

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
Act No. 8747, Dec. 21, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9658, May 8, 2009

CHAPTER I GENERAL PROVISIONS

Article 1 (Purposes)

The purpose of this Act is to promote improvement in the quality of agrochemicals, the establishment of order in the distribution and safe use thereof, and to contribute to agricultural production and the conservation of the living environment by prescribing matters concerning the production, importation, sale, and use of agrochemicals.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "agrochemicals" means substances falling under the following items:
 - (a) Fungicides, insecticides and herbicides used for controlling germs, insects, mites, nematodes, viruses, weeds, and other animals and plants prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries (hereinafter referred to as "disease and insect pests"), which damage crops (including trees, agricultural products and forest products; hereinafter the same shall apply);
 - (b) Chemicals used for promoting or repressing physiological functions of crops;
 - (c) Other chemicals prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries;
2. The term "items" means kinds of agrochemicals that are identical in the content of active ingredients and in composition of formula;
3. The term "technical concentrates" means substances in which active ingredients of agrochemicals are concentrated;
4. The term "manufacturing business" means a business manufacturing (including processing; hereinafter the same shall apply) and selling agrochemicals in the Republic of Korea;

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

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

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

8. The term "pest control business" means a business controlling disease and insect pests or promoting or repressing physiological functions of crops by making use of agrochemicals.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

CHAPTER II REGISTRATION OF BUSINESS

Article 3 (Registration, etc. of Business)

(1) Any person who intends to conduct manufacturing business, technical concentrates business or import business shall register such business with the Administrator of Rural Development Administration, as prescribed by Ordinance of Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 9658, May 8, 2009>*

(2) Any person who intends to conduct sales business shall register such business with the head of a *Si* (referring to the Governor of a Special Self-Governing Province in cases of a Special Self-Governing Province; hereinafter the same shall apply)/*Gun*/autonomous *Gu* (hereinafter referred to as "head of a *Si/Gun/Gu*") which has jurisdiction over the seat of each business establishment, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 9658, May 8, 2009>*

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

(4) Any person who intends to file for registration pursuant to paragraph (1) or (2) shall have human resources, facilities and equipment or such meeting the standards prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 9658, May 8, 2009>*

Article 3-2 (Report of Business)

(1) Any person who intends to conduct pest control business for imported or exported plants (hereinafter referred to as "pest control business for imported or exported plants"), among pest control businesses, shall submit a report to the Director General of the National Plant Quarantine Service (hereinafter referred to as the "Director General of the National Plant Quarantine Service") prescribed by Presidential Decree, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) The scope of pest control business for imported or exported plants shall be prescribed by Presidential Decree.

(3) Any person who intends to submit a report of pest control business for imported or exported plants shall have human resources, facilities, and equipment or such meeting the

standards prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 4 (Disqualification)

Any person who falls under any of the following subparagraphs shall not file for registration pursuant to [Article 3](#) (1) and (2):

1. An incompetent or a quasi-incompetent;
2. A person declared bankrupt who has not yet been reinstated;
3. A person in whose case two years have not yet passed since his/her imprisonment without labor or a heavier punishment as declared by a court in violation of this Act was completely executed (including cases where the execution is deemed to have been terminated) or from the date when the execution has been exempted;
4. A person who is under a suspended sentence of imprisonment without labor or a heavier punishment as declared by a court, in violation of this Act;
5. A person in whose case two years have not yet passed from the date when registration was revoked in accordance with [Article 7](#);
6. A corporation any executive of which falls under any of subparagraphs 1 through 5.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

(1) Any person who falls under any of the following subparagraphs shall succeed to the status of any person who has filed registration in accordance with [Article 3](#) (1) or (2) (hereinafter referred to as "manufacturer or such"): *Provided*, That where any person referred to in subparagraph 2 or 3 falls under any of subparagraphs 1 through 5 of [Article 4](#), he/she shall not succeed to such status:

1. Where the manufacturer or such dies, his/her successor;
2. Where the manufacturer or such transfers a business, its transferee;
3. Where the manufacturer or such who is a corporation has merged, a corporation who survives the merger or a corporation who is incorporated in accordance with the merger.

