

AGRICULTURAL MECHANIZATION PROMOTION ACT

Wholly Amended by Act No. 4788, Nov. 11, 1994

Amended by Act No. 4861, Jan. 5, 1995

Act No. 5153, Aug. 8, 1996

Act No. 5453, Dec. 13, 1997

Act No. 5454, Dec. 13, 1997

Act No. 5759, Feb. 5, 1999

Act No. 5951, Mar. 31, 1999

Act No. 7775, Dec. 29, 2005

Act No. 8852, Feb. 29, 2008

Act No. 9276, Dec. 29, 2008

Act No. 9621, Apr. 1, 2009

Act No. 9717, May 27, 2009

Act No. 10834, Jul. 14, 2011

Act No. 11095, Nov. 22, 2011

Act No. 11428, May 23, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11876, jun. 12, 2013

Act No. 13383, jun. 22, 2015

Act No. 13465, Aug. 11, 2015

Act No. 14588, Mar. 14, 2017

Act No. 15388, Feb. 21, 2018

Act No. 15770, Sep. 18, 2018

Act No. 16071, Dec. 24, 2018

Act No. 18259, jun. 15, 2021

Act No. 18688, Jan. 4, 2022

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of productivity and business management of agriculture by facilitating the development and distribution of agricultural machinery and promoting more efficient and safer use of such machinery.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on May 27, 2009; Jun. 12, 2013; Jun. 22, 2015; Jan. 4, 2022>

1. The term "agricultural machinery" means any of the following, which is prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

- (a) Machines and equipment used in the production of agricultural, forestry, and livestock products and parts and accessories thereof;
- (b) Machines and equipment used in processing agricultural, forestry, and livestock products and by-products therefrom after production, and parts and accessories thereof;
- (c) Machines and equipment used in environmental control and automation of production facilities for agricultural, forestry, and livestock products, and parts and accessories thereof;
- (d) Other machines and equipment used in agriculture under subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and the food industry under subparagraph 8 of the aforesaid Article (excluding industries of storage, transportation, distribution of agricultural, forestry, and livestock products) and parts and accessories thereof;

2. The term "agricultural mechanization project" means a program to promote the enhancement of agricultural production technology and the improvement of structure and management of agriculture through research, survey, development, and use of agricultural machinery, technical training, post-management, and safety control;

3. The term "test for approval" means testing and examining agricultural machinery objectively to ascertain whether it conforms to specific standards, testing method, or guidelines;

4. The term "disposal" means dismantling agricultural machinery and compressing, crushing, or cutting the same so that its functions cannot be maintained, or compressing or crushing agricultural machinery immediately without dismantling;

5. The term "agricultural machinery dismantling and recycling business" means the business of taking over agricultural machinery requested for disposal, collecting reusable parts for the purpose of repair, and disposal.

Article 3 (Duty to Promote Agricultural Mechanization)

The State or a local government shall prepare a policy necessary for promoting agricultural mechanization projects.

Article 4 (Subsidization)

(1) The State or a local government may fully or partially subsidize a person who intends to purchase an agricultural machine or install an auxiliary facility for the use of such machine for funds required for such purchasing or installation.

(2) The State or a local government may fully or partially subsidize a manufacturer of agricultural machinery for funds required for the development, manufacturing, or post-management of agricultural machinery.

Article 5 (Formulation of Master Plans for Agricultural Mechanization)

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate a master plan for agricultural mechanization (hereinafter referred to as "master plan") every five years in consultation with the heads of relevant central administrative agencies in order to efficiently promote agricultural mechanization projects. *<Amended on Mar. 23, 2013; Sep. 18, 2018>*

(2) A master plan shall include the following matters: *<Amended on Jul. 14, 2011; Jun. 12, 2013; Feb. 21, 2018; Jun. 15, 2021>*

1. Matters concerning the use of agricultural machinery and the facilitation of rental business;
 - 1-2. Matters concerning the distribution and practical use of agricultural machinery;
2. Matters concerning research, development, and testing of agricultural machinery;
3. Matters concerning technical training related to agricultural machinery;
 - 3-2. Matters concerning research, development, and commercialization of agricultural machinery for female farmers;
4. Matters concerning post-management of agricultural machinery;
 - 4-2. Matters concerning fostering of human resources specializing in maintenance of agricultural machinery;
5. Matters concerning safety management of agricultural machinery;
6. Matters concerning the research, development, and distribution of intelligent agricultural robots;
7. Other matters necessary for facilitating agricultural mechanization.

