or the suspension of all or part of the business for a fixed period not exceeding one year: *Provided*, That the registration shall be revoked if he falls under subparagraph 1: <Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

1. Where he falls under any of the following subparagraphs of Article 4, except where any of the executives of a corporation, who falls under subparagraph 6 of Article 4, is replaced within 6 months;

2. Where he falls under paragraph (1) 6, 7, or 10 through 12;

3. Where he uses or handles agrochemicals in violation of the requirements for safe use or the standards for restrictions on the handling of agrochemicals as referred to in Article 23 (1); and

4. Where he has violated this Act or any of the orders or dispositions thereunder that are determined by the Ordinance of the Ministry of Agriculture and Forestry.

(3) In case any person, who has registered the pest control services for imported or exported plants (hereinafter refers to as the "provider of pest control service for imported or exported plants") in accordance with the provisions of Article 3-2 (1), falls under any of the following subparagraphs, the Director of the National Plants Quarantine Station may order the closure of all or part of the services for a fixed period not exceeding two years: <Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

1. Deleted; <by Act No. 5945, Mar. 31, 1999>

2. Where he falls under paragraph (1) 10 through 12;

3. Where he has used or handled agrochemicals in violation of the requirements for safe use or standards for restrictions on the handling of agrochemicals as referred to in Article 23 (1);

4. Where an accident of death has been caused by his violation of this Act;

5. Where he has failed to comply with an order for correction to remedy the disturbances of order caused by the collection of excessive fees or expenses in providing pest control service;

6. Where the provider of pest control service for imported or exported plants has failed to perform any pest control service for a period not less than one year, or has violated the regulations governing quarantine inspection of imported or exported plants as made by the Director of the National Plants Quarantine Station; and

7. Where he has violated this Act or any of the orders or dispositions thereunder that are determined by the Ordinance of the Ministry of Agriculture and Forestry.

(4) The detailed criteria for the dispositions of revocation or suspension as referred to in paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

CHAPTER III REGISTRATION, ETC. OF AGROCHEMICALS

Article 8 (Registration of Domestically Produced Agrochemical Items)

(1) In case a manufacturer desires to manufacture and sell an agrochemical domestically, he shall register such an agrochemical by item with the Administrator of Rural Development Administration: *Provided*, That the same shall not apply in case he manufactures an agrochemical item registered in the name of other manufacturer under contract to the latter. <Amended by Act No. 6763, Dec. 11, 2002>

(2) Any person who desires to make a registration as provided in paragraph (1) shall submit an application for registration with the indication of such particulars or matters as set forth in the following subparagraphs, accompanied by a record of testing results in connection with the testing of the effect, harmfulness, toxicity and residues of the agrochemical that has been conducted by a test and research institute as determined by the Presidential Decree (hereinafter referred to as a "record of testing results"), to the Administrator of Rural Development Administration, together with the testing sample of the agrochemical in question: *Provided*, That he may, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, be exempted from submitting all or part of the record of testing results where the agrochemical item is re-registered on expiry of the period as provided in Article 11, or

where such items as determined by the Presidential Decree are registered: *<Amended by Act No. 5153, Aug. 8, 1996>*

1. The name (in the case of a corporation, the trade name and the name of its representative; hereinafter the same shall apply), address, resident registration number of the applicant;
2. The name of the agrochemical;
3. The physical and chemical nature, the kinds of active ingredients and other components, and their respective content;
4. The manufacturing process of the item;
5. The kinds, the quality of material and the capacity of containers or wrappings;
6. The scope of blights and harmful insects and agricultural crops to which the agrochemical in question is applicable, and directions for the use of the agrochemical and amount per use;
7. The shelf life of agrochemical;
8. In the case of an agrochemical harmful to persons and domestic animals, information thereon and the method of detoxification;
9. In the case of an agrochemical harmful to aquatic life, information thereon;
10. In the case of an agrochemical that is inflammable, explosive, or detrimental to skin, etc., information thereon;
11. Observations on storage, handling and application;
12. The location of the manufacturing factory; and
13. Such other requirements for the registration of the manufactured item as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 9 (Examination of Application for Registration of Agrochemical Items)

(1) Upon receipt of the application as referred to in Article 8 (2), the Administrator of Rural Development Administration shall ask the head of the administrative agency in charge of the affairs of agrotechnology to examine the application and its related document and to test the sample of an agrochemical submitted by the applicant.

(2) The criteria for the examination of the application for registration and the testing of the sample of an agrochemical as provided in paragraph (1) shall be notified by the Administrator of Rural Development Administration in consultation with the head of central administrative agency concerned.