(2) Where any person who has succeeded to the status of the manufacturer or such in accordance with paragraph (1) falls under any of subparagraphs 1 through 5 of [Article 4](#), or where a corporation who has succeeded to such status falls under subparagraph 6 of [Article 4](#), the successor shall transfer the status of the manufacturer or such to another person, or the corporation shall appoint a new executive to replace a disqualified executive, within six months after the date of commencement of the succession or the date of the merger.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

Article 7 (Revocation, etc. of Registration)

(1) Where any person who has registered a manufacturing business, a technical concentrates business, or an import business (hereinafter referred to as "manufacturer", "supplier of technical concentrates" or "importer", respectively) in accordance with [Article 3](#) (1) falls under any of the following subparagraphs, the Administrator of Rural Development Administration may revoke registration of such business or order the suspension of all or part of business for a fixed period not exceeding one year: *Provided*, That the registration shall be revoked if he/she falls under subparagraph 1, 13 or 14:

1. Where he/she falls under reasons for disqualification referred to in [Article 4](#): *Provided*, That where any executive of a corporation falls under subparagraph 6 of [Article 4](#), when a new executive is appointed to replace such executive within six months, it shall be excluded;

2. Where he/she manufactures, imports or sells agrochemicals or technical concentrates which have not been registered, in violation of [Article 8](#) (1), [16](#) (1), or [17](#) (1);

3. Where he/she has violated the modification of matters registered or the disposition of the revocation of registration or the disposition restricting manufacture, export and import or supply pursuant to [Article 14](#) (2) (including cases where it is applied *mutatis mutandis* pursuant to [Article 17](#) (3));

4. Where he/she has violated the details of prohibition or restriction or the matters to be observed regarding export and import announced by the Administrator of the Rural Development Administration pursuant to [Article 15](#) (1);

5. Where he/she has failed to make an indication of agrochemicals pursuant to [Article 20](#) or has indicated falsely thereof;

6. Where he/she has stored, displayed or sold agrochemicals in violation of [Article 21](#);

7. Where he/she has made a false advertisement or an exaggerated advertisement in violation of [Article 22](#), or has made an advertisement not in accordance with the method of advertisement pursuant to the same Article;

8. Where he/she has handled agrochemicals, in violation of the standards for restrictions on the handling of agrochemicals pursuant to [Article 23](#) (1);

9. Where it is proved that the quality of agrochemicals tested pursuant to [Article 24](#) is poor, or where he/she has failed to submit an in-house test report, or has submitted a false test report;

10. Where he/she has refused, obstructed or evaded an examination or the collection of samples pursuant to [Article 24](#) (1);

11. Where he/she has disregarded an order for the collection or the abandonment of agrochemicals pursuant to [Article 24](#) (5);

12. Where he/she has disregarded an order for the supplementation of facilities or such pursuant to [Article 25](#) (1) or has failed to make a report of matters concerning the control of agrochemicals, or has made a false report;

13. Where he/she has registered business by fraud or other wrongful means;

14. Where he/she has conducted business in violation of an order for the suspension of business;

15. Where he/she has failed to commence business even though three years have passed from the date of registration.

(2) Where any person who has registered sales business under [Article 3](#) (2) (hereinafter referred to as "dealer") falls under any of the following subparagraphs, the head of a *Si/Gun/Gu* may revoke registration of the business or order 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/she falls under subparagraph 1, 4 or 5:

1. Where he/she falls under any subparagraphs of [Article 4](#): *Provided*, That where any executive of a corporation falls under subparagraph 6 of [Article 4](#), when a new executive is appointed to replace such executive within six months, it shall be excluded;

2. Where he/she falls under the provisions of paragraph (1) 6, 7, or 10 through 12;

3. Where he/she uses or handles agrochemicals, in violation of the standards for safe use or restrictions on the handling of agrochemicals pursuant to [Article 23](#) (1);

4. Where he/she has registered a business by fraud or other wrongful means;

5. Where he/she has conducted business, in violation of an order for the suspension of business;

6. Where he/she has failed to commence business even though one year has passed from the date of registration.

(3) Where any person, who has registered pest control business for imported or exported plants (hereinafter refers to as "business owner of pest control for imported or exported plants") in accordance with [Article 3-2](#) (1), falls under any of the following subparagraphs, the Director General of the National Plant Quarantine Service may order the suspension of all or part of such business for a fixed period not exceeding two years:

1. Where he/she falls under the provisions of paragraph (1) 10 through 12;

2. Where he/she has used or handled agrochemicals, in violation of the standards for the safe use or restrictions on the handling of agrochemicals pursuant to [Article 23](#) (1);

3. Where a fatal accident has been caused by his/her violation of this Act;

4. Where he/she has failed to comply with a corrective order for his/her having disturbed pest control order, such as the collection of exceeding 130/100 or under 70/100 of pest control fees prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries;

5. Where he/she has no business turnover of pest control for a period not less than one year, or has violated the regulations for conduct of quarantine and disinfection of imported or exported plants determined and announced by the Director General of the National Plant