(3) Where the Minister of Agriculture, Food and Rural Affairs intends to formulate or amend a master plan, he or she shall present the plan to the Council for Policies on Agricultural Mechanization prescribed in Article 6-3 for deliberation: Provided, That the foregoing shall not apply where the Minister intends to amend any minor matter specified by Presidential Decree. *<Newly Inserted on Jun. 12, 2013>*

(4) The Minister of Agriculture, Food and Rural Affairs shall formulate and execute an implementation plan for agricultural mechanization (hereinafter referred to as "implementation plan") every year under a master plan in consultation with the heads of relevant central administrative agencies and shall endeavor to obtain financial resources necessary therefor. *<Amended on Sep. 18, 2018>*

(5) Where the Minister of Agriculture, Food and Rural Affairs formulates a master plan and an implementation plan, he or she shall notify such plans to the heads of relevant central administrative agencies, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, a Do Governor, or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and shall submit them to the competent standing committee of the National Assembly. *<Newly Inserted on Sep. 18, 2018>*

(6) Where the Minister of Agriculture, Food and Rural Affairs formulates a master plan and an implementation plan, he or she shall publish such plans, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. The same shall also apply when any matter published is modified.

<Newly Inserted on Sep. 18, 2018>

(7) Where necessary for formulating a mater plan and an implementation plan, the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant central administrative agencies or a Mayor/Do Governor to submit related materials. In such cases, the heads of the central administrative agencies or the Mayor/Do Governor, in receipt of a request for submission of materials, shall comply therewith unless there is good cause. *<Newly Inserted on Sep. 18, 2018>*

Article 5-2 (Status Survey)

(1) For the efficient implementation of policies related to agricultural mechanization, the Minister of Agriculture, Food and Rural Affairs shall regularly conduct a survey on the current status of agricultural mechanization and incorporate its findings in the master plan.

(2) For the status survey under paragraph (1), the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant administrative agencies, etc. to provide necessary data. In such cases, the person so requested shall comply, unless there is a compelling reason not to do so.

(3) Matters necessary for the period, procedure, method, etc. of the status survey under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 6 Deleted. *<Sep. 18, 2018>*

Article 6-2 (Demand Survey)

(1) When implementing an agricultural mechanization project, the Minister of Agriculture, Food and Rural Affairs may conduct demand survey on agricultural machinery in advance. *<Amended on Mar. 23, 2013>*

(2) Where the Minister of Agriculture, Food and Rural Affairs conducts demand survey pursuant to paragraph (1), he or she may require the head of a relevant administrative agency, the head of a local government, and the heads of the relevant agencies and organizations to submit necessary information. In such cases, the head of the relevant central administrative agency, etc. shall submit requested information upon receiving such request, unless any extenuating circumstances exist. *<Amended on Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs shall conduct regular evaluation of the agricultural machinery developed and distributed, including satisfaction survey, etc. *<Amended on Mar. 23, 2013>*

(4) The Minister of Agriculture, Food and Rural Affairs shall reflect in the master plan and implementation plan the findings of the demand survey under paragraph (1) and the evaluation under paragraph (3). *<Amended on Mar. 23, 2013>*

(5) Matters necessary for the subject matter, methods, etc. of the demand survey under paragraph (1) and evaluation under paragraph (3) shall be determined by the Minister of Agriculture, Food and Rural Affairs.

<Amended on Mar. 23, 2013>

Article 6-3 (Council for Policies on Agricultural Mechanization)

(1) In order to deliberate on matters concerning the promotion of agricultural mechanization and the implementation of agricultural mechanization projects, the Minister of Agriculture, Food and Rural Affairs shall establish the Council for Policies on Agricultural Mechanization (hereinafter referred to as the "Council") as an affiliated organization.

(2) The Council shall deliberate on the following matters:

1. The formulation and amendment of master plans;
2. The determination of national goals for the promotion of agricultural mechanization and the implementation of agricultural mechanization projects, and the formulation of statutes and systems;
3. The fostering of agricultural mechanization and agricultural mechanization projects and support therefor;
4. Other matters on which the Minister of Agriculture, Food and Rural Affairs requests deliberation, as important matters related to policies on the promotion of agricultural mechanization and the implementation of agricultural mechanization projects.

