

MAJOR AGRICULTURAL SEED LAW

Major Agricultural Seed Law

(Promulgated on 15, Jan. 1962. Law No. 975  
Amended on 4 April. Law No.275† )

Article I. (Objective)

This Law has the purpose of contributing to the increased agricultural production by facilitating the production, processing and dissemination of improved seeds of the major crops.

Article 2 (Definition)

The definition of terms in this Law is as follows;

1. This Law shall apply to the seeds of paddy rice, upland rice, barley, wheat, soybeans, potato and other agricultural crops designated by presidential decree.

2. The term "the Pedigree Grade of Improved Seeds" as used in this Law means the seeds of cultivars recommended for production and dissemination by the National Seeds council and approved by the Minister of agriculture and fisheries.

3. The term "Breeder's Seed" means the parental material that preserves the crop characteristics of the cultivar as specified by the breeder.

4. The term "Foundation Seed" means the progeny produced from Breeder's Seed under the supervision of the breeder maintaining the characteristics of the cultivar.

The term "Foundation Seed Farm" means the place for production of Foundation Seed.

5. The term "Registered Seed" means the Progeny from Foundation Seed produced under the term and conditions specified by this seed Law or by Presidential Decree. The term "Registered Seed Farm" means the place where Registered Seeds are produced.

6. The term "Certified Seed" means the progeny from Registered Seed Produced under terms and conditions specified by this Seed Law or Presidential Decree.

The term shall be applied only to cultivars designated by the Ministry of Agriculture and

Fisheries under item 2 above for production and dissemination to farmers.

The term "Certified Seed Farm" means the place for the production of Certified Seed.

Article 3. (Production of Improved Seeds)

(1) The production of Improved Seeds shall be under the direction of the Minister of Agriculture and Fisheries.

(2) The Minister of Agriculture and Fisheries may designate the production of Improved Seeds to any persons listed below in accordance with the regulation of the Ministry of Agriculture and Fisheries.

- 1) Administrator, Office of Rural Development.
- 2) Mayors of Seoul Special City and Pusan City and Governors (here after referred to as Governors).
- 3) Agricultural agencies and farmers with the qualification in accordance with the regulations of the Ministry of Agriculture and Fisheries.

Article 4. (Designation of Seed Farm)

Agricultural Agencies and farmers who produce the Improved Seeds according to the rules of Article 3 item 2 clause 3 shall be designated by the Minister of Agriculture and Fisheries in accordance with the regulation of the Ministry of Agriculture and Fisheries.

Article 5. (Field Inspection)

- (1) The seed farms shall be inspected by the authority Minister of Agriculture and Fisheries.
- (2) The method and procedure of seed farm inspection in accordance with the rules of the preceding clause shall be designated by the regulations of the Ministry of Agriculture and Fisheries.

Article 6. (Seed Test)

- (1) The Improved Seed produced on the farm which has passed field inspection as described in Article 5 item 1, shall be tested in the laboratory by the authority of the Minister of Agriculture and Fisheries.

The agricultural products for seed which are tested by the regulation of agricultural inspection law would be exempted.

- (2) The Improved Seed which pass the seed test in accordance with the preceding clause must be labelled according to the regulations of Ministry of Agriculture and Fisheries.
- (3) The necessary items concerning with the method and procedure of seed test in accordance with Article 6 item 2 shall be designated.

Article 7. (Prohibition of Seed Sale)

The Improved Seed which has not passed the seed test in accordance with Article 6 shall not be disseminated or sold as government Certified Seed.

Article 8. (Licenses of Seed Sale.)

- (1) Person who intend to sell seeds must obtain a license from the Minister of Agriculture and Fisheries.

However, those who are a local self - governing body, agricultural group described in Article 3 item 2 clause 3, and the registered seed companies are exempted.

- (2) The standard and procedure of licenses as described in the preceding item shall be regulated by Presidential Decree.

Article 9. (Export and Import of Seed)

- (1) Those who want to export seed produced in Korea and to import seed from foreign countries in order to breed improved cultivars or to do research, or to sell and disseminate shall be approved by the Minister of Agriculture and Fisheries according to Presidential Decree. Crop seeds imported or exported for the purpose of research by the Administrator of the Office of Rural Development shall be exempted from the approval of the Minister of Agriculture and Fisheries.
- (2) The imported seeds in accordance with the

preceding clause maybe sold and disseminated after the research and test as described in the regulations of Minister of Agriculture and Fisheries have been completed.

Article :10. (Establishment of Revolving Fund for Seeds.)

The revolving fund for seeds (here-after referred to as the "Revolving fund") shall be established in order to be just and fair for the smooth supply and management of seeds.

