

ACT ON THE CREATION AND FURTHERANCE OF ARBORETUMS AND GARDENS

Act No. 13027, Jan. 20, 2015
Amended by Act No. 14362, Dec. 2, 2016
Act No. 15397, Feb. 21, 2018
Act No. 16233, Jan. 15, 2019
Act No. 17097, Mar. 24, 2020
Act No. 17171, Mar. 31, 2020
Act No. 17723, Dec. 22, 2020
Act No. 18025, Apr. 13, 2021

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for matters necessary for the creation, operation, and furtherance of arboretums and gardens to contribute to the improvement of the quality of life of citizens and the development of the national economy by promoting the conservation and exploitation of forest genetic resources of national importance and by systematically managing gardens. <Amended on Jan. 3, 2007; May 8, 2009; Jan. 20, 2015>

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Mar. 23, 2013; Jan. 20, 2015; Dec. 2, 2016; Jan. 15, 2019; Dec. 22, 2020; Apr. 13, 2021>

1. The term "arboretum" means any institution primarily engaged in gathering, proliferating, conserving, managing, and exhibiting the genetic resources of forest trees and in conducting scientific and industrial research, etc. on the exploitation of such resources with the following facilities secured in compliance with the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

- (a) Facilities for proliferating and cultivating forest genetic resources;
- (b) Facilities for managing forest genetic resources;

(c) Flower gardens, native botanic gardens and other facilities for exhibiting forest genetic resources prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;

(d) Other facilities necessary for managing and operating such arboretum;

1-2. The term "garden" means any space in which plants, soil and stones, facilities (including artworks) etc. are continuously managed by displaying, placing, cultivating, or tending them (including facilities and their land): Provided, That the spaces specified by Presidential Decree, including cultural heritage prescribed in the Cultural Heritage Protection Act, natural parks prescribed in the Natural Parks Act, and urban parks, etc. prescribed in the Act on Urban Parks and Green Areas are excluded.

2. The term "forest genetic resources" means any genetic resources of scientific and industrial value that include forest plants, such as trees (including both native and cultivated plants), seeds, tissues, cells, pollens and spores thereof, and the genes thereof;

3. The term "arboretum expert or gardening expert" means any person who has completed a training program for arboretum experts or gardening experts provided by an institute for training arboretum experts or gardening experts designated under Article 18-15 (1) so as to systematically convey knowledge about forest genetic resources or plants and to effectively create, manage, conserve, and display arboretums or gardens;

4. The term "rare plant" means any plant requiring special preservation and management due to decrease in the population and natural habitats, and being prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;

5. The term "native plant" means any plant indigenous to the Republic of Korea, which is prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;

6. The term "gardening industry" means an industry that produces and distributes plants, facilities, and materials for gardening and provides services, etc. necessary therefor.

7. The term "garden healing" means an activity for recovering, maintaining, and improving physical and mental health by utilizing diverse functions and resources of a garden.

Article 3 (Projects)

(1) An arboretum engages in the following projects: Provided, That projects described in subparagraphs 10 through 13 are conducted by the Korea National Arboretum established under Article 5 (1): *<Amended on Dec. 2, 2015; Apr. 13, 2021>*

1. Gathering, proliferation, conservation, reinstatement, management and exhibition of forest genetic resources;

2. Using, breeding and disseminating forest genetic resources;

3. Conducting scientific and industrial research and study on forest genetic resources;

4. Building and operating databases on forest genetic resources;

5. Producing and distributing a variety of publications related to forest genetic resources;

6. Conducting field education on forest genetic resources and holding of related events;
 7. Fostering organic collaboration between domestic and overseas arboretums including exchange of forest genetic resources and related information;
 8. Preserving rare and native plants in places other than their habitats, and monitoring the status of such preservation;
 9. Gathering, manufacturing, keeping and administrating various plant specimens;
 - 9-2. Conducting profit-making projects prescribed by Presidential Decree to invigorate business management, such as the production, sale, etc. of exhibits and souvenirs to the extent necessary for achieving the purpose of the establishment of an arboretum;
 10. Classifying, denominating, and registering forest genetic resources;
 11. Preparing a list of forest genetic resources;
 12. Providing technical guidance and assistance to and cooperation to other domestic arboretums;
 13. Conducting other projects necessary to function as the national arboretum.
- (2) A garden engages in the following projects: *<Newly Inserted on Jan. 20, 2015>*
1. Surveying, collecting, distributing, and managing plants, materials, etc. used in the garden;
 2. Maintaining, managing, and displaying the garden;
 3. Providing technical instruction and training on gardens;
 4. Exchanging information about plants, etc. with domestic and overseas gardens and cooperating with them;
 5. Holding nature classes and events in the garden;
 6. Issuing publications on the garden;
 7. Conducting other projects necessary to function as a garden.
- (3) Necessary matters regarding standards, procedures, and methods for the preparation of a list of forest genetic resources, the administration of such list, etc. under paragraph (1) 11 shall be prescribed by Presidential Decree. *<Amended on Jan. 20, 2015>*

Article 4 (Classification of Arboretums and Gardens)

- (1) Arboretums are classified as follows according to the nature of the entity that creates and manages them:
1. National arboretums: Arboretums created and managed by the Minister of the Korea Forest Service;
 2. Public arboretums: Arboretums created and managed by a local government;
 3. Private arboretums: Arboretums created and managed by a corporation, an organization, or a private individual;
 4. School arboretums: Arboretums created and managed as educational supportive facilities by a school under the Elementary and Secondary Education Act or the Higher Education Act or by an educational institution established under any other Act;

- (2) Gardens are classified as follows according to the nature of the entity that creates and manages them:
1. National gardens: Gardens created and managed by the State;
 2. Local gardens: Gardens created and managed by a local government;
 3. Private gardens: Gardens created and managed by a corporation, an organization, or a private individual;
 4. Community gardens: Gardens created and managed jointly by the State or a local government and a corporation or an organization formed by residents in a village, collective housing building, or a certain area (hereinafter referred to as “community”);
 5. Living gardens: Open gardens created in idle spaces so as to be used as a place to rest, cultivate or tend, which are created and managed by the State, a local government, an institution under Article 4 of the Act on Management of Public Institutions prescribed by Presidential Decree;
 6. Theme gardens:
 - (a) Education gardens: Gardens created for the purpose of education and recreation of students;
 - (b) Healing gardens: Gardens created for the purpose of garden healing;
 - (c) Practice gardens: Gardens created for the purpose of training specialists by designing, creating and managing the gardens;
 - (d) Model gardens: Gardens created by utilizing new technology related to gardens for promoting the gardening industry;
 - (e) Other gardens prescribed by ordinance of a local government.
- (3) The types of and standards, etc. for the facilities that the gardens are required to be equipped pursuant to subparagraphs of paragraph (2) shall be prescribed by Presidential Decree.