(3) The Council shall be composed of not exceeding 15 members, including one chairperson.

(4) The Vice Minister of Agriculture, Food and Rural Affairs shall serve as the chairperson, and council members shall be appointed or commissioned by the chairperson from among the following persons:

1. Persons who serve or served as Grade-III or higher-ranking public officials (including public officials in general service as a member of the Senior Civil Service) with experience in agricultural mechanization and agricultural mechanization projects;
2. Persons recommended by the Minister of Agriculture, Food and Rural Affairs, from among persons with abundant expertise and experience in agricultural mechanization and agricultural mechanization projects.

(5) Subcommittees may be established for each sector, within the Council for the efficient operation of the Council.

(6) The Council and subcommittees may hear opinions of farmers, manufacturers of agricultural machinery, and experts, if necessary, to deliberate on the matters provided for in paragraph (2). *<Newly Inserted on Aug. 11, 2015>*

(7) Matters necessary for the organization, operation, etc., of the Council and subcommittees shall be prescribed by Presidential Decree. *<Amended on Aug. 11, 2015>*

Article 7 (New-Technology Agricultural Machinery)

(1) If necessary to facilitate the development and distribution of agricultural machinery with new technology applied, the Minister of Agriculture, Food and Rural Affairs may designate and publicly notify agricultural machines appropriate for the application of new technology as new-technology agricultural machines. *<Amended on Mar. 23, 2013>*

(2) The State or a local government may grant preferential subsidies for funds necessary for manufacturing or purchasing new-technology agricultural machines, designated and publicly notified pursuant to paragraph (1), to a person who intends to manufacture or purchase such machines.

Article 7-2 (Promotion of Research, Development, and Distribution of Intelligent Agricultural Robots)

(1) In order to promote research, development, and distribution of intelligent agricultural robots, the Minister of Agriculture, Food and Rural Affairs may formulate and implement policies necessary for nurturing relevant professional manpower, developing and commercializing relevant technologies, etc.

(2) The Minister of Agriculture, Food and Rural Affairs may provide support necessary for promoting the policies under paragraph (1).

Article 7-3 (Revocation of Designation of New Technology Agricultural Machinery)

The Minister of Agriculture, Food and Rural Affairs may revoke the designation of agricultural machinery designated as new technology agricultural machinery in any of the following cases: Provided, That in cases falling under subparagraph 1, the designation must be revoked:

1. Where it has been designated as new technology agricultural machinery by fraud or other improper means;
2. Where it is deemed as infringing another person's industrial property rights, etc.;
3. Where there is a serious defect in the quality and performance of the new technology agricultural machinery (applicable only to cases where the new technology itself has a serious defect).

Article 8 (Joint Use)

The State or a local government may, if considered necessary to facilitate joint use of agricultural machinery, grant full or partial subsidies for funds necessary in purchasing such agricultural machinery and in installing, operating, and managing auxiliary facilities therefore to joint-use business entities of agricultural machinery.

Article 8-2 (Facilitation of Rental Services for Agricultural Machinery)

(1) The State or a local government may fully or partially subsidize rental business entities for agricultural machinery (including local governments providing rental services for agricultural machinery; the same shall apply hereafter in this Article) for funds required for the purchase and transportation of agricultural machinery (limited to where an agricultural machine is delivered to, or collected from, a renter) and for the installation, operation, and management of facilities incidental thereto. *<Amended on Jun. 12, 2013; Dec. 24,*

2018>

(2) A rental business entity for agricultural machinery may select persons specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as female farmers and elderly farmers, preferentially as clients eligible for rental services for agricultural machinery. <Newly Inserted on Jun. 12, 2013>

(3) The State or each local government shall endeavor to secure professional human resources for agricultural machinery; educate such human resources to improve their quality; and conduct public relations activities toward farmers; etc., in order to promote agricultural machinery rental services. <Amended on Jun. 12, 2013>

(4) A rental business entity for agricultural machinery who is provided with subsidies prescribed in paragraph (1) shall, in advance, conduct a demand survey of agricultural machinery used for rental, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, before applying for agricultural machinery rental services. <Newly Inserted on Dec. 24, 2018>

(5) Standards for providing rental services, including types of agricultural machinery for rental services, rental fees, and standards for operation of rental services, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted on Aug. 11, 2015; Dec. 24, 2018>

