

# PLANT PROTECTION LAW

(Revised on August 4, 1969, Law No. 2135)

Republic of Korea

# PLANT PROTECTION LAW

(Promulgated on 30, December 1961 Law No. 908)

Revised on March 29, 1966

Effective on April 29, 1966  
Law No. 1772

Revised on August 4, 1969  
Law No. 2135

## Chapter I. General Provisions

### Article 1. (Purpose)

The purpose of this law is to contribute to the security and promotion of agricultural production by quarantining import, export and domestic plants, exterminating animals and plants harmful to plants and preventing the spread thereof.

### Article 2. (Definition)

Paragraph 1. "Plants" mentioned in this law shall refer to phanerogam, fern, moss, and their seeds, fruits and processed goods, excluding the harmful plants under Paragraph 3.

Paragraph 2. "Harmful animals" mentioned in this law shall refer to arthropoda such as insects, mites etc., nematode, other invertebrata or vertebrata, which bring about damages upon plants.

Paragraph 3. "Harmful plants" mentioned in this law shall refer to eumycetes, myxomycetes, bacteria, parasitic plants and virus, which directly or indirectly cause damages upon plants.

### Article 3. (Plant protection officials)

Paragraph 1. Plant protection officials shall be installed in the Ministry of Agriculture and Forestry, and in the Special City of Seoul, Pusan City, and each Province, plant protection officials may be installed in order to have them engage in the affairs of the quarantine and control mentioned in this Law.

Paragraph 2. Matters necessary for the plant protection officials shall be determined by President's decree.

Article 4. Authority of plant protection officials)

Paragraph 1. In case the plant protection official concerned deems that there are plants, containers or packings which are suspected of being infested with harmful animals or plants, may enter the land, storage places, warehouses, places of business, boats, vehicles, airplanes, etc., concerned, and inspect the plants, containers and packings concerned, and extract or collect the minimum necessary quantity of the plants, containers or packings concerned, free of charge, for the purpose of posing questions to the persons concerned or of inspecting the articles concerned.

Paragraph 2. In case it is deemed that there are harmful animals or plants as a result of the inspection under the preceding paragraph, the plant protection officials concerned may order the necessary disinfection be executed by the persons who own or manage the containers of the plants, packages, land, storage places, warehouses, places of business, boats, vehicles or airplanes concerned for the purpose of exterminating or preventing the spread of the harmful animals or plants concerned.

Article 5. Certificates)

In case the plant protection official concerned performs the duties in accordance with this Law, he shall carry certificate indicating such authority with him show the said certificate to the persons concerned.

## Chapter II. Quarantine of International Plants

Article 6. Restrictions on import)

Paragraph 1. No plants and its containers or packings shall be imported unless a certificate of inspection of its copy is attached there to, which is issued by the government or the export country concerned and confirms that no harmful animals or plants are contained with the articles concerned as a result of the inspection by the government concerned: Provided, however, that this rule shall not apply to the articles inspected in accordance with this law in case they are imported from a country which does not have a government agency for quarantine of plant and they are plants which ordinance of the Ministry of Agriculture and Forestry stipulates.

Paragraph 2. No plants and the prohibited articles under Article 7, Paragraph 1,

shall be imported at places other than those ports or air-ports as specified by ordinance of the Ministry of Agriculture and Forestry, except for the case of import through postal channels.

Paragraph 3. In case of import through postal channels, they shall be imported as 5th class ordinary mail matter or parcel post matter.

Paragraph 4. Persons, who have received plants or the prohibited articles under Article 7, Paragraph 1 through postal channels other than those of 5th class ordinary mail matter or parcel mail matter, shall, without delay, report it to the plant quarantine station concerned.

Article 7. (Prohibition of import)

Paragraph 1. The following articles (herein-after referred to as "the prohibited article") shall not be imported; provided, however, that this rule shall not apply in case permission is obtained from the Ministry of Agriculture and Forestry for the purpose of supplying such articles for experiment and research use;

1. Plants shipped from or via the areas as designated by the Ministry of Agriculture and Forestry in accordance with ordinance of the Ministry of Agriculture and Forestry;
2. Harmful animals or plants;
3. Soil or plants with which soil sticks; and
4. Containers or packings for the articles under the preceding items.

Paragraph 2. In case of import the permission under the provision of the preceding paragraph, a statement certifying that the said permission is obtained shall be attached.