Article 5 (Korea National Arboretum)

- (1) The Korea National Arboretum shall be established as a national arboretum under the jurisdiction of the Korea Forest Service. <Amended on Dec. 2, 2015>
- (2) Matters necessary for the organization, operation, etc., of the Korea National Arboretum established under paragraph (1) shall be prescribed by Presidential Decree. <Amended on Dec. 2, 2015>
- (3) In addition to the Korea National Arboretum established under the jurisdiction of the Korea Forest Service pursuant to paragraph (1), the Minister of the Korea Forest Service may establish and operate other national arboreta by climate and vegetation zone if it is deemed necessary for conservation, utilization, etc., of genetic resources. <Newly Inserted on Dec. 2, 2015>
- (4) Matters necessary for the operation, etc., of public arboretums shall be prescribed by municipal ordinances of related local governments so that such arboretums may be managed to facilitate the conservation of local forest genetic resources. <Amended on Dec. 2, 2015>
- (5) The State and local governments shall support and foster private arboretums in order that they may function as infrastructure to increase forestry income through the conservation, exhibition, utilization, etc., of forest genetic resources. <Amended on Dec. 2, 2015>

Article 6 (Formulation of Master Plans for Promotion of Arboretums and Gardens)

(1) The Minister of the Korea Forest Service shall formulate and implement a master plan for the promotion of arboretums and gardens (hereinafter referred to as "master plan") every five years by consulting with the heads of the relevant central administrative agencies in order to expand arboretums and promote projects for arboretums and gardens prescribed in Article 3. *<Amended on Jan. 20, 2015; Jan. 15, 2019>*

(2) The master plan shall include the following: *<Newly Inserted on Jan. 20, 2015>*

1. Basic direction-setting and goals for the promotion of arboretums and gardens;
2. Current progress of creation of arboretums and gardens;
3. Support for arboretums and gardens and expansion of exchange among arboretums and gardens;
4. Informatization and utilization of arboretums and gardens;
5. Other matters specified by Presidential Decree as necessary for the creation and promotion of arboretums and gardens.

(3) The Minister of the Korea Forest Service shall formulate and implement an annual implementation plan (hereafter referred to as "implementation plan" in this Article) based on the master plan and endeavor to secure financial resources necessary therefor. *<Inserted on Jan. 15, 2019>*

(4) The Minister of the Korea Forest Service shall, when formulating or revising a master plan and an implementation plan, notify the heads of the relevant central administrative agencies, Special Metropolitan City Mayors, Metropolitan City Mayors, Special Self-Governing City Mayors, Do Governors and Special Self-Governing Province Governors (hereinafter referred to as "City Mayor/Do Governor") thereof and submit such plans to the competent Standing Committee of the National Assembly. *<Inserted on Jan. 15, 2019>*

(5) The Minister of the Korea Forest Service shall, when formulating or revising a master plan and an implementation plan, publish such plans, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Inserted on Jan. 15, 2019>*

(6) The Minister of the Korea Forest Service may, if necessary for formulating a master plan and an implementation plan, request the heads of the relevant central administrative agencies or City Mayors/Do Governors to present relevant materials. In such cases, the head of any institution who receives a request to present materials shall comply therewith, except in extenuating circumstances. *<Inserted on Jan. 15, 2019>*

(7) A City Mayor/Do Governor, and the Director General of the Korea National Arboretum (referring to the Director General of the Korea National Arboretum established under Article 5 (1); hereinafter the same shall apply) may each formulate and execute an action plan for the promotion of arboretums and gardens in accordance with the master plan formulated under paragraph (1). *<Amended on Jan. 20, 2015; Dec. 2, 2015; Jan. 15, 2019>*

CHAPTER II CREATION and OPERATION OF ARBORETUMS

SECTION 1 Creation of Arboretums

Article 6-2 (Designation and Cancellation of Designation of Arboretum Development Project Areas)

(1) When the Minister of the Korea Forest Service or the head of a local government seeks to develop the Korea National Arboretum or a public arboretum, he or she may designate an area for the development of such arboretum (hereinafter referred to as "arboretum development project area"), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, he or she shall hear opinions from the relevant residents in advance and consult with the head of the competent administrative agency thereabout, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(2) When the head of a local government seeks to designate an arboretum development project area, he or she shall obtain approval therefor in advance from the Minister of the Korea Forest Service, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

(3) A period for which an arboretum development project area is designated shall not be more than five years: Provided, That if there is any ground prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such period may be extended only once by three years. *<Amended on Mar. 23, 2013>*

(4) The Minister of the Korea Forest Service or the head of a local government may change or cancel the designation of an arboretum development project area in whole or in part if any of the following grounds arises with respect to such project area:

1. Where the size, etc. of the relevant land falls short of the standards provided for in subparagraph 1 of Article 2 due to damage caused by any natural disaster, etc.;
2. Where the relevant area is to be used as a site for military installations or other facilities for official or public use prescribed by Presidential Decree.
3. Where it is deemed inevitable to change or cancel the designated zone to achieve any public or designated purpose.

(5) The Minister of the Korea Forest Service or the head of a local government shall, upon designation of an arboretum development project area or change or cancellation of such designation pursuant to paragraphs (1) and (4), inform the relevant land owners and the head of the competent administrative agency thereof and provide a public notice of the name, lot number, category and size of such area and other necessary matters. In such cases, the public notice of the topographic map, etc. shall be made in accordance with Article 8 of the Framework Act on the Regulation of Land Use.

(6) None of the following activities shall be done within an arboretum development project area which is designated or of which the designation is changed pursuant to paragraph (1) or (4): Provided, That the same shall not apply in cases where permission therefor is obtained from the Minister of the Korea Forest Service or the head of the relevant local government, as prescribed by Presidential Decree: *<Amended on*

Mar. 24, 2020>

1. Converting forest land or farmland;
2. Deforesting, or extracting, or gathering earth, stone, and other forest products;
3. Constructing buildings;
4. Installing artificial structures.

Article 6-3 (Establishment of Plan for Creation of Korea National Arboretum)

(1) When the Minister of the Korea Forest Service seeks to create the Korea National Arboretum, he or she shall establish a plan for the creation of the Korea National Arboretum and provide a public notice of the details thereof in the Official Gazette in accordance with the standards established by Presidential Decree. The same shall also apply to any modifications to the plan for the creation of the Korea National Arboretum.

(2) When the Minister of the Korea Forest Service seeks to establish or change a plan for the creation of the Korea National Arboretum pursuant to paragraph (1), he or she shall hear opinions from the relevant residents in advance and consult with the head of the competent administrative agency thereabout: Provided, That the hearing of opinions of the relevant residents may be omitted if their opinions are already reflected in designating the arboretum development project area pursuant to Article 6-2 (1).

Article 7 (Approval of Plan for Creation of Arboretums)

(1) A Mayor/Do Governor may, in receipt of an application by a person seeking to create an arboretum (excluding the Korea National Arboretum; hereafter the same shall apply in this Article), approve a plan for the creation of such arboretum, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(2) Where a person who has obtained approval under paragraph (1) intends to make any modification to any matter prescribed by Presidential Decree with respect to the plan for the creation of arboretum, he or she shall obtain approval for such modification from the Mayor/Do Governor.