(6) Where the Minister of Agriculture, Food and Rural Affairs provides subsidies pursuant to paragraph (1), the Minister shall assess such rental services based on agricultural machinery registers required under Article 8-6 and may provide different levels of administrative and financial support, depending on the results of such assessment. <Newly Inserted on Aug. 11, 2015; Dec. 24, 2018>

Article 8-3 (Establishment and Operation of Distribution Center for Secondhand Agricultural Machinery)

(1) In order to conduct the following business activities, the State or a local government may subsidize persons who intend to establish and operate a distribution center for secondhand agricultural machinery for funds required for the installation and operation of facilities, such as permanent exhibition places: <Amended on Jun. 12, 2013>

1. Collection and provision of information on transaction prices, supply-demand status, etc. of secondhand agricultural machinery;
2. Year-round display and sales of secondhand agricultural machinery;
3. Surveys on distribution status of secondhand agricultural machinery;
4. Other projects necessary to promote the distribution of secondhand agricultural machinery.

(2) Deleted. <Jun. 12, 2013>

(3) Matters necessary for the establishment and operation of a distribution center for secondhand agricultural machinery and support therefor shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 12, 2013>

Article 8-4 (Purchase and Rental of Agricultural Machinery)

- (1) The State or a local government may purchase agricultural machines from a farmer who owns the agricultural machines (hereinafter referred to as "original owner") at market price and may lease the machines to the original owner preferentially.
- (2) The State or a local government shall endeavor to use the agricultural machines purchased pursuant to paragraph (1) fully for rental services for agricultural machinery.
- (3) Matters necessary for the determination of the market price for an agricultural machine under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 8-5 (Establishment and Operation of Depots of Agricultural Machinery for Rental)

- (1) The State or a local government may establish a depot of agricultural machinery for rental in each Eup/Myeon/Dong (hereinafter referred to as "depot") to efficiently hold leased agricultural machines.
- (2) The State or a local government may directly operate depots or may entrust an institution or organization, manufacturer, or distributor equipped with facilities that meet the standards prescribed by Presidential Decree (hereinafter referred to as "rental business entity") with the operation of depots.
- (3) The State or a local government may fully or partially subsidize a rental business entity to whom the operation of depots is entrusted under paragraph (2) for expenses incurred in the operation of depots.
- (4) Matters necessary for the area and facilities of each depot, the method for the operation of the rental business entity, the criteria for the subsidization of operating expenses, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 8-6 (Agricultural Machinery Register)

A rental business entity for agricultural machinery subsidized pursuant to Article 8-2 (1) shall keep and retain an agricultural machinery register as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs where he or she purchases, transfers, or disposes of agricultural machinery in order to efficiently operate and maintain such agricultural machinery.

Article 9 (Testing Agricultural Machinery for Approval)

- (1) A manufacturer or an importer of agricultural machinery shall undergo a test for approval of agricultural machinery prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as tractors and combine harvesters for agriculture that he or she manufactures or imports, from the Minister of Agriculture, Food and Rural Affairs: Provided, That the foregoing shall not apply to any agricultural machine that is manufactured or imported for research and development or export. *<Amended on May 23, 2012; Mar. 23, 2013>*
- (2) No person may sell or distribute agricultural machinery, without a test for approval required under paragraph (1), or found non-compliant as a result of such test for approval. *<Newly Inserted on Mar. 14, 2017>*

(3) The Minister of Agriculture, Food and Rural Affairs may, if considered necessary for maintaining the quality of agricultural machines of the same type as agricultural machines that has successfully passed a test for approval under paragraph (1), conduct follow-up tests for such agricultural machines. *<Amended on Apr. 1, 2009; Mar. 23, 2013>*

(4) A manufacturer or an importer of agricultural machinery may, if he or she has an objection to a test for approval under paragraph (1) or a follow-up test under paragraph (3), file a written objection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Apr. 1, 2009; Mar. 23, 2013>*

(5) With respect to a test for approval under paragraph (1) or a follow-up test under paragraph (3), matters necessary for the types, applications, standards and methods thereof, handling of products for testing purposes, publication of results of tests, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Apr. 1, 2009; Mar. 23, 2013>*

(6) A person who intends to receive a test for approval under paragraph (1) shall pay a fee, as determined by the Minister of Agriculture, Food and Rural Affairs. *<Amended on Apr. 1, 2009; Mar. 23, 2013>*

Article 9-2 (Obligation to Attach Labels for Agricultural Machinery)

(1) In order to make a clear distinction between machinery for agricultural purposes and machinery for other purposes and to ensure farmers' right to know, every manufacturer or importer of agricultural machinery shall attach labels for agricultural use, on agricultural machines, such as tractors and power carts for agriculture, specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, which he or she manufactures or imports.

