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ENFORCEMENT DECREE OF THE FARMLAND ACT

[Enforcement Date 28. Jul, 2026.] [Presidential Decree No.36533, 28. Jul, 2026., Partial Amendment]

농림축산식품부 (농지과-농지대장)044-201-1742, 1734

법제처 국가법령정보센터

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2026.09.24

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Decree is to prescribe matters mandated by the Farmland Act and matters necessary for the enforcement thereof.

Article 2 (Scope of farmland) (1) "Land for cultivating perennial plants prescribed by Presidential Decree" in the main clause of subparagraph 1a of Article 2 of the Farmland Act (hereafter referred to as the "Act") means land used for cultivating any of the following plants: <Amended on Nov. 26, 2009; Jun. 25, 2019>

1. Pasture grass, seedlings, ginseng, medicinal herbs, turf, and seedlings for afforestation;
2. Fruit trees, mulberry trees, nut-bearing trees, and other plants whose growing period is 2 years or more;
3. Landscaping or ornamental trees and their seedlings (excluding those planted for landscaping purposes).

(2) "Land prescribed by Presidential Decree, such as land developed under the Grassland Act" in the proviso to subparagraph 1a of Article 2 of the Act means any of the following land: <Amended on Dec. 14, 2009; Jun. 1, 2015; Jan. 19, 2016>

1. Land whose land category under the Act on the Establishment and Management of Spatial Data is not a dry field, paddy field, or orchard (excluding land whose land category is forest land) and that has been continuously used for less than 3 years as land for cultivating crops or land for cultivating perennial plants under paragraph (1);
2. Land whose land category under the Act on the Establishment and Management of Spatial Data is forest land and that is used for cultivating crops or perennial plants without obtaining permission for conversion of mountainous district under the Mountainous Districts Management Act (including authorization, permission, approval, etc. deemed to constitute such permission under other Acts);

3. Grassland developed under the Grassland Act.

(3) "Facilities prescribed by Presidential Decree" in subparagraph 1b of Article 2 of the Act means facilities falling under any of the following categories:<Amended on Feb. 29, 2008; Nov. 26, 2009; Jul. 10, 2012; Mar. 23, 2013; Dec. 30, 2013; Dec. 30, 2014; Jul. 2, 2019; Dec. 31, 2024; Jun. 2, 2025>

1. Land improvement facilities on land referred to in subparagraph 1a of Article 2 of the Act:

a. Reservoirs (ponds), irrigation and drainage facilities, waterways, farm roads, and embankments;

b. Other facilities necessary for the conservation or utilization of farmland, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

2. Agricultural and livestock production facilities installed on the land referred to in subparagraph 1a of Article 2 of the Act that are installed on farmland for cultivating crops or land for cultivating perennial plants under any of the subparagraphs of paragraph (1) and fall under any of the following items:

a. Fixed greenhouses, mushroom cultivation houses, plastic film greenhouses, and ancillary facilities thereto prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;

b. Livestock sheds (excluding simple livestock facilities under Article 29(5)3; hereinafter the same shall apply), insect breeding houses, and ancillary facilities thereto prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;

c. Simple composting facilities;

d. Facilities prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs among farm huts, rural stay-type shelters, simple cold storage facilities, and simple liquid fertilizer storage tanks;

e. Vertical farms and plant factories (referring to vertical farms and plant factories under Article 4(1)5 of the Enforcement Decree of the Act on the Promotion and Support of Smart Agriculture; the same shall apply hereafter) installed within areas, districts, or zones prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

Article 3 (Scope of farmers) "Persons prescribed by Presidential Decree" in subparagraph 2 of Article 2 of the Act means any of the following persons: <Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013; Jul. 2, 2019>

1. A person who cultivates crops or perennial plants on farmland of 1,000 square meters or more, or who engages in agriculture for 90 days or more per year;

2. A person who cultivates crops or perennial plants by installing fixed greenhouses, mushroom cultivation houses, plastic film greenhouses, or other facilities necessary for agricultural production prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, of 330 square meters or more on farmland;
3. A person who raises at least 2 head of large livestock, 10 head of medium livestock, 100 head of small livestock, 1,000 head of poultry, or 10 colonies of honeybees, or who is engaged in the livestock industry for at least 120 days a year;
4. A person whose annual sales of agricultural products through agricultural management amount to at least 1.2 million won.

Article 3-2 Deleted. <Dec. 31, 2024>

CHAPTER II OWNERSHIP OF FARMLAND

Article 4 (Agricultural management period for persons eligible to continue owning farmland owned at the time of leaving farming) "Period prescribed by Presidential Decree" in Articles 6(2)5, 7(2), and 23(1)7b of the Act means 8 years. <Amended on Jan. 19, 2016>

Article 5 (Scope of farmland within farmland development project districts) (1) "Farmland of less than 1,500 square meters prescribed by Presidential Decree" in Article 6(2)9 of the Act means farmland falling under any of the following subparagraphs, which is developed and sold by the Korea Rural Community Corporation under Article 24(2) of the Korea Rural Community Corporation and Farmland Management Fund Act: <Amended on Jun. 26, 2009>

1. Farm garden sites of less than 1,500 square meters for promoting exchanges between urban and rural areas;
2. Farmland of less than 1,500 square meters included in a rural tourism and recreation complex.

(2) Where an individual owns farmland under any of the subparagraphs of Article (1), the area shall be calculated as the total area owned by all members of the household.

Article 5-2 (Scope of farmland with unfavorable farming conditions having an average slope of 15 percent or more) (1) "Farmland prescribed by Presidential Decree" in Article 6(2)9-2 of the Act means farmland that satisfies all of the following requirements and that is

surveyed and publicly notified by the head of a Si/Gun (hereafter referred to as "farmland with unfavorable farming conditions"):

1. The farmland shall be located in an Eup/Myeon area of a Si/Gun under Article 2(1)2 of the Local Autonomy Act;
2. Farmland where the size of the consolidated farmland is less than 20,000 square meters;
3. Farmland recognized by the head of a Si/Gun as having unfavorable farming conditions and low productivity in light of the following:

a. The level of improvement of agricultural production infrastructure, such as agricultural water and farm roads;

b. Accessibility and usability of agricultural machinery;

c. Ordinary farming practices.

(2) Where the head of a Si/Gun publicly notifies farmland with unfavorable farming conditions under paragraph (1), he or she shall report the details thereof to the Minister of Agriculture, Food and Rural Affairs through the competent Metropolitan City Mayor or Do Governor. <Amended on Mar. 23, 2013>

(3) Matters necessary for the survey and public notification of farmland with unfavorable farming conditions shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

[This Article Added on Nov. 26, 2009]

Article 6 (Exceptions to persons required to obtain certificate of farmland acquisition eligibility) "Other causes prescribed by Presidential Decree" in Article 8(1)3 of the Act means any of the following cases:

1. Where farmland is acquired by completion of prescription;
2. Where a person having a right of repurchase acquires farmland based on such right under Article 20 of the Act on Special Measures for Readjustment of Requisitioned Property or Article 91 of the Act on Acquisition of and Compensation for Land for Public Works Projects;
3. Where a person having a right of repurchase, etc. acquires farmland based on such right under Articles 2 and 3 of the Act on Special Measures for the Disposal of Land Expropriated or Used under the Special Decree on Measures concerning the Expropriation or Use of Land in Mobilization Areas under Article 5(4) of the Special Measures for National Security Act;

4. Where farmland is acquired according to an implementation plan for a farmland use promotion project under Article 17 of the Act.

Article 7 (Issuance of certificate of qualification for farmland acquisition) (1) A person who intends to be issued a certificate of qualification for farmland acquisition under Article 8(2) of the Act shall submit an application and related documents for the certificate of qualification for farmland acquisition to the head of a Si (referring to the head of a Si that does not have a Gu and, in the case of a Si in an urban and rural complex form, limited to cases where the farmland is located in a Dong area), the head of a Gu (in the case of a Gu in a Si in an urban and rural complex form, limited to cases where the farmland is located in a Dong area), or the head of an Eup or Myeon (hereafter in this Article referred to as the "head of an Si/Gu/Eup/Myeon"). In such cases, the application may be submitted by using an electronic method prescribed by the Minister of Agriculture, Food and Rural Affairs. <Amended on Jan. 19, 2016>

(2) Upon receipt of an application for issuance of a certificate of qualification for farmland acquisition under paragraph (1), the head of an Si/Gu/Eup/Myeon shall verify whether the application satisfies the following requirements and, where it satisfies such requirements, shall issue the certificate of qualification for farmland acquisition to the applicant: <Amended on Feb. 29, 2008; Mar. 23, 2013; Dec. 30, 2013; Aug. 11, 2020; May 9, 2022>

1. It shall satisfy the acquisition requirements under Article 6(1) of the Act, or Article 6(2)2, 3, 7, 9, or 9-2, or Article 6(2)10f;
2. Where an individual who is not a farmer acquires farmland for weekend farming or experiential farming, the sum of the area of farmland owned at the time of application and the area of farmland to be acquired shall not exceed the upper limit on farmland ownership under Article 7(3) of the Act;
3. Where an agricultural management plan or a weekend farming or experiential farming plan is required to be submitted under the main clause of Article 8(2) of the Act, such plan shall include the matters referred to in the subparagraphs of that paragraph, and the contents thereof shall be recognized as feasible in light of the applicant's agricultural management capacity, etc.;
4. The applicant shall not lease the whole of the farmland he or she owns to another person or allow another person to use it without compensation, nor shall the applicant manage the farmland by entrusting the whole of the farm work to another person;

provided, this shall not apply where farmland is acquired under Article 6(2)9 of the Act;

5. Where a person who does not engage in agricultural management at the time of application acquires farmland for use in his or her own agricultural management, the total area of farmland to be used for agricultural management after acquisition of the relevant farmland shall fall under any of the following:

a. In the case of farmland on which there is installed, or is to be installed, a fixed greenhouse, mushroom cultivation facility, plastic film greenhouse, livestock shed, or other facility necessary for agricultural production prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs: not less than 330 square meters;

b. In the case of farmland on which there is installed, or is to be installed, an insect breeding facility: not less than 165 square meters;

c. In the case of farmland other than those referred to in items a and b: not less than 1,000 square meters.

(3) Detailed matters concerning the criteria for verifying qualification for farmland acquisition under paragraph (2)3 and other related matters shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

Article 7-2 (Retention period of application documents for certificate of qualification for farmland acquisition) The retention period of application documents for a certificate of qualification for farmland acquisition other than an agricultural management plan or a weekend farming or experiential farming plan under Article 8-2(2) of the Act shall be 10 years. <Amended on Feb. 6, 2024>

[This Article Added on Aug. 11, 2020]

Article 8 (Entrusted management of farmland) (1) "Other reasons prescribed by Presidential Decree" in Article 9(4) of the Act means any of the following reasons: <Amended on Aug. 11, 2020>

1. Where treatment for not less than 3 months is required due to injury;
2. Where a person is detained in a prison, a detention center, or a protective custody facility;
3. Where a person is pregnant or it has been less than 6 months since childbirth.

(2) Cases of shortage of one's own labor force under Article 9(6) of the Act shall be cases falling under any of the following, where a person is unable to perform all of the farm

work related to the agricultural management of the relevant farmland by his or her own labor force or that of his or her household members in conducting agricultural management according to customary agricultural management practices: <Amended on Jul. 2, 2019>

1. Where not less than 1/3 of the major farm work for each type of cultivated crop falling under any of the following items is performed by his or her own labor force or that of his or her household members:

a. a. Rice: transplanting or sowing, cultivation management, and harvesting;

b. Fruit trees: pruning or thinning of fruit, cultivation management, and harvesting;

c. Crops or perennial plants other than those referred to in items a and b: sowing or raising of seedlings, transplanting, cultivation management, and harvesting.

2. Where a person directly engages in farm work falling under any of the items of subparagraph 1 related to his or her own agricultural management for not less than 30 days in a year.

Article 9 (Good cause for exemption from the obligation to dispose of farmland) (1) "Good cause prescribed by Presidential Decree, such as natural disasters, farmland improvement, or diseases" in Article 10(1)1 and 4 of the Act means any of the following cases: <Amended on Nov. 26, 2009; Jul. 10, 2012; Dec. 30, 2013; Jan. 19, 2016; Jul. 2, 2019; Aug. 11, 2020>

1. Where the owner leases the farmland he or she owns or allows another person to use it without compensation under Article 23(1) of the Act;

2. Where a transferee who has succeeded to the status of a lessor under Article 26 of the Act continues to lease the farmland during the remaining lease term;

3. Cases falling under any of the following items:

a. Where the farmland lies fallow because farming becomes impossible due to natural disasters, etc.;

b. Where the farmland lies fallow for farmland improvement or preparation for farming;

c. Where the farmland lies fallow due to conscription or call-up under the Military Service Act;

d. Where the farmland lies fallow due to disease or school attendance;

e. Where the farmland lies fallow due to assumption of public office following an election;

f. Where the farmland lies fallow due to any ground falling under Article 24(1);

g. Where the farmland lies fallow for production adjustment or shipment control of agricultural products;

h. Where the farmland lies fallow for the period necessary to prevent damage before or after the cultivation of crops expected to suffer damage from continuous cropping;

i. Where livestock cannot be raised in the relevant livestock shed because the livestock breeding facility is closed or the raising of livestock is restricted pursuant to Article 19 of the Act on the Prevention of Contagious Animal Diseases;

j. Where the breeding or distribution of insects is restricted or an order for disposal is issued under Article 10(2) of the Insect Industry Promotion and Support Act;

k. Where the owned farmland is designated as a park nature conservation district under Article 18(1)1 of the Natural Parks Act.

(2) "Good cause prescribed by Presidential Decree, such as leasing farmland under Article 23(1)1 or entrusting the Korea Rural Community Corporation with leasing under Article 23(1)6" in Article 10(1)4-2 and 4-3 of the Act means any of the cases referred to in the subparagraphs of paragraph (1). <Added on May 9, 2022>

(3) "Good cause prescribed by Presidential Decree, such as natural disasters, farmland improvement, or disease" in Article 10(1)7 of the Act means any of the following cases: <Amended on May 9, 2022>

1. Any of the cases falling under the subparagraphs of paragraph (1);
2. Where the farmland is under entrusted management under Article 9 of the Act.

Article 10 (Disposition order and request for purchase of farmland) A person who intends to request the purchase of farmland pursuant to Article 11(2) of the Act shall submit to the Korea Rural Community Corporation established under the Korea Rural Community Corporation and Farmland Management Fund Act (hereafter in this Article referred to as the "Korea Rural Community Corporation") a written request for purchase of farmland stating the following matters, together with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs: <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

1. The name of the farmland owner (in the case of a corporation, its name and the name of its representative) and address;
2. Description and the current status of use of the farmland;

3. Where any right other than ownership is established on the relevant farmland, the type and details thereof and the name and address of the right holder (in the case of a corporation, the name of the corporation and the name of its representative);
4. Matters regarding agricultural facilities, etc. installed on the farmland.

[Title Amended on Jul. 10, 2012]

Article 11 (Other financial institutions eligible to acquire collateral farmland) "Other financial institutions prescribed by Presidential Decree" in Article 13(1)3 of the Act means the following financial institutions: <Amended on Jan. 25, 2012; Jul. 10, 2012>

1. Mutual savings banks under the Mutual Savings Banks Act;
2. Credit cooperatives under the Credit Cooperatives Act;
3. Community credit cooperatives and the National Federation thereof under the Community Credit Cooperatives Act;
4. The Korea Agro-Fisheries and Food Trade Corporation under the Korea Agro-Fisheries and Food Trade Corporation Act.

[Title Amended on Jul. 10, 2012]

Article 12 (Entrustment of disposition of farmland) (1) If a mortgagee of farmland under Article 13(1)1 or 3 of the Act who has acquired collateral farmland under that paragraph intends to entrust the disposition of the farmland under Article 13(2) of the Act, he or she shall submit to the Korea Rural Community Corporation a written entrustment for disposition of farmland together with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

(2) Where the Korea Rural Community Corporation is entrusted with the disposition of farmland under paragraph (1), it shall dispose of the relevant farmland by public auction. <Amended on Jun. 26, 2009>

(3) When the Korea Rural Community Corporation intends to dispose of farmland under paragraph (2), it shall consult with the person who entrusted the disposition of the farmland on the conditions for disposition, including the initial expected public auction price based on the value appraised by an appraisal corporation, etc. under the Act on Appraisal and Certified Appraisers, and the minimum public auction price for several rounds of auction. <Amended on Jun. 26, 2009; Aug. 31, 2016; Jan. 21, 2022>

(4) Expenses and fees necessary for the disposition of farmland under paragraph (2) shall be borne by the person who entrusted the disposition, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

CHAPTER III UTILIZATION OF FARMLAND

SECTION 1 Improvement of Farmland Use

Article 13 Deleted. <Dec. 31, 2024>

Article 14 Deleted. <Dec. 31, 2024>

Article 15 Deleted. <Dec. 31, 2024>

Article 16 (Implementors of farmland use promotion projects) "Persons prescribed by Presidential Decree" in the provisions, with the exception of the subparagraphs, of Article 15 of the Act means the following persons: <Amended on Jun. 2, 2025>

1. Cooperatives under the Agricultural Cooperatives Act;
2. Tobacco producers cooperatives under the Tobacco Producers Cooperatives Act;
2-2. Agricultural corporations;
3. An organization formed for the purpose of the joint use or collective use of farmland, whose bylaws prescribe matters concerning the joint use or collective use of farmland and which has not fewer than 5 members who are farmers or agricultural corporations.

Article 17 (Commissioning of registration) Where a project implementer under Article 15 of the Act intends to commission registration under Article 18(2) of the Act, he or she shall attach written consent and other documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

Article 18 (Scope of idle farmland) "Farmland prescribed by Presidential Decree" in Article 20(1) of the Act means farmland that does not fall under any of the following: <Amended on Feb. 29, 2008; Mar. 23, 2013; Apr. 30, 2018; Jul. 2, 2019>

1. Farmland left fallow for the period necessary for the enhancement of soil fertility or for the improvement or conservation of soil;

2. Farmland left fallow for the period necessary for the enhancement or restoration of soil fertility before or after the cultivation of crops expected to suffer damage due to continuous cropping;
3. Farmland for which permission for farmland diversion has been obtained under Article 34(1) of the Act or for which consultation on farmland diversion (including consultation where permission for farmland diversion is deemed to have been obtained under other statutes) has been conducted under Article 34(2) of the Act;
4. Farmland for which a report on farmland diversion has been filed under Article 35 or 43 of the Act;
5. Farmland for which permission for temporary use of farmland for other purposes has been obtained or consultation thereon has been conducted under Article 36 of the Act;
6. Farmland for which a report on temporary use of farmland for other purposes has been filed or consultation thereon has been conducted under Article 36-2 of the Act;
7. Other farmland equivalent to those referred to in subparagraphs 1 through 6 as determined by the Minister of Agriculture, Food and Rural Affairs.