(3) In approving a plan for the creation of an arboretum or any modification to such plan pursuant to paragraphs (1) and (2), a Mayor/Do Governor shall grant such approval only where the standards established by Presidential Decree are met in terms of the concreteness and feasibility of the relevant project plan, the conditions of location, the security of a site, etc.

(4) In approving a plan for the creation of an arboretum or any modification to such plan pursuant to paragraphs (1) and (2), the Mayor/Do Governor shall consult in advance with the head of the competent administrative agency about the matters described in subparagraphs of Article 8.

(5) If a person who has obtained approval pursuant to paragraph (1) falls under any of the following subparagraphs, a Mayor/Do Governor may revoke that approval. In such cases, the Mayor/Do Governor shall give the person an opportunity to take necessary corrective measures within a fixed period prior to such revocation:

1. Where a person fails to commence a project to create an arboretum within one year from the date he or she has obtained approval pursuant to paragraph (1) or suspends a project for one year or longer, without any reasonable ground;
 2. Where it is found impractical for a person to implement a plan for the creation of arboretum because of unsound management, etc. of the relevant project.
- (6) A Mayor/Do Governor may, upon revocation of a plan for the creation of an arboretum pursuant to paragraph (5), order a person who has obtained approval of such plan to reinstate the relevant forest within a fixed period.
- (7) A Mayor/Do Governor shall, upon approval of a plan for the creation of an arboretum, approval of any modification to such plan, or revocation of such approval pursuant to paragraphs (1), (2) and (5), provide a public notice of such fact to the agency subject to consultation under paragraph (4) and other interested persons and announce it, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*
- (8) A Mayor/Do Governor shall, within 20 days from the filing date of an application for the creation of an arboretum or for any modification to such plan under paragraph (1) or (2), notify the applicant of whether the application is approved or the reason why the approval is being delayed. *<Newly Inserted on Mar. 11, 2014>*
- (9) If a Mayor/Do Governor needs an additional period for consulting with the heads of the competent administrative agencies on the matters specified in the subparagraphs of Article 8 under paragraph (4), he or she may extend the deadline for the notification of approval for up to ten days after giving the notice of delay in the approval process under paragraph (8). *<Newly Inserted on Mar. 11, 2014>*

Article 8 (Relationship to Other Statutes)

A plan publicly notified for the creation of the Korea National Arboretum under Article 6-3 (1) or a plan approved for the creation of an arboretum under Article 7 (1) or approved for its modification under Article 7 (2) is deemed to have obtained the following permits, authorization, etc. or completed the following reporting: *<Amended on Jan. 14, 2014; Mar. 31, 2020>*

1. Permission to engage in development activities under Article 56 of the National Land Planning and Utilization Act;
2. Building permission under Article 11 of the Building Act, and permission for or reporting on erection of a temporary building under Article 20 of the same Act;
3. Permission to occupy a river under Article 33 of the River Act;
4. Permission to implement road works or to maintain roads under Article 36 of the Road Act, and permits to occupy a road under Article 61 of the same Act;
5. Authorization on installation of private-use waterworks under Article 52 of the Water Supply and Waterworks Installation Act;

6. Permission to construct or maintain works related to a public sewerage system under Article 16 of the Sewerage Act;
7. Authorization for or reporting a plan for the construction of a private-use electric system under Article 62 of the Electrical Safety Management Act;
8. Permission for, or consultation about, diversion of farmland under Article 34 of the Farmland Act;
9. Permission to convert mountainous districts and reporting thereon under Articles 14 and 15 of the Mountainous Districts Management Act;
10. Permission to cut standing timber and reporting thereon under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, and permission to engage in any activity within a forest protection zone (excluding a forest genetic resource protection zone) and reporting thereon under Article 9 (1) and (2) 1 and 2 of the Forest Protection Act and cancellation of designation of a forest protection zone under Article 11 (1) 1 of the same Act.

Article 8-2 (Expropriation of Land)

- (1) The State or a local government may expropriate or exercise its ownership or other rights to the land concerned and fixtures on the land if necessary for creating arboretums.
- (2) With respect to the expropriation or exercise under paragraph (1), the Act on Acquisition of and Compensation for Land for Public Works Projects shall apply mutatis mutandis, except as otherwise provided for in this Act.

SECTION 2 Registration and Operation of Arboretums

Article 9 (Registration)

(1) Any person who operates an arboretum (excluding the Korea National Arboretum) may register the following matters with the Mayor/Do Governor, as prescribed by Presidential Decree, after securing professional administrators, forest genetic resources, and facilities for the proliferation, cultivation, management, exhibition, etc. of forest genetic resources necessary to attain the purposes of establishment thereof:

1. Name of the arboretum;
2. Location of the arboretum;
3. Name and address of the arboretum operator;
4. Facility specifications of the arboretum;
5. List of forest genetic resources held by the arboretum;
6. Other matters deemed necessary by the Mayor/Do Governor.

(2) Where a person who has filed for registration under paragraph (1) modifies any registered matter, he or she shall register such modification: Provided, That this shall not apply with respect to the list of forest genetic resources under paragraph (1) 5.

(3) Qualifications for professional administrators and requirements for registration of both forest genetic resources and facilities for the proliferation, etc. of forest genetic resources under paragraph (1), and other necessary matters regarding registration and the registration of modifications to registered matters shall be prescribed by Presidential Decree.

Article 10 (Issuance of Certificates of Registration)

A Mayor/Do Governor shall, upon completion of registration under Article 9 (1), issue to the applicant a certificate of arboretum registration.

Article 11 (Entrance Fees)

(1) The operator of an arboretum may collect entrance fees and facility usage fees from visitors to the arboretum.

(2) Standards for collection of entrance fees and facility usage fees under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and for public arboretums such standards shall be specified by municipal ordinances of local governments in compliance with the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 12 (Opening and Temporary Closure of Arboretums)

(1) Any arboretum registered pursuant to Article 9 (1) (hereinafter referred to as "registered arboretum") shall be open to the public for at least the number of days per year prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(2) Any person who seeks to close his or her registered arboretum for six or more consecutive months shall report it to the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 13 (Cancellation of Registration)

(1) A Mayor/Do Governor may cancel the registration of an arboretum if it falls under any of the following subparagraphs:

1. Where the operator of a registered arboretum reports its closure;
2. Where the operator of a registered arboretum files an application for cancellation of the registration thereof.

(2) Necessary matters regarding reporting on the closure of registered arboretums and the application for cancellation of the registration of arboretums under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 14 (Exchange of Forest Genetic Resources)

- (1) Arboretums may exchange forest genetic resources and other related information with each other.
- (2) The State or a local government may preferentially provide registered arboretums with its own forest genetic resources at a cost or for free, in accordance with the State Property Act, the Commodity Management Act or the Public Property and Commodity Management Act.