Quarantine Service;

6. Where he/she has made a report of a business by fraud or other wrongful means.

(4) The detailed criteria for the disposition of revocation or suspension under the provisions of paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

CHAPTER III REGISTRATION, ETC. OF AGROCHEMICALS

Article 8 (Registration of Items Produced in Republic of Korea)

(1) Where a manufacturer intends to manufacture and sell agrochemicals in the Republic of Korea, he/she shall register agrochemicals by items with the Administrator of Rural Development Administration: *Provided*, That this shall not apply to cases where he/she manufactures agrochemical items registered by another manufacturer upon entrustment.

(2) Any person who intends to file for registration pursuant to paragraph (1) shall submit an application for registration describing matters referred to in the following subparagraphs, with a record of test results on the effect, harmfulness, toxicity and residues of agrochemicals that has been conducted by a test and research institute prescribed by Presidential Decree (hereinafter referred to as "record of test results") attached thereto, to the Administrator of Rural Development Administration, together with samples of agrochemicals: *Provided*, That he/she may, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, be exempted from submitting all or some of the record of test results where he/she files for registration again because the term of validity pursuant to [Article 11](#) has expired or files for registration of items prescribed by Presidential Decree:

1. Name (in cases of a corporation, the trade name and name of its representative; hereinafter the same shall apply), domicile, resident registration number of an applicant;
2. Names of agrochemicals;
3. Physical and chemical nature and condition, the kinds of active ingredients and other ingredients, and their respective content;
4. Manufacturing process of an item;
5. Kinds, the quality of the material and the capacity of containers or packing;
6. Scope of disease and insect pests and crops subject to application, and directions for the use of agrochemicals and the amount of agrochemicals used;
7. Warranty period of the effect of agrochemicals;
8. In cases of agrochemicals harmful to people and livestock, the details thereof and the method of detoxification;

9. In cases of agrochemicals harmful to aquatic life, the details thereof;
10. In cases of dangerous agrochemicals with inflammability, explosiveness, or detrimental to skin or such, the details thereof;
11. Directions for the safekeeping, handling and use;
12. The location of a factory;
13. Other matters necessary for registration of manufacturing items prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 9 (Examination, etc. of Documents, etc. for Application for Registration of Items)

(1) When the Administrator of Rural Development Administration has received an application pursuant to [Article 8](#) (2), he/she shall have the head of an administrative agency in charge of the affairs of agricultural science and technologies examine documents and test samples of agrochemicals submitted by an applicant.

(2) The criteria for the examination of documents and test of samples of agrochemicals submitted pursuant to paragraph (1) shall be announced by the Administrator of Rural Development Administration in consultation with the head of relevant central administrative agencies.

(3) Where the result of examining documents and samples of agrochemicals under paragraphs (1) and (2) falls under any of the following subparagraphs, the Administrator of Rural Development Administration shall either return application documents for registration to an applicant by describing the reason therefor in detail or order the applicant to supplement them:

1. Where false particulars are included in the matters mentioned in the application;
2. Where the effect of the relevant agrochemicals is too low to have the value as agrochemicals;
3. Where use of the relevant agrochemicals according to the instructions in the application damages crops;
4. Where it is feared that people and livestock may be injured even though the relevant agrochemicals are used or handled according to the instructions of use and handling;
5. Where it is feared that aquatic life may be damaged if the relevant agrochemicals are used in large quantities;
6. Where the relevant agrochemicals may, if used following the instructions in the application, remain in crops, and thus be likely to harm people and livestock consuming such crops;
7. Where it is feared that the relevant agrochemicals may, if used following the instructions in the application, remain in soil of farmland or such, thus damage the ecosystem of soil of

farmland or harm people and livestock consuming crops cultivated on such farmland;

8. Where it is feared that the relevant agrochemicals may, if used in large quantities, cause water pollution in the public waters pursuant to subparagraph 9 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#), thus damage the ecosystem of aquatic life or harm people and livestock consuming the polluted water;

9. Where the names of the relevant agrochemicals may cause misunderstanding on the principal ingredients or effect thereof.