Article 19 (Requirements for designation of proxy cultivators) (1) Where the head of a Si (referring to the head of a Si that does not have a Gu; hereafter in this Article the same shall apply), the head of a Gun, or the head of a Gu intends to designate a proxy cultivator ex officio under Article 20(1) of the Act, he or she shall designate such proxy cultivator from among farmers or agricultural corporations intending to engage in proxy cultivation who do not fall under any of the following: <Amended on Dec. 30, 2013; May 9, 2022; Feb. 6, 2024>

1. A person who has been notified of the obligation to dispose of farmland under Article 10(2) of the Act but has not disposed of the relevant farmland (excluding a person whose obligation to dispose has ceased under Article 12(3) of the Act);
2. A person who has received a disposition order under Article 11(1) or 12(2) of the Act but has not disposed of the relevant farmland subject to the order;
3. A person for whom 1 year has not elapsed from the date on which the execution of a sentence of imprisonment without labor under Articles 57 through 60 of the Act was completed or exempted;
4. A person who is in the period of stay of execution after being sentenced to a stay of execution of imprisonment under Articles 57 through 60 of the Act;

5. A person who is in the period of stay of sentencing after receiving a stay of sentencing of imprisonment under Articles 57 through 60 of the Act;
6. A person for whom 1 year has not passed since being sentenced to a fine under Articles 57 through 61 of the Act.

(2) Where it is impracticable to designate a proxy cultivator under paragraph (1), the head of a Si/Gun/Gu may designate as a proxy cultivator a producers' organization under Article 3(4) of the Framework Act on Agriculture, Rural Community and Food Industry (hereafter in this Article referred to as an "agricultural producers' organization"), a school under the Elementary and Secondary Education Act or the Higher Education Act, or any other person intending to cultivate the relevant farmland. <Amended on Jun. 20, 2008; Dec. 30, 2013; Dec. 22, 2015>

Article 20 (Objection to advance notice of designation of proxy cultivator) (1) An owner or a lessee of farmland who has an objection to the notice of designation of a proxy cultivator under Article 20(2) of the Act may file an objection with the head of a Si (referring to the head of a Si that does not have a Gu; hereafter in this Article the same shall apply), or the head of a Gun/Gu within 10 days from the date of receipt of the notice.

(2) The head of a Si/Gun/Gu shall examine an objection filed under paragraph (1) and notify the applicant of the results within 7 days from the date of receipt of such objection.

Article 21 (Grounds for revocation of designation of proxy cultivator) "Other grounds prescribed by Presidential Decree exist" in Article 20(6)3 of the Act means any of the following cases:

1. Where a person designated as a proxy cultivator fails to pay or deposit land use fees under Article 20(4) of the Act;
2. Where a person designated as a proxy cultivator applies for revocation of the designation of proxy cultivator.

Article 22 (Implementation of projects for improvement and conservation of soil) (1) Projects for the improvement and conservation of soil under Article 21(1) of the Act shall be as follows: <Amended on Feb. 29, 2008; Mar. 23, 2013>

1. Soil dressing, deep plowing, and conservation of sloping soil;
2. Use of compost or soil conditioners determined by the Minister of Agriculture, Food and Rural Affairs;

3. Rational use of chemical fertilizers;
4. Soil improvement of farmland contaminated with heavy metals, etc.;
5. Environmentally friendly agricultural management using organic farming methods, etc., and other soil improvement and conservation prescribed by the Minister of Agriculture, Food and Rural Affairs.

(2) Where the head of a Si/Gun/Gu determines that it is necessary to implement a project for the improvement and conservation of soil, he or she may designate an area meeting the following criteria as an area for implementation of a soil improvement and conservation project: <Amended on Feb. 29, 2008; Mar. 23, 2013>

1. Implementation of a soil improvement and conservation project for the relevant area shall be technically feasible and economically viable;
2. Farmland with poor physicochemical soil properties shall be concentrated in an area not less than the scale determined by the Minister of Agriculture, Food and Rural Affairs;
3. Soil of farmland shall be recognized as requiring improvement due to contamination with heavy metals, etc.;
4. It shall be recognized that fostering environmentally friendly agricultural management, such as organic farming methods, is necessary.

(3) Where the head of a Si/Gun/Gu designates an area for implementation of a soil improvement and conservation project under paragraph (2), he or she shall formulate and implement a soil improvement and conservation project implementation plan suitable for the relevant area.

Article 23 (Grounds for subdivision of farmland) "Grounds prescribed by Presidential Decree" under Article 22(2)4 of the Act means any of the following cases: <Amended on Dec. 15, 2009>

1. Where farmland is improved;
2. Where farmland is consolidated with or subdivided from adjacent farmland;
3. Where unreasonable boundaries with adjacent land that hinder the efficient use of farmland are rectified;
4. Where an agricultural production infrastructure improvement project under the Rural Community Improvement Act is implemented;
5. Where exchange, consolidation, or subdivision of farmland under Article 43 of the Rural Community Improvement Act is implemented;

6. Where a farmland use promotion project under Article 15 of the Act is implemented.

SECTION 2 Lease of Farmland

Article 24 (Lease or loan for use of farmland) (1) "Other unavoidable grounds prescribed by Presidential Decree" in Article 23(1)3 of the Act means any of the following cases: <Amended on Jan. 19, 2016; Aug. 11, 2020>

1. Where treatment for not less than 3 months is required due to injury;
2. Where a person is detained in a prison, a detention center, or a protective custody facility;
3. Where a person travels abroad for three months or more;
4. Where an agricultural corporation is in liquidation;
5. Where a person is pregnant or within 6 months after childbirth.

(2) "Farmland owned by persons prescribed by Presidential Decree" in Article 23(1)4 of the Act means farmland owned by a person falling under any of the following subparagraphs and located in the Si (including a Special Metropolitan City, Integrated Special Metropolitan City, and Metropolitan City; hereafter in this paragraph the same shall apply) or Gun in which that person resides or in any Si or Gun adjacent thereto: <Amended on Jan. 19, 2016; Aug. 11, 2020; Jul. 28, 2026>

1. A person who no longer engages in agricultural management;
2. A farmer.

(3) "Projects prescribed by Presidential Decree for the purposes of farmland consolidation, stabilization of supply and demand of agricultural products, etc." in Article 23(1)9 of the Act means projects determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs that establish and support complexes for production, processing, distribution, and export facilities of agricultural products (referring to agricultural products under Article 3(6)a of the Framework Act on Agriculture, Rural Community and Food Industry). <Added on Aug. 11, 2020>

Article 24-2 (Lease period of farmland) (1) "Farmland prescribed by Presidential Decree, such as land for cultivation of perennial plants" in the proviso of Article 24-2(1) of the Act means farmland falling under any of the following: <Added on Aug. 11, 2020>

1. Farmland used by a lessee of farmland as land for cultivation of perennial plants falling under any of the subparagraphs of Article 2(1);
2. Farmland on which a lessee of agricultural land has installed a fixed greenhouse or a plastic film house as a facility for cultivating crops.

(2) "Unavoidable grounds such as disease or conscription prescribed by Presidential Decree" under Article 24-2(3) of the Act means any of the following cases: <Amended on Aug. 11, 2020>

1. Where there is disease, conscription, or school attendance;
2. Where a person assumes public office through election;
3. Where medical treatment for 3 months or longer is required due to an injury;
4. Where a person is detained in a prison, a detention center, or a protective custody facility;
5. Where an agricultural corporation is in liquidation;
6. Where permission for farmland conversion (including authorization, permission, approval, etc. deemed to constitute permission for farmland conversion under other statutes) has been obtained or a report of farmland conversion has been filed but the project for which the farmland is converted has not been commenced.

[This Article Added on Jul. 10, 2012]

[Title Amended on Aug. 11, 2020]

Article 24-3 (Operation of Farmland Lease Mediation Committee) (1) Where the Farmland Lease Mediation Committee under Article 24-3(2) of the Act (hereafter in this Article referred to as the "Farmland Lease Mediation Committee") conducts mediation concerning a lease agreement, it shall hear the opinions of the applicant, other parties to the lease agreement, and interested persons.

(2) If the Farmland Lease Mediation Committee has heard opinions under paragraph (1), it shall prepare a mediation proposal, present it to the parties to the lease agreement, and recommend acceptance thereof by specifying a period of not less than 2 days.

(3) If the parties to the lease agreement accept the mediation proposal presented by the Farmland Lease Mediation Committee, the Farmland Lease Mediation Committee shall prepare a written mediation agreement.

(4) The chairperson and all members of the Farmland Lease Mediation Committee and the parties to the lease agreement shall sign or affix their seals to the written mediation

agreement prepared under paragraph (3).

(5) If the Farmland Lease Mediation Committee determines that there is no further possibility of mediation concerning the lease agreement because a party to the lease agreement refuses to accept the proposal, it shall decide to terminate the mediation concerning the lease agreement and notify the parties to the lease agreement thereof.

(6) The Farmland Lease Mediation Committee shall terminate mediation concerning a lease agreement within 10 days from the date on which an application for mediation concerning the lease agreement is filed under Article 24-3(1) of the Act; provided, if there are unavoidable grounds such as the need to verify facts, the period may be extended within the limit of 10 days.

(7) Allowances and travel expenses may be paid to the members of the Farmland Lease Mediation Committee within the budget; provided, this shall not apply where a member who is a public official attends the Farmland Lease Mediation Committee in direct relation to his or her official duties.

[This Article Added on Jul. 10, 2012]

CHAPTER IV CONSERVATION OF FARMLAND

SECTION 1 Designation and Management of Agricultural Promotion Areas

Article 25 (Preparation of draft plans for designation of agricultural promotion areas) (1) Where a Special Metropolitan City Mayor, Integrated Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") intends to designate an agricultural promotion area under Article 30 of the Act, he or she shall have the head of a Si/Gun/autonomous Gu conduct a survey of farmland under his or her jurisdiction in advance and prepare a plan for the designation of an agricultural promotion area and a map of the plan for the designation of an agricultural promotion area supporting such plan. <Amended on Dec. 31, 2024; Jul. 28, 2026>

(2) Deleted. <Jul. 10, 2012>

(3) The head of a Si/Gun/autonomous Gu shall submit to the Mayor/Do Governor the draft plan for designation of an agricultural promotion area and the map supporting such draft plan prepared under Article 28-2, together with documents prescribed by Decree of the

Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Jul. 10, 2012; Mar. 23, 2013>

(4) The Mayor/Do Governor who has received the draft plan for designation of an agricultural promotion area under paragraph (3) shall designate the agricultural promotion area based on such draft plan in accordance with the procedures under Article 30 of the Act.

Article 26 (Request for approval for designation of agricultural promotion areas) If the Mayor/Do Governor intends to request approval from the Minister of Agriculture, Food and Rural Affairs for designation of an agricultural promotion area under Article 30(1) of the Act, he or she shall submit the following documents: <Amended on Feb. 29, 2008; Mar. 23, 2013; Jun. 25, 2019>

1. A plan for designation of an agricultural promotion area;
2. A land protocol indicating the lot number, land category, and area of land by special-purpose zone within the agricultural promotion area;
3. A map showing the specific-purpose zones of the agricultural promotion area on a topographic map indicating cadastral information (including electronic maps; hereinafter the same shall apply);
4. Other documents stating matters determined by the Minister of Agriculture, Food and Rural Affairs that may serve as reference for approval of designation of an agricultural promotion area.

Article 27 (Public notice of agricultural promotion areas) (1) Matters to be included in a public notice of designation or change of an agricultural promotion area or special-purpose zone under Article 30 of the Act (including cases where it applies mutatis mutandis under Article 31(2) of the Act) shall be as follows:

1. The date of designation or change;
2. The area of the agricultural promotion area or special-purpose zone by Metropolitan City/Do and by Si/Gun/autonomous Gu;
3. A map showing the agricultural promotion area or special-purpose zone on a topographic map indicating cadastral information.

(2) When a Mayor/Do Governor has given public notice of the designation or change of an agricultural promotion area or special-purpose zone, he or she shall notify the Minister of

Agriculture, Food and Rural Affairs of the results without delay and notify the President of the Korea Rural Community Corporation and the head of a Si/Gun/autonomous Gu having jurisdiction over the relevant area thereof. <Amended on Feb. 29, 2008; Mar. 23, 2013; Jun. 2, 2025>

(3) When a notification under paragraph (2) is made, the head of a Si/Gun/autonomous Gu shall make the contents of the public notice available for public inspection along with the land protocol for each special-purpose zone by Eup/Myeon/Dong.

Article 28 (Change or revocation of agricultural promotion areas) (1) Cases where a Mayor/Do Governor may change or revoke an agricultural promotion area or a special-purpose zone under the main clause of Article 31(1) of the Act shall be as follows: <Amended on Nov. 29, 2016; Jun. 25, 2019; Oct. 14, 2021; May 9, 2022>

1. Where an agricultural promotion area is revoked in any of the following cases:

a. Where a use district under Article 6 of the National Land Planning and Utilization Act is changed (limited to cases involving farmland diversion);

b. Where a prior consultation on farmland diversion is conducted in a case falling under Article 34(2)1 of the Act;

c. Where the agricultural promotion area no longer satisfies the requirements for designation due to changes in the conditions of the relevant area; in such cases, this shall be limited to cases where the area of land within the agricultural promotion area is 30,000 square meters or less;

2. Where an area outside an agricultural promotion area is incorporated into an agricultural promotion area due to changes in the conditions of the relevant area;

3. Where a special-purpose zone is changed in any of the following cases:

a. Where all or part of an agricultural protection zone is changed into an agricultural promotion zone due to changes in the conditions of the relevant area;

b. Where land not exceeding 30,000 square meters within an agricultural promotion zone is changed into an agricultural protection zone due to changes in the conditions of the relevant area;

c. Where land within an agricultural promotion zone falling under any of the following is changed into an agricultural protection zone:

1) An area within a radius of 500 meters upstream from the planned flood water level of a reservoir where an agricultural production infrastructure improvement project under the

Agricultural and Fishing Villages Improvement Act has not been implemented;

2) A reservoir site.

(2) If the Minister of Agriculture, Food and Rural Affairs recognizes a special need to revoke an agricultural promotion area or change an agricultural promotion zone into an agricultural protection zone due to changes in the conditions of the relevant area and publicly notifies the period for revocation or change of the agricultural promotion area, a Mayor/Do Governor may revoke the agricultural promotion area or change the agricultural promotion zone into an agricultural protection zone without applying the area limitation, notwithstanding the latter part of paragraph (1)1c or paragraph (1)3. <Added on Jan. 19, 2016>

(3) Cases where an agricultural promotion area or a special-purpose zone may be changed without deliberation by the Si/Do Agricultural, Rural Community and Food Industry Policy Committee under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry or without approval of the Minister of Agriculture, Food and Rural Affairs, under the proviso of Article 31(2) of the Act, shall be as follows:<Amended on Feb. 29, 2008; Jun. 5, 2008; Jun. 20, 2008; Nov. 26, 2009; Mar. 23, 2013; Dec. 22, 2015; Oct. 24, 2023>

1. Cases that may be handled without deliberation by a Si/Do Agriculture, Rural Community and Food Industry Policy Committee: Where an agricultural protection zone is changed to an agricultural promotion zone under paragraph (1)3, or where land of not more than 30,000 square meters within an agricultural promotion zone is changed to an agricultural protection zone;
2. Cases where approval of the Minister of Agriculture, Food and Rural Affairs is not required:

a. Where an agricultural promotion area not exceeding 10,000 square meters is revoked under paragraph (1)1; provided, where an agricultural promotion area is revoked under paragraph (1)1a within any area, district, zone, complex, or special district, etc. under Appendix 3 designated or determined after consultation with the Minister of Agriculture, Food and Rural Affairs, or where an agricultural promotion area is revoked under paragraph (1)1b in an area for which prior consultation on farmland diversion has been conducted with the Minister of Agriculture, Food and Rural Affairs, no area limitation shall apply.

b. Where an agricultural protection zone is changed into an agricultural promotion zone or land not exceeding 10,000 square meters within an agricultural promotion zone is changed into an agricultural protection zone under paragraph (1)3.

(4) If a Mayor/Do Governor changes an agricultural promotion area or a special-purpose zone without approval of the Minister of Agriculture, Food and Rural Affairs under paragraph (3), he or she shall report the result to the Minister of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(5) Except as provided in paragraphs (1) through (4), detailed criteria and procedures necessary for the designation, change, or revocation of agricultural promotion areas shall be determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs. <Amended on Jun. 25, 2019>

Article 28-2 (Hearing of opinions of residents) (1) If a Mayor/Do Governor intends to designate, change, or revoke an agricultural promotion area, he or she shall require the head of a Si/Gun/autonomous Gu to hear in advance the opinions of the owners of the relevant land and the residents of the relevant area in accordance with the methods and procedures set forth in the following subparagraphs, under the main clause, with the exception of the subparagraphs, of Article 31-2 of the Act: <Amended on Nov. 24, 2020>

1. Hearing of opinions of the owners of the relevant land

a. The head of a Si/Gun/autonomous Gu shall individually notify the owners of the relevant land in writing of the main contents of the draft plan for designation, change, or revocation of an agricultural promotion area;

b. An owner of the relevant land who has an opinion on the matters individually notified under item a shall submit a written opinion to the head of a Si/Gun/autonomous Gu within 14 days from the date of receipt of the written notification;

c. The head of a Si/Gun/autonomous Gu shall examine the opinions submitted under item b and notify the owner of the land who submitted such opinion of the result in writing within 60 days from the date of receipt thereof.

2. Hearing of opinions of residents of the relevant area

a. The head of a Si/Gun/autonomous Gu shall publish the main contents of the draft plan for designation, change, or revocation of an agricultural promotion area in 2 or more general daily newspapers whose principal distribution area is the relevant Si/Gun or autonomous Gu and on the website of the relevant Si/Gun or autonomous Gu,

respectively, and shall make the draft plan available for public inspection for not less than 14 days;

b. Any person who has an opinion on the draft plan for designation, change, or revocation of an agricultural promotion area publicly announced under item a shall submit a written opinion to the head of a Si/Gun/autonomous Gu within the inspection period;

c. The head of a Si/Gun/autonomous Gu shall examine whether to reflect the opinions submitted under item b in the draft plan for designation, change, or revocation of the agricultural promotion area and notify the person who submitted the opinion of the results in writing within 60 days from the date on which the inspection period expires.

(2) When the head of a Si/Gun/autonomous Gu finds that an opinion submitted by the owner of the relevant land or a resident under paragraph (1) is reasonable, he or she shall reflect it in the draft plan for designation, change, or revocation of the agricultural promotion area.