Article 15 (Exchange of Forest Genetic Resources with Foreign Countries)

- (1) An arboretum shall file a report with the Minister of the Korea Forest Service if it seeks to exchange forest genetic resources with a foreign arboretum or other related institution, etc.: Provided, That where forest genetic resources are moved from the territory of the Republic of Korea into foreign countries pursuant to the Act on the Conservation and Use of Biological Diversity, it shall be governed by the provisions of the Act on the Conservation and Use of Biological Diversity. *<Amended on Jul. 28, 2011; Feb. 1, 2012>*
- (2) Matters necessary for the exchange of forest genetic resources with foreign arboretums, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

Article 16 (Assistance to Promote Exchange of Information)

In order to promote the efficient exchange, management and use of forest genetic resources among or by arboretums as well as mutual cooperation among various arboretums, the Minister of the Korea Forest Service or the heads of local governments may preferably assist registered arboretums in their work described in each of the following subparagraphs: *<Amended on Mar. 23, 2013>*

1. Adjusting forest genetic resources and standardizing data processing, etc.;
2. Building integrated databases on forest genetic resources;
3. Exchanging information and data on forest genetic resources through information and communications networks;
4. Assisting with works regarding the mutual exchange of information among arboretums prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 17 (Demand for Correction)

(1) A Mayor/Do Governor may demand that the operator of an arboretum make necessary corrections within a fixed period not exceeding six months, if any facility, management or operation of the arboretum falls under any of the following subparagraphs: Provided, That the Minister of the Korea Forest Service shall demand for such correction in cases falling under subparagraph 4:

1. Where the operator fails to register any modification to the registered matters under Article 9 (2);
2. Where the operator fails to open the arboretum for more than the number of days prescribed under Article 12 (1);

3. Where the operator fails to report a temporary closure of the arboretum under Article 12 (2);
 4. Where the operator fails to report the exchange of forest genetic resources under Article 15 (1).
- (2) The operator of an arboretum in receipt of a demand for correction under paragraph (1) shall comply with such demand unless any justifiable ground exists.
- (3) When the Minister of the Korea Forest Service or the Mayor/Do Governor deems it necessary to make a demand for correction under paragraph (1), he or she may have the relevant arboretum operator submit data relating to the facility, management and operation of the arboretum.

Article 17-2 (Prohibited Acts inside Arboretum)

No person shall do any of the following acts inside the Korea National Arboretum or public arboretums:

1. Damaging plants or withering them by inserting foreign body;
2. Gathering the flowers or fruits of a plant without permission;
3. Other acts prescribed by Presidential Decree which substantially hinder the operation and management of an arboretum.

Article 18 (Revocation of Registration)

(1) A Mayor/Do Governor may revoke the registration of a registered arboretum if it falls under any of the following subparagraphs: Provided, That if any registered arboretum falls under subparagraph 1, the registration shall be revoked, and if any registered arboretum falls under subparagraph 3 due to any natural disaster or other unavoidable cause but the ground for revocation is ceased within six months, the above main clause shall not apply: *<Amended on Mar. 24, 2020>*

1. Where the arboretum is registered by fraud or other improper means;
 2. Where it is deemed impractical for the arboretum to engage in projects referred to in Article 3 for its failure to satisfy the registration requirements under Article 9 (3);
 3. Where the arboretum fails to comply with a demand for correction under Article 17 (1).
- (2) When the Mayor/Do Governor seeks to revoke the registration of an arboretum designated as an ex-situ conservation institution by the Minister of Environment pursuant to Article 7 of the Wildlife Protection and Management Act, he or she shall hold a prior consultation with the Minister of Environment thereabout. *<Amended on Jul. 28, 2011>*
- (3) Where registration is revoked under paragraph (1), the operator of the relevant arboretum shall return the certificate of arboretum registration to the relevant Mayor/Do Governor within seven days from the date of such revocation.
- (4) Where the registration of an arboretum is revoked under paragraph (1), the same matters as those so revoked may not be re-registered within two years from the date of such revocation.

CHAPTER III CREATION AND OPERATION OF GARDENS

SECTION 1 Creation of Gardens

Article 18-2 (Creation of Gardens)

@Articles 6-2 (excluding paragraph (4) 1 of the same Article), 6-3, 7, 8, and 8-2 shall apply mutatis mutandis to the designation and revocation of sites in which a garden is scheduled to be created, formulation of national garden creation plans, approval for garden creation plans, relations with other Acts, and expropriation of land, etc., respectively. <Amended on Mar. 24, 2020>

[Previous Article 18-2 moved to Article 18-3 <Jan. 15, 2019>]

Article 18-3 (Designation of National Gardens)

(1) The State shall endeavor to expand national gardens for each region in order to promote balanced development of the national land and to improve the quality of life of people by alleviating imbalance in benefits from gardening culture between regions and promoting leisure activities. <Newly Inserted on Apr. 13, 2021>

(2) Notwithstanding Article 4 (2) 1, the Minister of the Korea Forest Service may designate and manage a local garden as a national garden, after hearing opinions of the competent Mayor/Do Governor and consulting with the head of the relevant local government, if the size, kinds of facilities, elements, results of operation, etc. of the local garden meet the requirements for the designation of a national garden prescribed by Presidential Decree. <Amended on Jan. 15, 2019; Dec. 22, 2020; Apr. 13, 2021>

(3) Where the Minister of the Korea Forest Service intends to designate a national garden pursuant to paragraph (2), he or she shall investigate the characteristics and size of the garden subject to designation, kinds of plants and facilities, outcomes of operation, and other matters necessary for such designation. <Amended on Apr. 13, 2021>

(4) Where the Minister of the Korea Forest Service intends to operate a national garden designated pursuant to paragraph (2) or a local government and a community intend to establish a local garden and a community garden, he or she may provide necessary budget support. <Amended on Apr. 13, 2021>

(5) Other matters necessary for the standards and procedures for the designation of local gardens as national gardens, methods of budget financing and operation (including commissioned operation) of such local gardens shall be prescribed by Presidential Decree. <Amended on Apr. 13, 2021>

[Moved from Article 18-2; previous Article 18-3 moved to Article 18-4 <Jan. 15, 2019>]

SECTION 2 Registration and Operation of Gardens

Article 18-4 (Registration of Gardens)

(1) A person who operates a garden (excluding national gardens) may register the following information with the competent Mayor/Do Governor: Provided, That local gardens prescribed in Article 4 (2) 2 and the

gardens open to the public prescribed in Article 18-6 (3) shall be compulsorily registered: <Amended on Jan. 15, 2019; Dec. 22, 2020; Apr. 13, 2021>

1. The name of the garden;
2. The location of the garden;
3. The name and address of the operator of the garden;
4. A list of facilities of the garden;
5. A list of plants in held;
6. Other matters determined by the competent Mayor/Do Governor as necessary for the management of gardens.