(3) The Administrator of Rural Development Administration shall return the application for registration and its related document or order the applicant to supplement them specifying reasons for such a return if the application for registration falls under any of the following subparagraphs as a result of the examination of the said application and document and the testing of the samples as referred to in paragraphs (1) and (2): *<Amended by Act No. 7459, Mar. 31, 2005; Act No. 8466, May 17, 2007>*

1. Where there are false particulars entered on the application form;
2. Where the effect of the relevant agrochemical is too low to have the value proper to agrochemical;
3. Where farm produce may be damaged if the relevant agrochemical is used according to the instructions on the application form;
4. Where it is feared that persons and domestic animals may be injured even though the relevant agrochemical is used or handled according to the instructions on the use and handling of the relevant agrochemical;
5. Where it is feared that aquatic life may be damaged if the relevant agrochemical is used in large quantity;
6. Where the relevant agrochemical may, if used following the instructions on the application form, cause its residue to remain contained in the farm produce, thus doing harm to the persons and domestic animals that consume such farm produce later;
7. Where it is feared that the relevant agrochemical may, if used following the instructions on the

application form, cause its residue to remain contained in the soil of farmland, etc., thus damaging the ecological balance of the soil of farmland or doing harm to the persons and domestic animals that consume such farm produce cultivated on the farmland;

8. Where it is feared that the relevant agrochemical may, if used in large quantity, cause water pollution in the public waters as defined in subparagraph 9 of Article 2 of the Water Quality and Ecosystem Conservation Act, thus damaging the ecosystem of the aquatic life or doing harm to the persons and domestic animals that consume the polluted water; and

9. Where the name of the relevant agrochemical may cause misunderstanding as to its principal ingredients or effect.

(4) In case the application for registration and its related document are supplemented in accordance with paragraph (3), the provisions of paragraphs (1) through (3) shall apply *mutatis mutandis* with respect to the re-examination, etc. thereof.

Article 10 (Issuance of Certificate of Registration of Agrochemical Item)

The Administrator of Rural Development Administration shall, without delay, issue a certificate of registration of agrochemical items with the indication of such particulars or matters as set forth in the following subparagraphs, unless the application for registration falls under any of the reasons for either return or order for supplementation under subparagraphs of Article 9 (3) as a result of the examination of the application and its related document and the testing of samples as referred to in Article 9: <Amended by Act No. 5153, Aug. 8, 1996>

1. The registration number and the date of registration;
2. The name of the manufacturer;
3. The particulars as provided in Article 8 (2) 2, 3, and 6;
4. The location of the factory;
5. The period of validity of registration; and
6. Other requirements prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 11 (Term of Validity of Registration of Agricultural Items)

The term of the validity of the registration of agrochemical items under Article 8 (1) shall be ten years.

Article 12 (Succession to Status of Manufacturer Who has Registered Agrochemical Item)

The provisions of Article 5 shall apply *mutatis mutandis* in case of succession to the status of the manufacturer who has registered an agro chemical item in accordance with Article 8 (1) (hereinafter referred to as the "manufacturer who has registered an agrochemical item") with respect to the registration of the said agrochemical item. <Amended by Act No. 5945, Mar. 31, 1999>

Article 13 (Registration of Modification of Agrochemical Item by Application)

(1) In case a manufacturer who has registered an agrochemical item desires to modify the particulars or matters pertaining to the scope, etc., of blights and harmful insects as provided in Article 8 (2) 6, he shall submit to the Administrator of Rural Development Administration a written application therefor with the indication of such particulars or matters as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, accompanied by the certificate of registration and the record of testing results as to the modified particulars or matters, together with the testing sample of the agrochemical in question. <Amended by Act No. 5153, Aug. 8, 1996>

(2) In case a manufacturer who has registered an agrochemical item modifies such particulars or matters as set forth in Article 8 (2) 1, 4, 5, or 7 through 13, he shall report to the Administrator of Rural Development Administration on the contents of the modifications with the relevant reasons specified within 30 days from the date such modifications have been made. In this case, he shall be required to apply for the re-issuance of the certificate of registration of the agrochemical item if any of such modifications is for any of the particulars or matters as specified in the certificate of registration of the agrochemical item concerned.

(3) The provisions of Articles 9 and 10 shall apply *mutatis mutandis* in case of the examination and return of an application for the modification of an agrochemical item as provided in paragraph (1) and the re-issuance of the certificate of registration of an agrochemical item.

Article 14 (Ex Officio Revocation of Registration of Agrochemical Items, etc.)

(1) The Administrator of Rural Development Administration shall revoke the registration of an agrochemical item in case where a manufacturer who has registered an agrochemical item under Article 8 (1) has registered it by deceit or by any other unlawful method.

