

# ENFORCEMENT DECREE OF THE AGROCHEMICALS CONTROL ACT

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Wholly Amended by Presidential Decree No.15156, Oct. 7, 1996  
Amended by Presidential Decree No.15598, Dec. 31, 1997  
Presidential Decree No.16349, May 24, 1999  
Presidential Decree No.16445, Jun. 30, 1999  
Presidential Decree No.17333, Aug. 10, 2001  
Presidential Decree No.18015, Jun. 25, 2003  
Presidential Decree No.18312, Mar. 17, 2004  
Presidential Decree No.19513, Jun. 12, 2006  
Presidential Decree No.20402, Nov. 30, 2007  
Presidential Decree No.20677, Feb. 29, 2008  
Presidential Decree No.21078, Oct. 8, 2008  
Presidential Decree No.21130, Nov. 26, 2008

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the [Agrochemicals Control Act](#) and matters necessary for the enforcement thereof. <Amended by Presidential Decree No. 21130, Nov. 26, 2008>

## Article 2 (National Plant Quarantine Service)

For the purpose of [Article 3-2 \(1\) of the Agrochemicals Control Act](#) (hereinafter referred to as the "Act"), the term "National Plant Quarantine Service prescribed by Presidential Decree" means the National Plant Quarantine Service (hereinafter referred to as the "Plant Quarantine Service"). <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 20402, Nov. 30, 2007; Presidential Decree No. 21130, Nov. 26, 2008>

## Article 3 (Scope of Pest Control Business for Imported and Exported Plants)

The scope of pest control business for imported and exported plants under [Article 3-2 \(2\) of the Act](#) shall be the business of executing pest control in the process of the quarantine for exported and imported plants.

*[This Article Wholly Amended by Presidential Decree No. 16445, Jun. 30, 1999]*

## Article 4 (Designation of Test and Research Institutes Issuing Test Results of Agrochemicals, etc.)

(1) The term "test and research institute prescribed by Presidential Decree" in the main sentence of the part other than the subparagraphs of [Articles 8 \(2\) and 16 \(2\) of the Act](#) means an institute falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21130, Nov. 26, 2008>

1. An institute designated or notified by the Administrator of Rural Development Administration among institutes falling under any of the following items:

- (a) National or public test and research institutes or inspection institutes;
- (b) Schools pursuant to the [Higher Education Act](#);
- (c) Research institutes attached to enterprises pursuant to the [Technology Development Promotion Act](#);
- (d) Other institutes prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries;

2. Test and research institutes which have internationally recognized test results.

(2) The designation of a test and research institute pursuant to paragraph (1) 1 shall be made by application or *ex officio*, and the standards of designation shall be determined and announced beforehand. <Amended by Presidential Decree No. 21130, Nov. 26, 2008>

#### **Article 5 (Standards and Methods of Tests)**

The standards and methods of testing agrochemicals or technical concentrates under [Articles 8 \(2\) and 16 \(2\) of the Act](#) shall be prescribed and notified by the Administrator of Rural Development Administration.

#### **Article 6 (Items Subject to Exemption from Submission of Test Results)**

(1) Items which may be exempted from submitting all or some of test results pursuant to the proviso to the part other than the subparagraphs of [Article 8 \(2\) of the Act](#) shall be those falling under any of the following subparagraphs: *Provided*, That items, falling under subparagraphs 1 and 2, which are acknowledged by the Administrator of Rural Development Administration as requiring re-evaluation by fixing a period on the ground that an international organization, etc. questions the safety of such items or on other grounds corresponding thereto shall be excluded: <Amended by Presidential Decree No. 16349, May 24, 1999; Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003; Presidential Decree No. 21130, Nov. 26, 2008>

1. Items for re-registration due to the expiration of the term of validity pursuant to [Article 11 of the Act](#);

2. Items 15 years have passed after the first registration of which (in cases where the first registrants on the same item are two persons or more, referring to the first registration made earliest);

3. Items with the consent of using test results of a previous registrant (in cases where the previous registrants on the same item are two persons or more, referring to the test results of any one of them);

4. Items for which the test on residual effects is exempted internationally;

5. Items used for non-edible crops (excluding crops for feed and tobacco);

6. Biological agrochemicals meeting the safety standards determined and announced by the Administrator of Rural Development Administration.