[This Article Added on Jul. 10, 2012]

Article 28-3 (Scope and method of fact-finding surveys) (1) The surveys under the subparagraphs of Article 31-3(1) of the Act (hereinafter referred to as the "fact-finding survey") shall include the following matters: <Amended on May 9, 2022>

1. The survey under Article 31-3(1)1 of the Act: Matters regarding the status of idle farmland by region and type;
2. The survey under Article 31-3(1)2 of the Act: The following matters:

a. Matters regarding the status of agricultural promotion areas, such as land categories and whether agricultural production infrastructure has been improved;

b. Matters concerning the status of agricultural promotion areas where grounds for change or revocation of an agricultural promotion area under the main clause of Article 31(1) of the Act have arisen;

c. Matters concerning surveys for preparing criteria for the designation, change, or revocation of agricultural promotion areas;

3. The survey under Article 31-3(1)3 of the Act: Matters regarding the ownership and use status of farmland, etc.;
4. The survey under Article 31-3(1)4 of the Act: Matters prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

(2) To conduct the fact-finding survey, the Minister of Agriculture, Food and Rural Affairs shall establish a fact-finding survey plan, including the survey period, method, and subject.
(3) In principle, the fact-finding survey shall be conducted through a documentary or map-based survey; provided, field surveys may be conducted concurrently in order to verify whether documents or maps correspond with the actual conditions on site. <Amended on May 9, 2022>
(4) Deleted. <May 9, 2022>
[This Article Added on Jun. 25, 2019]
[Title Amended on May 9, 2022]

Article 29 (Acts permitted in agricultural promotion zones) (1) "Acts prescribed by Presidential Decree" in the main clause, with the exception of the subparagraphs, of Article 32(1) of the Act means any of the following acts: <Amended on Feb. 29, 2008; Nov. 26, 2009; Jul. 10, 2012; Mar. 23, 2013; Dec. 30, 2013; Dec. 30, 2014; Aug. 11, 2020; Dec. 31, 2024>

1. Cultivation of crops;
2. Cultivation of perennial plants;
3. Installation of fixed greenhouses, mushroom cultivation houses, plastic film greenhouses, and ancillary facilities thereto prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;
4. Installation of livestock sheds, insect-rearing houses, and ancillary facilities prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;
5. Installation of simple composting facilities;
6. Implementation of farmland improvement projects or agricultural water development projects;
7. Installation of facilities prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs among farm huts, rural-stay shelters, simple cold-storage facilities, and simple liquid-manure storage tanks;
8. Installation of vertical farms or plant factories within areas, districts, or zones prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

(2) "Installation of processing and treatment facilities for agricultural and fishery products (referring to agricultural, forest, livestock, and fishery products; hereinafter the same shall apply) and the installation of testing and research facilities related to the agricultural and fishery industries (referring to the agricultural, forestry, livestock, and fishery industries;

hereinafter the same shall apply) prescribed by Presidential Decree" under Article 32(1)1 of the Act means the installation of the following facilities:<Amended on Nov. 30, 2007; Jun. 5, 2008; Dec. 30, 2013; Dec. 30, 2014; Dec. 22, 2015; Jan. 19, 2016; Nov. 29, 2016; Jun. 25, 2019; May 9, 2022; Jun. 2, 2025>

1. Facilities for processing or treating agricultural and fishery products that satisfy all of the following requirements (referring to facilities corresponding to manufacturing establishments under subparagraph 4p of Appendix 1 of the Enforcement Decree of the Building Act or factories under subparagraph 17 of that Appendix, including facilities for selling products produced in such facilities):

a. Facilities for producing food by processing, drying, cutting, or otherwise treating agricultural and fishery products produced in Korea (referring to agricultural and fishery products under Article 5(1) and (2) of the Enforcement Decree of the Framework Act on Agriculture, Rural Community and Food Industry, excluding timber, processed timber products, and stones and gravel among forest products; hereafter in this Article referred to as "agricultural and fishery products") and processed agricultural and fishery products determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs as the principal raw materials;

b. The site area within the agricultural promotion zone shall be less than 30,000 square meters (in cases of facilities including sales facilities, limited to facilities where the area of the sales facilities is less than 20/100 of the total facility area);

2. Facilities where a grain processor under Article 2(5) of the Grain Management Act processes or treats government-managed grain under Article 2(2) of that Act under a contract with the Minister of Agriculture, Food and Rural Affairs or the head of a local government, with a site area of less than 15,000 square meters;

3. Testing and research facilities related to the agricultural and fishery industries: Testing and research facilities regarding the agricultural and fishery industries for breeding research, with a total site area of less than 3,000 square meters.

(3) "Convenience facilities and utilization facilities necessary for the communal life of agriculturalists prescribed by Presidential Decree" under Article 32(1)2 of the Act means the following facilities:<Amended on Jun. 5, 2008; Dec. 8, 2011; Jul. 10, 2012; Dec. 30, 2014; Nov. 29, 2016; Jun. 2, 2025>

1. Warehouses, workshops, agricultural machinery repair facilities, and composting facilities jointly operated and used by farmers;
2. Senior citizens' centers, daycare centers, kindergartens, pavilions, health subcenters, health clinics, aircraft landing facilities used for emergency medical purposes under Article 2(6) of the Emergency Medical Service Act, and emergency evacuation facilities under Article 15(1)1 of the Framework Act on Civil Defense;
3. Public bathhouses, restrooms, retail outlets, sports facilities, village communal parking lots, and village communal water intake facilities jointly operated and used by farmers;
4. Public bathhouses, restrooms, sports facilities, retail outlets, agricultural machinery storage facilities, farmers' welfare centers, and shelters for heat waves or cold waves installed by the State, a local government, or an agricultural producers' organization for use by farmers.

(4) "Farmers' houses and fishermen's houses prescribed by Presidential Decree" in Article 32(1)3 of the Act means buildings and facilities satisfying all of the following requirements; provided, in applying the site area under subparagraph 2, where farmland is diverted for installation of farmers' houses or fishermen's houses (hereafter in this paragraph referred to as "farmers' and fishermen's houses"), the site area of the relevant houses shall be deemed to include the farmland area diverted as sites for installation of farmers' and fishermen's houses by the relevant household head during the five years prior to the date of application for permission for diversion or consultation for diversion, excluding farmland diverted or to be diverted for installation of houses demolished due to public works. <Amended on Sep. 20, 2010; Jul. 10, 2012; Nov. 29, 2016; Jun. 25, 2019; Jul. 2, 2024>

1. The house shall be installed by the head of a household engaged in agriculture, forestry, livestock farming, or fisheries, consisting of 1 or more farmers or fishermen (referring to fishers under Article 3(3) of the Framework Act on Agriculture and Fisheries, and Rural Community Development), and falling under any of the following:

a. A household whose income from agriculture, forestry, livestock farming, or fisheries exceeds 1/2 of the household's total annual income;

b. A household that carries out agriculture, forestry, livestock farming, or fisheries using not less than 1/2 of the labor of its household members.

2. A building structured so that members of a household falling under any item of subparagraph 1 may maintain long-term independent residential living (excluding villas

or luxury houses under Article 28 of the Enforcement Decree of the Local Tax Act), together with facilities necessary for agriculture, forestry, livestock farming, or fisheries, such as warehouses or livestock sheds attached to the building, whose total site area does not exceed 660 square meters per household; provided, the site area may be up to 1,000 square meters where the house is intended to accommodate persons employed for agricultural, forestry, livestock, or fishery operations, including the following:

a. Domestic workers;

b. Foreign workers granted a status of stay permitting employment activities under Article 18(1) of the Immigration Act.

3. The house shall be installed in a Si (referring to a Si without Gu and, in the case of an urban-rural integrated city, limited to Dong areas), Gu (limited to Dong areas in urban-rural integrated cities), Eup, or Myeon (hereafter referred to as "Si/Gu/Eup/Myeon") where farmland, forests, livestock sheds, fishing grounds, etc. forming the basis of the household's agricultural, forestry, livestock, or fisheries management are located, or in adjacent Si/Gu/Eup/Myeon areas.

(5) "Agricultural facilities, livestock facilities, or fishery facilities prescribed by Presidential Decree" in Article 32(1)3 of the Act means the following facilities; provided, the facilities under subparagraphs 1 and 4 shall be limited to cases where they are installed in the Si/Gu/Eup/Myeon where farmland or livestock sheds forming the basis of the person's agricultural or livestock management are located or in adjacent Si/Gu/Eup/Myeon areas. <Amended on Feb. 29, 2008; Jul. 10, 2012; Mar. 23, 2013; Dec. 30, 2013; Nov. 29, 2016; Jun. 25, 2019>

1. Facilities installed by farmers or agricultural corporations for drying or storing agricultural products produced by themselves;

2. Artificial breeding facilities for wild animals, except the following:

a. Wild animals whose capture, collection, or killing is prohibited under the main clause, with the exception of the subparagraphs, of Article 14(1) of the Wildlife Protection and Management Act;

b. Wild animals whose capture is prohibited under the main clause, with the exception of the subparagraphs, of Article 19(1) of the Wildlife Protection and Management Act;

c. Ecosystem-disturbing organisms whose import, etc. is prohibited under the main clause, with the exception of the subparagraphs, of Article 24(1) of the Act on the Conservation and Use of Biological Diversity;

3. Simple livestock breeding facilities not subject to building permits or reports under the Building Act;
4. Agricultural or livestock facilities necessary for farmers or agricultural corporations to carry out agriculture or livestock farming or to process agricultural products produced by them, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;
5. Fish farms or aquaculture facilities with a total site area of less than 30,000 square meters, and other fishery facilities prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs;
6. Treatment facilities under Article 2(8) of the Act on the Management and Use of Livestock Excreta;
7. Disinfection facilities for livestock disease prevention installed by a Mayor/Do Governor, the head of a Si/Gun/Gu, or a cooperative under subparagraph 1 of Article 2 of the Agricultural Cooperatives Act.

(6) "Public facilities prescribed by Presidential Decree" in Article 32(1)7 of the Act means the following facilities:<Amended on Nov. 26, 2009; Jul. 10, 2012>

1. Water supply and sewerage facilities (including sewage treatment facilities and water purification facilities), canals, utility tunnels, gas supply facilities, utility poles (including wired or wireless transmission towers), telecommunications lines, electric power lines, substations, small-scale hydropower or wind power generation facilities, oil pipeline facilities, flood-control facilities, detention basin facilities, river appurtenances, and unmanned meteorological observation facilities;
2. Private roads under Article 4 of the Private Road Act.

(7) "Facilities prescribed by Presidential Decree" in Article 32(1)9 of the Act means the following facilities:<Amended on Feb. 29, 2008; Dec. 30, 2013; Dec. 30, 2014; Jan. 19, 2016; Nov. 29, 2016; Apr. 30, 2018; Jun. 25, 2019; May 9, 2022; Dec. 31, 2024; Jun. 2, 2025; Jan. 27, 2026; Jul. 28, 2026>

1. Deleted; <Jul. 10, 2012>
2. Distribution facilities in producing areas used to collect, pre-cool, store, sort, or package agricultural and fishery products produced in Korea (excluding facilities used solely for storing agricultural and fishery products), with a total site area of less than 30,000 square meters;
3. Agricultural machinery repair facilities with a total site area of less than 3,000 square meters;

4. Facilities for manufacturing organic fertilizer or decomposed organic fertilizer using food waste or by-products of agricultural and fishery products, with a total site area of less than 3,000 square meters (or 10,000 square meters where installed by a local government or an agricultural producers' organization);

4-2. Feed manufacturing facilities with a total site area of less than 3,000 square meters (or 30,000 square meters where installed by a local government or an agricultural producers' organization), including facilities for distributing or selling products produced at the relevant facility; provided, the area of such distribution and sales facilities is less than 20/100 of the total facility area;

5. Temporary use of farmland for other purposes under Articles 36 and 36-2 of the Act and facilities necessary therefor;

6. Facilities for selling agricultural and fishery products produced in Korea and processed products thereof produced at facilities under paragraph (2)1 (including sales facilities for manufactured goods and financial offices under subparagraph 3i of Appendix 1 of the Enforcement Decree of the Building Act; provided, where facilities include such sales facilities for manufactured goods and financial offices, the area of those facilities is less than 30/100 of the total facility area), which are installed and operated by an agricultural producers' organization or a producers' organization under subparagraph 5 of Article 3 of the Framework Act on Agriculture and Fisheries, and Rural Community, with a total site area of less than 10,000 square meters;

7. Electric power generation facilities using solar energy under Article 2(2)a of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy (hereafter in this Article referred to as "solar energy power generation facilities"), installed for the purpose of conducting the electric power business under subparagraph 1 of Article 2 of the Electric Utility Act, which fall under any of the following items:

a. Solar energy power generation facilities installed on the roof of a building (limited to buildings for which building permission has been obtained or building notification has been filed under Article 11 or 14 of the Building Act), including ancillary facilities installed on adjacent sites to process electricity generated by the relevant facilities;

b. Solar energy power generation facilities installed on the roofs of buildings or structures owned by the State, a local government, or a public institution under Article 4 of the Act on the Management of Public Institutions;

c. Deleted; <Jan. 19, 2016>

8. Experience facilities in agricultural or fishing villages that fall under any of the following items:

a. Facilities for the agricultural or fishing village experience and recreation business under subparagraph 5 of Article 2 of the Act on the Promotion of Exchange between Urban and Agricultural or Fishing Villages, which satisfy all of the following requirements and have a total site area of less than 20,000 square meters:

1) In the case of operating lodging service facilities, the scale shall not exceed that prescribed in Article 8 of the Act on the Promotion of Exchange between Urban and Agricultural or Fishing Villages;

2) In the case of operating a horse-riding track, the scale shall not exceed that prescribed in Article 9 of the Act on the Promotion of Exchange between Urban and Agricultural or Fishing Villages;

3) Where food is provided or instant food is manufactured, sold, or processed, the facilities shall comply with the business facility standards under Article 10 of the Act on the Promotion of Exchange between Urban and Agricultural or Fishing Villages;

b. Any of the following facilities installed by farmers, fishers, agricultural corporations, or fishery corporations (referring to fishery corporations under subparagraph 5 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities) for persons who intend to experience farmland, forests, livestock sheds, fishing grounds, or agricultural or fishery products processing facilities operated by them, with the total area of the site being less than 1,000 square meters:

1) Educational or promotional facilities, or facilities for selling agricultural or fishery products produced by them and processed products thereof;

2) Facilities falling under subparagraphs 3b and 4h of Appendix 1 of the Enforcement Decree of the Building Act, in which beverages, tea, food, bread, rice cakes, confectionery, or similar products are prepared or manufactured using agricultural or fishery products produced by them as ingredients and sold;

9. Manufacturing facilities for agricultural machinery and materials (referring to machinery and materials necessary for agricultural production, such as farm implements, agricultural machinery, parts for agricultural machinery, pesticides, microbial agents, fertilizers, feed, vinyl, and pipes; hereafter in this paragraph the same shall apply), which do not fall

under any of the following items (limited to cases where they are installed on a site whose land category was changed to a factory site before Jun. 30, 2006):

a. Facilities under the subparagraphs of Article 44(1);

b. Facilities under the subparagraphs of Article 44(2);

9-2. Sales facilities for agricultural machinery and materials that meet all of the following requirements:

a. The facilities shall be installed by a cooperative under subparagraph 1 of Article 2 of the Agricultural Cooperatives Act;

b. The facilities shall be installed within the site of facilities under paragraph (2)1 or (7)2 or 3;

c. The area of the sales facilities for agricultural machinery and materials shall be less than 20/100 of the total facility area under item b;

10. Facilities for fostering agriculture that combines land use activities under paragraph (1)1 through 4 with information and communications technology, which meet all of the following requirements:

a. The facilities shall be installed in an area publicly notified by the Minister of Agriculture, Food and Rural Affairs;

b. The facilities shall be installed in accordance with a business plan formulated by the Mayor/Do Governor in consultation with the Minister of Agriculture, Food and Rural Affairs;

c. The facilities shall not fall under facilities under Article 44(3)1 (excluding facilities under subparagraph 10c or 14 of Appendix 1 to the Enforcement Decree of the Building Act).

11. Worker accommodations that fall under any of the following items:

a. Worker accommodations for facilities for processing or treating agricultural and fishery products under paragraph (2)1 (hereafter in this item referred to as "processing or treatment facilities for agricultural and fishery products"), which meet all of the following requirements:

1) The accommodations shall be installed within the site of the processing or treatment facilities for agricultural and fishery products;

2) The accommodations shall be intended for residence by persons working at the processing or treatment facilities for agricultural and fishery products (limited to persons falling under paragraph (4)2);

3) The accommodations shall fall under a detached house, a multi-unit house, or a multi-family house under subparagraph 1a,b, or c of Appendix 1 to the Enforcement Decree of the Building Act;

4) The area of the worker accommodations shall be less than 20/100 of the total facility area;

b. Worker accommodations for producing-area distribution facilities under subparagraph 2 (hereafter in this item referred to as "producing-area distribution facilities"), which meet all of the following requirements:

1) The accommodations shall be installed within the site of the producing-area distribution facilities;

2) The accommodations shall be intended for residence by persons working at the producing-area distribution facilities (limited to persons falling under paragraph (4)2);

3) The accommodations shall fall under a detached house, a multi-unit house, or a multi-family house under subparagraph 1a,b, or c of Appendix 1 to the Enforcement Decree of the Building Act;

4) The area of the worker accommodations shall be less than 20/100 of the total facility area;

Article 30 (Activities permitted in agricultural protection zones) (1) "Buildings, structures, and other facilities prescribed by Presidential Decree as facilities necessary for increasing the income of farmers" in Article 32(2)2 of the Act means the following facilities: <Amended on Jun. 5, 2008; Dec. 15, 2009; Dec. 30, 2013; Jan. 19, 2016; Nov. 29, 2016; Apr. 30, 2018; Jun. 2, 2025>

1. Facilities installed for a tourist farm business under Article 2(16)b of the Rural Community Rearrangement Act, with a site area within the Agricultural Protection Zone of less than 30,000 square meters;
2. Facilities installed for a weekend farm business under Article 2(16)c of the Rural Community Rearrangement Act, with a site area within the Agricultural Protection Zone of less than 3,000 square meters;
3. Solar power generation facilities, with a site area within the Agricultural Protection Zone of less than 10,000 square meters;
4. Other facilities related to the agricultural and fisheries industries that contribute to increasing the income of agriculturalists through the revitalization of rural economies, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

(2) "Buildings, structures, and other facilities prescribed by Presidential Decree" in Article 32(2)3 of the Act means the following facilities:<Amended on Nov. 26, 2009; Mar. 24, 2014; Jan. 19, 2016; Jul. 2, 2024>

1. Facilities falling under any of the following items, with a site area within the agricultural protection zone of less than 1,000 square meters:

a. Facilities falling under subparagraph 1a of Appendix 1 of the Enforcement Decree of the Building Act;

b. Facilities falling under subparagraph 3a, d through f, g (excluding public toilets and shelters), and i of Appendix 1 of the Enforcement Decree of the Building Act;

c. Facilities falling under subparagraph 4a,b, d through g, j through l, n (excluding golf driving ranges), and m of Appendix 1 of the Enforcement Decree of the Building Act;

2. Facilities falling under subparagraph 3g (limited to public toilets, shelters, and other similar facilities) and h (excluding substations and city gas pipeline facilities) of Appendix 1 of the Enforcement Decree of the Building Act, the site area of which within the agricultural protection zone is less than 3,000 square meters.

Article 31 (Prioritized investment in agricultural promotion areas) The projects for which the State and local governments shall provide necessary support, such as prioritized investment and financial support, for agricultural promotion areas and farmers, etc. in such areas under Article 33 of the Act are as follows: <Amended on Jun. 20, 2008; Oct. 8, 2009>

1. Projects for improving and maintaining farmland and agricultural facilities;
2. Projects for improving and maintaining farmland and agricultural facilities;
3. Projects for expanding rural roads;
4. Projects for promoting agricultural mechanization;
5. Projects for supporting the expansion of the scale of management of farmers or agricultural corporations;
6. Projects for fostering successor agricultural managers under the Act on Fostering and Supporting Agricultural and Fisheries Business Entities and full-time farmers under the Framework Act on Agriculture, Rural Community and Food Industry;
7. Projects for expanding collection centers for agricultural products, sorting facilities, and other agricultural product distribution facilities;
8. Projects for improving the living environment of farmers.