(2) In case it is deemed that a registered agrochemical may, if used in compliance with such directions as given in its application for registration, fall under any of the following subparagraphs, the Administrator of Rural Development Administration may take such measures as to modify the particulars or matters of registration of the agrochemical item in question, to revoke the registration of the agrochemical item, or to impose restrictions on its manufacture, import or export, or supply (hereinafter referred to as the "measures of restrictions"), subject to such procedures for deliberation as prescribed by the Presidential Decree: *<Amended by Act No. 6763, Dec. 11, 2002>*

1. Where it falls under any of Article 9 (3) 2 through 8; and
2. Where it is confirmed by the findings of the international organization, etc. to be likely to cause serious danger and harm.

(3) The Administrator of Rural Development Administration may, if deemed urgent to control the blights and harmful insects, modify such part of the particulars or matters of registration of an agrochemical item set forth in subparagraph 3 of Article 10 as the scope of the blights and harmful insects or farm produce to which the agrochemical is applicable. *<Amended by Act No. 6763, Dec. 11, 2002>*

(4) The Administrator of Rural Development Administration shall, in case of modifying the particulars or matters of the registration of an agrochemical item as provided in paragraphs (2) and (3), re-issue a certificate of registration of the agrochemical item as provided in Article 10 to the manufacturer who has registered the agrochemical item in question. *<Amended by Act No. 6763, Dec. 11, 2002>*

(5) In case the Administrator of Rural Development Administration desires to revoke the registration of an agrochemical item or to take measures of restrictions on such an item in accordance with the provisions of paragraph (1) or (2), he shall publicly announce the agrochemical item in question and the contents of the revocation of registration or the measures of restrictions concerned. *<Newly Inserted by Act No. 6763, Dec. 11, 2002>*

Article 15 (Notification of Import Ban on Hazardous Agrochemicals and Technical Concentrates)

(1) The Administrator of Rural Development Administration shall notify the public of the matters as set forth in the following subparagraphs:

1. Contents of the regulatory actions taken by the States of Contracting Parties against agrochemicals and technical concentrates of which import is prohibited or severely restricted in accordance with the provisions of Articles 5 and 6 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the "Rotterdam Convention");

2. Standards for consent to import or export and other requirements that shall be observed by the importers or exporters of agrochemicals or technical concentrates in accordance with the provisions of Articles 10 through 13 of the Rotterdam Convention;

3. Agrochemicals and technical concentrates as listed in Annex III of the Rotterdam Convention; and

4. Such other matters as the Government is required to notify pursuant to the relevant provisions of the Rotterdam Convention, which are determined by the Ordinance of the Ministry of Agriculture and Forestry.

(2) If the Administrator of Rural Development Administration is to issue a notification as provided in paragraph (1), he shall consult with the Minister of Commerce, Industry, and Energy.

[This Article Newly Inserted by Act No. 6763, Dec. 11, 2002]

<<Enforcement Date of this Article: Date on which the Rotterdam Convention shall be in force for Korea>>

Article 16 (Registration of Technical Concentrates)

(1) A supplier of technical concentrates who desires to produce and sell technical concentrates shall register them by their type with the Administrator of Rural Development Administration.

(2) Any person who desires to register technical concentrates in accordance with paragraph (1) shall submit an application for registration with the indication of the particulars or matters set forth in the following subparagraphs, accompanied by the documents of physiochemical analysis of technical concentrates and a record of testing results for the toxicity thereof by a test and research institute as determined by the Presidential Decree to the Administrator of Rural Development Administration, together with testing samples of technical concentrates: *Provided*, That he may, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, exempted from submitting all or part of the documents in case of the registration of such technical concentrates as determined by the Presidential Decree: <Amended by Act No. 5153, Aug. 8, 1996>

1. The name, address, resident registration number of applicant;
2. The name, and the physio-chemical nature of technical concentrates and the kinds and the respective contents of principal or other components thereof;
3. The process as to composition and production of technical concentrates;
4. The contents of technical concentrates with danger of inflammation or explosion, etc.;
5. The location of the factory; and
6. Other requirements for registration of technical concentrates as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(3) Upon receipt of an application as provided in paragraph (2), the Administrator of Rural Development Administration shall without delay issue the applicant the relevant certificate with the indications of the particulars or matters set forth in the following subparagraphs if it is deemed to comply with the requirements for the registration of technical concentrates as determined and notified by the Administrator of Rural Development Administration: <Amended by Act No. 5153, Aug. 8, 1996>

1. The registration number and the date of registration;
2. The name of the supplier of technical concentrates;
3. The subject matters as referred to in paragraph (2) 2;

4. The location of the factory; and

5. Other requirements as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(4) The provisions of Articles 12, 13 and 14 (1) shall apply *mutatis mutandis* to matters concerning succession to the status of the registrant of technical concentrates, the registration of modification by application, and the *ex officio* revocation of registration with regard to the registration of technical concentrates as provided in paragraph (1). In these cases, references to the "agrochemical item" shall be construed as "technical concentrates", and the "manufacturer" as "supplier of technical concentrates". <Amended by Act No. 5945, Mar. 31, 1999>

Article 17 (Registration of Imported Agrochemicals, etc.)