(2) In cases of agricultural machinery prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as agricultural tractors, manufacturers and importers of agricultural machinery shall indicate the serial number in the form of engraving on the chassis of the agricultural machinery. *<Newly Inserted on Jun. 15, 2021>*

(3) No one shall intentionally erase the serial number mark or make it difficult to recognize. *<Newly Inserted on Jun. 15, 2021>*

(4) Detailed guidelines and methods for attaching such labels pursuant to paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Jun. 15, 2021>*

Article 9-3 (Report of Agricultural Machinery)

(1) Where selling agricultural machinery with its serial number engraved on the chassis of the main body pursuant to Article 9-2 (2), the agricultural machinery manufacturers and importers (including those entrusted with the sale of agricultural machinery) shall report thereon to the Minister of Agriculture, Food and Rural Affairs.

(2) In order to efficiently manage the current status of agricultural machinery reported pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall establish and operate a computerized information processing system.

(3) Matters to be reported about agricultural machinery, methods and procedures for reporting, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9-4 (Disposal of Agricultural Machinery)

(1) Upon receipt of a request for disposal from the owner of agricultural machinery, a person who operates agricultural machinery dismantling and recycling business (hereinafter referred to as “agricultural machinery dismantling and recycling business entity”) shall take over the relevant agricultural machinery, dispose of it, and report thereon to the Minister of Agriculture, Food and Rural Affairs.

(2) Upon a request from the owner of the agricultural machinery to issue a document confirming the fact that the agricultural machinery has been disposed of pursuant to paragraph (1), the agricultural machinery dismantling and recycling business entity shall issue a document confirming such fact.

(3) As prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, the agricultural machinery dismantling and recycling business entity shall pay the owner of the agricultural machinery the amount remaining after deducting the cost of disposal from the assessed value of the agricultural machinery to be disposed of: Provided, That if the cost of disposal exceeds the assessed value of the agricultural machinery to be disposed of, the excess cost may be received from the owner of the agricultural machinery, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Agricultural machinery dismantling and recycling business entities shall inform a person who intends to purchase used parts recovered for recycling in the process of disposing of agricultural machinery that the parts are recycled used parts. In such cases, recycled used parts shall not be used to manufacture new agricultural machinery.

(5) Where having performed the duties under paragraph (4), the agricultural machinery dismantling and recycling business entities shall record, manage, and keep the sales details of used parts and the recycling status by means of the computerized information processing system under Article 9-3 (2), etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(6) The scope of agricultural machinery subject to the reporting of disposal, matters to be reported for disposal, methods of reporting for disposal of agricultural machinery, matters necessary for the confirming the disposal of agricultural machinery, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9-5 (Designation of Agricultural Machinery Dismantling and Recycling Business Entities)

(1) The Minister of Agriculture, Food and Rural Affairs may designate an agricultural machinery dismantling and recycling business entity to perform duties such as the disposal of agricultural machinery under subparagraph 5 of Article 2.

(2) Matters necessary for the standards for facilities, equipment, etc. of agricultural machinery dismantling and recycling business entities, the designation procedure, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9-6 (Revocation of Designation of Agricultural Machinery Dismantling and Recycling Businesses)

(1) Where an agricultural machinery dismantling and recycling business entity falls under any of the following, the Minister of Agriculture, Food and Rural Affairs may revoke the designation thereof or order the suspension of all or part of its business for a period not exceeding six months:

1. Where having been designated by fraud or other improper means;
2. Where receiving illegal money or valuables or engaging in other illegal acts in connection with its business;
3. Where it is deemed unfit to continue to engage in the business due to reasons such as poor asset status, etc.;
4. Where writing a false certificate of disposal of agricultural machinery without disposing of it;
5. Where failing to meet the designation standards in terms of facilities, equipment, etc. under Article 9-5 (2).

(2) Where canceling or suspending the agricultural machinery disposal business of agricultural machinery dismantling and recycling business entities, etc. pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall record and manage the current status thereof in the computerized information processing system under Article 9-3 (2).