(2) With regard to items under re-evaluation or acknowledged as requiring re-evaluation by the Administrator of Rural Development Administration pursuant to the proviso to paragraph (1), the manufacturers, etc. of the relevant items shall be notified of the ground thereof in advance. <Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>

#### **Article 7 (Administrative Agency in Charge of Business Affairs Related to Agricultural Science and Technology)**

An administrative agency in charge of business affairs related to agricultural science and technology pursuant to [Article 9 \(1\) of the Act](#) shall be the National Academy of Agricultural Science belonging to of the Rural Development Administration. <Amended by Presidential Decree No. 21078, Oct. 8, 2008; Presidential Decree No. 21130, Nov. 26, 2008>

#### **Article 8 (Ex Officio Tests on Harmful Effects of Agrochemicals concerning Modification to Registration of Items)**

(1) The Administrator of Rural Development Administration may *ex officio* perform tests on harmful effects or the scope, etc. of applicable diseases and insect pests, if required for confirmation to modify registered matters of relevant items or revoke registration of relevant items under [Article 14 \(2\) of the Act](#) and to modify registered matters for control of disease and insect pests under [Article 14 \(3\) of the Act](#).

(2) The Administrator of the Forest Service, the Director General of the Plant Quarantine Service or the heads of the administrative agencies affiliated with the Rural Development Administration may, if necessary to control diseases and insect pests of trees, plants for export and import, or crops cultivated in small areas, request a test on the scope, etc. of applicable diseases and insect pests under paragraph (1) to the Administrator of Rural Development Administration. <Amended by Presidential Decree No. 18015, Jun. 25, 2003; Presidential Decree No. 20402, Nov. 30, 2007>

#### **Article 8-2 (Deliberation on Revocation, etc. of Registration of Item)**

The Administrator of Rural Development Administration shall, if he/she intends to modify registered matters or revoke registration of relevant items pursuant to the provisions of [Article 14 \(2\) of the Act](#), or to take a disposition restricting manufacturing, export, import or supply thereof, undergo deliberation by the Agrochemical Safety Deliberation Committee pursuant to [Article 11](#).

*[This Article Newly Inserted by Presidential Decree No. 18015, Jun. 25, 2003]*

#### **Article 9 (Technical Concentrates Exempt from Submitting Test Results)**

Technical concentrates which may be exempted from submitting all or some documents describing physiochemical analysis and test results on toxicity pursuant to the proviso to the part other than the subparagraphs of [Article 16 \(2\) of the Act](#) shall be those falling under any of the following subparagraphs: <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003; Presidential Decree No. 21130, Nov. 26, 2008>

1. Technical concentrates of items 15 years have passed after the first registration of

which (in cases where the first registrants on the same technical material are two persons or more, referring to the first registration made earliest);

2. Technical concentrates with the consent of using documents of a previous registrant (in cases where the previous registrants on the same technical concentrates are two persons or more, referring to the documents of any one of them);

3. Technical concentrates of biological agrochemicals meeting the safety standards determined and announced by the Administrator of Rural Development Administration.

#### **Article 10 (Importing Process of Agrochemicals for Testing or Academic Research Purposes)**

The Administrator of Rural Development Administration, if an importer applies for issuance of a certificate concerning imported agrochemicals or technical concentrates for testing or academic research purposes provided for in the proviso to [Article 17 \(1\) of the Act](#), may issue it pursuant to the guideline for application and issuance prescribed by the Administrator of Rural Development Administration.

#### **Article 11 (Establishment of Agrochemical Safety Deliberation Committee)**

An agrochemical safety deliberation committee (hereinafter referred to as the "committee") shall be established under the Rural Development Administration to respond to inquiries by the Administrator of Rural Development Administration regarding the matters necessary for safety control of agrochemicals.

#### **Article 12 (Functions of Committee)**

The committee shall deliberate upon the matters stipulated in the following subparagraphs:

1. Matters related to investigation, research, and assessment concerning the safety of agrochemicals;
2. Matters related to safe use and restrictions on use of agrochemicals;
3. Matters related to standards and methods of agrochemical safety tests;
4. Other matters referred to by the Administrator of Rural Development Administration for safety control of agrochemicals.