(1) An importer who desires to import and sell agrochemicals or technical concentrates shall register them with the Administrator of Rural Development Administration by the item of agrochemical or by the type of technical concentrate: *Provided*, That this shall not apply to such agrochemicals or technical concentrates as used in laboratories or for purposes of academic research.

(2) Any person who desires to import and sell the same agrochemical items or technical concentrates as the agrochemical items or technical concentrates registered pursuant to paragraph (1) from the same manufacturer as indicated in the registration under paragraph (1) may, notwithstanding the provisions of paragraph (1), submit to the Administrator of Rural Development Administration a report thereon in lieu of a registration in accordance with the relevant provisions of the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The provisions of Articles 8 (2) through 14 and Article 16 shall apply *mutatis mutandis* to the matters concerning application for the registration of the imported agrochemical items as provided in paragraph (1), examination of such an application and related documents, etc., issuance of the certificate of registration of such items, the term of validity of registration of the items, succession to the status of the registrants, etc. of the items, the registration of modification of the items by application, and the *ex officio* revocation of the registration of the items; and also the provision of Article 16 shall apply *mutatis mutandis* to the registration of imported technical concentrates, succession to the status of the registrants of such technical concentrates, registration of modification of technical concentrates by application, the *ex officio* revocation of the registration of technical concentrates. In these cases, references to "manufacturing business" or "technical concentrate business" shall be construed as "import business", "manufacturer" or "supplier of technical concentrates" as "importer", "agrochemicals" as

"imported agrochemicals", and "technical concentrates" as "imported technical concentrates". <Amended by Act No. 5945, Mar. 31, 1999>

CHAPTER IV MANAGEMENT OF AGROCHEMICALS CIRCULATION

Article 18 (Supervision of Demand and Supply of Agrochemicals)

The Minister of Agriculture and Forestry may, if deemed necessary for stability of the demand and supply of agrochemicals, require the manufacturers, the suppliers of technical concentrates, the importers, or the dealers of agrochemicals to cooperate in the adjustment of the demand and supply of agrochemicals and maintain order in their distribution, and may also advise the National Agriculture Cooperative Federation (hereinafter referred to as the Agriculture Cooperative Federation) to have agrochemical stores for the stability of supply. <Amended by Act No. 5153, Aug. 8, 1996>

Article 19 (Opening of Account of Agrochemical Supplies, and Financial Assistance)

(1) If the Agriculture Cooperative Federation is to have agrochemical stores for the stability of supply in accordance with Article 18, it shall maintain a separate account of agrochemical supplies.

(2) The Agriculture Cooperative Federation shall make its regulations governing the maintenance of the account of agrochemical supplies in accordance with paragraph (1) and obtain approval from the Minister of Agriculture and Forestry. The same shall also apply in case of the modification of the regulations. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The Government may grant subsidies or furnish financial funds within the limits of its annual budget for the purpose of a smooth operation of the account of agrochemicals as provided in paragraph (1).

Article 20 (Indications on Agrochemicals)

A manufacturer or an importer who desires to sell agrochemicals he has produced or imported shall indicate on containers or wrappings the names of agrochemicals and the contents by active ingredient, the names of harmful insects to which the agrochemicals are applicable, the shelf life of agrochemicals, and other requirements as determined by the Ordinance of the Ministry of Agriculture

and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

Article 21 (Prohibition of Storage, Display, or Sales)

No manufacturer, importer, or dealer shall store, display or sell the agrochemicals falling under any of the following subparagraphs:

1. Any item which has not been registered in accordance with Article 8 (1) or 17 (1);
2. Agrochemicals without indications as referred to in Article 20, or with false indications by forge or alteration;
3. Agrochemicals of which indications on their containers or wrappings as provided in Article 20 are so damaged that they are difficult to be identified;
4. Agrochemicals that have been repacked or that have been divided and packed: *Provided*, That this subparagraph shall not apply in case where the importer himself has repacked imported agrochemicals or divided and packed imported them;
5. Agrochemicals without the certificates of completion of self-conducted examination in accordance with Article 24 (2); and
6. Agrochemicals of which shelf life as referred to in Article 20 has expired.