Article 8. (Inspection of imported plants)

Paragraph 1. Persons who imported plants or the prohibited articles shall immediately report it to the plant quarantine station concerned and undergo the inspection by the plant protection official concerned as to whether such articles violate the provision of Article 6, Paragraph 1., whether they are the prohibited articles or not, or there are any harmful animals or plants; provided, however, that this rule shall not apply in case the inspection under Paragraph 3 has been undergone and they are imported through 5th class ordinary mail or parcel post.

Paragraph 2. The inspection shall be held at places as designated by the plant protection official concerned at the ports or air-ports specified by ordinance of the Ministry of Agriculture and Forestry.

Paragraph 3. If it is deemed necessary, the plant protection official concerned may inspect the imported plants, containers or packages concerned by entering the boat or airplanes concerned before the customs clearances.

Paragraph 4. The Post-offices handling the customs clearance procedures shall immediately, in case they receive ordinary mail or parcel post which contains or are suspected of containing plants and the prohibited articles, report the fact to the plant quarantine station concerned.

Paragraph 5. In case the notification is made, the plant protection official concerned shall inspect the said ordinary or parcel mail matters. In such case, if it is deemed necessary for the said inspection, the said mail matters may be opened in the presence of the post-official concerned.

Paragraph 6. In case persons have received ordinary or parcel post containing plants which have not undergone the inspection under the preceding paragraph, they shall immediately report such fact to the plant quarantine station concerned with the mail matters concerned attached, and undergo the inspection by the plant protection official concerned.

Paragraph 7. In case it is difficult to determine whether there are any harmful animals or plants in seeds and seedlings specified by ordinance of the Ministry of Agriculture and Forestry, as a result of the inspection under Paragraph 1, 3, 5, or the preceding paragraph, the plant protection officials may order the owner of the plant concerned to perform isolation cultivation in accordance with order of the Ministry of Agriculture and Forestry, and may inspect them at the cultivation area concerned, or may himself perform the isolation cultivation of the seedlings concerned.

Article 9. (Disinfection, destruction, and issuance of certificate)

Paragraph 1. In case it is deemed that there are harmful animals or plants as a result of the inspection under the preceding articles, the plant protection officials concerned may disinfect or destroy the plants, containers and packings concerned, or may order its owner or custodian to disinfect or destroy such articles in the presence of the plant protection officials.

Paragraph 2. The plant protection officials concerned may destroy plants, containers or packing imported in violation of Article 6, Paragraph 1 or 6 of the preceding article, or may order the owner concerned to destroy the said article in the presence of the plant protection officials. The same shall apply to plants related to the violation of the order of the isolation cultivation under Paragraph 7 of the preceding article.

Paragraph 3. In case the prohibited articles are imported in violation of the provision of Article 7, the plant protection officials shall destroy them.

Paragraph 4. In case it is deemed that as a result of the inspection under the preceding article the plants, containers or packings do not violate Article 6, Paragraph 1, nor falls under the list of prohibited articles, or there are no harmful articles, the plant protection officials concerned shall certify the fact that it has passed the inspection.

Paragraph 5. In case a request is made to issue the certificate of inspection under the preceding paragraph, the plant protection officials concerned shall issue the said certificate.

#### Article 10. (Inspection of export plant)

Paragraph 1. Persons desiring to export plants and containers or packings shall not export such articles unless they pass the said inspection.

Paragraph 2. The inspection under the preceding paragraph shall be held at the plant quarantine station concerned, provided, however, that if it is deemed necessary, the plant protection officials may inspect at the site where the plant concerned is located.

Paragraph 3. In the plants requiring the inspection at the cultivation site and other plants specified by ordinance of the Ministry of Agriculture and Forestry have not passed the inspection by the plant protection officials concerned at the cultivation site in advance, the inspection specified in preceding paragraph shall not be done.

Paragraph 4. If it is deemed necessary for complying with request by an import country, the plant protection officials concerned may hold re-inspection of the articles which have already undergone the inspection under Paragraph 1.

#### Article 11. (Procedures)

Ordinance of the Ministry of Agriculture and Forestry shall determine mat-

ters concerning method of inspection, procedures fees, disposition standards following the inspection of the plant quarantine stations, and other necessary matters.