Article 31-2 (Request for purchase of farmland in agricultural promotion areas) A person who intends to request the purchase of farmland under Article 33-2(1) of the Act shall submit to the Korea Rural Community Corporation a request for the purchase of farmland stating the matters in the following subparagraphs, along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs: <Amended on Mar. 23, 2013>

1. The name of the farmland owner (in the case of a corporation, its name and the name of its representative) and address;
2. Description and the current status of use of the farmland;
3. Where any right other than ownership is established on the relevant farmland, the type and details thereof and the name and address of the right holder (in the case of a corporation, the name of the corporation and the name of its representative);
4. Matters regarding agricultural facilities, etc. installed on the farmland.

[This Article Added on Jul. 10, 2012]

SECTION 2 Diversion of Farmland

Article 32 (Application for permission for farmland diversion) (1) A person who intends to obtain permission or modified permission for farmland diversion under Article 34(1) of the Act shall submit an application for permission for farmland diversion, along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant farmland. <Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013>

(2) Deleted.<Nov. 26, 2009>

(3) Deleted.<Nov. 26, 2009>

(4) Deleted.<Nov. 26, 2009>

(5) "Important matters prescribed by Presidential Decree" in the latter part of Article 34(1) of the Act means the following:

1. The area or boundary of the farmland for which permission for diversion has been obtained;
2. The location of the farmland for which permission for diversion has been obtained (limited to cases where the location is changed within the same parcel);

3. The name of the person who has obtained permission for diversion;
4. Deleted; <Jun. 5, 2008>
5. The use of the facilities intended to be installed or the purpose of the diversion project (limited to cases falling under any of the provisions of Article 59(3)1 through 3).

Article 33 (Examination of permission for farmland diversion) (1) When the head of a Si/Gun/autonomous Gu receives an application for permission for farmland diversion, etc., under Article 32(1), he or she shall examine it in accordance with the following examination criteria and send it to the Mayor/Do Governor within 10 days from the date of receipt (in cases where a supplement or correction of application documents is requested under paragraph (3), referring to the date on which such supplement or correction is completed), along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; and the Mayor/Do Governor shall submit it to the Minister of Agriculture, Food and Rural Affairs within 10 days, along with a comprehensive examination opinion: <Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013; Nov. 29, 2016; May 9, 2022>

1. It shall not violate Article 32 (limited to farmland within an agricultural promotion area) and Article 37 of the Act;
2. Taking the following matters into account, it shall be recognized that the farmland intended to be diverted can be appropriately used for the purpose of the diversion project:

a. Appropriateness of the scale and use of the facilities;

b. In cases involving the construction of a building, the conditions of the relevant area, such as the installation of roads, water supply, and sewerage;

3. In consideration of the following matters, the area of the farmland intended to be diverted shall be appropriate for the realization of the purpose of the diversion project:

a. In cases of constructing a building or installing a structure subject to the Building Act, the provisions of the Building Act such as the building-to-land ratio;

b. The function, use, and layout plan of the building or structure;

4. In consideration of the following matters, there shall not be a strong necessity to continue conserving the farmland intended to be diverted:

a. Whether agricultural production infrastructure improvement projects, such as land rearrangement and irrigation facilities, have been implemented;

b. The degree of concentration of farmland in the area including the relevant farmland;

c. Whether there is a risk of farmland encroachment, such as successive diversions of nearby farmland, due to the diversion of the relevant farmland;

d. Whether there is a risk of adversely affecting the farming environment of nearby farmland due to the diversion of the relevant farmland;

e. Whether the diversion of the relevant farmland results in the cutting of the farmland axis or changes in drainage, thereby obstructing the flow of water;

5. The diversion of the farmland shall not cause damage to agricultural management of nearby farmland or to the maintenance of the rural living environment; provided, where such damage is anticipated, a damage prevention plan shall be appropriately established in consideration of the following matters:

a. In cases where the diversion of farmland involves the abolition or modification of farmland improvement facilities or roads, the anticipated damage and the appropriateness of the damage prevention plan;

b. In cases where the diversion of farmland involves soil runoff, discharge of wastewater, or generation of odor or noise, the anticipated damage and the appropriateness of the damage prevention plan;

c. In cases where the diversion of farmland causes significant interference with sunlight, ventilation, or farming access of nearby farmland, the appropriateness of the damage prevention plan;

6. Where the diversion of farmland involves the intake of water, the timing, method, and quantity thereof shall not cause damage to agriculture, fisheries, or the maintenance of the rural living environment; provided, where such damage is anticipated, a damage prevention plan shall be appropriately established;

7. The project plan and the funding plan shall be formulated in a manner appropriate for implementing the project for the purpose of diversion;

8. The person intending to divert farmland shall not violate relevant statutes or regulations, including the Act on Fostering and Supporting Agricultural and Fisheries Business Entities, in carrying out the project for the purpose of diversion;

9. Where the person intending to divert farmland has been granted a right of use from the farmland owner, such grant of the right of use shall not violate relevant statutes or regulations, including the Act on Fostering and Supporting Agricultural and Fisheries

Business Entities.

(2) The Minister of Agriculture, Food and Rural Affairs shall not grant permission for diversion of farmland if the application fails to satisfy the examination criteria under paragraph (1). <Amended on Feb. 29, 2008; Mar. 23, 2013>

(3) Where a Mayor/Do Governor, or the head of a Si/Gun/autonomous Gu conducts an examination under paragraph (2) and finds any defect in the documents submitted by an applicant, he or she shall, without delay, require the applicant to supplement or correct such defect, specifying a reasonable period necessary for such supplementation or correction. In such cases, the request for supplementation or correction shall be made in writing, orally, by telephone, or by facsimile; provided, it shall be made in writing where the applicant specifically so requests.<Amended on Nov. 26, 2009; Jul. 2, 2019>

(4) A Mayor/Do Governor, or the head of a Si/Gun/autonomous Gu may return the application documents where the applicant fails to supplement or correct them within the period specified in the request for supplementation or correction under paragraph (3). <Added on Nov. 26, 2009>

Article 34 (Consultation on diversion of farmland) (1) Where the competent Minister or the head of a local government intends to consult on diversion of farmland under Article 34(2) of the Act (including consultation deemed to constitute permission for diversion of farmland under other statutes), he or she shall submit to the Minister of Agriculture, Food and Rural Affairs a request for consultation on diversion of farmland, along with the documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(2) Upon receipt of a request for consultation on diversion of farmland under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall examine the matters set forth in the subparagraphs of Article 33(1) and then determine whether to give consent. <Amended on Feb. 29, 2008; Jun. 5, 2008; Nov. 26, 2009; Mar. 23, 2013>

1. Deleted;<Nov. 26, 2009>
2. Deleted;<Nov. 26, 2009>
3. Deleted;<Nov. 26, 2009>
4. Deleted;<Nov. 26, 2009>
5. Deleted;<Nov. 26, 2009>

6. Deleted;<Nov. 26, 2009>

7. Deleted.<Nov. 26, 2009>

(3) The Minister of Agriculture, Food and Rural Affairs shall not give consent where the application fails to meet the review criteria set forth in the subparagraphs of Article 33(1). <Amended on Feb. 29, 2008; Mar. 23, 2013>

Article 35 (Report on Farmland Diversion) (1) A person who intends to file a report on farmland diversion or a report on modification thereof pursuant to Article 35(1) of the Act shall submit a report on farmland diversion, accompanied by documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the Mayor/Do Governor or the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant farmland. <Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013>

(2) Deleted.<Nov. 26, 2009>

(3) Where a Mayor/Do Governor or the head of a Si/Gun/autonomous Gu reviews the contents of a report, Article 33(3) and (4) shall apply mutatis mutandis to the supplement or correction of defects in documents submitted by the reporting person or to the return thereof.<Amended on Nov. 26, 2009>

(4) Upon receipt of a report on farmland diversion under paragraph (1), the Mayor/Do Governor or the head of a Si/Gun/autonomous Gu shall review whether the reported contents conform to Article 35 of the Act and Article 33(1)5 and 6 and Article 36 of this Decree. If they are deemed conforming, he or she shall issue a certificate of report on farmland diversion to the reporting person as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; if they are deemed non-conforming, he or she shall return the submitted documents by clearly stating the reasons therefor.<Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013>

Article 36 (Scope of farmland diversion subject to reporting) The scope, scale, restrictions on installation within agricultural promotion areas, and the scope of persons installing facilities subject to a report on farmland diversion under Article 35(3) of the Act shall be as specified in Appendix 1. <Amended on Aug. 11, 2020>

Article 37 (Permission for temporary use of farmland for other purposes) (1) A person who intends to obtain permission for temporary use of farmland for other purposes or permission for modification thereof under Article 36(1) of the Act shall submit an

application for permission for temporary use of farmland for other purposes, along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the Mayor/Do Governor or the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant farmland. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(2) Upon receipt of an application under paragraph (1), the Mayor/Do Governor or the head of a Si/Gun/autonomous Gu shall conduct a review in accordance with the following criteria and notify the applicant of the result in writing within 10 days from the date of receipt of the application (referring to the date on which supplementation or correction is completed where supplementation or correction of the application documents has been requested under paragraph (3)):<Amended on Nov. 26, 2009; May 9, 2022; Jun. 2, 2025>

1. Whether the application falls under Article 37(2)2 or 3 of the Act;
2. Whether the farmland intended for temporary use for other purposes can be appropriately used for the relevant project, in light of the scale, type, and regional conditions of the facilities to be installed or the project for which the farmland is to be temporarily used;
3. Whether the area of farmland or the period of use intended for temporary use for other purposes is appropriate for the realization of the relevant project;
4. Whether the farmland intended for temporary use for other purposes has conservation value as farmland, given that agricultural production infrastructure such as land readjustment or irrigation facilities has been improved (limited to cases under Article 36(1)2 through 4 of the Act);
5. Where temporary use of the relevant farmland for other purposes is expected to cause damage to agricultural management on neighboring farmland or to the maintenance of the rural living environment due to the abolition or alteration of farmland improvement facilities or roads, runoff of soil, discharge of wastewater, generation of odors, or similar causes, whether a damage prevention plan has been properly established;
6. Whether the restoration plan and the statement of restoration costs are reasonable;
7. Whether the person intending to temporarily use farmland for other purposes carries out the project for which the farmland is to be temporarily used in violation of relevant statutes or regulations, including the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;

8. Where the person intending to temporarily use farmland for other purposes has been granted the right to use the farmland by the farmland owner, whether the grant of such right violates relevant statutes or regulations, including the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

(3) Where the head of a Si/Gun/autonomous Gu conducts an examination under paragraph (2), Article 33(3) and (4) shall apply mutatis mutandis to the supplement or correction of defects in the documents submitted by the applicant or to the return thereof.<Amended on Nov. 26, 2009>

(4) Where the application fails to satisfy the examination criteria set forth in the subparagraphs of paragraph (2), the head of a Si/Gun/autonomous Gu shall not grant permission for temporary use of farmland for other purposes.

Article 37-2 (Reporting on temporary use of farmland for other purposes) (1) A person who intends to file a report on temporary use of farmland for other purposes or a report on modification thereof under Article 36-2(1) of the Act shall submit a report on temporary use of farmland for other purposes, along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant farmland.

(2) Where the head of a Si/Gun/autonomous Gu receives a report and accompanying documents under paragraph (1), he or she shall review whether the contents of the report conform to the following criteria:

1. The criteria under Article 37(2)1, 5, and 6;
2. The criteria regarding the scope and scale of farmland subject to a report on temporary use of farmland for other purposes under Article 37-3.

(3) Where the head of a Si/Gun/autonomous Gu conducts an examination under paragraph (2), Article 33(3) and (4) shall apply mutatis mutandis to the supplement, correction, or return of documents submitted by the reporting person.

(4) Where the result of the review under paragraph (2) shows that the report on temporary use of farmland for other purposes conforms to the criteria set forth in the subparagraphs of paragraph (2), the head of a Si/Gun/autonomous Gu shall issue a certificate of report on temporary use of farmland for other purposes to the reporting person as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; where it is deemed nonconforming, he or she shall return the submitted documents by clearly stating the

reasons therefor.

[This Article Added on Apr. 30, 2018]

Article 37-3 (Scope of temporary use of farmland for other purposes subject to reporting)

The scope and scale of farmland subject to reporting on the temporary use of farmland for other purposes under Article 36-2(6) of the Act shall be as specified in Appendix 1-2.

[This Article Added on Apr. 30, 2018]

Article 38 (Period of permission or reporting for temporary use of farmland for other purposes) (1) In cases of permission or consultation under Article 36(1) of the Act, consultation under paragraph (2) of that Article, reporting or consultation under Article 36-2(1) of the Act, and consultation under paragraph (2) of that Article, the period for the temporary use of farmland for other purposes shall be as follows: <Amended on Nov. 26, 2009; Dec. 30, 2014; Apr. 30, 2018; Jun. 25, 2019; Jul. 2, 2024>

1. Permission or consultation under Article 36(1) of the Act

a. Where farmland is temporarily used for the purposes under Article 36(1)1 or 5 of the Act: within 7 years

b. Where farmland is temporarily used for the purpose under Article 36(1)2 of the Act: within the period necessary for implementing the principal project

c. In cases other than those referred to in items a and b: within 5 years

2. Consultation under Article 36(2) of the Act

a. Where farmland is temporarily used for the purpose under Article 36(1)2 of the Act: within the period necessary for implementing the principal project

b. Where farmland is temporarily used for the purpose under Article 36(1)5 of the Act: within 7 years

c. In cases other than those referred to in items a and b: within 5 years

3. Report or consultation under Article 36-2(1) of the Act and consultation under Article 36-2(2) of the Act: within 6 months

4. Deleted. <Jun. 25, 2019>

(2) The head of a Si/Gun/autonomous Gu may, before the expiration of the period of temporary use of farmland for other purposes under paragraph (1) (excluding subparagraph 3 thereof), extend such period within the following limits: <Amended on Jun. 25, 2019; Oct. 14, 2021; Jul. 2, 2024; Jun. 2, 2025>

1. Permission or consultation under Article 36(1) of the Act

a. Where farmland is temporarily used for the purpose under Article 36(1)1 of the Act: 5 years

b. Where farmland is temporarily used for the purpose under Article 36(1)4 of the Act: 18 years; in such cases, the period of each extension shall not exceed 3 years

c. Where farmland is temporarily used for the purpose under Article 36(1)5 of the Act: 9 years; in such cases, the period of each extension shall not exceed 3 years

d. In cases other than those referred to in items a through c: 3 years

2. Consultation under Article 36(2) of the Act

a. Where farmland is temporarily used for the purpose under Article 36(1)4 of the Act: 18 years; in such cases, the period of each extension shall not exceed 3 years;

b. Where farmland is temporarily used for the purpose under Article 36(1)5 of the Act: 9 years; in such cases, the period of each extension shall not exceed 3 years;

c. In cases other than those referred to in items a and b: 3 years

3. Where permission or consultation for temporary use of farmland for other purposes under Article 36(1) of the Act or consultation under Article 36(2) of the Act has been granted with respect to farmland located within the planned site of an urban or Gun planning facility as defined in Article 2(7) of the National Land Planning and Utilization Act (hereafter in this Article referred to as "urban or Gun planning facility"): a period necessary in consideration of the timing of installation of the relevant urban or Gun planning facility.

(3) "Soil, stones, and minerals prescribed by Presidential Decree" in Article 36(1)3 of the Act means the following: <Amended on Sep. 10, 2007>

1. Aggregates under subparagraph 1 of Article 2 of the Aggregate Extraction Act;
2. Minerals under subparagraph 1 of Article 3 of the Mining Act;
3. Soil and stones used for red tide control, farmland improvement, or civil engineering works, or used as industrial raw materials.

(4) "Requirements prescribed by Presidential Decree" in Article 36(1)5 of the Act means the following requirements: <Added on Jul. 2, 2024>

1. Crops shall be produced using artificial light sources;
2. Facilities for sensing the production environment and growth conditions of crops shall be installed.

3. An automatic control system for the production environment and growth of crops shall be installed (including automatic control facilities for nutrient solution, irrigation, energy, and air conditioning).

[Title Amended on Apr. 30, 2018]

Article 39 (Consultation on Temporary Use of Farmland for Other Purposes) (1) If the competent Minister or the head of a local government requests consultation on the temporary use of farmland for other purposes under the proviso, with the exception of the subparagraphs, of Article 36(1) of the Act, Article 36(2) of the Act, the proviso, with the exception of the subparagraphs, of Article 36-2(1) of the Act, and Article 36-2(2) of the Act, they shall submit a request for consultation on the temporary use of farmland for other purposes, along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the head of a Si/Gun/autonomous Gu. <Amended on Apr. 30, 2018>

(2) Upon receipt of a request for consultation on the temporary use of farmland for other purposes under paragraph (1), the head of a Si/Gun/autonomous Gu shall determine whether to consent thereto after conducting an examination in accordance with the examination criteria under the subparagraphs of Article 37(2) or the subparagraphs of Article 37-2(2). <Amended on Apr. 30, 2018>

(3) The head of a Si/Gun/autonomous Gu shall not grant consent where the contents of a request for consultation on temporary use of farmland for other purposes fail to meet the review criteria set forth in the subparagraphs of Article 37(2) or Article 37-2(2). <Amended on Apr. 30, 2018>

Article 40 (Submission of restoration plans and statements of restoration costs) (1) Where the head of a Si/Gun/autonomous Gu intends to grant permission for temporary use of farmland for other purposes or permission for modification thereof under Article 36(1) of the Act, or intends to accept a report on temporary use of farmland for other purposes or a report on modification thereof under Article 36-2(1) of the Act, he or she shall require the person intending to implement the relevant project to submit a restoration plan for the farmland and a statement of restoration costs under Article 36(3) or 36-2(3) of the Act (in cases of permission for modification or report on modification, limited to cases where modification of the previously submitted restoration plan and statement of restoration costs is necessary); provided, this shall not apply where the case falls under Article 36(1)1

of the Act. <Amended on Apr. 30, 2018>

(2) Where the head of a Si/Gun/autonomous Gu intends to conduct consultation on temporary use of farmland for other purposes under Article 36(2) or 36-2(2) of the Act, he or she shall conduct such consultation with the competent Minister or the head of a local government on the condition that a restoration plan and a statement of restoration costs are submitted and that the restoration costs are deposited. <Amended on Apr. 30, 2018>

(3) If the contents of a restoration plan or a statement of restoration costs submitted under paragraph (1) or (2) are inappropriate or defective, the head of a Si/Gun/autonomous Gu, the competent Minister, or the head of a local government (hereafter in this Article referred to as "the head of a Si/Gun, etc.") shall specify a reasonable period and require supplementation or correction thereof.