(2) Where a person who has filed a registration pursuant to paragraph (1) makes changes to the matters registered, he or she shall file a registration for change: Provided, That he or she may not file a registration for change where changing a list of plants prescribed in paragraph (1) 5. <Amended on Jan. 15, 2019; Apr. 13, 2021>

(3) Local gardens and gardens open to the public prescribed in the proviso to paragraph (1) shall be registered after securing professional administrators of gardens, facilities, etc. other than the matters subject to registration in the subparagraphs of paragraph (1). <Inserted on Jan. 15, 2019>

(4) Matters necessary for registration prescribed in paragraph (1), registration for change prescribed in paragraph (2), and standards, etc. for the qualification of professional administrators of gardens and facilities prescribed in paragraph (3) shall be prescribed by Presidential Decree. <Inserted on Jan. 15, 2019>

(5) Articles 10, 12, 13, 17 and 18 shall apply mutatis mutandis to the issuance of certificates of registration, opening and closure (limited to registered gardens open to the public), cancellation of registration, requests for correction, and revocation of registration of gardens registered pursuant to paragraph (1), respectively. <Inserted on Jan. 15, 2019>

[Moved from Article 18-3; previous Article 18-4 moved to Article 18-5 <Jan. 15, 2019>]

Article 18-5 (Entrance Fees of Gardens)

(1) A person who operates a garden may collect entrance fees and charges for the use of facilities from visitors to the garden. <Amended on Apr. 13, 2021>

(2) Standards for collection of entrance fees and facility usage fees under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That a local garden shall be prescribed by ordinance of a local government. <Amended on Apr. 13, 2021>

[Moved from Article 18-4; previous Article 18-5 moved to Article 18-6 <Jan. 15, 2019>]

Article 18-6 (Operation and Management of Gardens)

(1) The State and the heads of local governments shall endeavor to ensure that new technologies, such as automated garden management, are utilized for the operation and management of the gardens, in order to

efficiently manage gardens. <Newly Inserted on Apr. 13, 2021>

(2) A person who operates a garden shall maintain and manage the garden systematically, such as conservation and proliferation of plants in the garden and safety and sanitary control of facilities therein, in order to improve the satisfaction of the users of the garden. <Amended on Apr. 13, 2021>

(3) The Minister of the Korea Forest Service or the head of a local government may encourage public access to private gardens. <Amended on Apr. 13, 2021>

(4) The Minister of the Korea Forest Service or the head of a local government may fully or partially subsidize private gardens registered and opened to the public for expenses incurred in relation to the preservation and propagation of plants worth preservation in the gardens and in the operation and management of the gardens. <Amended on Apr. 13, 2021>

[Moved from Article 18-5; previous Article 18-6 moved to Article 18-7 <Jan. 15, 2019>]

Article 18-7 (Evaluation of Quality, Operation, and Management of Gardens)

(1) The State may evaluate the quality, operation, and management of each registered garden.

(2) The State may differentiate between subsidies for gardens in their budgets, etc. according to the results of evaluations conducted under paragraph (1).

(3) The State may commission evaluation affairs prescribed in paragraph (1) to the specialized institutions or organizations specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) The standards and methods for the evaluation of the quality, operation, and management of gardens prescribed in paragraph (1) shall be prescribed by Presidential Decree.

[Moved from Article 18-6; previous Article 18-7 moved to Article 18-8 <Jan. 15, 2019>]

SECTION 3 Promotion of Gardens

Article 18-8 (Implementation, etc. of Promotion Projects)

(1) The Minister of the Korea Forest Service may implement projects for promoting the gardening industry and invigorating gardening culture (hereafter referred to as "promotion projects" in this Article), such as the expansion of gardens, the development of gardening materials, and the training of professional human resources, in order to efficiently implement a master plan and an implementation plan.

(2) The Minister of the Korea Forest Service may entrust the relevant specialized institutions, etc. prescribed by Presidential Decree with the promotion projects, if necessary to efficiently implement such projects.

(3) Where the Minister of the Korea Forest Service partially entrusts the projects pursuant to paragraph (2), he or she may fully or partially grant a subsidy to cover the expenses incurred in performing such projects within budgetary limits.

[Previous Article 18-8 moved to Article 18-13 <Apr. 13, 2021>]

Article 18-9 (Fact-Finding Surveys and Compilation of Statistics)

(1) The Minister of the Korea Forest Service shall conduct a fact-finding survey on the current status of the gardening industry and compile and manage statistics on the gardening industry, in order to promote the gardening industry and invigorate gardening culture. In such cases, the Statistics Act shall apply mutatis mutandis to the compilation of statistics.

(2) The Minister of the Korea Forest Service may, if necessary for conducting a fact-finding survey and compiling statistics under paragraph (1), request the heads of the relevant central administrative agencies, the heads of local governments, the heads of public institutions under the Act on the Management of Public Institutions, and the heads of the relevant institutions and organizations to present materials. In such cases, the head of any relevant central administrative agency, etc. who receives a request to present materials shall comply therewith, except in extenuating circumstances.

(3) The Minister of the Korea Forest Service may establish and operate an information network based on the results of fact-finding surveys and statistical results under paragraph (1) in order to systematically convey information, data, etc. on the gardening industry and gardening culture.

(4) Matters necessary for the details, scope, and method of fact-finding surveys under paragraph (1) and the establishment, operation, etc. of the information network under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 18-10 (Promotion of Research and Development of Technologies)

(1) The Minister of the Korea Forest Service may implement the following matters to promote the research and development of technology related to the gardening industry:

1. Surveys on trends in and demand for technology related to the gardening industry;
2. Research and development of technology related to the gardening industry;
3. Exchanges of information and technological cooperation related to the gardening industry;
4. Promotion of the distribution of research results and technology related to the gardening industry;
5. Other matters necessary for research and development of technology related to the gardening industry.

(2) The Minister of the Korea Forest Service shall facilitate collaborative research between academic circles, research institutes, and industrial circles for effective development of technology related to the gardening industry.

(3) The Minister of the Korea Forest Service may subsidize expenses to be incurred by persons who implement research and development of technology under paragraphs (1) and (2) and industrialize the results thereof, in order to promote the development of technology for the gardening industry.

[Previous Article 18-10 moved to Article 18-14 <Apr. 13, 2021>]

Article 18-11 (Support for Business Start-Up)

The State or local governments may promote the business start-up concerning gardening industry and provide necessary support to promote the gardening industry.

[Previous Article 18-11 moved to Article 18-15 <Apr. 13, 2021>]

Article 18-12 (Invigoration of International Exchanges and Overseas Market Expansion)

(1) The Minister of the Korea Forest Service shall endeavor to invigorate international exchanges and overseas market expansion for the promotion of the gardening industry and may provide necessary support therefor.

(2) Persons eligible for support under paragraph (1), scope of, method of, procedures for such support, and other necessary matters shall be prescribed by Presidential Decree.

[Previous Article 18-12 moved to Article 18-16 <Apr. 13, 2021>]

Article 18-13 (Budget Support for Exhibitions)

The State or the head of a local government may provide budget support for holding domestic and overseas events, such as garden exhibitions, in order to promote the gardening industry.

[Moved from Article 18-8; previous Article 18-13 moved to Article 18-17 <Apr. 13, 2021>]

Article 18-14 (Establishment and Operation of Gardening Support Centers)

(1) The Minister of the Korea Forest Service may establish and operate gardening support centers (hereinafter referred to as “support centers”), in order to render assistance in activities necessary for the promotion of the gardening industry.