### Chapter III. Quarantine of Domestic Plant

#### Article 12. (Domestic quarantine)

The Minister of Agriculture and Forestry shall carry out quarantine in order to prevent the spread of newly or already introduced harmful animals or plants and to secure good seedlings.

#### Article 13. (Inspection of Designated seedling)

Paragraph 1. Persons who produce (herein-after referred to as "the seedling producers") plants they are furnished for propagation use and designated by the Ministry of Agriculture and Forestry (herein-after referred to as "the designated seedlings") shall undergo the inspection of the designated seedlings produced every year by the plant protection officials concerned at the cultivation site during the cultivation there-of.

Paragraph 2. If it is deemed that it is impossible for the plant protection officials concerned to attain the objective of preventing the spread of or exterminating harmful animals or plants with the inspection only under the preceding paragraph, he may inspect the designated seedlings before the cultivation or after picking them out.

Paragraph 3. If it is deemed that there are no harmful animals or plants designated by the Minister of Agriculture and Forestry in the designated seedlings concerned as a result of the inspection under Paragraph 1 or the preceding paragraph, the plant protection officials concerned shall issue pass certificates to the seedling producers concerned.

Paragraph 4. No designated seedling shall be transferred, sold, purchased, nor taken out the competent district of the Special City of Seoul, Pusan City and provinces having the designated seedlings unless the pass certificates under the preceding paragraph or copies or extracts there-of, are attached to the designated seedlings concerned.

Paragraph 5. If it is deemed that there are harmful animals or plants as a result of the inspection under the provision of Paragraph 1 or 2, the plant

protection officials concerned shall stop the inspection and take necessary measures for exterminating or preventing the spread thereof toward the seedling producers concerned.

Paragraph 6. After the seedling producers concerned have taken the necessary measures for extermination or prevention, they shall apply to the plant protection officials concerned for re-inspection and undergo the said re-inspection.

#### Article 14. (Destruction)

The plant protection officials concerned may order persons, who possess the designated seedlings that are transferred, sold, purchased or taken out in violation of the provision of Paragraph 4 of the preceding article, to destroy the said seedlings or destroy them by himself.

#### Article 15. (Provisions applied mutatis mutandis)

The provision of Article 11 shall apply Mutatis mutandis to the quarantine of the domestic plants.

#### Article 16. (Exclusion of application)

The provision of Article 4 shall not apply to the designated seedlings produced and inspected by the state, Special City of Seoul, Pusan City and Provinces concerned.

### Chapter IV. Prevention and Extermination

#### Article 17. (Prevention and Extermination)

Paragraph 1. In case there is fear of bringing about grave influence upon useful plants and fear of obstructing export of useful plants because of the spread of harmful plants and animals which have newly or already infested areas of the Republic of Korea, and if it is deemed necessary for the extermination or prevention of the spread thereof, the Minister of Agriculture and Forestry shall carry out the prevention and extermination in accordance with this chapter; provided, however, that this rule shall not apply in case prevention and extermination are carried out against harmful insects in the forest in accordance with other Laws.

Paragraph 2. In case the Minister of Agriculture and Forestry carries out pre-



vention and extermination in accordance with the preceding paragraph, he shall publicly announce the following items two weeks in advance.

1. Areas and date of prevention and extermination to be carried out.
2. Kind of harmful animals or plants ;
3. Contents of prevention and extermination ; and
4. Other necessary matters.

Article 18. (Contents of prevention and extermination)

Paragraph 1. If it is deemed necessary for carrying out the prevention and extermination under Paragraph 1 of the preceding article, the Minister of Agriculture and Forestry may order the following items ;

1. Order of restricting or prohibiting the cultivation of the plants concerned toward persons who cultivate the plants which are infested with harmful animals or plants or are suspected of being infested ;
2. Order of restricting or prohibiting the transfer or moving of plants, containers or packings which are infested with harmful animals or plants or are suspected of being infected ;
3. Order of disinfection, removal or destroying of the plants, containers or packings concerned toward persons who own or administer the plants, containers or packings concerned which are infested with harmful animals or plants or are suspected of being infested ; and
4. Order of disinfection toward persons who own or administer farm tools, transportation instruments, articles or warehouses which are infected with harmful animals or plants or are suspected of being infested.

Paragraph 2. In case of Paragraph 1 of the preceding article, if the prevention and extermination are to be carried out urgently and there is no time to spare, the Minister of Agriculture and Forestry may instruct the plant protection officials concerned to take measures under Items 3 of the preceding paragraph, without making the announcement under the provision of Paragraph 2 of the preceding article.