Article 22 (Prohibition of False Advertisement)

(1) No manufacturer, importer, or dealer shall make false or exaggerated advertisements on agrochemicals he has manufactured, imported, or sold.

(2) The methods of advertisements and the scope of exaggerated advertisements on agrochemicals shall be determined by the Ordinance of the Ministry of Agriculture and Forestry.

<Amended by Act No. 5153, Aug. 8, 1996>

Article 23 (Requirements for Safety in Using Agrochemicals)

(1) The pest control service provider or any other user of agrochemicals shall use agrochemicals

in obedience to the standards for the safe use of agrochemicals, while the manufacturer, importer, or dealer of agrochemicals shall handle agrochemicals in compliance with the standards for restrictions on the handling of agrochemicals. <Amended by Act No. 6763, Dec. 11, 2002>

(2) The standards for the safe use of agrochemicals and the standards for restrictions on the handling of agrochemicals as referred to in paragraph (1) shall be determined by the Presidential Decree.

Article 24 (Examination of Distributed Agrochemicals)

(1) The Administrator of Rural Development Administration, the Special Metropolitan Mayor, the Metropolitan Mayor, *Do* governor (hereinafter referred to as the Mayor/*Do* governor), or the Director of National Plants Quarantine Station may direct the relevant public official to inspect the items of agrochemicals and their raw materials, which are manufactured, imported, sold, or used by the manufacturer, supplier of technical concentrates, importer, dealer, or pest control service provider respectively, relevant books, or facilities and equipment, and also to collect samples necessary for testing agrochemicals or their raw materials. <Amended by Act No. 6763, Dec. 11, 2002>

(2) A manufacturer or an importer shall carry out self-conducted examination of his manufactured or imported agrochemicals prior to their distribution. Agrochemicals that have passed such an examination shall be distributed with the certificates of completion of self-conducted examination as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. In this case, the records of results of the self-conducted examination of distributed agrochemicals shall, without delay, be submitted to the Administrator of Rural Development Administration. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The Administrator of Rural Development Administration shall carry out an inspection of the items of agrochemicals prior to their distribution (hereinafter referred to as "inspection by application") if so requested by a manufacturer or an importer of agrochemicals.

(4) The Administrator of Rural Development Administration may, if deemed necessary to control the quality of a distributed agrochemical, direct the relevant official to inspect the agrochemical item in question.

(5) In case it is, in respect of agrochemicals that are in violation of this Act or any order thereunder, deemed necessary to take safety measures to prevent danger and injury that may be caused thereby, the official carrying out the inspection under paragraphs (1) and (4) may order the agrochemicals to be removed or destroyed after putting them under seal.

(6) The requirements for the inspection in accordance with paragraphs (1) through (4) shall be determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(7) Any official carrying out the inspection in accordance with paragraphs (1) and (4) shall bear a certificate verifying his authority to do so and produce it to the persons concerned.

Article 25 (Report, etc., on Management of Agrochemicals)

(1) The Administrator of Rural Development Administration, the head of *Si/Gun/ Gu*, the Director of National Plants Quarantine Station may order the manufacturer, the supplier of technical concentrates, the importer, the dealer or the provider of pest control service for imported and exported plants to submit a report on matters concerning the management of agrochemicals or to supplement manpower, facilities, or equipment, etc., which fail to satisfy their respective standards. <Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

(2) Deleted. <by Act No. 5945, Mar. 31, 1999>

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 26 (Application for Objection)

(1) A person who has made an application for the registration of an agrochemical item or the registration of modification of an agrochemical item, etc., in accordance with Article 8 (1), 13 (1) (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)), 16 (1), or 17 (1) may, if subjected to such a disposition as on the return of his application for the registration of an agrochemical item, the registration of *ex officio* modification of the item, or the revocation of registration of the item in accordance with Article 14 (1) or (2) (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)), raise an objection in writing to the Administrator of Rural Development Administration within 30 days from the date he is subjected to such a disposition.

(2) If an objection has been raised pursuant to paragraph (1), the Administrator of Rural Development Administration shall without delay notify the date and place of hearing to the applicant or a representative on his behalf in order to provide him with an opportunity to state his opinion: *Provided*,

That the same shall not apply where the applicant or the representative on his behalf fails to respond to such an opportunity without any justifiable ground or where it is not feasible to give him such an opportunity by reason of the address unknown, etc.

(3) The Administrator of Rural Development Administration shall make an examination of such an objection, the results of which shall be notified to the applicant within 60 days from the date the objection as provided in paragraph (1) has been raised to him.