Article 41 (Criteria for calculation, payment period, and payment procedures for restoration costs) (1) The criteria for calculating restoration costs for temporary use of farmland for other purposes under Article 36(3) or (4) of the Act or Article 36-2(3) of the Act shall follow the criteria under Article 10(1) of the Enforcement Decree of the Act on Contracts to Which a Local Government Is a Party. <Amended on Apr. 30, 2018; Jun. 25, 2019>

(2) The Mayor/Do-Governor, etc. shall, when requiring the deposit of restoration costs under Article 36(3) or (4) of the Act or Article 36-2(3) of the Act, determine the restoration costs in accordance with the calculation standards under paragraph (1) and require the deposit thereof by fixing a payment period of at least 20 days. <Amended on Apr. 30, 2018; Jun. 25, 2019>

(3) Restoration costs under paragraph (2) shall be deposited in cash (including a cashier's check issued by a post office or a bank subject to the Banking Act; hereafter the same shall apply) into the account of an official in charge of extra-budgetary cash receipts and disbursements, or guarantee bonds, etc. under the subparagraphs of Article 37(2) of the Enforcement Decree of the Act on Contracts to Which a Local Government Is a Party (hereafter in this Article referred to as "guarantee bonds, etc.") shall be deposited with the head of a Si/Gun, etc. designated as the payee in lieu of cash. In such cases, the guarantee period of the guarantee bonds, etc. shall be based on the period obtained by adding 2 months to the period required for temporary use of farmland for other purposes and restoration thereof.<Amended on Nov. 15, 2010; Apr. 30, 2018>

Article 42 (Use of deposits for restoration costs) (1) Where a person who has obtained permission for the temporary use of farmland for other purposes under Article 36(1) of the Act or who has filed a report on the temporary use of farmland for other purposes under Article 36-2(1) of the Act (including a person who has obtained an authorization, permission, or approval for a project or project plan, etc. under other Acts through consultation on the temporary use of farmland for other purposes under Article 36(2) or 36-2(2) of the Act; hereafter in this Article referred to as "person liable for restoration") fails to restore the land to farmland in accordance with a restoration plan, the head of a Si/Gun, etc. may restore the relevant land to farmland on behalf of the person liable for restoration or require the person liable for restoration to perform the restoration. <Amended on Apr. 30, 2018>

(2) The head of a Si/Gun, etc. shall appropriate the restoration costs deposited under Article 41(3) as expenses for restoration performed on behalf of the obligated person and, where any balance remains, shall return it in accordance with the following classifications; in such cases, Article 72 of the Enforcement Decree of the Act on Contracts to Which a Local Government Is a Party shall apply mutatis mutandis to matters concerning the direct use of the deposited amount, etc.:

1. Where deposited in cash, certificates of time deposit, or beneficiary certificates: returned to the person who deposited the restoration costs
2. In cases other than those referred to in 1: returned to the issuer of the guarantee insurance policy or other issuer of a payment guarantee document

Article 43 (Return of deposited restoration costs) (1) When a person who has deposited restoration costs under Article 41(3) has fully restored the land to farmland in accordance with the restoration plan, the head of a Si/Gun, etc. shall return the restoration costs and interest where deposited in cash, or shall return the guarantee bonds, etc. where deposited in the form of guarantee bonds, etc., to the person who deposited the restoration costs.

(2) A person intending to receive the return of restoration costs under paragraph (1) shall submit a request for return of restoration costs, accompanied by documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, to the head of a Si/Gun, etc. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(3) Upon receipt of a request for return under paragraph (2), the head of a Si/Gun, etc. shall return the restoration costs to the claimant without delay.

Article 44 (Facilities subject to restriction on permission for farmland diversion) (1) "Facilities prescribed by Presidential Decree" in Article 37(1)1 of the Act means the following facilities: <Amended on Sep. 6, 2007; Nov. 15, 2007; Nov. 26, 2009; Mar. 29, 2016; Jun. 25, 2019; Jun. 2, 2025>

1. Facilities corresponding to places of business of Type I through Type IV under Appendix 1-3 of the Enforcement Decree of the Clean Air Conservation Act; provided, in the case of facilities for drying, sorting, storing, or processing rice, facilities corresponding to Type III or Type IV shall be excluded;
2. Facilities that emit specific hazardous air pollutants under subparagraph 9 of Article 2 of the Clean Air Conservation Act among the facilities corresponding to Type 5 business places under Appendix 1-3 of the Enforcement Decree of the Clean Air Conservation Act; provided, recycling facilities under subparagraph 10 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources, waste treatment facilities under subparagraph 8 of Article 2 of the Wastes Control Act, and facilities for the treatment of laundry under Article 16 of the Medical Service Act shall be excluded.

(2) "Facilities prescribed by Presidential Decree" in Article 37(1)2 of the Act means the following facilities:<Amended on Sep. 6, 2007; Nov. 30, 2007; Feb. 29, 2008; Mar. 23, 2013; Jan. 16, 2018>

1. Facilities corresponding to places of business of Type I through Type IV under Appendix 13 of the Enforcement Decree of the Water Environment Conservation Act;
2. Among facilities corresponding to places of business of Type V under Appendix 13 of the Enforcement Decree of the Water Environment Conservation Act, facilities prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; provided, the following shall be excluded: recycling facilities under Article 2(6) of the Act on Promotion of Saving and Recycling of Resources; waste treatment facilities under Article 2(8) of the Waste Control Act; livestock product wholesale markets among agricultural and fishery products wholesale markets under Article 2(5) of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products.

(3) "Facilities prescribed by Presidential Decree" in Article 37(1)3 of the Act means the following facilities:<Amended on Jun. 5, 2008; Nov. 26, 2009; Dec. 15, 2009; Apr. 10, 2012; Dec. 30, 2013; Mar. 24, 2014; Jul. 14, 2014; Jan. 22, 2016; Nov. 29, 2016; Apr. 30, 2018; Jan. 5, 2021; Jul. 2, 2024; Jul. 28, 2026>

1. Facilities falling under subparagraphs 2a, subparagraph 4i and p (excluding the facilities referred to in Article 29(2)1 and Article 29(7)3, 4, 4-2, and 9 of this Decree), q,

subparagraphs 5 and 8, subparagraph 10c,d, and f, subparagraphs 14 and 15 (excluding recreational pension business facilities with a floor area of not more than 1,000 square meters under Article 251(1) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City), subparagraph 16, subparagraph 20b through f, and subparagraph 27 of Appendix 1 to the Enforcement Decree of the Building Act;

2. Facilities falling under subparagraph 1, subparagraph 3a through e, g (limited to community children's centers), i through k, subparagraph 4a through h, j through o, r, and s, subparagraph 19, subparagraph 20a, g through i, and subparagraph 26 of Appendix 1 to the Enforcement Decree of the Building Act, where the area of the farmland intended to be used as the site exceeds 1,000 square meters;
3. Facilities corresponding to subparagraph 3f, subparagraph 6, subparagraph 11, subparagraph 12, and subparagraph 29 of Appendix 1 of the Enforcement Decree of the Building Act, where the area of farmland to be used as the site exceeds 3,000 square meters;
4. Facilities corresponding to subparagraph 13 of Appendix 1 of the Enforcement Decree of the Building Act, where the area of farmland to be used as the site exceeds 5,000 square meters;
5. Facilities corresponding to subparagraph 2b through 2d and subparagraph 7c of Appendix 1 of the Enforcement Decree of the Building Act, where the area of farmland to be used as the site exceeds 15,000 square meters;
6. Facilities corresponding to subparagraph 7a, 7b, subparagraph 10a, subparagraph 17, and subparagraph 18 of Appendix 1 of the Enforcement Decree of the Building Act, facilities for tourist farm businesses under subparagraph 16b of Article 2 of the Agricultural and Fishing Villages Improvement Act, and solar power generation facilities, where the area of farmland to be used as the site exceeds 30,000 square meters;
7. Facilities for rural experience and recreation village businesses under Article 29(7)8a and agriculture or fishery-related facilities under Article 30(1)4, where the area of farmland to be used as the site exceeds the area permitted under the relevant provisions;
8. Facilities not falling under 1 through 7, where the area of farmland to be diverted as the site exceeds 10,000 square meters; provided, this shall not apply where the facility is: a facility installable in an Agricultural Promotion Zone under Article 32(1)3 through 8 of the

Act; an urban or Gun planning facility; a facility installed in a village improvement zone designated under Article 101 of the Agricultural and Fishing Villages Improvement Act; an expressway ancillary facility installed by the expressway management authority among road accessories under Article 2(2) of the Road Act; a park facility under Article 2(10) of the Natural Parks Act; and a golf course under Article 3 of the Installation and Utilization of Sports Facilities Act;

9. Other facilities that impede the promotion of agriculture or the conservation of farmland, as prescribed by municipal ordinance of a Si (including the Special Metropolitan City, an Integrated Special Metropolitan City, and Metropolitan City) or Gun in consideration of agricultural conditions, such as the scale of farmland and the status of farmland conservation in the relevant area.

(4) Where facilities falling under paragraph (3)2 through 8 are installed together within the same site, the largest applicable area shall apply.<Amended on Nov. 29, 2016>

(5) In applying the restricted area for diversion under the subparagraphs of paragraph (3) and paragraph (4), the site area of the relevant facilities shall be calculated in accordance with the following criteria: <Amended on Jun. 2, 2025>

1. Where a person installing the relevant facilities diverts farmland contiguously, either simultaneously or in multiple instances, for use as the site of such facilities or facilities of the same type: the sum of the area of farmland intended for diversion and the area of farmland diverted contiguously within the 5 years prior to the date of application for permission for farmland diversion;
2. Where two or more persons each divert farmland, either simultaneously or in multiple instances, to use a single parcel as the site of facilities of the same type: the sum of the area of farmland intended for diversion and the area of farmland diverted within the same parcel for use as the site of facilities of the same type within the 5 years prior to the date of application for permission for farmland diversion.

(6) In granting permission for modification under the latter part of Article 34(1) of the Act (limited to cases where the area of farmland diversion does not increase) or granting approval for change of use under Article 40 of the Act, with respect to farmland for which permission for farmland diversion (including consultation deemed as permission for farmland diversion under other Acts) was obtained or a report on farmland diversion was filed before Dec. 31, 1996, the restriction criteria applicable as of Dec. 31, 1996 shall apply

notwithstanding paragraphs (3) through (5).

Article 44-2 (Criteria applicable to permission for diversion for farmland spanning 2 or more special-purpose areas or districts) "Area prescribed by Presidential Decree" in Article 37-2 of the Act means 330 square meters.

[This Article Added on Aug. 11, 2020]

Article 44-3 (Scale of farmland diversion subject to consultation with Farmland Management Committee) (1) "Farmland diversion exceeding the scale prescribed by Presidential Decree" in Article 37-3(1)2 of the Act means the following farmland diversion:

1. Farmland diversion of 1,000,000 square meters or more (or 300,000 square meters or more in the case of an agricultural promotion area);
2. Where a person intends to additionally increase the area of farmland diversion after consultation with the Farmland Management Committee under the provisions, with the exception of the subparagraphs, of Article 37-3(1) (hereafter in this Article referred to as the "Farmland Management Committee") for farmland diversion falling under subparagraph 1, farmland diversion where the increased area is 500,000 square meters or more (or 150,000 square meters or more in the case of an agricultural promotion area).

(2) In applying paragraph (1) 1, the farmland diversion area shall be calculated by aggregating the area of the farmland to be diverted and the area of farmland contiguously diverted within 5 years prior to the date of application for permission for or consultation on the farmland diversion or the date of report on the farmland diversion by a person who installs facilities on the relevant site simultaneously or several times to use it as a site for such facilities or facilities of the same kind.

(3) In applying paragraph (1)1, the increased farmland diversion area shall be calculated by aggregating the area of the farmland to be diverted and the area of farmland contiguously diverted by a person who installs facilities on the relevant site simultaneously or several times to use it as a site for such facilities or facilities of the same kind.

[This Article Added on May 9, 2022]

Article 44-4 (Operation of Farmland Management Committee) (1) The chairperson of the Farmland Management Committee shall represent the Committee and have general supervision and control of its business affairs.

(2) Where the chairperson of the Farmland Management Committee is unable to perform his or her duties due to unavoidable circumstances, a member designated in advance by the chairperson shall perform such duties on his or her behalf.

(3) Meetings of the Farmland Management Committee shall be convened by the chairperson of the Farmland Management Committee where requested by the Minister of Agriculture, Food and Rural Affairs or where the chairperson deems it necessary.

(4) A meeting of the Farmland Management Committee shall be opened with the attendance of a majority of the incumbent members, and a resolution shall be adopted by a majority of the members present.

(5) To handle the business affairs of the Farmland Management Committee, 1 secretary and 1 clerk shall be assigned to the Committee, and the secretary and the clerk shall be designated by the Minister of Agriculture, Food and Rural Affairs from among public officials under his or her authority.

(6) Except as provided in paragraphs (1) through (5), matters necessary for the operation of the Farmland Management Committee shall be determined by the Minister of Agriculture, Food and Rural Affairs.

[This Article Added on May 9, 2022]

Article 44-5 (Disqualification, challenge, and recusal of members of Farmland Management Committee) (1) If a member of the Farmland Management Committee falls under any of the following subparagraphs, he or she shall be disqualified from deliberation and resolution by the Farmland Management Committee:

1. Where the member, or the spouse or former spouse of the member, is a party to the relevant agenda item (where the party is a corporation or organization, including its officers; hereafter in this paragraph the same shall apply), or is a co-right holder or co-obligor with such party;
2. Where the member is or was a relative of a party to the relevant agenda item under Article 777 of the Civil Act;
3. Where the member has given testimony, statement, advice, research, services, investigation, or appraisal with respect to the relevant agenda item;
4. Where the member has been employed by a corporation or organization to which a party to the relevant agenda item belongs within the preceding 3 years;

5. Where the member, or a corporation or organization to which the member belongs, is or was an agent of a party to the relevant agenda item.

(2) A party may file an application for challenge with the Farmland Management Committee where there exists a ground for disqualification under any subparagraph of paragraph (1) or where there are circumstances making it difficult to expect a fair deliberation and resolution by a member, and the Farmland Management Committee shall determine whether to accept such challenge by resolution. In such cases, the member subject to the challenge shall not participate in such resolution.

(3) Where a member falls under any of the subparagraphs of paragraph (1) or the grounds under paragraph (2), he or she shall recuse himself or herself from deliberation and resolution on the relevant agenda item.

[This Article Added on May 9, 2022]

Article 44-6 (Dismissal of members of Farmland Management Committee) The Minister of Agriculture, Food and Rural Affairs may dismiss a member appointed under Article 37-3(3) of the Act where the member falls under any of the following subparagraphs:

1. Where the member is sentenced to the suspension of qualification or a heavier punishment;
2. Where the member becomes unable to perform the duties due to mental or physical disability;
3. Where the member commits any misconduct in relation to the duties;
4. Where the member is deemed unfit to serve as a member due to neglect of duties, damage to dignity, or other reasons;
5. Where the member falls under any of the subparagraphs of Article 44-5(1) and nevertheless fails to recuse himself or herself.
6. Where the member voluntarily expresses an intention that it is impracticable for him or her to perform the duties.

[This Article Added on May 9, 2022]

Article 45 (Permission for farmland diversion and payment of farmland preservation charges)

(1) Where the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu intends to grant permission for farmland diversion or to accept a report on farmland diversion under Article 34, Article 35, or Article 43 of the Act, he or she

shall require that all or part of the Farmland Preservation Charges under Article 38(1) of the Act (hereinafter referred to as the "Farmland Preservation Charges") be paid in advance. <Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 19, 2016>

(2) The head of a relevant administrative agency who intends to grant authorization, permission, approval, or acceptance of a report, etc. (hereafter in this paragraph and Article 46(1) referred to as "authorization, etc.") involving farmland diversion subject to payment of Farmland Preservation Charges under Article 38(1)1 (limited to cases where farmland is diverted following consultation deemed as permission for farmland diversion under other Acts), 2, 2-2, or 3 of the Act shall grant such authorization, etc. only after confirming that the Farmland Preservation Charges have been paid. <Amended on Jan. 19, 2016; Dec. 31, 2024>

[Title Amended on Jan. 19, 2016]

Article 46 (Notification of permission for farmland diversion) (1) When the head of a relevant administrative agency intends to grant authorization, etc. under Article 45(2), he or she shall, upon receipt of an application for such authorization, etc., notify without delay the Minister of Agriculture, Food and Rural Affairs (including a person delegated with authority concerning the imposition and collection of Farmland Preservation Charges under Article 71(1)5 and paragraph (2)4 of that Article) and the head of a Si/Gun/autonomous Gu having jurisdiction over the relevant farmland. <Amended on Jan. 19, 2016>

(2) Where the head of a Si/Gun/autonomous Gu intends to require advance payment of all or part of the Farmland Preservation Charges under Article 45(1), or where he or she receives notification under paragraph (1), he or she shall notify the Minister of Agriculture, Food and Rural Affairs or the Do Governor by attaching documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs to a statement of imposition specifying matters necessary for the imposition of the Farmland Preservation Charges, including: the area of farmland, the amount per square meter of the farmland conservation charges, and the reduction rate under Article 52. <Amended on Feb. 29, 2008; Mar. 23, 2013; Dec. 30, 2014; Jan. 19, 2016>

(3) Where the contents notified under paragraph (1) or (2) are changed, or where there is any omission or defect, the head of a Si/Gun/autonomous Gu or the head of a relevant administrative agency shall notify or inform without delay the Minister of Agriculture, Food and Rural Affairs, the Do Governor, or the head of a Si/Gun/autonomous Gu, as applicable.

<Amended on Feb. 29, 2008; Mar. 23, 2013; Dec. 30, 2014>

Article 47 (Determination of imposition of farmland conservation charges) (1) Where the Minister of Agriculture, Food and Rural Affairs requires advance payment of all or part of the farmland conservation charges under Article 45(1) or receives notification or notice under Article 46, he or she shall determine the following matters concerning the imposition of the farmland conservation charges: <Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 19, 2016>

1. The amount of farmland conservation charges to be imposed;
2. Where the facility is subject to reduction of the farmland conservation charges, the reduction rate;
3. Other matters necessary for the collection of the farmland conservation charges.

(2) The amount of the agricultural land conservation charge under subparagraph 1 of paragraph (1) shall be the amount calculated by multiplying the area of the agricultural land to be diverted by the amount per square meter calculated under Article 38(7) of the Act and Article 53 of this Decree as of the base date for the imposition of the agricultural land conservation charge in each subparagraph of Article 38(7) of the Act (in the case of an object of reduction or exemption under Article 38(6) of the Act, referring to the amount to which the reduction or exemption rate under Article 52 and Appendix 2 is applied). <Amended on Jun. 25, 2019>

Article 48 (Agency for collection of farmland conservation charges) (1) The Minister of Agriculture, Food and Rural Affairs shall have the Korea Rural Community Corporation perform, on his or her behalf, the collection of farmland conservation charges under Article 38(1) of the Act and Article 40(2) of the Act under Article 51(3) of the Act. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs shall notify the Korea Rural Community Corporation, in accordance with Decree of the Ministry of Agriculture, Food and Rural Affairs, of a written decision on imposition of farmland conservation charges stating the matters under each subparagraph of Article 47(1), accompanied by relevant documents. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

Article 49 (Notice of payment of farmland conservation charges) (1) Upon receipt of notification under Article 48(2) from the Minister of Agriculture, Food and Rural Affairs, the

Korea Rural Community Corporation shall notify the person liable to pay the farmland conservation charges (hereinafter referred to as the "person liable for payment") of the payment of the farmland conservation charges, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

(2) When giving notice of payment of the farmland conservation charges under paragraph (1), the Korea Rural Community Corporation shall clearly state the amount payable, the basis for calculation, the payment deadline, and the place of payment. <Amended on Jun. 26, 2009>

(3) The payment deadline for the farmland conservation charges under paragraph (2) shall be from the date of issuance of the notice of payment to the time before permission for farmland diversion is granted or a report on farmland diversion is filed (including cases where such permission or report is deemed granted or filed under other statutes through authorization, permission, approval, etc.). <Amended on Jan. 19, 2016>

(4) Deleted. <Jan. 19, 2016>

(5) Deleted. <Jan. 19, 2016>

(6) Deleted. <Jan. 19, 2016>

(7) Where any omission or defect in the contents of such notice is discovered after giving notice of payment of the farmland conservation charges under paragraph (1), the Korea Rural Community Corporation shall, without delay, give a corrected notice of payment of the farmland conservation charges. <Amended on Jun. 26, 2009>

[Title Amended on Jan. 19, 2016]

Article 49-2 (Payment by credit card) (1) The farmland conservation charges may be paid by credit card, debit card, etc. (hereafter in this Article referred to as "credit cards, etc.").