(4) Where application documents for registration are supplemented in accordance with paragraph (3), the provisions of paragraphs (1) through (3) shall apply *mutatis mutandis* to the re-examination or such.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 10 (Issuance of Certificates of Registration of Items)

The Administrator of Rural Development Administration shall, without delay, issue a certificate of registration of agrochemical items in which matters referred to in the following subparagraphs are mentioned, unless the application for registration falls under any of the grounds for return or order for supplementation under any subparagraph of [Article 9](#) (3) as a result of the examination of documents and test of samples of agrochemicals pursuant to [Article 9](#):

1. Registration number and the date of registration;
2. Name of the manufacturer;
3. Matters prescribed in [Article 8](#) (2) 2, 3, and 6;
4. The location of the factory;
5. The term of validity of registration;
6. Other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 11 (Term of Validity of Registration of Items)

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

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 12 (Succession to Status of Registrant of Items)

Article 5 shall apply *mutatis mutandis* to succession to the status of a manufacturer who has registered agrochemical items in accordance with [Article 8](#) (1) (hereinafter referred to as "manufacturer who has registered agrochemical items").

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 13 (Registration, etc. of Modification of Agrochemical Items by Application)

(1) If a manufacturer who has registered agrochemical items intends to modify matters pertaining to the scope or such, of disease and insect pests subject to application under [Article 8](#) (2) 6, he/she shall submit to the Administrator of Rural Development Administration a written application in which matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries are mentioned, with a certificate of registration and the record of test results as to modified particulars attached thereto, together with samples of agrochemicals.

(2) When a manufacturer who has registered agrochemical items modifies matters falling under the provisions of [Article 8](#) (2) 1, 4, 5, or 7 through 13, he/she shall report to the Administrator of Rural Development Administration about the details of modifications and reasons for modifications within 30 days from the date such modifications have been made. In such cases, he/she shall, where modified particulars correspond to matters entered in a certificate of registration of agrochemical items, submit an application for re-issuance of a certificate of registration of agrochemical items.

(3) [Articles 9](#) and [10](#) shall apply *mutatis mutandis* to the examination and return of application documents for registration of agrochemical items related to registration of modification of agrochemical items pursuant to paragraph (1) and re-issuance of a certificate of registration of agrochemical items.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

(1) Where a manufacturer who has registered agrochemical items pursuant to [Article 8](#) (1) has registered them by fraud or other wrongful means, the Administrator of Rural Development Administration shall revoke registration of such agrochemical items.

(2) Where it is deemed that agrochemical items registered fall under any of the following subparagraphs even though they are used in compliance with directions given in the application for registration, the Administrator of Rural Development Administration may modify matters of registration or revoke registration of such agrochemical items or take measures for restriction manufacturing, export and import, or supply thereof (hereinafter referred to as "measures for restrictions") following the procedures for deliberation as prescribed by Presidential Decree:

1. Where they fall under any of [Article 9](#) (3) 2 through 8;
2. Where it is proved by an international organization or such that the relevant items are likely to cause serious danger and harm.

(3) The Administrator of Rural Development Administration may, if deemed urgent to control disease and insect pests, modify matters of registration of agrochemical items concerning the scope of disease and insect pests or crops subject to application, from among matters of registration of agrochemical items prescribed in subparagraph 3 of [Article 10](#).

(4) The Administrator of Rural Development Administration shall, when he/she has modified matters of registration of agrochemical items pursuant to paragraph (2) or (3), re-issue a certificate of registration of agrochemical items pursuant to [Article 10](#) to a manufacturer who

registered agrochemical items.

(5) When the Administrator of Rural Development Administration has revoked registration of agrochemical items or has taken measures for restrictions thereon in accordance with paragraph (1) or (2), he/she shall publicly announce such agrochemical items and the details of the revocation of registration or restrictions.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

(1) The Administrator of Rural Development Administration shall notify the public of the matters referred to in the following subparagraphs:

1. Details of bans or restrictions on agrochemicals and technical concentrates import of which is banned or restricted by the country concerned to the Convention in accordance with [Articles 5](#) and 6 of the Rotterdam Convention on the Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the "Rotterdam Convention");

2. Standards for approval of export and import and other matters to be observed by 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 prescribed in Annex III of the Rotterdam Convention;

4. Other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries as matters to be announced by the Government pursuant to the Rotterdam Convention.

(2) If the Administrator of Rural Development Administration intends to make an announcement pursuant to paragraph (1), he/she shall consult with the Minister of Knowledge Economy.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 16 (Registration of Technical Concentrates)

(1) A technical concentrate business operator who intends to produce and sell technical concentrates shall register them by type with the Administrator of Rural Development Administration.