(2) The support centers shall perform the following duties:

1. Assistance in starting up businesses in the gardening industry and providing management consulting services;
2. Research and development of technologies for the gardening industry and assistance in research and development;
3. Collection, preservation, and exhibition of materials concerning the gardening industry;
4. Other matters necessary for assisting in promoting the gardening industry.

(3) The Minister of the Korea Forest Service may subsidize support centers for the expenses incurred in performing their duties.

(4) Matters necessary for the establishment and operation of support centers and other necessary matters shall be prescribed by Presidential Decree.

[Moved from Article 18-10; previous Article 18-14 moved to Article 18-18 <Apr. 13, 2021>]

CHAPTER IV DESIGNATION OF TRAINING INSTITUTIONS

Article 18-15 (Designation, etc., of Institutes for Training Arboretum Experts or Gardening Experts)

(1) The Minister of the Korea Forest Service or the competent Mayor/Do Governor may designate an institute for training arboretum experts or gardening experts, to train arboretum experts or gardening experts.

(2) An institute which intends to obtain designation as a qualifying institute for training arboretum experts or gardening experts pursuant to paragraph (1) shall apply for designation as such with the Minister of the Korea Forest Service or the competent Mayor/Do Governor, upon satisfying the designation criteria prescribed by Presidential Decree, including educational curricula, training facilities, etc., necessary for training arboretum experts or gardening experts.

(3) An institute for training arboretum experts or gardening experts designated under paragraph (1) may use the relevant designation mark, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (hereinafter referred to as “designation mark”).

(4) No institute may use the designation mark or any similar type of mark for an institute for training arboretum experts or gardening experts without obtaining designation provided for in paragraph (1).

(5) The Minister of the Korea Forest Service may subsidize institutes for training arboretum experts or gardening experts designated under paragraph (1) for the budgets necessary for training programs.

(6) Procedures for designation prescribed in paragraph (1) and any other matters necessary for such designation shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

[Moved from Article 18-11; previous Article 18-15 moved to Article 18-19 <Apr. 13, 2021>]

Article 18-16 (Revocation of Designation)

(1) Where an institute which has obtained its designation fails to satisfy any of the designation criteria provided for in Article 18-15 (2), the Minister of the Korea Forest Service or the competent Mayor/Do Governor may request the institute to take corrective measures within a specified period of up to six months. <Amended on Dec. 2, 2016; Jan. 15, 2019; Apr. 13, 2021>

(2) Where an institute for training arboretum experts or gardening experts designated under Article 18-15 (1) falls under any of the following cases, the Minister of the Korea Forest Service or the competent Mayor/Do Governor may revoke such designation: Provided, That such designation shall be revoked in cases falling under subparagraph 1 without exception: <Amended on Mar. 11, 2014; Dec. 2, 2016; Jan. 15, 2019; Apr. 13, 2021>

1. Where the institute has obtained its designation by fraud or other improper means;
2. Where the designated institute fails to comply with an order for correction requested under paragraph (1);
3. Where the designated institute has no record of operating a training program for arboretum experts or gardening experts for at least three years, without just cause;

4. Where the designated institute has used the budgets provided under Article 18-15 (5) for any other purpose, other than for providing training programs.

[Moved from Article 18-12; previous Article 18-16 moved to Article 18-20 <Apr. 13, 2021>]

Article 18-17 (Utilization of Arboretum Experts and Gardening Experts)

The Minister of the Korea Forest Service or the head of a local government may select and utilize arboretum experts or gardening experts, or may instruct the operators of arboretums or gardens to utilize arboretum experts or gardening experts. <Amended on Jan. 20, 2015>

[Moved from Article 18-13; previous Article 18-17 moved to Article 18-21 <Apr. 13, 2021>]

CHAPTER IV-II KOREA ARBORETA AND GARDENS INSTITUTE

Article 18-18 (Establishment of Korea Arboreta and Gardens Institute)

(1) The Korea Arboreta and Gardens Institute (hereinafter referred to as the “Management Institute”) shall be established to efficiently perform the following projects: <Amended on Apr. 13, 2021>

1. Establishment and management of Korean national arboreta by climate and vegetation zone, in accordance with Article 5 (3);
- 1-2. Projects for promoting the gardening industry and invigorating gardening culture;
2. Projects prescribed by other statutes, to be conducted by the Management Institute;
3. Projects entrusted by the State, a local government, or any other agency for the promotion of arboretums and gardens;
4. Other projects prescribed by Presidential Decree, necessary for the Management Institute to achieve its purposes.

(2) The Management Institute shall be incorporated.

(3) The Management Institute shall be established when it completes the registration for incorporation with the registry office at the location of its main office.

(4) Matters necessary for registering incorporation of the Management Institute, its articles of incorporation, etc., shall be prescribed by Presidential Decree.

(5) No business entity, other than the Management Institute, shall use the name, the Korea Arboreta and Gardens Institute, or the similar name. <Amended on Apr. 13, 2021>

[Moved from Article 18-14; previous Article 18-18 moved to Article 18-22 <Apr. 13, 2021>]

Article 18-19 (Executive Officers)

(1) The executive officers of the Management Institute shall be comprised of 13 directors, including one chairperson, and one auditor; the chairperson and up to five directors shall serve as standing members, and the others shall serve as non-standing members.

(2) The chairperson shall represent the Management Institute and exercise general supervision over and control of the affairs of the Management Institute.

(3) The standing directors shall assign the duties of the Management Institutes in accordance with the articles of incorporation and shall act on behalf of the chairperson in the order prescribed by the articles of incorporation when the chairperson cannot perform his or her duties due to unavoidable grounds.

(4) The auditor shall audit the performance of duties and accounting of the Management Institute.

[Moved from Article 18-15; previous Article 18-19 moved to Article 18-23 <Apr. 13, 2021>]

Article 18-20 (Employees)

(1) Employees of the Management Institute shall be appointed or dismissed by the chairperson of the board of directors pursuant to articles of corporation.

(2) The Minister of the Korea Forest Service may dispatch some public officials of the Korea Forest Service or of agencies affiliated therewith to the management office, upon request by the chairperson of the board of directors.

[Moved from Article 18-16; previous Article 18-20 moved to Article 18-24 <Apr. 13, 2021>]

Article 18-21 (Operational Costs)

(1) Costs incurred in operating the Management Institute shall be borne by the following funds:

1. Contributions or subsidies provided by the State or any person other than the State;
2. Borrowed funds approved by the Minister of the Korea Forest Service for the operation of the Management Institute;
3. Revenues derived from projects entrusted by the State, a local government, or any other institution;
4. Donations;
5. Other revenues.

(2) The Management Institute shall first allocate surplus funds available at the end of each fiscal year to pay debts and then carry forward any other remaining surplus to the following fiscal year or use such remaining to conduct its projects.