(4) In notifying the results of examination pursuant to paragraph (3), the Administrator of Rural Development Administration shall give the applicant an additional note to the effect that the applicant may petition for administrative appeal within 90 days after he has received the notice of the results of examination. <Newly Inserted by Act No. 6763, Dec. 11, 2002>

Article 27 (Protection of Submitted Materials)

(1) In case an applicant of registration requests the protection of his materials submitted in accordance with Article 8 (2) (including a case applied *mutatis mutandis* under Article 17 (3)), Article 13 (1) (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)), or Article 16 (2) (including a case applied *mutatis mutandis* under Article 17 (3)), the Administrator of Rural Development Administration shall not open them to the public: *Provided*, That the same shall not apply in case their opening to the public is necessary in the public interests.

(2) No person who has read or examined such materials for which the protection requested has been under paragraph (1), shall reveal any knowledge he has acquired therefrom.

Article 28 (Fees)

(1) Any person applying for such registration as referred to in Article 3 (1) and (2), Article 8 (1), Article 13 (1) (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)), Article 16 (1), or Article 17 (1) respectively shall pay fees for the respective registration concerned under the conditions as determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(2) Any person requesting an inspection in accordance with Article 24 (3) shall pay fees for inspection to the Administrator of the Rural Development Administration under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153,

Aug. 8, 1996>

(3) The test and research institute as referred to in Articles 8 (2) and 16 (2) (including a case applied *mutatis mutandis* under Article 17 (3)) may, in case of testing the harmfulness, effect, toxicity or residues by the request of the manufacturer, importer, or supplier of technical concentrates, collect fees for such testing.

(4) The Minister of Agriculture and Forestry may determine standards for the fees as referred to in paragraph (3). <Amended by Act No. 5153, Aug. 8, 1996>

Article 29 (Hearing)

The Administrator of Rural Development Administration, or the head of *Si/Gun/Gu* shall hold a hearing in case he intends to make such dispositions as fall under any of the following subparagraphs:
<Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

1. Revocation of the registration of business pursuant to the provisions of Article 7 (1) or (2); and
2. Revocation of the registration of an agrochemical item pursuant to the provisions of Article 14 (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)).

[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

Article 30 (Exclusion of Application)

(1) In case a manufacturer or a supplier of technical concentrates manufactures and exports agrochemicals and technical concentrates, this Act shall not apply to such agrochemicals or technical concentrates: *Provided*, That the provisions of Articles 14 and 15 shall apply to such matters as set forth in the following subparagraphs: <Amended by Act No. 6763, Dec. 11, 2002>

1. Such agrochemicals or technical concentrates as notified by the Administrator of the Rural Development Administration as items subject to measures of restrictions on their export in accordance with Article 14 (5); and
2. Such agrochemicals or technical concentrates as notified by the Administrator of the Rural Development Administration as items subject to approval of their export in accordance with Article 15

(1).

(2) The Toxic Chemicals Control Act shall not apply to the agrochemicals and technical concentrates that are subject to this Act. <Amended by Act No. 5945, Mar. 31, 1999>

Article 31 (Delegation or Entrustment of Powers)

(1) The Administrator of Rural Development Administration may delegate part of his powers under this Act to the head of an administrative agency in charge of matters concerning agrotechnology, the Mayor/Do governor, or the Director of National Plants Quarantine Station under the conditions as prescribed by the Presidential Decree.

(2) The Administrator of Rural Development Administration may entrust part of his duties under this Act to the head of the relevant organization under the conditions as determined by the Presidential Decree.

CHAPTER VI PENAL PROVISIONS

Article 31-2 (Penal Provisions)

(1) Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 20 million won:

1. A person who has caused danger and harm to other persons by manufacturing, importing, or selling agrochemicals without any registration thereof in violation of Article 3 (1) and (2); and

2. A person who has caused danger and harm to other persons by doing any of such acts as referred to in Article 7 (1) 4 through 8 and 11, Article 7 (2) 2 and 3, or Article 7 (3) 3 and 4.

(2) Any person who has caused death or injury to other persons by doing such an act as referred to in paragraph (1) shall be punished by imprisonment for not more than ten years or by a fine not exceeding 50 million won.