(2) Detailed matters necessary for payment by credit cards, etc. shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs.

[This Article Added on Jan. 19, 2016]

Article 50 (Installment payment of farmland conservation charges) (1) "Farmland diversion prescribed by Presidential Decree" in Article 38(2)1 of the Act means farmland diversion falling under any of the following subparagraphs: <Amended on Jun. 5, 2008; Nov. 16, 2011; Jul. 10, 2012; Dec. 30, 2013; Jan. 19, 2016>

1. Where a public institution under the Act on the Management of Public Institutions or a local public enterprise under the Local Public Enterprises Act diverts farmland for use as a site for facilities of an industrial complex under subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
2. Where a project implementer under Article 11(1) of the Urban Development Act (excluding the State and local governments) diverts farmland for use as a site for an urban development project under Article 2(1)2 of that Act (limited to cases implemented by the land readjustment method);
3. Where a development project implementer under Article 55 of the Tourism Promotion Act (excluding local governments) diverts farmland for use as a site for facilities of a tourist site under Article 2(6) of that Act or a tourist complex under Article 2(7) of that Act;
4. Where a person intending to operate a small or medium enterprise under Article 2 of the Framework Act on Small and Medium Enterprises diverts farmland for use as a factory site;
5. Where a person intending to obtain approval for factory establishment, etc. under Article 13(1) through (3) of the Industrial Cluster Development and Factory Establishment Act diverts farmland for use as a factory site.

(2) Where a person who intends to divert farmland intends to pay the farmland conservation charges in installments under Article 38(2) of the Act, he or she shall pay 30/100 of the farmland conservation charges payable before obtaining permission for farmland diversion or filing a report on farmland diversion (including cases where such permission or report is deemed granted or filed under other statutes through authorization, permission, approval, etc.), and the balance shall be paid in installments within a period not exceeding 4 years as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; the final payment date shall be before the completion date of the relevant project; provided, the Minister of Agriculture, Food and Rural Affairs may extend the payment deadline within the period up to the completion date of the relevant project where he or she deems that there are unavoidable reasons making it difficult for the State or a local government to pay the remaining balance by the payment deadline. <Amended on Jan. 19, 2016>

(3) If the person liable for payment fails to pay the balance of the farmland conservation charges by the installment payment deadline, the Korea Rural Community Corporation shall, within 10 days after such deadline, issue a written demand for payment specifying a period not exceeding 20 days from the installment payment deadline and shall report such fact to the Minister of Agriculture, Food and Rural Affairs. <Added on Jan. 19, 2016; Jun. 25, 2019>

(4) Where the Minister of Agriculture, Food and Rural Affairs requires the deposit of a payment guarantee insurance policy, etc. under Article 38(3) of the Act, he or she shall require, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, that guarantee bonds, etc. under Article 41(3) issued with the Korea Rural Community Corporation, which performs the collection of agricultural land conservation charges on behalf of the Minister under Article 48(1), as the payee be deposited with respect to the farmland conservation charges to be paid in installments; in such cases, the guarantee period shall be based on a period obtained by adding 30 days to each payment deadline; and the guarantee amount shall be not less than 110/100 of the relevant farmland conservation charges. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013; Jan. 19, 2016>

(5) If a person who has deposited a payment guarantee insurance policy, etc. under Article 38(3) of the Act fails to pay the farmland conservation charges by the payment deadline, the Korea Rural Community Corporation shall claim payment from the financial institution or guarantee institution that issued the guarantee bonds, etc. within 10 days from the payment deadline specified in the written demand under paragraph (3), and shall appropriate the amount received to the farmland conservation charges and delinquent additional charges, and shall notify the Minister of Agriculture, Food and Rural Affairs and the person who deposited the guarantee bonds, etc., respectively. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013; Jan. 19, 2016; Jun. 25, 2019>

(6) "Other persons prescribed by Presidential Decree" in the proviso to Article 38(3) of the Act means public institutions under the Act on the Management of Public Institutions. <Amended on Feb. 29, 2008; Dec. 30, 2013; Jan. 19, 2016>

Article 51 (Refund of farmland conservation charges) (1) Where any amount erroneously or excessively paid exists among the amounts paid as farmland conservation charges by a person liable for payment, or where any amount is required to be refunded under Article

38(5) of the Act, the Minister of Agriculture, Food and Rural Affairs shall, without delay, determine such erroneous or excess amount or refundable amount as a refund of farmland conservation charges and notify such fact to the person who paid the farmland conservation charges and the Korea Rural Community Corporation, respectively; provided, if restoration of farmland to its original state has been ordered under Article 42(1)3 or 4 of the Act, such notification shall be made after confirming whether such restoration has been completed. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013; Jan. 19, 2016>

(2) When notifying a refund of farmland conservation charges under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall determine, as an additional refund amount, an amount calculated based on the period from the day following any of the dates falling under the following subparagraphs to the date of the refund determination; and the interest rate for additional tax refunds under Article 43-3(2) of the Enforcement Decree of the Framework Act on National Taxes, and shall notify such amount together with the refund of farmland conservation charges. <Amended on Feb. 29, 2008; Mar. 23, 2013; Dec. 30, 2013; Jan. 19, 2016>

1. In cases of a refund due to erroneous payment, double payment, or cancellation or correction of the imposition after payment, the date of payment; provided, if the farmland conservation charges have been paid in installments 2 or more times, the date of the final payment shall apply; where the refund amount exceeds the amount most recently paid, the respective dates of payment shall apply, calculated retroactively in order of payment until such amount is reached;
2. In cases of a refund where permission for farmland diversion is revoked due to reasons attributable to the payer, the date of revocation; provided, where restoration of farmland to its original state has been ordered under Article 42(1)3 of the Act, the date of restoration to the original state shall apply;

2-2. In cases where farmland conservation charges have been paid but permission for farmland diversion is not granted or a report on farmland diversion is not filed (including cases deemed granted or filed under other statutes through authorization, permission, approval, etc.), the date of payment of the farmland conservation charges;

3. In cases of a refund due to modification of the payer's project plan or other equivalent reasons, the date of permission for such modification or the date of the relevant administrative disposition equivalent thereto; provided, if restoration of farmland to its

original state has been ordered under Article 42(1)4 of the Act, the date of restoration to the original state shall apply.

(3) The refund of farmland conservation charges under paragraph (1) and the additional refund amount under paragraph (2) shall be paid from the Farmland Management Fund under the Korea Rural Community Corporation and Farmland Management Fund Act. <Amended on Jun. 26, 2009>

Article 52 (Reduction of farmland conservation charges) The subjects eligible for reduction and the reduction rates of the farmland conservation charges under Article 38(6) of the Act shall be as specified in Appendix 2. <Amended on Jan. 19, 2016>

Article 53 (Standards for imposition and base date for imposition) (1) The amount per square meter of farmland conservation charges under Article 38(7) of the Act shall be the amount obtained by multiplying the most recently officially announced individual land price of the relevant farmland under the Act on the Public Announcement of Real Estate Values as of the base date for imposition under each subparagraph of Article 38(7) of the Act by the rate prescribed in the following subparagraphs: <Amended on Jan. 19, 2016; Aug. 31, 2016; Jun. 25, 2019; Jun. 4, 2024>

1. Farmland in an agricultural promotion area: 30/100;
2. Farmland outside an agricultural promotion area: 20/100.

(2) If the amount per square meter of farmland conservation charges calculated under paragraph (1) exceeds the amount prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, such prescribed amount shall apply as the amount per square meter of farmland conservation charges. <Amended on Feb. 29, 2008; Mar. 23, 2013; Dec. 30, 2013>

(3) "Date prescribed by Presidential Decree" in Article 38(7)2 of the Act means the dates falling under the following subparagraphs: <Added on Jun. 25, 2019>

1. Where farmland within an area scheduled to be a district or a site for facilities which has undergone consultation on farmland diversion under Article 34(2)1 of the Act (including farmland excluded from the subjects of consultation under the proviso to that subparagraph) is diverted, or where farmland within an area scheduled to be a district which has undergone consultation on farmland diversion under Article 34(2)1-2 of the Act is diverted, any of the following dates:

a. The date of filing an application for permission for development activities under the main clause of Article 56(1) of the National Land Planning and Utilization Act (hereafter in this Article referred to as "permission for development activities"), approval of an implementation plan for an urban or Gun planning facility project under the main clause of Article 88(2) of that Act (hereafter in this Article referred to as "approval of an implementation plan"), or permission under the proviso, with the exception of the subparagraphs, of Article 12(1) of the Act on Special Measures for Designation and Management of Development Restriction Zones;

b. The date of filing an application for a building permit under the Building Act by which permission for development activities or approval of an implementation plan is deemed granted, the date of filing a building report, or the date of filing an application for or making a report on authorization, permission, project approval, approval of an implementation plan, etc. involving a change in the form and quality of the relevant farmland under other statutes;

c. Where a change in the form and quality of land is permitted without obtaining permission for development activities or approval of an implementation plan, the date of filing an application for such change;

2. Where farmland which has undergone consultation on farmland diversion under Article 34(2)2 of the Act is to be diverted, the date of filing an application for permission for development activities, approval of an implementation plan, or permission under the proviso, with the exception of the subparagraphs, of Article 12(1) of the Act on Special Measures for Designation and Management of Development Restriction Zones.

(4) "Date prescribed by Presidential Decree" in Article 38(7)3 of the Act means any of the following dates: <Added on Jun. 25, 2019>

1. The date on which an application is filed for authorization, permission, approval of an implementation plan, approval of a development plan, etc. under other statutes, or the date on which a report is filed;
2. Where subparagraph 1 does not apply, the date on which a request is made for consultation deemed to constitute permission for diversion of farmland with respect to an implementation plan including a project operator, project implementation period, or project site land, etc. under other statutes.

[Title Amended on Jun. 25, 2019]

Article 54 (Write-off dispositions) (1) "Grounds prescribed by Presidential Decree, such as where a delinquent dies or becomes missing" in Article 38(12)4 of the Act means any of the following: <Amended on Feb. 29, 2008; Nov. 26, 2009; Mar. 23, 2013; Jan. 19, 2016>

1. Where the delinquent has died;
2. Where the delinquent has received a declaration of disappearance under Article 27 of the Civil Act;
3. Where, as a result of inquiries made by the Minister of Agriculture, Food and Rural Affairs to administrative agencies, financial institutions, etc. deemed related to the delinquent, it is confirmed that the delinquent's whereabouts are unknown or that the delinquent has no property;
4. Where the delinquent is exempted from liability for payment under Article 251 of the Debtor Rehabilitation and Bankruptcy Act.

(2) When the Minister of Agriculture, Food and Rural Affairs makes a write-off disposition of farmland conservation charges under the main clause of Article 38(12) of the Act, or cancels such write-off disposition pursuant to the proviso thereto, he or she shall, without delay, notify the Korea Rural Community Corporation of the fact of such write-off disposition or the cancellation thereof.<Amended on Feb. 29, 2008; Jun. 26, 2009; Nov. 26, 2009; Mar. 23, 2013; Jan. 19, 2016>

Article 55 (Fees for imposition and collection services) (1) The fees payable to the Mayor/Do Governor, the head of a Si/Gun/autonomous Gu, and the Korea Rural Community Corporation, which handle business affairs concerning the imposition and collection of farmland conservation charges under Article 38(13) of the Act, shall be determined by the Minister of Agriculture, Food and Rural Affairs within the limits of the following amounts: <Amended on Feb. 29, 2008; Jun. 26, 2009; Nov. 26, 2009; Mar. 23, 2013; Jan. 19, 2016; Oct. 14, 2021>

1. Business affairs concerning the determination of imposition, etc. of farmland conservation charges by a Mayor/Do Governor or the head of a Si/Gun/autonomous Gu: 12/100 of the collected farmland conservation charges;
2. Collection affairs of farmland conservation charges by the Korea Rural Community Corporation: 2/100 of the collected farmland conservation charges.

(2) Where a Mayor/Do Governor or the head of a Si/Gun/autonomous Gu is paid fees under paragraph (1), he or she shall use such fees preferentially for travel expenses for on-site inspections related to the determination of imposition of farmland conservation charges and for expenses related to the preservation and management of farmland.

Article 56 (Report on collection status of farmland conservation charges) (1) When the Korea Rural Community Corporation collects farmland conservation charges, it shall report the status of such collection every month to the Minister of Agriculture, Food and Rural Affairs as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, and notify the Mayor/Do Governor and the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant converted farmland thereof. <Amended on Feb. 29, 2008; Jun. 26, 2009; Mar. 23, 2013>

(2) Where a person liable to pay farmland conservation charges in installments under Article 50 fails to pay such charges by the due date, the Korea Rural Community Corporation shall investigate such fact and the reasons for delinquency and notify the Minister of Agriculture, Food and Rural Affairs and the administrative agency that determined the imposition of the relevant farmland conservation charges thereof without delay. <Amended on Feb. 29, 2008; Jun. 5, 2008; Jun. 26, 2009; Mar. 23, 2013; Jan. 19, 2016>

(3) When the Minister of Agriculture, Food and Rural Affairs takes a disposition for arrears or cancels such disposition pursuant to Article 38(11) of the Act, he or she shall notify the Korea Rural Community Corporation of the fact of such disposition or the cancellation thereof without delay. <Added on Jan. 19, 2016>

Article 57 (Good cause for delay in project for which farmland is diverted) "Good cause prescribed by Presidential Decree, such as modification of a project plan related to the project for which the farmland is diverted" in Article 39(1)4 of the Act means any of the following: <Amended on Jan. 19, 2016>

1. Where the project for which the farmland is diverted is delayed in order to obtain permission or authorization from an administrative agency due to modification of a project plan related thereto;
2. Where the project for which the farmland is diverted is delayed due to the government's fiscal conditions in the case of a public project;

3. Where the project for which the farmland is diverted is delayed due to the government's fiscal conditions in the case of a public project;
4. Where the project for which the farmland is diverted is delayed due to natural disasters, fire, or other calamities.

Article 58 (Investigation of illegally diverted farmland) (1) The Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu shall have relevant public officials conduct a fact-finding investigation into the following matters: <Amended on Apr. 30, 2018>

1. Whether farmland within the jurisdiction has been illegally diverted;
2. Whether a person who has obtained permission for farmland diversion under Article 34(1) of the Act, or permission for temporary use of farmland for other purposes under Article 36 of the Act, or who has filed a report on farmland diversion under Article 35 or 43 of the Act, or a report on temporary use of farmland for other purposes under Article 36-2 of the Act, falls under any of the grounds for revocation of permission, etc. under any subparagraph of Article 39(1) of the Act;

(2) When the head of a Si/Gun/autonomous Gu revokes permission or issues an order for necessary measures under Article 39(1) of the Act, or orders restoration to the original state under Article 42(1) of the Act, he or she shall report such fact to the Minister of Agriculture, Food and Rural Affairs without delay. <Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 19, 2016>

Article 59 (Approval for change of use) (1) "Period prescribed by Presidential Decree" in Article 40(1) of the Act means 5 years.

(2) The period under paragraph (1) shall be calculated from the date on which a certificate of completion inspection for the relevant facility is issued, the date on which it is entered in the building register, or the date on which the purpose of farmland diversion is otherwise completed.

(3) "Where it is intended to use for other purposes" in Article 40(1) of the Act means a case where the use of the relevant facility is changed or the type of business of the project for which the farmland is diverted is changed, and falls under any of the following; provided, land located in urban areas, planned management areas, and development promotion districts under the National Land Planning and Utilization Act shall be limited to

subparagraph 3:<Amended on Nov. 15, 2007; Nov. 30, 2007; Nov. 26, 2009; Dec. 30, 2014; Mar. 29, 2016; Jan. 16, 2018>

1. Where it is intended to change a facility to the extent that the classification by scale of a workplace under Appendix 1-3 of the Enforcement Decree of the Clean Air Conservation Act or Appendix 13 of the Enforcement Decree of the Water Environment Conservation Act is altered;
2. Where it is intended to change to a type of facility classified differently from each subparagraph of Article 44(3);
3. Where it is intended to change from a facility subject to reduction or exemption of Farmland Preservation Charges or diversion charges to a facility not subject to such reduction or exemption, or subject to a lower reduction rate.

(4) Where a person intends to use land diverted as a site for a facility subject to reduction or exemption of Farmland Preservation Charges as a site for a facility subject to a different reduction rate of Farmland Preservation Charges under Article 40(2) of the Act, the Farmland Preservation Charges to be paid shall be the amount obtained by subtracting the Farmland Preservation Charges already paid from the amount calculated by applying the unit amount of Farmland Preservation Charges as of the base date for imposition under Article 47(2) to the relevant diverted land and the applicable reduction rate at the time of approval for change of use, to the area intended for such use.

(5) Articles 45 through 49 shall apply mutatis mutandis to the determination of imposition, notice of payment, and payment procedures, etc. of Farmland Preservation Charges under paragraph (4). <Amended on Jan. 19, 2016>

Article 59-2 (Minor acts exempt from reporting) "Minor acts prescribed by Presidential Decree" in Article 41-3(1)4 of the Act means any of the following acts; provided, if otherwise prescribed by municipal ordinance of a Si/Gun/autonomous Gu within the scope of the following subparagraphs, such ordinance shall apply:

1. Banking on farmland with an area (referring to the total area of the relevant parcel on which banking is carried out) of not more than 1,000 square meters;
2. Cutting on farmland with an area (referring to the total area of the relevant parcel on which cutting is carried out) of not more than 1,000 square meters;
3. Banking with a height (referring to the cumulative height of banking carried out on the relevant parcel during the most recent one year) of not more than 50 centimeters;

4. Cutting with a depth (referring to the cumulative depth of cutting carried out on the relevant parcel during the most recent one year) of not more than 50 centimeters.

[This Article Added on Dec. 31, 2024]

Article 59-3 (Types of corrective orders) (1) Where the head of a Si/Gun/autonomous Gu issues a corrective order under Article 42-2(1) of the Act, he or she may order any of the following measures with respect to land, buildings, structures, or other facilities on which an act of land use has been conducted in violation of Article 32(1) or (2):

1. Dismantlement or removal;
2. Change of use;
3. Prohibition or restriction of use;
4. Prohibition or restriction of use;

(2) Where the head of a Si/Gun/autonomous Gu issues a corrective order under Article 42-2(1) of the Act, such order shall be made in writing specifying the following matters:

1. The legal basis and reasons for the corrective order;
2. Details of the violation;
3. Contents of the corrective order;
4. Period for correction.

[This Article Added on Dec. 31, 2024]

Article 60 (Special cases concerning permission for farmland diversion) (1) A person who intends to file a report on farmland diversion under Article 43 of the Act shall submit a report on farmland diversion along with documents prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs to the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the relevant farmland. <Amended on Mar. 23, 2013>

(2) Where the head of a Si/Gun/autonomous Gu examines the contents of a report, Article 33(3) and (4) shall apply mutatis mutandis to the supplementation or correction of defects in the documents submitted by the reporting person or to the rejection thereof.