Article 11. (Resources of the Revolving Fund)

The Revolving Fund shall be formulated as resources of the following items;

1. The Improved Seed as described in Article 6, the selling price, and other floating capital;
2. Revenue transferred in from other accounts;
3. Donation of seeds or donation of money;
- 4.. Surplus fund from the revolving fund;
5. Revenue raised from other revolving fund operation.



Article 12. (Operation and management of the Revolving Fund)

- (1) The Revolving Fund shall be operated and managed by the Minister of Agriculture and Fisheries.
- (2) Necessary matters in regard to the operation and management of the Revolving Fund shall be determined by Presidential Decree.

Article 13. (Borrowing of Fund)

- (1) The Minister of Agriculture and Fisheries may borrow money from banking or other institutions for use in the Revolving Fund when it is recognized as necessary for the operation of Revolving Fund.
- (2) The borrowed money in accordance with the preceding clause shall be repayed within the next fiscal year.

Article 14. (Partitioned Accounts)

The Minister of Agriculture and Fisheries may manage the accounts by partitioning when it is

recognized as necessary for the operation of the Revolving Fund.

Article 15. (Usage of Revolving Fund)

Revolving fund shall be accounted only for the Improved Seeds purchase, the repayment of the interest for the borrowed money, and the expenditure for the other Revolving Fund Projects.

Article 16. (Accounting organization of Revolving Fund)

- (1) The Minister of Agriculture and Fisheries shall appoint or dismiss the Revolving Fund Accounting Instruction Officer and the Revolving Fund Accounting Official from among government officials in order to conduct the affairs regarding the revenue and expenditure of the Revolving Fund.
- (2) The appointment or dismissal of the Revolving Fund Accounting Instruction Officer and the Revolving Fund Accounting Official at other offices in accordance with the rules of the preceding clause may be substituted here upon

by designating the title and positions established at the other offices as required for managing the accounting of the Revolving Fund.

- (3) Provisions shall apply, therefore to the Revolving Fund Accounting Instruction Officer, the rules with respect to the Treasurer and the Revenue Collector, the Revolving Fund Accounting Official and to the rules with respect to the Cash officer and Accounting Official under the by - laws covering the responsibilities of the accounting staff.

Article 17. (The Order of Cultural Prohibition Etc.)

The Minister of Agriculture and Fisheries can order cultural prohibition or omission of designated plants in a specified area in accordance with Presidential Decree in the event the Minister recognizes the necessity to protect the cross-pollination and to control diseases and insects.

Article 18. (Revoking of License to Sell)

The Minister of Agriculture and Fisheries can stop the seed sale activities of anyone issued a license according to Article 8 for a specified period or withdraw the license to sell of any person falling under any described in the following;

1. The person who does not activate the seed sale license within one year from the date of the seed sale permission or who does not do the seed sale activities for more than one year.
2. In case that the facilities are below the standard.
3. In case of violation of Article 7.
4. In case of violation of this Law or orders issued by this Law.

Article 19. (Subsidy)

Administrator, Office of Rural Development or

Governor consigned for the production of the Improved Seed according to Article 3 item 2 can subsidize part or all of the expenses necessary for production sale and dissemination of Improved Seed to the farmer or the agricultural agencies described in Article 3 item 2 clause 3.

Article 20. (Mandate of Authority)

The Minister of Agriculture and Fisheries may entrust the Administrator Office of Rural Development or the Governors with a part of the authority as prescribed in this Law in accordance with the rules determined by the Presidential Decree.

Article 21. (Penalties)

Any person convicted of the following violations shall be punished by imprisonment not to exceed one year or by a fine not to exceed one million won (1,000,000 won);

- 1) Any person not attaching a label, or making statements on the label, according to the rules

of Article 6 item 2 in this Law.

- 2) Any person in violation of Article 7.
- 3) Any person selling seed without obtaining a license according to Article 8.
- 4) Any person importing or exporting seeds without obtaining approval according to Article 9, and any person selling the imported seed without the designated seed trials.
- 5) Any person in violation of Article 17 without any righteous reasons.

Article .22. (Enforcement of Law)

The necessary matters regarding enforcement of the Law herein shall be determined by Presidential Decree.

Supplementary Rules

(1) (Effective date)

This Law shall be come effective on the date of promulgation.

- (2) The major agricultural seeds produced and distributed by the Administrator, Office of Rural Development and by the Governors on the effecting date of this Law, shall be considered and observed as produced and distributed in accordance with this Law.
- (3) The person selling seed on the effective date of this Law is considered as obtaining the seed sale license in accordance with this Law. The above mentioned person should comply with the requirements of this Law within 6 months of the effective date.
- (4) The person who has received the approval of the Minister of Agriculture and Fisheries concerning seed export or import on the effective date shall be considered as having had the approval in accordance with this Law.