[This Article Newly Inserted by Act No. 6763, Dec. 11, 2002]

Article 32 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding 15 million won: <Amended by Act No. 5945, Mar. 31, 1999; Act No. 6763, Dec. 11, 2002>

1. A person who is engaged in the business of manufacturing, importing, or selling agrochemical items or technical concentrates without registration of a manufacturing business, etc. in violation of Article 3 (1) or (2);

2. A person who has manufactured, imported, or sold agrochemicals or technical concentrates without their registrations in violation of Article 8 (1), 16 (1), or 17 (1);

2-2. A person who has made a registration as referred to in Article 3 (1) and (2), 8 (1), 16 (1), or 17 (1) by deceit or by any other illegal methods;

2-3. A person who has manufactured, imported or exported, or supplied agrochemical items in violation of Article 14 (2);

2-4. A person who has imported or exported agrochemicals or technical concentrates in violation of the matters of prohibition, restrictions, observance as referred to in Article 15 (1) 1 or 2;

3. A person who has failed to make any indications on agrochemicals under Article 20, or has made false indications;

4. A person who has stored, displayed, or sold agrochemicals in violation of Article 21;

5. A person who has violated an order for the removal or destruction of agrochemicals in accordance with Article 24 (5); and

6. A person who has opened any submitted materials to other persons in violation of Article 27 (2).

Article 33 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding 5 million won:

1. A person who has made a false or exaggerated advertisement in violation of Article 22;
2. A person who has refused, obstructed, or evaded inspection or the collection of testing samples in accordance with Article 24 (1); and
3. A manufacturer or importer who has distributed agrochemicals in violation of Article 24 (2) or a person in charge of inspection who has prepared a false record of the self-conducted examination results.

Article 34 (Penal Provisions)

Any manufacturer, importer, or dealer who has handled agrochemicals in violation of Article 23 (2) shall be punished by a fine not exceeding three million won.

Article 35 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding two million won: <Amended by Act No. 5945, Mar. 31, 1999>

1. A person who has failed to make a report as provided in Article 13 (2) (including a case applied *mutatis mutandis* under Article 16 (4) or 17 (3)) or who has made a false report;
2. A pest control service provider who has used agrochemicals in violation of the standards for the safe use of agrochemicals or standards for restrictions on the handling of agrochemicals under Article 23 (2);
3. Any person who has violated an order for supplementation of facilities, etc. as provided in Article 25 (1) or who has failed to report on the matters concerning the management of agrochemicals under the said paragraph or has made a false report; and
4. Deleted. <by Act No. 5945, Mar. 31, 1999>

Article 36 Deleted. <by Act No. 5945, Mar. 31, 1999>

Article 37 Deleted. <by Act No. 6763, Dec. 11, 2002>

Article 38 (Joint Penal Provisions)

In case the representative of a corporation, the agent, employee, or other hired person of the corporation or an individual has committed an offense as referred to in Articles 31-2 through 35 in connection with the affairs of the corporation or the individual, not only shall the wrongdoer be punished accordingly but also the corporation or individual shall be punished by a fine as provided in the provisions of the relevant Article. <Amended by Act No. 6763, Dec. 11, 2002>

Article 39 (Confiscation)

Such agrochemicals as a person subject to punishment under Article 32 owns or possesses or as a third person has acquired with the knowledge of such a fact, shall be confiscated: *Provided*, That the equivalent to the value of the agrochemicals shall be collected in case of impossibility of such confiscation.

Article 40 (Fine for Negligence)

(1) A person who runs pest control services for imported and exported plants without any report thereof in violation of Article 3-2 (1) shall be punished by a fine for negligence not exceeding five million won.

(2) In case a user of agrochemicals other than pest control service provider uses agrochemicals in violation of Article 23, he shall be punished by a fine for negligence not exceeding a million won.

(3) A fine for negligence as provided in paragraphs (1) and (2) shall, under the conditions as determined by the Presidential Decree, be imposed and collected by the Director of the National Plants Quarantine Station or the head of *Si/Gun/Gu* (hereinafter referred to as the "person authorized to impose"). <Amended by Act No. 6763, Dec. 11, 2002>

(4) Any person who is dissatisfied with the disposition of a fine for negligence imposed under the provisions of paragraph (3), may raise an objection to the person authorized to impose within thirty days after a notice of the said disposition has been received.

(5) In case any person who has been subject to a disposition of a fine for negligence under paragraph (3) raises an objection pursuant to paragraph (4), the person authorized to impose shall without delay notify the fact to the competent court, which shall, in turn, proceed to a trial on a fine for

negligence in accordance with the Non-Contentious Case Litigation Procedure Act.

(6) In case neither objection has been raised under the paragraph (4) nor has a fine for negligence been paid, the fine for negligence shall be collected following the example of disposition on national taxes or local taxes in arrears.