(3) When the head of a Si/Gun/autonomous Gu receives a report on farmland diversion, etc. under paragraph (1), he or she shall examine whether the reported contents conform to the following matters and, where deemed suitable for farmland diversion, issue a certificate of report on farmland diversion to the reporting person as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs; and where deemed unsuitable, he or

she shall return the submitted documents stating specific reasons therefor: <Amended on Mar. 23, 2013>

1. Whether the farmland constitutes farmland with unfavorable farming conditions;
2. Whether it conforms to Article 33(1)5 and 6;
3. Whether it conforms to land use acts permitted in use districts and use zones under Article 76 of the National Land Planning and Utilization Act.

[This Article Wholly Amended on Nov. 26, 2009]

Article 60-2 (Procedures for consultation on designation or determination of zones on farmland) (1) The scope of areas, districts, zones, etc. (hereafter in this Article and Appendix 2-2 referring to "Zones, etc.") for which the head of a relevant administrative agency shall consult in advance with the Minister of Agriculture, Food and Rural Affairs (including a person delegated with authority under Article 71(1)2-3; hereafter in this Article and Appendix 2-2 the same shall apply) in order to use farmland for a specific purpose under Article 43-2(1) of the Act shall be as specified in Appendix 2-2.

(2) Where the head of a relevant administrative agency intends to designate, determine, or change Zones, etc. (excluding minor changes under paragraph (3); hereafter in this Article the same shall apply) in order to use farmland for a specific purpose under Article 43-2(1) of the Act, he or she shall submit to the Minister of Agriculture, Food and Rural Affairs a request for consultation prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs, accompanied by documents necessary for consultation. In such cases, the documents necessary for consultation shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs according to the type and area of farmland as classified in the following subparagraphs:

1. Where the farmland falls under Article 34(2)1 of the Act:

a. Where farmland in an Agricultural Promotion Area is included in the zones, etc. to be designated, determined, or changed, and the area of the agricultural promotion area including such farmland exceeds 10,000 square meters;

b. Where farmland in an agricultural promotion area is included in the zones, etc. to be designated, determined, or changed, and the area of the agricultural promotion area including such farmland is not more than 10,000 square meters;

c. Where the farmland included in the zones, etc. to be designated, determined, or changed is farmland outside an agricultural promotion area;

2. Where the farmland does not fall under subparagraph 1:

(3) "Minor matters prescribed by Presidential Decree" in the latter part of Article 43-2(1) of the Act refers to any of the following:

1. Where the area of farmland included in the relevant zones, etc. is increased or decreased according to the results of a survey for land division under Article 79 of the Act on the Establishment and Management of Spatial Data;
2. Where the area of farmland included in the relevant zones, etc. is decreased;
3. Where farmland of less than 10,000 square meters (limited to farmland outside an Agricultural Promotion Area) is additionally included in the relevant zones, etc.;
4. Where matters that may be changed without consultation with the head of a relevant administrative agency under the relevant statutes governing the designation or determination of zones, etc. are changed.

(4) If the Minister of Agriculture, Food and Rural Affairs is requested to consult on the designation, determination, or change of zones, etc. by the head of a relevant administrative agency pursuant to Article 43-2(1) of the Act, he or she shall review such request in accordance with the following criteria:

1. Agricultural promotion areas shall, in principle, not be included in zones, etc.; however, where inclusion is unavoidable, they shall be included only to the minimum extent necessary for the purpose of designation, determination, or change of such zones, etc.;
2. Where designation, determination, or change of zones, etc. entails farmland diversion, whether it falls under any of the grounds for restriction under each subparagraph of Article 37(2) of the Act shall be considered; provided, where it is difficult to determine such applicability at the stage of designation, determination, or change of zones, etc., consultation may be conducted on condition that a subsequent review will be conducted at the time of permission for farmland diversion under Article 34(1) of the Act (including consultation deemed to constitute such permission under other statutes);
3. Where designation, determination, or change of zones, etc. entails farmland diversion, it shall conform to the review criteria under each subparagraph of Article 33(1); provided, where it is difficult to determine such conformity at the stage of designation, determination, or change of zones, etc., consultation may be conducted on condition that a subsequent review will be conducted at the time of permission for farmland diversion under Article 34(1) of the Act (including consultation deemed to constitute such

permission under other statutes);

4. Where farmland is conserved in its original state, measures such as a damage prevention plan shall be established so as not to adversely affect the agricultural management environment;
5. The zones, etc. to be designated, determined, or changed shall conform to the basic policy on the management of farmland under Article 47 of the Act and the basic plan and detailed implementation plan for the management of farmland under Article 48(1) and (2) of the Act.

(5) Where necessary for consultation under Article 43-2(1) of the Act, the Minister of Agriculture, Food and Rural Affairs may hear opinions from relevant Mayors/Do Governors, the head of a Si/Gun/autonomous Gu, an agricultural production infrastructure manager under Article 17 of the Rearrangement of Agricultural and Fishing Villages Act, and the Korea Rural Community Corporation.

(6) A person requested to submit opinions by the Minister of Agriculture, Food and Rural Affairs under paragraph (5) shall submit such opinions to the Minister of Agriculture, Food and Rural Affairs within 30 days from the date of receipt of the request, unless there is good cause.

[This Article Added on Dec. 31, 2024]

SECTION 3 Farmland Committee

Article 61 (Appointment of members of Farmland Committee) (1) Members of the Farmland Committee under Article 44 of the Act (hereinafter referred to as the "Farmland Committee") shall be appointed or commissioned by the Mayor (referring to the Mayor of a Si without a Gu; hereafter in this Article and Article 62 the same shall apply), the head of a Gun, or the head of a Gu from among the persons referred to in each subparagraph of Article 45(2) of the Act.

(2) The term of office of members commissioned under paragraph (1) shall be 2 years.

(3) Where the Mayor, the head of a Gun, or the head of a Gu appoints or commissions members of the Farmland Committee pursuant to paragraph (1), he or she shall appoint or commission at least one person from each subparagraph of Article 45(2) of the Act; provided, the number of members under each such subparagraph shall not exceed 35

percent of the total number of members.

(4) A person who may be commissioned as a member under Article 45(2)1 of the Act shall be a person who has continuously engaged in agricultural management in the relevant Si/Gun/Gu for at least 3 years as of the date of commission.

(5) A person who may be appointed or commissioned as a member under Article 45(2)4 of the Act shall be any of the following:

1. A person who has served for at least three years in a position of assistant professor or higher, engaging in research or teaching in the field of agriculture, rural affairs, administration, or law at a school under Article 2 of the Higher Education Act;
2. A person who has obtained a doctoral degree in the field of agriculture, rural affairs, administration, or law and has at least 3 years of service (including service prior to obtaining the doctoral degree) at a public institution (referring to a public institution under the Official Information Disclosure Act) or a research institution;
3. A person who has served as a public official in the State or a local government for at least 3 years in charge of business affairs related to agriculture and farmland policy;
4. Any of the following persons:

a. Attorney-at-law;

b. Certified public accountant;

c. Licensed tax accountant;

d. Certified public appraiser.

(6) The head of a Si/Gun/Gu may dismiss a member appointed under paragraph (1) if the member falls under any of the following subparagraphs:

1. Where the member falls under any of subparagraphs 1 through 4 or 6 of Article 44-6;
2. Where the member fails to recuse themselves despite falling under any of the subparagraphs of Article 44-5 (1), which applies mutatis mutandis under Article 64 (1).

[This Article Added on May 9, 2022]

Article 62 (Operation of Farmland Committee) (1) The chairperson of a Farmland Committee shall represent the committee and have general supervision and control of its business affairs.

(2) Where the chairperson of the Farmland Committee is unable to perform his or her duties due to unavoidable circumstances, a member designated in advance by the chairperson shall perform such duties on his or her behalf.

(3) The chairperson of the Farmland Committee shall convene and preside over meetings of the Farmland Committee.
(4) A majority of the members of the Farmland Committee shall constitute a quorum, and any resolution thereof shall require the concurring vote of a majority of those present.
(5) Meetings of the Farmland Committee shall be held with the attendance of members (including video conferences); provided, if it is impracticable to meet the quorum due to natural disasters or other unavoidable circumstances, or where the chairperson deems it particularly necessary, meetings may be held in writing.
(6) If necessary for deliberation of agenda items, the chairperson of the Farmland Committee may require relevant persons to attend meetings and hear their opinions.
(7) To handle the business affairs of the Farmland Committee, one secretary shall be assigned to the Farmland Committee, and such secretary shall be designated by the head of a Si/Gun/Gu from among public officials under his or her jurisdiction.
(8) Allowances and travel expenses may be paid within budget to members attending meetings; provided, this shall not apply where a member who is a public official attends in direct connection with his or her official duties.
[This Article Added on May 9, 2022]

Article 63 (Appointment of members of subcommittees) (1) A subcommittee established under a Farmland Committee pursuant to Article 45 (3) of the Act (hereinafter referred to as a "subcommittee") shall consist of no fewer than 6 and no more than 10 members, including 1 chairperson.
(2) Subcommittee members shall be designated by the chairperson of the Farmland Committee from among the members of the Farmland Committee. In such cases, 1 member cannot be designated as a member of 2 or more subcommittees.
(3) Where the chairperson of the Farmland Committee designates members of a subcommittee pursuant to paragraph (2), he or she shall endeavor to ensure a balanced composition among members referred to in each subparagraph of Article 45(2) of the Act.
(4) The chairperson of a subcommittee shall be elected by and from among its members.
[This Article Added on May 9, 2022]

Article 64 (Application mutatis mutandis) (1) Article 44-5 shall apply mutatis mutandis to exclusion, challenge, and recusal of members of the Farmland Committee and

subcommittees.

(2) Article 62 shall apply mutatis mutandis to the operation of subcommittees.

[This Article Added on May 9, 2022]

SECTION 3-2 Basic Policies for Farmland Management

Article 65 (Establishment of the Basic Policy on Farmland Management) (1) "Where minor matters prescribed by Presidential Decree are changed" in the proviso to Article 47(3) of the Act means any of the following:

1. Where changes are made to reflect the enactment, amendment, or repeal of statutes or regulations;
2. When changes are made due to calculation errors, clerical errors, omissions, or other similar reasons where the grounds for change are clear;
3. Other cases where changes are made to matters that do not affect the purpose and direction of the basic policy on farmland management under Article 47 (1) of the Act (hereinafter referred to as "the basic policy") and where the grounds for change are clear.

(2) When the Minister of Agriculture, Food and Rural Affairs establishes or changes the basic policy, they shall publicly announce the details in the Official Gazette and on the website of the Ministry of Agriculture, Food and Rural Affairs, and notify the heads of relevant central administrative agencies and the heads of local governments.

[This Article Added on Dec. 31, 2024]

Article 66 (Establishment of master plan for farmland management) (1) Where a Mayor/Do Governor intends to obtain approval for the establishment or modification of the master plan for farmland management within his or her jurisdiction (hereafter referred to as the "master plan") pursuant to Article 48(1) of the Act, he or she shall submit to the Minister of Agriculture, Food and Rural Affairs the master plan to be established or modified, accompanied by the results of collecting opinions from the head of a Si/Gun/autonomous Gu and experts under Article 48(4) of the Act and the opinions of the local council.

(2) If necessary for approving the master plan pursuant to Article 48(1) of the Act, the Minister of Agriculture, Food and Rural Affairs may request a Mayor/Do Governor to supplement submitted documents or submit additional relevant materials.

(3) "Important matters prescribed by Presidential Decree" in the latter part of Article 48(1) of the Act means the matters referred to in Article 48(3)3 through 5 of the Act.

(4) Matters to be included in the master plan pursuant to Article 48(3)7 of the Act shall be as follows:

1. Matters concerning zoning and classification of use of farmland;
2. Matters concerning the direction of agricultural production infrastructure improvement projects under the Agricultural and Fishing Villages Improvement Act and farmland development;
3. Matters concerning the direction and plan for efficient use of farmland;
4. Matters concerning the direction and plan for efficient use of farmland.

(5) "Where minor matters prescribed by Presidential Decree are changed" in the proviso to Article 48(4) of the Act means any of the following:

1. Where changes are made to reflect modifications to the basic policy;
2. When the target area of farmland to be managed is changed within a range of less than 10/100;
3. Other cases where changes are made to matters that do not affect the purpose and direction of the master plan and where the grounds for change are clear.

(6) If a Mayor/Do Governor receives approval for the establishment or change of a master plan, they shall publicly announce the details in the Public Gazette and on the website of the relevant local government pursuant to Article 48 (7) of the Act.

[This Article Added on Dec. 31, 2024]

Article 67 (Approval of implementation plan for farmland management) (1) The head of a Si/Gun/autonomous Gu (excluding the head of an autonomous Gu having no farmland within its jurisdiction; hereafter in this Article and Article 68 the same shall apply) shall, where he or she intends to obtain approval for the establishment or modification of a detailed implementation plan for farmland management within his or her jurisdiction (hereinafter referred to as the "implementation plan") pursuant to Article 48(2) of the Act, submit to the Mayor/Do Governor the implementation plan to be established or modified, along with the results of collecting opinions from residents and relevant experts under the main clause of Article 48(6) of the Act and the opinions of the local council.

(2) If necessary for approving the implementation plan pursuant to Article 48(2) of the Act, the Mayor/Do Governor may hear the opinion of the Minister of Agriculture, Food and

Rural Affairs.

(3) "Important matters prescribed by Presidential Decree" in the latter part of Article 48(2) of the Act means the matters referred to in Article 48(3)3 through 5 of the Act.

(4) Matters to be included in the implementation plan pursuant to Article 48(3)7 of the Act shall be as follows:

1. Matters referred to in Article 66(4)1 through 3;
2. Detailed implementation plans by sector of the implementation plan.

(5) "Where minor matters prescribed by Presidential Decree are changed" in the proviso to Article 48(6) of the Act means any of the following:

1. Where changes are made to reflect modifications to the basic policy or the master plan;
2. When the target area of farmland to be managed is changed within a range of less than 10/100;
3. Other matters that do not affect the objectives and direction of the implementation plan and for which the grounds for change are clear.

(6) Where the head of a Si/Gun/autonomous Gu obtains approval for the establishment or modification of the implementation plan, he or she shall publicly notify the contents thereof in the Public Gazette and on the website of the relevant local government pursuant to Article 48(7) of the Act.

[This Article Added on Dec. 31, 2024]

Article 68 (Hearing opinions of residents through public hearings) (1) Where the head of a Si/Gun/autonomous Gu intends to establish or modify an implementation plan or present opinions on the master plan, he or she shall hold a public hearing in order to collect opinions from residents and relevant experts pursuant to Article 48(6) of the Act; in such cases, the following matters shall be publicly notified in the Public Gazette or on the website of the relevant local government at least 14 days prior to the scheduled date of the public hearing, and shall be made available for public inspection:

1. The purpose of the public hearing;
2. The date, time, and place of the public hearing;
3. An outline of the implementation plan or the master plan;
4. Other matters necessary for holding the public hearing.

(2) Public hearings under paragraph (1) shall be held by administrative district units subject to the implementation plan or the master plan; provided, when deemed necessary by the

head of a Si/Gun/autonomous Gu, such administrative district units may be divided into several regions to hold public hearings.

(3) Any resident or relevant expert who has an opinion on the contents of the implementation plan or the master plan may attend the public hearing and state his or her opinion directly, or submit the gist of his or her opinion in writing or through an information and communications network to the head of a Si/Gun/autonomous Gu. [This Article Added on Dec. 31, 2024]

Article 69 Deleted. <Nov. 26, 2009>

SECTION 4 Farmland Ledgers

Article 70 (Preparation of farmland ledger) The farmland ledger under Article 49(1) of the Act shall be prepared for all farmland on a parcel-by-parcel basis. <Amended on May 9, 2022>
[This Article Wholly Amended on Oct. 14, 2021]
[Title Amended on May 9, 2022]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 71 (Delegation and entrustment of authority and business affairs) (1) Pursuant to Article 51(1) of the Act, the Minister of Agriculture, Food and Rural Affairs delegates the following authority to the Mayor/Do Governor; provided, this shall not apply where the relevant farmland extends across 2 or more Special Metropolitan Cities, Integrated Special Metropolitan Cities, Metropolitan Cities, or Dos: <Amended on Feb. 29, 2008; Jun. 5, 2008; Jul. 10, 2012; Mar. 23, 2013; Apr. 30, 2018; Jun. 25, 2019; Oct. 24, 2023; Dec. 31, 2024; Jul. 28, 2026>

1. Authority concerning permission for farmland diversion (including consultation deemed to constitute permission for farmland diversion under other statutes; hereafter in this subparagraph the same shall apply), modification of such permission under Article 34(1) of the Act, and consultation under Article 34(2)2 of the Act, limited to the following:

a. Diversion of farmland of not less than 3,000 and less than 30,000 square meters within an agricultural promotion area (excluding cases falling under paragraph (2)1c);

b. Diversion of farmland of not less than 30,000 and less than 300,000 square meters outside an agricultural promotion area (excluding cases falling under paragraph (2)1c); provided, in cases of farmland diversion within a planned management area under Article 36 of the National Land Planning and Utilization Act or a natural green area under Article 30 of the Enforcement Decree of that Act, the minimum shall be 30,000 square meters;

c. Diversion of farmland of not less than 100,000 square meters within areas, districts, zones, complexes, or special zones, etc. under Appendix 3 designated or determined after consultation with the Minister of Agriculture, Food and Rural Affairs (including a person delegated with such authority);

d. Modification of farmland diversion under Article 32(5)1; provided, the following shall be excluded:

1) Where the total increased area of farmland to be diverted is not less than 30,000 square meters;

2) Where the total increased area of farmland to be diverted is less than 30,000 square meters or the area of such farmland is reduced, and the increased area of farmland within an Agricultural Promotion Area among the farmland to be diverted is not less than 10,000 square meters;

2. Authority concerning consultation related to farmland diversion of less than 100,000 square meters under Article 34(2)1 of the Act (excluding authority falling under paragraph (2)1-2);

2-2. Authority concerning consultation related to farmland diversion under Article 34(2)1-2 of the Act;

2-3. Authority corresponding to the following items among the authority for consultation on designation, determination, or modification of areas, districts, zones, etc. under Article 43-2 of the Act; provided, authority for consultation on metropolitan city plans under subparagraph 1 of Article 2 of the National Land Planning and Utilization Act and urban or Gun master plans under subparagraph 3 of that Article are excluded:

a. Consultation where farmland within an agricultural promotion area is included in such areas, districts, or zones, etc., and the area of such agricultural promotion area is less than 10,000 square meters;

b. Consultation where farmland outside an agricultural promotion area is included in such areas, districts, or zones, etc., and falls under any of the following:

1) Where the included farmland is farmland within a planned management area under Article 36 of the National Land Planning and Utilization Act or a natural green area under Article 30(1)4d of the Enforcement Decree of that Act;

2) Where the area of the included farmland (excluding farmland within the areas under subitem 1)) is less than 300,000 square meters;

3) Where included in a general industrial complex or an urban high-tech industrial complex under Article 7 or 7-2 of the Industrial Sites and Development Act (excluding those designated upon request under Article 11 of that Act), and the area of included farmland is less than 50/100 of the total area of such complex;

4) Where included in a district unit planning zone under Article 51(3) of the National Land Planning and Utilization Act (limited to industrial and distribution-type district unit planning zones under Article 42-3(2)10 of the Enforcement Decree of that Act), and the area of included farmland is less than 1,000,000 square meters;

3. Authority concerning revocation of permission for farmland diversion, suspension of related construction, suspension of business operations, reduction of project scale, modification of project plans, or other necessary measures under Article 39 of the Act; authority concerning hearings under Article 55(2) of the Act; and authority concerning investigation of illegally diverted farmland, etc. under Article 58; provided, this shall be limited to cases where authority is delegated to Mayors/Do Governors under subparagraphs 1, 2, and the proviso to paragraph (2);
4. Authority concerning orders for restoration to the original state and administrative vicarious execution under Article 42 of the Act; provided, this shall be limited to cases where authority is delegated to Mayors/Do Governors under subparagraphs 1 through 3 and the proviso to paragraph (2);
5. Authority concerning imposition and collection, etc. of Farmland Preservation Charges under Article 38 of the Act (limited to cases where authority is delegated to Mayors/Do Governors under subparagraphs 1 and 2 and the proviso to paragraph (2));
6. Authority regarding investigations under Article 54 (1) of the Act (excluding matters delegated to the Director General of the National Agricultural Products Quality Management Service under paragraph (5)).