#### **Article 13 (Composition of Committee)**

(1) The committee shall be comprised of not more than 20 committee members including one chairperson and one vice-chairperson. <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

(2) The chairperson of the committee shall be the Vice-Administrator of Rural Development Administration, the vice-chairperson of the committee shall be the director general of the research policy bureau of the Rural Development Administration, and the committee members shall be those stipulated in the following subparagraphs. In such cases, the committee members

stipulated in subparagraphs 2 and 3 shall be appointed by the Administrator of Rural Development Administration: <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003; Presidential Decree No. 19513, Jun. 12, 2006; Presidential Decree No. 20677, Feb. 29, 2008>

1. One person each in the position designated by the head of the pertinent agency among public officials of Grade III or public officials in general service belonging to the Senior Civil Service under the control of the Ministry for Food, Agriculture, Forestry and Fisheries, the Ministry of Environment, the Ministry for Health, Welfare and Family Affairs, and the Rural Development Administration;

2. Not more than ten persons among those having abundant experience, skill and knowledge about agrochemicals and the protection of the environment;

3. Not more than four persons among manufacturers and users of agrochemicals or executives of consumers' organizations.

(3) The term of office for the committee members stipulated in paragraph (2) 2 and 3 shall be three years.

#### **Article 14 (Duties, etc. of Chairperson)**

(1) The chairperson of the committee shall represent the committee and supervise the operations of the committee.

(2) The vice-chairperson of the committee shall assist the chairperson and act for him/her if the chairperson is unable to perform his/her duties due to unavoidable reasons.

#### **Article 15 (Meetings)**

(1) Meetings of the committee shall be convoked by the chairperson of the committee and the chairperson of the committee shall preside over meetings.

(2) Meetings of the committee shall be convened with the attendance of a majority of the registered committee members and decisions shall be made with the consent of the majority of those present.

#### **Article 16 (Executive Secretary)**

The committee shall assign one executive secretary to handle the affairs of the committee, and the executive secretary shall be appointed by the chairperson of the committee among the public officials belonging to the Rural Development Administration.

#### **Article 17 (Allowance)**

Allowances may be paid to the committee members attending the meetings within budgetary limits: *Provided*, That where committee members who are public officials attend meetings in direct connection with their duties, the same shall not apply.

### **Article 18 (Operational Regulations)**

Except as otherwise provided for in this Decree, matters necessary for the operation of the committee shall be determined by the chairperson of the committee through a resolution of the committee.

### **Article 19 (Standards for Safe Use of Agrochemicals)**

(1) The standards for safe use of agrochemicals pursuant to [Article 23 \(1\) of the Act](#) shall be as stipulated in the following subparagraphs: <Amended by Presidential Decree No. 21130, Nov. 26, 2008>

1. Agrochemicals shall be used only for the crops subject to application;
2. Agrochemicals shall be used only for diseases and insect pests subject to application;
3. Agrochemicals shall be used in compliance with the times of use;
4. Agrochemicals shall be used within the number of times allowed to use during the cultivation period of the crops subject to application.

(2) The Administrator of Rural Development Administration may determine the detailed standards for safe use pursuant to paragraph (1), such as the crops, diseases and insect pests subject to application, the times of use, or the number of times allowed to use or such by item of agrochemicals and give public notice thereof. <Amended by Presidential Decree No. 21130, Nov. 26, 2008>

### **Article 20 (Standards for Restriction on Handling of Agrochemicals)**

(1) The standards for restriction on handling of agrochemicals pursuant to [Article 23 \(1\) of the Act](#) shall be as stipulated in the following subparagraphs: <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>

1. Agrochemicals shall not be transported together with foodstuffs, animal feed, medicines or inflammables, and shall not be transported under the overloaded condition;

1-2. When a manufacturer or an importer of agrochemicals sells agrochemicals which he/she has manufactured (including cases where he/she entrusts other manufacturers to manufacture items he/she has registered) or imported, he/she shall use safe containers and packing in order to prevent any accident due to misuse: *Provided*, That this shall not apply to cases where a manufacturer sells to other manufacturers or an importer sells to other importers;

2. Highly toxic agrochemicals with designated customers subject to supply shall not be supplied to persons other than those customers subject to supply;

3. Highly toxic agrochemicals with designated users shall not be used by persons other than those users;

4. Agrochemicals which are poisonous to fish and pollute water and using areas of which are limited shall not be used in an area under restricted use;

5. Highly toxic agrochemicals shall be stored and kept in the facilities having safety devices;

6. Other agrochemicals with restriction on handling according to their degree of toxicity shall not be used, in accordance to its standards for restrictions on handling.