Article 19. (Cooperation order)

Paragraph 1. If it is deemed necessary for carrying out the prevention on and extermination under Article 17, Paragraph 1, the Minister of Agriculture and Forestry may require local governments, farmer's groups (including groups

of agricultural men, forestry men, live-stock men, herein-after the same, and pest contro. operators to cooperate with the affairs of the said prevention and extermination.

Article 20. Compensation for Loss)

Paragraph 1. The state may compensate for loss according to the pertinent circumstances to persons who have suffered loss due to the disposition under Article 18.

Paragraph 2. Persons desiring to receive the compensation in accordance with the preceding paragraph shall apply to the Minister of Agriculture and Forestry.

Paragraph 3. In case the application under the preceding paragraph is filed, the Minister of Agriculture and Forestry shall without delay determine compensation amount and notify the applicant of the amount.

Article 21. Duty of report

In case it is deemed that there is fear of inflicting grave loss upon the useful plants due to the spread of harmful animals or plants which have newly or already infested areas of the Republic of Korea, the mayor of the Special City of Seoul, the mayor of Pusan city and provincial governors concerned shall, without delay, report the fact to the Minister of Agriculture and Forestry.

Article 22. Forecasting for Loss)

With regard to harmful animals or plants whose spread is not local but nation-wide and rapid, and thus inflicting grave damages upon farm crops (herein-after referred to as "the designated harmful animals and plants"), the Minister of Agriculture and Forestry shall make a survey of the propagation, weather conditions, growth of farm crops, etc., and predict occurrence of damages on farm crops by the designated harmful animals and plants, and furnish the information based upon the survey and prediction to the persons concerned.

Article 23. Plan of prevention and extermination)

Paragraph 1. If it is deemed necessary through the materials obtained in accordance with the preceding article or other circumstance, the Minister of Agriculture and Forestry shall determine the outline of a plan for the basic program of the prevention and extermination to be carried out by the local governments,

farmers or their organizations against the designated harmful animals and plants (herein-after referred to as "the prevention and extermination plan"), and instruct it to the mayor of the Special City of Seoul, the mayor of Pusan City, and Provincial governor concerned.

Paragraph 2. In case the instruction under the preceding paragraph is received, the mayor of the Special City of Seoul, the mayor of Pusan City, and Provincial governors shall establish prevention and extermination plan for the Special City of Seoul, Pusan City and provinces concerned respectively, based upon the outline under the preceding paragraph.

Paragraph 3. The prevention and extermination plan under preceding paragraph shall determine areas and date of carrying out the prevention and extermination, kind of the designated harmful animals and plants, contents of the prevention and extermination and other necessary matters.

Paragraph 4. In case the mayor of the Special City of Seoul, the mayor of Pusan City and provincial governors have established or changed the prevention and extermination plan under Paragraph 2, he shall, without delay, report it to the Minister of Agriculture and Forestry.

Paragraph 5. In case the mayor of the Special City of Seoul, the mayor of Pusan City and provincial governor concerned have established or changed prevention and extermination plan, he shall, without delay, announce the matters publicly.

#### Article 23-2. Public prevention and extermination:

Paragraph 1. In case it is deemed that there is fear of inflicting grave loss upon the useful plants due to the spread of the designated harmful animals and plants, the Minister of Agriculture and Forestry shall instruct the public prevention and extermination to the mayor of Special City of Seoul, the mayor of Pusan City or provincial governors concerned within the province under the preceding article.

#### Article 23-3. Payment of Expenses

Paragraph 1. In case the prevention and extermination or public prevention and extermination have carried out in accordance with Article 19 stated cooperation order or preceding articles, the state and local government shall bear the expences there-of. However, when it is deemed that there is benefit due

to the prevention and extermination, the government may require the beneficiary to pay a part of expenses concerned in accordance with the President's decrees.

Paragraph 2. In case the government requires the beneficiary to pay expenses concerned under the provision of preceding paragraph, the beneficiary, when he wants, may pay the expenses by cereals in accordance with President's decrees.

#### Article 24. Chemicals and Instruments)

Paragraph 1. The Minister of Agriculture and Forestry may always keep chemicals and instruments for carrying out the prevention and extermination affairs or may have the National Agricultural Cooperatives Federation to keep chemicals.