[This Article Newly Inserted by Act No. 5945, Mar. 31, 1999]

ADDENDA

Article 1 (Enforcement Date)

The Act shall enter into force after lapse of one year on the date its promulgation, except for the proviso of Article 3 (2) of the Act which shall be entered into force at the expiry of the one year period from the date this Act enters into force.

Article 2 (Transitional Measures as to Pest Control Services for Imported or Exported Plants)

Any person who has obtained a permit of pest control services for imported or exported plants in accordance with the provisions of this Act before they have been amended at the commencement of this Act shall be deemed to have made a registration under this Act at the date the proviso of Article 3 (2) of the Act is in force: *Provided*, That man power, facilities, apparatus or the others are provided to satisfy the requirements of this Act within 6 months from the date this Act enters into force.

Article 3 (Transitional Measures as to Administrative Proceedings, etc.)

The actives in accordance with the provisions of this Act before they have been amended at the commencement of this Act, which are performed by the Minister of Agriculture and Forestry as to registration, revocation of registration or others, or which are directed towards the Minister with regard to various application or others, shall be construed as those activities by or towards the Administrator of Rural Development Administration in accordance with the relevant provisions of the Act. *<Amended by Act No. 5153, Aug. 8, 1996>*

Article 4 (Transitional Measures as to Registration of Items, etc.)

(1) Items of agrochemicals and technical concentrates (excluding those of imported agrochemicals and technical concentrates) which are registered in accordance with the provisions of this Act before they have been amended at the commencement of this Act, shall be construed as registered in accordance with Articles 8 and 16, and items of imported agrochemicals and technical concentrates among the registered agrochemicals shall be construed as registered in accordance with Article 17.

(2) The original period of the validity of registration of items shall be 5 years in spite of the provisions of Article 11, where the registration of items concerned which are regarded as registered in accordance with para graph(1) has passed 10 years in accordance with the provisions of this Act before they have been amended from the date such items are notified.

Article 5 (Transitional Measures as to Application of Penal Provisions)

The application of penal provisions to the activities prior to the enforcement of this Act shall be relied on the provisions of this Act before they have been amended.

Article 6 (Transitional Measures as to Termination of Fund for Agrochemicals Management)

(1) The Fund for Agrochemicals Management which has been established by the provisions of this Act before they have been amended at the commencement of this Act shall be used by the manager of the Fund in accordance with the provisions of this Act before they have been amended, to pay expenses for tests, education, and campaigns for safe use, handling and management of agrochemicals, and expenses for administration of the Fund.

(2) The manager of the Fund in charge of using it in accordance with paragraph (1) shall submit plans for estimated expenses by 30 days before each fiscal year starts, and annual report of the Fund to the Minister of Agriculture and Forestry within 60 days from the date of the expiry of each fiscal year. <Amended by Act No. 5153, Aug. 8, 1996>

Article 7 (Relations with Other Acts and Subordinate Statutes)

Where the previous provisions of the Agrochemicals Control Act are referred to in other Acts and subordinate statutes at the time this Act enters into force, if there are relevant provisions in this Act,

the Act or such provisions thereof are construed as referred to in replacement of previous provisions.

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of enforcement of the Presidential Decree concerning the organization of the Ministry of Maritime Affairs and Fisheries, and the Maritime Police Authority in accordance with the amended provisions of Article 41 of the Government Organization Act within 30 days from the date this Act is promulgated.

<<Enforced on the date of its promulgation pursuant to the Presidential Decree No. 15135, dated Aug. 8, 1996>>

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 5945, Mar. 31, 1999>

(1) (Enforcement Date) This Act shall enter into force on July 1, 1999: *Provided*, That the amended provisions of Article 30 (1) shall enter into force on January 1, 2000.

(2) (Transitional Measures on Pest Control Services for Exported and Imported Plants) A person who has registered pest control services for exported and imported plants under the provisions of Article 3 (2) at the time of enforcement of this Act shall be regarded as having made a report as prescribed in Article 3-2 of the amended provisions.

ADDENDA <by Act No. 6763, Dec. 11, 2002>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provision of Article 15 shall enter into force on the date on which the Rotterdam Convention shall be in force for Korea.

(2) (Transitional Measures with respect to Agrochemical Sales Business) An action of registration or revocation of registration and other official action that were taken by the Mayor/*Do* governor, or an action that was done to the Mayor/*Do* governor, under the previous provisions in force at the time of the enforcement of this Act shall be deemed to be an action that has been taken by, or an action that has been done to, the head of *Si/Gun/Gu* in accordance with the provisions equivalent thereto, if any, of this Act.

(3) (Transitional Measures with respect to Application of Penal Provisions) The application of penal provisions to the offenses that were committed prior to the enforcement of this Act shall be governed by the previous provisions.

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.