(2) Any person who intends to register technical concentrates in accordance with paragraph (1) shall submit an application for registration in which matters referred to in the following subparagraphs are mentioned, with documents in which physiochemical analysis of technical concentrates and a record of test results for the toxicity thereof are entered by a test and research institute prescribed by Presidential Decree attached thereto, to the Administrator of Rural Development Administration, together with test samples of technical concentrates: *Provided*, That a person who registers technical concentrates prescribed by Presidential Decree may be exempted from submitting all or some of such documents, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries:

1. Name, domicile, resident registration number of an applicant;
2. Name, the physiochemical nature and condition of the technical concentrates and kinds and respective content of principal ingredients and other ingredients;
3. Synthesizing and manufacturing process of the technical concentrates;
4. The contents of the technical concentrates with danger of inflammability or explosiveness or such;
5. The location of a factory;
6. Other matters necessary for registration of the technical concentrates prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Where the Administrator of Rural Development Administration has received an application pursuant to paragraph (2), he/she shall, without delay, issue a certificate of registration in which matters referred to in the following subparagraphs are entered to an applicant if the application is deemed to meet the standards for registration of the technical concentrates determined and announced by the Administrator of Rural Development Administration:

1. Registration number and the date of registration;
2. Name of a technical concentrate business operator ;
3. The contents referred to in paragraph (2) 2;
4. The location of a factory;
5. Other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(4) [Articles 12, 13](#) and [14](#) (1) shall apply *mutatis mutandis* to matters concerning succession to the status of a registrant of technical concentrates, registration of modification by application or such, and *ex officio* revocation of registration related to registration of technical concentrates pursuant to paragraph (1). In such cases, "agrochemical items" shall be deemed "technical concentrates" and "manufacturer" shall be deemed "technical concentrate business operator".

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 17 (Registration of Imported Agrochemicals, etc.)

(1) When an importer intends to import and sell agrochemicals or technical concentrates, he/she shall register agrochemicals by item or technical concentrates by type with the Administrator of Rural Development Administration: *Provided*, That agrochemicals or technical concentrates for testing or academic research purposes shall be excluded.

(2) Any person who intends to import and sell the same agrochemical items or technical concentrates as those registered pursuant to paragraph (1) from the same manufacturer may, notwithstanding paragraph (1), submit a report to the Administrator of Rural Development Administration in lieu of registration, as prescribed by Ordinance of the Ministry for Food,

Agriculture, Forestry and Fisheries.

(3) Where an importer registers agrochemicals or technical concentrates pursuant to paragraph (1), the relevant provisions shall apply *mutatis mutandis* according to the classification referred to in the following subparagraphs. In such cases, a "manufacturing business" or a "technical concentrates business" shall be deemed "import business", a "manufacturer" or a "technical concentrate business operator" shall be deemed "importer", and "agrochemicals" shall be deemed "imported agrochemicals" and "technical concentrates" shall be deemed "imported technical concentrates":

1. [Articles 8](#) (2), [9](#) through [14](#), and [16](#) shall apply *mutatis mutandis* to the following subparagraphs:

- (a) An application for registration of items of imported agrochemicals;
- (b) An examination of application documents for registration of items or such;
- (c) Issuance of a certificate of registration of items;
- (d) The term of validity of registration of items;
- (e) Succession to the status of a registrant or such, of items;
- (f) Registration of modification of items by application;
- (g) Ex officio revocation of registration of items:

2. [Article 16](#) shall apply *mutatis mutandis* to the following items:

- (a) Registration of imported technical concentrates;
- (b) Succession to the status of a registrant of imported technical concentrates;
- (c) Registration of modification of imported technical concentrates by application;
- (d) Ex officio revocation of registration of imported technical concentrates.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

CHAPTER IV DISTRIBUTION MANAGEMENT, ETC. OF AGROCHEMICALS

Article 18 (Adjustment, etc. of Demand and Supply of Agrochemicals)

The Minister for Food, Agriculture, Forestry and Fisheries may, if deemed necessary for stabilization of demand and supply of agrochemicals, request manufacturers, technical concentrate business operators, importers, or dealers of agrochemicals to cooperate in the adjustment of demand and supply of agrochemicals and maintain order in their distribution, and may also advise the National Agriculture Cooperative Federation established under the [Agricultural Cooperatives Act](#) to store and supply agrochemicals.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 19 (Opening of Accounts for Agrochemicals and Financial Support)

(1) Where the National Agriculture Cooperative Federation stores and supplies agrochemicals in accordance with [Article 18](#), it shall open and manage a separate account for agrochemicals.

(2) The National Agriculture Cooperative Federation shall make regulations for opening and management of accounts for agrochemicals in accordance with paragraph (1) and obtain approval of the Minister for Food, Agriculture, Forestry and Fisheries. The same shall also apply when it modifies such regulations.