Paragraph 2. In case the state has the National Agricultural Cooperatives Federation to keep chemicals in accordance with the preceding paragraph, the state shall give loan of all or a part of the necessary expenses for purchasing of chemicals.

Paragraph 3. The Minister of Agriculture and Forestry may grant the chemicals under the preceding Paragraph 1, lend instruments for prevention and extermination, free of charge, to the local government, farmers or their organization that carry out the prevention and extermination based upon the prevention and extermination plan, and subsidize a part of the expenses for purchase of chemicals and instruments necessary for the prevention and extermination.

### Chapter V. Miscellaneous Rules

#### Article 25. Objections.

Paragraph 1. In case the following persons have objections against the disposition, they may file the said objections with the Minister of Agriculture and Forestry within two weeks from the date of the said dispositions ;

1. Persons who received the order under Article 4, Paragraph 2 ;
2. Persons whose articles have not passed the inspection under Article 10, Paragraph 1 or 3 ;

3. Persons whose articles have not passed the re-inspection under Article 13, Paragraph 6 ;
4. Persons who have received the order under Article 18, and
5. Persons who have received the decision of compensation amount under Article 20, Paragraph 3.

Paragraph 2. In case the Minister of Agriculture and Forestry shall make a decision within two weeks from the date of receiving the application under Paragraph 1, and notify the applicant of the contents of the decision.

Article 26. (Reports)

If it is deemed necessary for the prevention and extermination, the Minister of Agriculture and Forestry may receive necessary reports from local government, farmers or their organizations, except for these stipulated in this Law.

Article 27. Delegation

The Minister of Agriculture and Forestry may delegate a part of his authority mentioned in this Law to the mayor or Special City of Seoul, the mayor of Pusan City, and provincial governors concerned in accordance with President's decree.

## Chapter VI. Penal Provisions

Article 28. (Penalties)

Persons falling under one of the following items shall be punished with penal servitude for two years or less, or fines of 30,000 won or less :

1. Persons who violate the provisions of Article 6, Paragraph 1 or 2, Article 7, Paragraph 1 or Article 13, Paragraph 4 ;
2. Persons who have not undergone the inspection under Article 8, Paragraph 1, or have undergone the inspection through fraudulent means ; and
3. Persons who have violated the order under Article 18, Paragraph 1.

Article 29. Ditto

Persons falling under one of the following items shall be punished with penal servitude for one year or less, or fines, of 20,000 won or less :

1. Persons who have not undergone the inspection under Article 8, Paragraph

6. or have undergone it through fraudulent means ;
2. Persons who violate order Article 8, Paragraph 7 ;
3. Persons who have violated the orders under the provisions of Paragraph 1 through 3 of Article 9, or have refused, obstructed or evaded disposition ;
4. Persons who violate Article 19, Paragraph 1, or have undergone the inspection under the same paragraph of the same article through fraudulent means ; and
5. Persons who have refused, obstructed or evaded the dispositions under Article 18, Paragraph 1.

Article 30. (Ditto)

Persons falling under one of the following items shall be punished with fines of 5,000 won or less ;

1. Persons who have refused, obstructed or evaded the inspection under Article 4, Paragraph 1, or have made false statement, to questions under the same article and paragraph ;
2. Persons who violate orders under Article 4, Paragraph 2 ;
3. Persons who violate Article 6, Paragraph 4 ;
4. Persons who have refused or evaded the re-inspection under Article 10, Paragraph 4 ;
5. Persons who violate the order under Article 14, or have refused, obstructed or evaded the dispositions under the same article.

Article 31. (Ditto)

If case the representative of a juridical person, the agent or employee of a juridical person or individual has committed acts under the preceding three articles concerning the business of the said juridical person or individual, the pertinent fines of the pertinent articles shall be imposed upon the said juridical person or individual, and the person who has actually committed such acts shall be punished with the pertinent penal servitude and fines of the pertinent articles.

## Addendum

1. This Law shall be effective on January 20, 1932.
2. Korea Governor General order No. 79, Regulation on Inspection of Plants Imported and Exported, of August 23, 1933, and Korea Governor General order No. 1 Regulation on Extermination and Prevention of Harmful Insects, of January 4, 1913, shall be repealed.
3. The inspection carried out and permissions granted in accordance with the previous law at the time of the enforcement of this law shall be regarded to have been carried out or granted in accordance with this law.