[Moved from Article 18-17 <Apr. 13, 2021>]

Article 18-22 (Receipt of Donations)

(1) Notwithstanding the main clause of Article 5 (2) of the Act on Collection and Use of Donations, the Management Institute may accept voluntary donations to the extent they are aligned with the purpose of the relevant project.

(2) Procedures, etc. for accepting donations pursuant to paragraph (1) shall be prescribed by Presidential Decree.

(3) The Management Institute shall manage donations accepted under paragraph (1) in separate accounts.

[Moved from Article 18-18 <Apr. 13, 2021>]

Article 18-23 (Submission of Project Plans and Reporting of Business Affairs)

(1) The chairperson of the board of directors shall, as prescribed by Presidential Decree, prepare a project plan and budget bill; undergo the review of the director general of the Korea National Arboretum; and obtain approval therefor from the Minister of the Korea Forest Service before each business year commences. The same shall apply, where modifying such project plan and budget bill.

(2) The chairperson of the board of directors shall report on the status of implementation of projects and other matters prescribed by Presidential Decree to the Minister of the Korea Forest Service and notify the director general of the Korea National Arboretum thereof.

[Moved from Article 18-19 <Apr. 13, 2021>]

Article 18-24 (Other Acts Applicable Mutatis Mutandis)

Except as otherwise prescribed by this Act and the Act on the Management of Public Institutions, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Management Institute.

[Moved from Article 18-20 <Apr. 13, 2021>]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 19 (Designation and Cancellation of Buffer Zones for Korea National Arboretum)

(1) If deemed necessary to protect forest genetic resources in the Korea National Arboretum, the Minister of the Korea Forest Service may designate an area adjacent to the Korea National Arboretum as a buffer zone for the Korea National Arboretum (hereinafter referred to as "buffer zone") in accordance with the standards prescribed by Presidential Decree. In such cases, the Minister of the Korea Forest Service shall consult in advance with the Mayor/Do Governor and the heads of relevant administrative agencies.

(2) The Minister of the Korea Forest Service may change or cancel the designation of a buffer zone if a ground for change or cancellation arises that makes it impossible to attain the purposes of that designation, as prescribed by Presidential Decree. In such cases, the Minister of the Korea Forest Service shall consult in advance with the Mayor/ Do Governor and the heads of relevant administrative agencies.

(3) The Minister of the Korea Forest Service shall, upon designation, change or cancellation of a buffer zone under paragraph (1) or (2), provide a public notice to the competent Mayor/Do Governor or the heads of relevant administrative agencies thereof. In such cases, such fact shall be announced, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 19-2 (Purchase of Land, etc. within Buffer Zones)

(1) The Minister of the Korea Forest Service may, if necessary to preserve a buffer zone, purchase land, buildings and other fixtures on the land (hereinafter referred to as "land, etc.") located within the buffer zone in consultation with the owners thereof.

(2) With respect to the purchase of land, etc. under paragraph (1), the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the calculation, etc. of the purchase price.

Article 19-3 (Requests for Purchase of Land, etc.)

(1) Where a buffer zone is designated and publicly notified under Article 19, the owners of land, etc. located within the buffer zone may request the Minister of the Korea Forest Service to purchase the land, etc.

(2) The Minister of the Korea Forest Service shall, upon receipt of a request for the purchase of land, etc. under paragraph (1), purchase such land, etc. within budget limits.

(3) With respect to the purchase of land, etc. under paragraph (2), the Act on Acquisition of and Compensation for Land for Public Works Projects shall apply mutatis mutandis to the period of price calculation and methods, standards, etc. therefor.

(4) With respect to the purchase of land, etc. under paragraph (2), the procedures for purchase and other necessary matters shall be prescribed by Presidential Decree.

Article 20 (Consultation about Permission for Activities within Buffer Zones)

The Mayor/Do Governor or the heads of relevant administrative agencies shall consult in advance with the Minister of the Korea Forest Service when he or she intends to authorize, permit or approve any development activity, such as a change to land shape and quality, within a buffer zone pursuant to the Building Act, the Mountainous Districts Management Act, the Creation and Management of Forest Resources Act, the Farmland Act or other statutes.

Article 21 (Hearings)

The Minister of the Korea Forest Service or a Mayor/Do Governor shall hold a hearing when he or she intends to take any of the following dispositions: <Amended on Mar. 11, 2014; Jan. 20, 2015; Dec. 2, 2015; Jan. 15, 2019; Apr. 13, 2021>

1. Revoking approval for a plan for the creation of an arboretum prescribed in Article 7 (5);

1-2. Issuing an order to reinstate the original state of a forest, where a plan for the approval for the creation of an arboretum is revoked under Article 7 (6);

2. Revoking registration of a registered arboretum prescribed in Article 18 (1);

2-2. Revoking approval for a garden creation plan prescribed in Article 7 (5) which applies mutatis mutandis pursuant to Article 18-2;

- 2-3. Ordering the restoration of forests to their original state where approval for a garden creation plan prescribed in Article 7 (6) which applies mutatis mutandis pursuant to Article 18-2 is revoked;
- 2-4. Revoking the registration of a registered garden prescribed in Article 18 (1) which applies mutatis mutandis pursuant to Article 18-4 (5);
3. Revoking designation of an institute for training arboretum experts or gardening experts pursuant to Article 18-16.

Article 22 (Provision of Subsidies to Cover Operating Expenses)

The State or a local government may, within its budget, provide a person who obtains approval of a plan for the creation of an arboretum under Article 7 (1) and a registered arboretum with subsidies to cover expenses incurred in creating such arboretum and operating such registered arboretum, respectively.

Article 23 (Delegation and Entrustment of Authority)

(1) The Minister of the Korea Forest Service may partially delegate his or her authority vested under this Act to each Mayor/Do Governor or to the Director General of the Korea National Arboretum, as prescribed by Presidential Decree. *<Amended on Jan. 20, 2015>*

(2) The Minister of the Korea Forest Service may partially entrust the affairs assigned to him or her under this Act to the Management Institute or relevant organizations as prescribed by Presidential Decree. *<Newly Inserted on Jan. 20, 2015; Dec. 2, 2015>*

Article 23-2 (Re-Examination of Regulation)

The Minister of the Korea Forest Service shall re-exam the validity of the demand to take corrective measures under Article 17 (1) and the demands for submitting data every three years after January 1, 2015 and shall take measures for improvement, etc.

[Previous Article 23-2 moved to Article 23-3 *<Jan. 20, 2015>*]

CHAPTER VI? PENALTY PROVISIONS

Article 23-3 (Penalty Provisions)

A person who violates Article 6-2 (6) (including cases where it is applied mutatis mutandis pursuant to Article 18-2) by committing the acts in the subparagraphs of the same paragraph without obtaining permission, shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won. *<Amended on Feb. 21, 2018; Jan. 15, 2019>*

[Moved from Article 23-2 *<Jan. 20, 2015>*]

Article 24 (Administrative Fine)

Any of the following persons shall be subject to an administrative fine not exceeding two million won:
<Amended on Jan. 20, 2015; Dec. 2, 2015; Mar. 15, 2019; Jan. 13, 2021; Apr. 13, 2021>

1. A person who destroys or withers a plant by inserting a foreign matter, in violation of subparagraph 1 of Article 17-2;
 2. A person who uses the designation mark or any similar type of mark, in violation of Article 18-15 (4);
 3. A person who uses the name, Korea Institute of Arboretum Management or the similar name, in violation of Article 18-18 (5).
- (2) Any person who conducts any prohibited activity, in violation of subparagraph 2 or 3 of Article 17-2, shall be punished by an administrative fine not exceeding 10 thousand won.
- (3) Administrative fines prescribed in paragraph (1) and (2) shall be imposed and collected by the Minister of the Korea Forest Service, a Mayor/Do Governor, or the head of a Si/Gun/Gu (Gu means an autonomous Gu).