(3) The Government may grant subsidies or furnish financial funds within budgetary limits for the smooth management of accounts for agrochemicals pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 20 (Indications on Agrochemicals)

If a manufacturer or an importer intends to sell agrochemicals he/she has produced or imported, he/she shall indicate on the containers or packing names of agrochemicals and content by active ingredients, names of disease and insect pests subject to application, the term of guarantee of the effect of agrochemicals, and other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

No manufacturer, importer, or dealer shall store, display or sell 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 indications of which pursuant to [Article 20](#) have not been made, or indications of which have been made falsely by forging or altering matters of indications;
3. Agrochemicals matters of indications on their containers or packing of which pursuant to [Article 20](#) are so damaged that they are difficult to be identified;
4. Agrochemicals warranty period of the effect of which pursuant to [Article 20](#) has expired;
5. Agrochemicals that have been repacked or packed by subdivision: *Provided*, That agrochemicals that have been repacked or packed by subdivision after importation by an importer may be stored, displayed or sold;
6. Agrochemicals to which in-house test certificates pursuant to [Article 24](#) (2) are not attached.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 22 (Prohibition of False Advertisement, etc.)

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

(2) Advertising methods and the scope of exaggerated advertisements on agrochemicals shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 23 (Standards, etc. for Safe Use of Agrochemicals)

(1) A pest control business owner or other users of agrochemicals shall use agrochemicals according to the standards for the safe use of agrochemicals, and a manufacturer, importer, dealer and pest control business owner shall handle agrochemicals in accordance with the standards for restrictions on the handling of agrochemicals.

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

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 24 (Examination, etc. of Agrochemicals being Distributed)

(1) The Administrator of Rural Development Administration, the Special Metropolitan City Mayor, the Metropolitan City Mayor, Do Governor and the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor"), or the Director General of National Plant Quarantine Service may direct the relevant public official to inspect agrochemicals and their raw materials manufactured, imported, sold, or used by a manufacturer, technical concentrate business operator, importer, dealer, or pest control business owner, relevant books, or facilities and equipment, and also to collect samples necessary for testing agrochemicals or their raw materials.

(2) A manufacturer or an importer shall make an in-house examination of his/her manufactured or imported agrochemicals prior to shipment. Agrochemicals that have passed such an examination shall be shipped with in-house test certificates prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries attached thereto. In such cases, the in-house test report on agrochemicals shipped shall, without delay, be submitted to the Administrator of Rural Development Administration.

(3) The Administrator of Rural Development Administration shall, if a manufacturer or an importer requests an examination of agrochemicals prior to shipment, make an examination of the agrochemicals.

(4) The Administrator of Rural Development Administration may, when he/she deems it necessary for the quality control of agrochemicals shipped, direct the relevant official to make an examination of the agrochemicals.

(5) When a public official who makes an examination of agrochemicals pursuant to paragraphs (1) and (4) deems it necessary to take safety measures for preventing danger and injury from agrochemicals which have violated this Act or orders pursuant to this Act, he/she may order the collection or disposal of the agrochemicals after sealing them.

(6) The standards for examination in accordance with paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(7) A public official who makes an examination of agrochemicals in accordance with paragraphs (1) and (4) shall bear a certificate verifying his/her legitimate authority to do so and produce it to the persons concerned.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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

The Administrator of Rural Development Administration, the head of a *Sil/Gun/Gu*, or the Director General of National Plant Quarantine Service may order a manufacturer, a technical concentrate business operator, an importer, a dealer or a business owner of pest control for imported and exported plants to report on matters concerning the management of agrochemicals or to supplement human resources, facilities, equipment or such which fail to satisfy their respective standards.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 26 (Demurrer)

(1) Any person who has made an application for registration of agrochemical items or registration of modification of agrochemical items or such in accordance with [Article 8](#) (1), [13](#) (1) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)), [16](#) (1), or [17](#) (1) may, where he/she has received the return of application documents for registration or a disposition of *ex officio* registration of modification of items or of the revocation of registration of items in accordance with [Article 14](#) (1) or (2) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)), put in a demurrer in writing to the Administrator of Rural Development Administration within 30 days from the date he/she is subjected to the disposition.

(2) If the Administrator of Rural Development Administration receives a demurrer pursuant to paragraph (1), he/she shall, without delay, notify the applicant of the date and place in order to provide the applicant or his/her representative with an opportunity to state his/her opinion: *Provided*, That this shall not apply where the applicant or his/her representative fails to respond to such opportunity without any justifiable ground or where it is not feasible to give him/her such opportunity by reason of unknown whereabouts or such.