(2) Pursuant to Article 51(1) of the Act, the Minister of Agriculture, Food and Rural Affairs delegates the following authority to the head of a Si/Gun/autonomous Gu; provided,

where the relevant farmland extends across 2 or more Sis/Guns or autonomous Gus within the jurisdiction of the same Special Metropolitan City, Integrated Special Metropolitan City, Metropolitan City, or Do, the authority under subparagraph 1 shall be delegated to the Mayor/Do Governor: <Amended on Feb. 29, 2008; Jul. 10, 2012; Mar. 23, 2013; Jun. 25, 2019; Oct. 24, 2023; Jul. 28, 2026>

1. Authority concerning permission for farmland diversion (including consultation deemed to constitute permission for farmland diversion under other statutes; hereafter in this subparagraph the same shall apply), modification of such permission under Article 34(1) of the Act, and consultation under Article 34(2)2 of the Act, limited to the following:

a. Diversion of farmland of less than 3,000 square meters within an agricultural promotion area;

b. Diversion of farmland of less than 30,000 square meters outside an agricultural promotion area;

c. Diversion of farmland of less than 100,000 square meters within areas, districts, zones, complexes, or special zones, etc. under Appendix 3 designated or determined after consultation with the Minister of Agriculture, Food and Rural Affairs (including a person delegated with such authority);

1-2. Authority concerning consultation related to farmland diversion under Article 34(2)1 of the Act (limited to cases where the area of farmland outside an Agricultural Promotion Area within a planned urban or Gun planning facility site subject to such consultation is changed within less than 3,000 square meters);

2. Authority concerning revocation of permission for farmland diversion, suspension of related construction, suspension of business operations, reduction of project scale, modification of project plans, or other necessary measures under Article 39 of the Act; authority concerning hearings under Article 55(2) of the Act; and authority concerning investigation of illegally diverted farmland, etc. under Article 58; provided, this shall be limited to cases where authority is delegated under subparagraph 1;

3. Authority concerning orders for restoration to the original state and administrative vicarious execution under Article 42 of the Act; provided, this shall be limited to cases where authority is delegated under subparagraphs 1 and 2;

4. Authority concerning imposition and collection, etc. of farmland preservation charges under Article 38 of the Act in any of the following cases:

a. Where authority is delegated to the head of a Si/Gun/autonomous Gu under subparagraph 1;

b. Where the person falls under Article 38(1)2, 2-2, or 5 of the Act;

c. Deleted. <Dec. 31, 2024>

(3) Where a Mayor/Do Governor exercises authority pursuant to the proviso to paragraph (1) or (2), or receives a report on the exercise of such authority from the head of a Si/Gun/autonomous Gu pursuant to paragraph (4), he or she shall report to the Minister of Agriculture, Food and Rural Affairs, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(4) When the head of a Si/Gun/autonomous Gu exercises authority pursuant to paragraph (2), he or she shall report the details thereof to the Mayor/Do Governor, as prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(5) Pursuant to Article 51(1) of the Act, the Minister of Agriculture, Food and Rural Affairs delegates to the Director General of the National Agricultural Products Quality Management Service the authority to conduct investigations of farmland designated and publicly notified by the Minister of Agriculture, Food and Rural Affairs, among the authority to conduct investigations under Article 54(1) of the Act. <Added on Jul. 28, 2026>

(6) Pursuant to Article 51(2) of the Act, the Minister of Agriculture, Food and Rural Affairs entrusts the following business affairs to the Korea Rural Community Corporation: <Added on Jun. 25, 2019; May 9, 2022; Jul. 28, 2026>

1. Fact-finding investigation under Article 31-3(1) of the Act (excluding planning of such investigation under Article 28-3(2));

2. Establishment and operation of the information system under Article 54-2(3) of the Act.

[Title Amended on Jun. 25, 2019]

Article 72 (Payment of monetary awards) (1) Monetary awards under Article 52 of the Act shall be paid within the budget in accordance with the standards for payment of monetary awards set forth in Appendix 4. In such cases, the annual maximum amount payable per person (referring to the period from January 1 to December 31 of the year in which the decision to pay the monetary award is made) shall be 1.5 million won. <Amended on Nov. 26, 2009; Oct. 14, 2021>

(2) Monetary awards under paragraph (1) shall be paid only where a person falling under any subparagraph of Article 52 of the Act files an accusation or report with the competent authority or an investigative agency before being detected by an administrative agency, and, with respect to such case, a prosecutor institutes a public prosecution, suspends prosecution, or grants a suspension of indictment, or a judicial police officer suspends the investigation (limited to suspension of investigation of a suspect). <Amended on Dec. 29, 2020>

(3) Notwithstanding paragraphs (1) and (2), no monetary award shall be paid where a person who files a report or accusation with the competent authority or an investigative agency falls under any of the following: <Added on Aug. 11, 2020>

1. Where the person is engaged in duties related to acquisition of farmland, permission or reporting of farmland diversion or use, and supervision thereof;
2. Where the person is the spouse, lineal ascendant or descendant, or the spouse of a lineal descendant of a person engaged in duties under subparagraph 1;
3. Where the person is the spouse, lineal ascendant or descendant, or the spouse of a lineal descendant of a person engaged in duties under subparagraph 1.

(4) Matters necessary for the method of distribution where two or more persons jointly receive monetary awards under paragraph (1), and other matters concerning the method and procedures for payment of monetary awards shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013; Aug. 11, 2020>

Article 73 (Minimum area of parcel of land extending over agricultural promotion zone and agricultural protection zone) "Scale prescribed by Presidential Decree" in Article 53(1) and (2) of the Act means 330 square meters.

Article 73-2 (Provision of farmland information) "Financial institutions prescribed by Presidential Decree" in Article 54-3 of the Act means the following financial institutions:

1. Cooperatives, the National Federation, and NongHyup Bank under the Agricultural Cooperatives Act;
2. Cooperatives and the National Federation under the Forestry Cooperatives Act;
3. Cooperatives, the National Federation, and the Suhyup Bank under the Fisheries Cooperatives Act;

4. Credit unions and the National Credit Union Federation under the Credit Unions Act;
5. Community credit cooperatives and the Korean Federation of Community Credit Cooperatives under the Community Credit Cooperatives Act;
6. Communications offices under the Postal Savings and Insurance Act;
7. Mutual savings banks and the Korea Federation of Savings Banks under the Mutual Savings Banks Act;
8. The Industrial Bank of Korea under the Industrial Bank of Korea Act;
9. The Korea Development Bank established under the Korea Development Bank Act.

[This Article Added on May 9, 2022]

Article 74 (Fees) (1) Fees under Article 56 of the Act shall be as follows: <Amended on Jul. 10, 2012; May 9, 2022; Jun. 2, 2025>

1. Application for a certificate of qualification for acquisition of farmland under Article 8 of the Act: 1,000 won;
2. Application for permission or modification of permission for farmland diversion under Article 34 of the Act, or report or modification of report on farmland diversion under Article 43 of the Act: the following amounts:

a. Application for permission or report on farmland diversion

1) Where the area of farmland to be diverted does not exceed 3,500 square meters: 20,000 won;

2) Where the area of farmland to be diverted exceeds 3,500 square meters: 20,000 won plus 2,000 won for each additional 350 square meters in excess;

b. Application for modification of permission or report on modification

1) Where the additional area of farmland to be diverted does not exceed 3,500 square meters (including cases where matters other than area are changed or the area of farmland originally applied for diversion is reduced): 20,000 won;

2) Where the additional area of farmland to be diverted exceeds 3,500 square meters: 20,000 won plus 2,000 won for each additional 350 square meters in excess;

3. Application for permission or modification of permission for temporary use of farmland for other purposes under Article 36 of the Act: the following amounts:

a. Application for permission for temporary use of farmland for other purposes

1) Where the area of farmland to be temporarily used does not exceed 3,500 square meters: 10,000 won;

2) Where the area of farmland to be temporarily used exceeds 3,500 square meters: 10,000 won plus 1,000 won for each additional 350 square meters in excess;

b. Application for modification of permission for temporary use

1) Where the additional area does not exceed 3,500 square meters (including cases where matters other than area are changed or the originally applied area is reduced): 10,000 won;

2) Where the additional area exceeds 3,500 square meters: 10,000 won plus 1,000 won for each additional 350 square meters in excess;

4. Report or modification of report on farmland diversion under Article 35 of the Act: 5,000 won;

5. Approval for change of use under Article 40 of the Act: 5,000 won;

6. Application for issuance of a copy of the farmland ledger or a certificate of self-cultivation under Article 50 of the Act: 500 won; provided, fees shall be exempted where issued through an electronic civil service portal or an integrated electronic civil service portal;

(2) The fees under paragraph (1) shall be paid by revenue stamps issued by the Si (excluding the Special Metropolitan City, Integrated Special Metropolitan City, and Metropolitan City; hereafter in this paragraph the same shall apply), Gun, or autonomous Gu that has jurisdiction over the location of the relevant farmland or prepares and keeps the farmland register for such farmland; provided, the head of a Si/Gun/autonomous Gu may allow such fees to be paid by electronic money, electronic payment, or other means through an information and communications network. <Amended on May 9, 2022; Jul. 28, 2026>

Article 75 (Imposition of charges for compelling compliance) (1) When the Mayor (referring to the Mayor of a Si without a Gu), the head of a Gun, or the head of a Gu imposes charges for compelling compliance pursuant to Article 63(1) of the Act, he or she shall provide the person subject to such disposition with an opportunity to submit opinions by specifying a period of not less than 10 days. <Amended on May 9, 2022>

(2) Procedures for collection of charges for compelling compliance shall be prescribed by Decree of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(3) "Good cause prescribed by Presidential Decree" in Article 63(1)1 of the Act means any of the following: <Amended on Jun. 26, 2009; May 9, 2022>

1. Where a request for purchase has been made to the Korea Rural Community Corporation pursuant to Article 11(2) of the Act and consultation is in progress;
2. Where disposition is restricted pursuant to statutes or a court judgment, etc.

Article 76 (Preparation and submission of reports) (1) The head of a Si/Gun/autonomous Gu shall submit to the Mayor/Do Governor, in the form prescribed by the Minister of Agriculture, Food and Rural Affairs, the status of the following matters: <Amended on Feb. 29, 2008; Jul. 10, 2012; Mar. 23, 2013; May 9, 2022; Dec. 31, 2024>

1. Notices of disposition and orders for disposition of farmland under Articles 10 and 11 of the Act;
2. Designation of proxy cultivators under Article 20 of the Act;
2-2. Permission for farmland diversion and consultation under Article 34 of the Act;
2-3. Reports on farmland diversion under Articles 35 and 43 of the Act;
2-4. Reports on farmland improvement activities under Article 41-3 of the Act;
3. Accusations and dispositions against persons who violate Articles 57 through 62 of the Act;
4. Imposition and collection of charges for compelling compliance under Article 63 of the Act.

(2) The head of a Si/Gu/Eup/Myeon shall submit to the Mayor/Do Governor the status of issuance of certificates of qualification for acquisition of farmland under Article 8 of the Act, as prescribed by the Minister of Agriculture, Food and Rural Affairs. In the case of the head of a Gu that is not an autonomous Gu, and the head of an Eup or Myeon, such submission shall be made through the head of a Si/Gun having jurisdiction. <Amended on Feb. 29, 2008; Jul. 10, 2012; Mar. 23, 2013>

(3) The Mayor/Do Governor shall compile the data submitted pursuant to paragraphs (1) and (2) and submit it to the Minister of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(4) The Korea Rural Community Corporation shall submit to the Minister of Agriculture, Food and Rural Affairs, on a quarterly basis, the status of requests for purchase and purchases under Article 11(2) of the Act, in the form prescribed by the Minister of Agriculture, Food and Rural Affairs. <Amended on Jun. 26, 2009; Mar. 23, 2013>

(5) The Minister of Agriculture, Food and Rural Affairs may be provided, by electronic means through linkage of information systems, with relevant data concerning the matters

under paragraphs (1) and (2) and the following matters from Mayors/Do Governors, the head of a Si/Gun/autonomous Gu, or the heads of relevant administrative agencies: <Added on Jul. 10, 2012; Mar. 23, 2013; Jan. 19, 2016; Apr. 30, 2018; May 9, 2022; Dec. 31, 2024>

1. Permission and consultation for temporary use of farmland for other purposes under Article 36 of the Act;

1-2. Reports and consultation for temporary use of farmland for other purposes under Article 36-2 of the Act;

2. Revocation of permission for farmland diversion and permission for temporary use of farmland for other purposes, and revocation of acceptance of reports on farmland diversion, temporary use of farmland for other purposes, and farmland improvement activities under Article 39 of the Act;

3. Approval for change of use under Article 40 of the Act;

4. Farmland ledger under Article 49 of the Act;

5. Issuance of copies of the farmland ledger and certificates of self-cultivation under Article 50 of the Act.

(6) If Mayors/Do Governors, the head of a Si/Gun/autonomous Gu, or the head of a Si/Gu/Eup/Myeon submit relevant data under paragraphs (1) through (3) and (5), they shall, in principle, use electronic methods through linkage of information systems, unless there are special circumstances. <Added on Jan. 19, 2016>

Article 77 (Re-examination of regulation) The Minister of Agriculture, Food and Rural Affairs shall review the feasibility of the matters in each of the following subparagraphs every 3 years (referring to the period until before January 1 of the year in which every third year expires) as of the base date prescribed in each of the following subparagraphs and take measures such as improvement. <Amended on Mar. 24, 2026>

1. Grounds for leasing or lending farmland under Article 24: January 1, 2023;

2. Deleted; <Mar. 24, 2026>

3. Scope, scale, etc. of facilities subject to reporting for farmland diversion under Article 36 and Appendix 1: January 1, 2023;

4. Facilities subject to restrictions on permission for farmland diversion under Article 44: January 1, 2023;

5. Subjects and rates of reduction or exemption of farmland conservation charges under Article 52 and Appendix 2: January 1, 2023;
6. Deleted. <Mar. 24, 2026>

[This Article Wholly Amended on Mar. 7, 2023]

Article 78 (Processing of personally identifiable information) (1) The head of a central administrative agency or a Mayor/Do Governor (including a person to whom the relevant authority is delegated or entrusted, if applicable) may, if unavoidable to perform affairs concerning the acquisition of agricultural land to be used as a test plot, research plot, practice plot, seedling production site, or pollen production site for artificial pollination of fruit trees under Article 6(2)2 of the Act, process data containing resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act. <Amended on Nov. 29, 2016>

(2) The Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/autonomous Gu (including a person to whom the relevant authority is delegated or entrusted, if applicable) may, if unavoidable to perform the following affairs, process data containing resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act: <Amended on Jul. 10, 2012; Mar. 23, 2013; Apr. 30, 2018>

1. Business affairs regarding the improvement and conservation of soil under Article 21 of the Act;
1-2. Business affairs regarding permission for and consultation on the diversion of agricultural land under Article 34 of the Act;
2. Business affairs regarding reporting on the diversion of farmland under Articles 35 and 43 of the Act;
3. Business affairs regarding permission, etc. for the temporary use of farmland for other purposes under Article 36 of the Act;
3-2. Business affairs regarding reporting, etc. on the temporary use of farmland for other purposes under Article 36-2 of the Act;
4. Business affairs regarding the revocation, etc. of permission for the diversion of farmland under Article 39 of the Act;
5. Business affairs regarding the approval of a change in use under Article 40 of the Act;

6. Business affairs regarding the payment of rewards under Article 52 of the Act;
7. Business affairs regarding the refund of deposits, etc. for restoration costs under Article 43.

(3) The head of a Si/Gu/Eup/Myeon may, if unavoidable to perform the following business affairs, process data containing resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act: <Amended on Aug. 11, 2020; May 9, 2022>

1. Business affairs regarding the issuance of certificates of qualification for acquisition of farmland under Article 8 of the Act;
1-2. Business affairs regarding the verification of lease contracts for farmland and the recording in the register for verification of lease contracts for farmland under Article 24(3) of the Act;
2. Business affairs regarding the preparation and maintenance, etc. of farmland ledgers under Article 49 of the Act;
2-2. Business affairs regarding applications for changes to farmland ledgers under Article 49-2 of the Act;
3. Business affairs regarding issuance, etc. of copies of the farmland ledger and certificates of self-cultivation under Article 50 of the Act.

(4) Where unavoidable for performing the following business affairs, the Korea Rural Community Corporation may process data including personally identifiable information under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act: <Amended on Jul. 10, 2012>

1. Business affairs regarding the purchase of farmland subject to a disposal order under Article 11 of the Act;
2. Business affairs regarding the purchase of farmland in agricultural promotion areas under Article 33-2 of the Act;
3. Business affairs regarding the collection and refund of farmland conservation charges under Articles 48(1) and 51(1).

[This Article Added on Jan. 6, 2012]

Article 79 (Request for provision of data) "Data prescribed by Presidential Decree, such as resident registration computerized data and real estate registration computerized data" in Article 54-2(1) of the Act means the following data: <Amended on May 9, 2022>

1. The registry under Article 2(1) of the Real Estate Registration Act;
2. Cadastral records under subparagraph 19 of Article 2 of the Act on the Establishment and Management of Spatial Information;
3. Computerized resident registration information data under Article 30(1) of the Resident Registration Act;
4. Family relation register under Article 9(1) of the Act on the Registration of Family Relations;
5. Temporary building ledger under Article 20(6) of the Building Act and building ledger under Article 38 of that Act;
6. Data related to the public function direct payment system under Article 37 of the Act on the Operation of Direct Payment System for Promoting Public Functions of Agriculture and Fisheries and Rural Communities;
7. Data concerning alien registration under Articles 31 and 32 of the Immigration Control Act;
8. Data concerning domestic residence reporting under Article 6 of the Act on the Departure, Arrival and Legal Status of Overseas Koreans;
9. Reporting data on real estate transactions under Article 3 of the Act on Report on Real Estate Transactions;
10. Data concerning the farmland bank business under Articles 18 through 24 and Articles 24-2 through 24-5 of the Korea Rural Community Corporation and Farmland Management Fund Act;
11. Other data recognized by the Minister of Agriculture, Food and Rural Affairs as necessary for use in the establishment of farmland-related policies, the preparation of farmland ledgers, etc., under Article 54-2(1) of the Act.

[This Article Added on Oct. 14, 2021]

CHAPTER VI PENALTY PROVISIONS

Article 80 (Criteria for imposition of administrative fines) The criteria for the imposition of administrative fines under Article 64(1) and (2) of the Act shall be as specified in Appendix 5.

[This Article Added on May 9, 2022]