ADDENDA <Act No. 6446, Mar. 28, 2001>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Creation of Arboretums)

Approval of, or approval of a modification to, a plan for the creation of an arboretum granted by the Administrator of the Korea Forest Service under Article 34 of the former Forestry Act as at the time this Act enters into force shall be deemed granted pursuant to this Act.

Article 3 Omitted.

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7167, Feb. 9, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 30 Omitted.

ADDENDUM <Act No. 7276, Dec. 31, 2004>

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

ADDENDUM <Act No. 7437, Mar. 31, 2005>

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

ADDENDA <Act No. 7678, Aug. 4, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 8180, Jan. 3, 2007>

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

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8974, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 8976, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 9661, May 8, 2009>

- (1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.
- (2) (Transitional Measures concerning Penal Provisions) In the application of the penal provisions to any act done prior to the enforcement of this Act, the previous provisions shall prevail.
- (3) Omitted.

ADDENDA <Act No. 9763, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 10942, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

Any approval, registration, consultation, and other acts granted, held, or done by the Minister of the Korea Forest Service in accordance with previous provisions before this Act enters into force shall be

deemed acts done by a Mayor/Do Governor in accordance with the amended provisions of this Act.

Article 3 (Transitional Measures concerning Transfer of Authority, etc.)

If a procedure falling under any of the following subparagraphs as at the time this Act enters into force is in progress, previous provisions shall govern, notwithstanding the amended provisions for the subparagraph concerned:

1. Registration of arboretums and modifications of registration under Article 9 (1) or (2);
2. Issuance of certificates of arboretum registration under Article 10;
3. Cancellation of registration of a registered arboretum under Article 13 (1);
4. Revocation of registration of a registered arboretum, consultation with the Minister of Environment, and return of certificates of arboretum registration pursuant to Article 18;
5. Prior consultation for the authorization, permission or approval of the development activity under Article 20;
6. Hearings under subparagraph 2 of Article 21.

ADDENDA <Act No. 10977, Jul. 28, 2011>

Article 1 (Enforcement Date)

This Act enters into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 11257, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act enters into force one year after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act enters into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12248, Jan. 14, 2014>

Article 1 (Enforcement Date)

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

Articles 2 through 25 Omitted.

ADDENDUM <Act No. 12416, Mar. 11, 2014>

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

ADDENDA <Act No. 13027, Jan. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Special Provisions concerning Designation of National Gardens)

If there exists a facility created by the head of a local government for a garden as at the time this Act enters into force, such facility may be designated as a national garden in accordance with the amended provisions of Article 18-2 (1) within three years from the date this Act enters into force.

ADDENDA <Act No. 14362, Dec. 2, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on April 30, 2017: Provided, That Articles 2 and 3 of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Preparation for Establishment of the Management Institute)

(1) The Minister of Korea Forest Service shall organize Committee for the Incorporation of the Korea Institute of Arboretum Management (hereinafter referred to as "incorporation committee") to deal with business affairs concerning the incorporation of the Management Institute within one month after the promulgation date of this Act.

(2) The incorporation committee shall consist of up to ten incorporation committee members commissioned by the Minister of Korea Forest Service, and the chairperson of the incorporation committee shall be the deputy minister of Korea Forest Service.

(3) The incorporation committee shall prepare the articles of incorporation of the Management Institute; request the incorporation committee members to write their names and affix their seals thereon or to put their signatures thereon; and obtain authorization thereof from the Minister of Korea Forest Service.

(4) Upon obtaining authorization pursuant to paragraph (3), the incorporation committee shall file for the registration of the incorporation of the Management Institute under joint signatures of the incorporation committee members.

(5) The first executive officer of the Management Institute shall be appointed by the Minister of Korea Forest Service, from among several persons recommended by the incorporation committee.

(6) When the chairperson of the board of directors of the Management Institute is appointed, the incorporation committee shall transfer business affairs to the chairperson without delay.

(7) The incorporation committee and its incorporating members shall be deemed dissolved or dismissed when transfer of business affairs required under paragraph (6) is completed.

Article 3 (Costs Incurred in Incorporating the Management Institute)

The State shall bear costs incurred in incorporating the Management Institute.

Article 4 (Transfer of Commodities)

Notwithstanding the Commodity Management Act, the State may transfer state-owned commodities, managed by the Minister of Korea Forest Service as at the time this Act enters into force, to the Management Institute. In this case, the Minister of Korea Forest Service shall hear the opinion of the chairperson of the board of directors on necessity of such commodities and have a prior consultation with the Minister of Strategy and Economy.

Article 5 (Transitional Measures concerning Training Programs for Arboretum Experts or Gardening Experts)

Institutes providing training programs for arboretum experts or gardening experts certified pursuant to the previous provisions of Article 18-10 before the enforcement of this Act shall be deemed designated as institutes for training arboretum experts or gardening experts pursuant to the amended provisions of Article 18-10 until the valid period of the certification expires.

Article 6 (Transitional Measure concerning Administrative Fines)

The application of administrative fines for acts committed before this Act enters into force shall be subject to the previous provisions.

ADDENDUM <Act No. 15397, Feb. 21, 2018>

This Act shall enter into force one month after the date of its promulgation.

ADDENDA <Act No. 16233, Jan. 15, 2019>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Designation of National Gardens)

The amended provisions of Article 18-3 (1) shall apply, beginning with cases of designating national gardens after this Act enters into force.

Article 3 (Transitional Measures concerning Registration of Gardens)

Notwithstanding the amended provisions of Article 18-4 (3), a person who has registered a garden pursuant to former Article 18-3 as at the time this Act enters into force, shall meet the requirements for registration prescribed in the same amended provisions until the date on which two years elapse from

the date on which this Act enters into force.

ADDENDUM <Act No. 17097, Mar. 24, 2020>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 6-2 (6) 4 and 18 (1) shall enter into force on the date of its promulgation.

ADDENDA <Act No. 17171, Mar. 31, 2020>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 17723, Dec. 22, 2020>

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

ADDENDA <Act No. 18025, Apr. 13, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force on June. 23, 2021.

Article 2 (Transitional Measures Concerning Name Change)

The Korea Institute of Arboretum Management under the previous provisions as at the time when this Act enters into force shall be deemed the Korea Arboreta and Gardens Institute under this Act.

Last updated : 2023-10-11