(3) The Administrator of Rural Development Administration shall make an examination of a demurrer and advise the applicant of the results thereof within 60 days from the date when he/she has received the demurrer pursuant to paragraph (1).

(4) When advising the results of an examination pursuant to paragraph (3), the Administrator of Rural Development Administration shall give the applicant additional notice to the effect that the applicant may demand an administrative appeal within 90 days after he/she receives a notice of the results of examination.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 27 (Protection of Submitted Materials)

(1) Where the relevant applicant of registration requests the protection of his/her submitted materials in accordance with [Article 8](#) (2) (including cases where it applies *mutatis mutandis* under [Article 17](#) (3)), [13](#) (1) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)), or [16](#) (2) (including cases where it applies *mutatis mutandis* under [Article 17](#) (3)), the Administrator of Rural Development Administration shall not disclose their contents to the public: *Provided*, That this shall not apply to cases where disclosure of the materials to the public is deemed necessary for the public interests.

(2) The persons concerned who have read or examined submitted materials protection of which has been requested under paragraph (1), shall not reveal the contents they have learned therefrom.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 28 (Fees)

(1) Any person applying for the relevant registration pursuant to [Article 3](#) (1) and (2), [8](#) (1), [13](#) (1) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)), [16](#) (1), or [17](#) (1) shall pay fees as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) Any manufacturer or importer who has requested an examination of agrochemicals in accordance with [Article 24](#) (3) shall pay examination fees to the Administrator of the Rural Development Administration as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) A test and research institute pursuant to [Articles 8](#) (2) and [16](#) (2) (including cases where it applies *mutatis mutandis* under [Article 17](#) (3)) may, when it performs tests on the harmfulness, effect, toxicity or residues at the request of a manufacturer, an importer, or a technical concentrate business operator, collect fees.

(4) The Minister for Food, Agriculture, Forestry and Fisheries may determine the standards for fees pursuant to paragraph (3).

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 29 (Hearings)

The Administrator of Rural Development Administration, or the head of a *Si/Gun/Gu* shall hold a hearing if he/she intends to make a disposition falling under any of the following subparagraphs:

1. Revocation of registration of business pursuant to [Article 7](#) (1) or (2);
2. Revocation of registration of agrochemical items pursuant to [Article 14](#) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)).

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 30 (Exclusion from Application)

(1) Where a manufacturer or a technical concentrate business operator manufactures and exports agrochemicals or technical concentrates, this Act shall not apply to such agrochemicals or technical concentrates: *Provided*, That [Articles 14](#) and 15 shall apply to matters referred to in the following subparagraphs:

1. Agrochemicals or technical concentrates announced by the Administrator of the Rural Development Administration as objects of a disposition of restrictions on export in accordance with [Article 14](#) (5);

2. Agrochemicals or technical concentrates announced by the Administrator of the Rural Development Administration as objects of approval for export in accordance with [Article 15](#) (1).

(2) The [Toxic Chemicals Control Act](#) shall not apply to the agrochemicals and technical concentrates under this Act.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 31 (Delegation or Entrustment of Authority)

(1) The Administrator of Rural Development Administration may delegate part of his/her authority under this Act to the head of an administrative agency in charge of the affairs concerning agricultural science and technologies, the Mayor/*Do* Governor, or the Director General of National Plant Quarantine Service, as prescribed by Presidential Decree.

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

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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 harms to other persons by manufacturing, importing, or selling agrochemicals without filing for registration in violation of [Article 3](#) (1) and (2);

2. A person who harms to other persons by doing acts referred to in [Article 7](#) (1) 2, 5 through 8 and 11, paragraph (2) 2 and 3 of the same Article, or paragraph (3) 2 and 3 of the same Article.

(2) Any person who causes death of or injury to other persons by doing acts 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 Wholly Amended by Act No. 9658, May 8, 2009]

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:

1. A person who engages in the business of manufacturing, importing, or selling agrochemical items or technical concentrates without filing for registration of manufacturing business or such, in violation of [Article 3](#) (1) or (2);
2. A person who conducts business even though he/she has received an order for the suspension of business under the provisions of [Article 7](#) (1) through (3);
3. A person who manufactures, imports, or sells agrochemicals or technical concentrates which have not been registered, in violation of [Articles 8](#) (1), [16](#) (1), or [17](#) (1);
4. A person who files for registration pursuant to [Articles 3](#) (1) and (2), [8](#) (1), [16](#) (1), or [17](#) (1) or submits a report pursuant to [Article 3-2](#) (1) by fraud or other wrongful means;
5. A person who manufactures, imports, exports, or supplies agrochemical items, in violation of a disposition pursuant to [Article 14](#) (2);
6. A person who imports or exports agrochemicals or technical concentrates, in violation of matters of prohibition, restrictions, observance pursuant to [Article 15](#) (1) 1 or 2;
7. A person who fails to mark an indication on agrochemicals under [Article 20](#), or marks a false indication;
8. A person who stores, displays, or sells agrochemicals, in violation of [Article 21](#);
9. A person who violates an order for the collection or disposal of agrochemicals in accordance with [Article 24](#) (5);
10. A person who discloses any submitted materials to the public, in violation of [Article 27](#) (2).

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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 five million won:

1. A person who makes a false or exaggerated advertisement, in violation of [Article 22](#);
2. A person who refuses, obstructs, or evades an examination or the collection of test samples in accordance with [Article 24](#) (1);
3. A manufacturer or importer who ships agrochemicals, in violation of [Article 24](#) (2) or a person in charge of examination who makes an inhouse test report by fraud.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 34 (Penal Provisions)

Where a manufacturer, an importer, or a dealer handles agrochemicals, in violation of [Article 23](#) (2), he/she shall be punished by a fine not exceeding three million won.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 35 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding two million won:

1. A person who fails to submit a report pursuant to [Article 13](#) (2) (including cases where it applies *mutatis mutandis* under [Article 16](#) (4) or [17](#) (3)) or who submits a false report;
2. A pest control business owner who uses agrochemicals, in violation of the standards for the safe use of agrochemicals or standards for restrictions on the handling of agrochemicals under [Article 23](#) (1);
3. A person who disregards an order for supplementation of facilities or such pursuant to [Article 25](#) or who fails to submit a report on matters concerning the management of agrochemicals under the same Article or submits a false report.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

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)

When the representative of a corporation, an agent, employee, or other employed person of a corporation or an individual commits any offense referred to in [Articles 31-2](#) through [35](#) with respect to the affairs of the corporation or the individual, the offender shall be punished accordingly, but the corporation or individual also shall be punished by a fine referred to in the relevant Article. <Amended by Act No. 6763, Dec. 11, 2002>

Article 39 (Confiscation)

All of the agrochemicals owned or possessed by a person who has been punished pursuant to [Article 32](#) or agrochemicals acquired by a third person with the knowledge of such a fact shall be confiscated: *Provided*, That when the agrochemicals cannot be confiscated, the value of the agrochemicals shall be collected.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

Article 40 (Fine for Negligence)

(1) Any person who conducts pest control business for imported and exported plants without submitting a report, in violation of [Article 3-2](#) (1) shall be punished by a fine for negligence not exceeding five million won.

(2) Any person, other than a pest control business owner, who uses agrochemicals, in violation of the standards for the safe use of agrochemicals pursuant to [Article 23](#) shall be punished by a fine for negligence not exceeding one million won.

(3) Fines for negligence pursuant to paragraphs (1) and (2) shall, as prescribed by Presidential Decree, be imposed and collected by the Director General of the National Plant Quarantine Service or the head of a *Si/Gun/Gu*.

[This Article Wholly Amended by Act No. 9658, May 8, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation, except for the proviso to [Article 3](#) (2) of the Act which shall enter into force at the expiry of the one year period from the date this Act enters into force.

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

Any person who has obtained permission for 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 to [Article 3](#) (2) of the Act enters into force: *Provided*, That human resources, 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 concerning 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 concerning 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 paragraph(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 concerning Application of Penal Provisions)

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

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

(1) The Fund for Agrochemicals Management which has been established under the provisions of this Act before they have been amended as at the time this Act enters into force 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 cited in other Acts and subordinate statutes as at the time this Act enters into force, the relevant provisions of this Act shall be deemed cited in place of previous provisions if provisions corresponding thereto exist in this Act.

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 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) as at the time this Act enters into force shall be regarded as having made a report as prescribed in [Article 3-2](#) of the amended provisions.

ADDENDA <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 when the Rotterdam Convention enters into force for Korea.

(2) (Transitional Measures with respect to Agrochemical Sales Business) Registration or revocation of registration and other official action taken by the Mayor/Do Governor, or an action done to the Mayor/Do Governor, under the previous provisions in force at the time this Act enters into force shall be deemed to be an action taken by, or been done to, the head of a *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 committed prior to this Act enters into force 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.

ADDENDUM <Act No. 8747, Dec. 21, 2007>

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

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9658, May 8, 2009>

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