(2) The Administrator of Rural Development Administration may determine and notify the detailed standards for restrictions on handling of agrochemicals pursuant to paragraph (1), such as goods subject to prohibition from mixed loading, the use of safe containers and packing, customers subject supply, designated users, areas under limited use, storage, keeping, transport or degree of toxicity by item of agrochemicals. *<Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>*

(3) Classifications of agrochemicals by toxicity and degree of residue in relation to the standards for restrictions on handling of agrochemicals pursuant to paragraphs (1) and (2) shall be as stipulated in attached Table 1. *<Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>*

(4) The standards for restrictions on handling of agrochemicals pursuant to paragraph (1) and detailed standards for restrictions on handling of them pursuant to paragraph (2) shall apply *mutatis mutandis* to technical concentrates: detailed standards for restrictions on handling of technical concentrates may be determined and announced separately through consultation with the Minister of Environment. *<Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>*

(5) The classification based on the toxic level of technical concentrates in relation to the standards for restrictions on handling of technical concentrates pursuant to paragraph (4) shall be as attached Table 2. *<Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 21130, Nov. 26, 2008>*

**Article 21 Deleted.** *<by Presidential Decree No. 15598, Dec. 31, 1997>*

#### **Article 22 (Delegation and Entrustment of Authority)**

(1) The Administrator of Rural Development Administration shall delegate the authority to conduct examinations by application pursuant to [Article 24 \(3\) of the Act](#) and to conduct examinations of agrochemicals pursuant to paragraph(4) of same Article to the Director General of National Academy of Agricultural Science in accordance with [Article 31 \(1\) of the Act](#). *<Amended by Presidential Decree No. 16349, May 24, 1999; Presidential Decree No. 21078, Oct. 8, 2008; Presidential Decree No. 21130, Nov. 26, 2008>*

(2) *Deleted. <by Presidential Decree No. 16445, Jun. 30, 1999>*

(3) The Administrator of Rural Development Administration shall, pursuant to [Article 31 \(2\) of the Act](#), entrust the affairs of preparing for the standard advertisement terminology related to advertisements of agrochemicals pursuant to [Article 22 of the Act](#) to the head of an organization comprised of manufacturers, technical concentrates business operators, or importers appointed by the Administrator of Rural Development Administration. *<Amended by Presidential Decree No. 21130, Nov. 26, 2008>*

#### **Article 23 (Standards for Imposition of Fines for Negligence)**

The standards for the imposition of fines for negligence pursuant to [Article 40 \(1\) and \(2\) of the Act](#) shall be as attached Table 3.

*[This Article Wholly Amended by Presidential Decree No. 21130, Nov. 26, 2008]*

**ADDENDA**

(1) (Enforcement Date) This Decree shall enter into force on December 7, 1996.

(2) (Transitional Measures concerning Tests) Tests conducted or being conducted to announce items pursuant to the previous provisions, as at the time this Decree enters into force, shall be deemed tests under the standards and methods of tests under [Article 5](#) of this Decree.

(3) (Transitional Measures concerning Items Subject to Exemption from Submitting Test Results) Each applicant for registration of items announced (limited to the applicant for registration by December 6, 1998) pursuant to the previous provisions, as at the time this Decree enters into force shall be exempted from submitting test results of the relevant items under application (limited to test results in cases where agrochemical control fund are used for testing to announce items under the previous provisions) notwithstanding [Article 6](#).

**ADDENDUM <Presidential Decree No. 15598, Dec. 31, 1997>**

This Decree shall enter into force on January 1, 1998.

**ADDENDA <Presidential Decree No. 16349, May 24, 1999>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

**ADDENDA <Presidential Decree No. 16445, Jun. 30, 1999>**

(1) (Enforcement Date) This Decree shall enter into force on July 1, 1999.

(2) Omitted.

**ADDENDUM <Presidential Decree No. 17333, Aug. 10, 2001>**

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

**ADDENDUM <Presidential Decree No. 18015, Jun. 25, 2003>**

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

**ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>**

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

**ADDENDA <Presidential Decree No. 19513, Jun. 12, 2006>**

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2006.

**Articles 2 through 4 Omitted.**

**ADDENDA <Presidential Decree No. 20402, Nov. 30, 2007>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

**ADDENDA <Presidential Decree No. 20677, Feb. 29, 2008>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

**ADDENDA <Presidential Decree No. 21078, Oct. 8, 2008>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

**ADDENDA <Presidential Decree No. 21130, Nov. 26, 2008>**

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of [Article 20](#) (1) 1-2 and paragraph (2) of the same Article (only applicable to the use of safe containers and packing) shall enter into force on June 1, 2009.

**Article 2 (Applicability concerning Safe Containers and Packing)**

The amended provisions of [Article 20](#) (1) 1-2 and paragraph (2) of the same Article (only applicable to the use of safe containers and packing) shall apply beginning with the first agrochemical a manufacturer ships or an importer sells after June 1, 2009.