(3) A person for whom two years have not passed since the designation of an agricultural machinery dismantling and recycling business entity was revoked pursuant to paragraph (1) shall not be designated as an agricultural machinery dismantling and recycling business entity.

(4) Detailed standards for cancellation of designation and suspension of business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9-7 (Report of Secondhand Transactions)

(1) Where trading secondhand agricultural machinery with its serial number engraved on the chassis of the agricultural machinery pursuant to Article 9-2 (2), the details of the secondhand transaction shall be reported to the Minister of Agriculture, Food and Rural Affairs as prescribed in the following:

1. A cooperative under the Agricultural Cooperatives Act shall make a report, through the computerized information processing system under Article 9-3 (2), on the secondhand agricultural machinery reported by a farmer to receive tax-free oil pursuant to Article 106-2 (3) of the Restriction of Special Taxation Act, within 15 days from the date of receipt of the report: Provided, That if the farmer who purchased the relevant secondhand agricultural machinery makes a report directly through the computerized information processing system pursuant to Article 9-3 (2), a separate report shall not be made;

2. Where purchasing from or selling to a farmer secondhand agricultural machinery, the follow-up management business entity under Article 11 (2) shall report it through the computerized information processing system under Article 9-3 (2), within 15 days from the date of purchase or sale of the relevant machinery;
 3. Where purchasing secondhand agricultural machinery from a farmer or exporting it abroad, the agricultural machinery exporter shall report it through the computerized information processing system under Article 9-3 (2), within 15 days from the date of purchase or export of the relevant machinery.
- (2) The details, procedures, etc. of the reporting under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9-8 (Obligation to Notify of Agricultural Machinery Defects)

When selling agricultural machinery, manufacturers or importers of agricultural machinery (including those entrusted with the sale of agricultural machinery by them) shall notify the purchaser of whether any defects have been repaired such as breakdowns or scratches that occurred after the date of shipment from the factory (referring to the date of manufacture) and before delivery to the purchaser, the status of defects, etc.: Provided, That in cases of agricultural machinery returned in response to a request for exchange or refund under Article 11-2, the reason therefor shall be included in such notification.

Article 10 (Annulment and Cancellation of Tests for Approval)

- (1) If an agricultural machine passed a test for approval under Article 9 (1) by fraud or other improper means, the test for approval shall be annulled.
- (2) The Minister of Agriculture, Food and Rural Affairs may, if it is found as a result of a follow-up test under Article 9 (3) that an agricultural machine fails to meet standards for the test for approval under paragraph (5) of the aforesaid Article, place a ban on the delivery of such machine and issue an instruction to correct defects, or cancel the approval, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 11 (Follow-up Management)

- (1) A manufacturer, an importer, or a distributor of agricultural machinery, for which financial support is provided pursuant to Article 4 shall supply parts necessary for repairing such agricultural machinery, provide technical and educational materials, and carry out follow-up management, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>
- (2) A person who engages in follow-up management of agricultural machinery as a business shall be equipped with the facilities and technical human resources specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 11-2 (Requirements for Exchange or Refund of Agricultural Machinery)

(1) Where the agricultural machinery sold by a manufacturer or importer of agricultural machinery (hereafter referred to as "agricultural machinery manufacturer, etc." in this Article) after undergoing a test for approval of agricultural machinery under Article 9 meet all of the following requirements, the owner of the relevant agricultural machinery may request an exchange for new agricultural machinery or refund from the agricultural machinery manufacturer, etc. within two years from the date of delivery of the agricultural machinery:

1. Agricultural machinery sold under a written contract that includes matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as guaranteeing exchange for new agricultural machinery or refund in the event of a defect;
2. Agricultural machinery for which two years have not passed since its delivery to the owner of the agricultural machinery (if the mileage exceeds 5,000 km, such period shall be deemed to have passed), which meets any of the following:

(a) Agricultural machinery which has been repaired, at least twice, by an agricultural machinery manufacturer, etc. (including a person entrusted with repair by the agricultural machinery manufacturer, etc.) due to defects with the same symptoms occurring in the structures and devices prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as motors or power transmission devices, but for which the defect recurs: Provided, That it includes agricultural machinery that has been repaired at least once and the cumulative repair period exceeds 30 days in total;

(b) Agricultural machinery which has been repaired, at least three times, by an agricultural machinery manufacturer, etc. (including a person entrusted with repair by the agricultural machinery manufacturer, etc.) due to defects with the same symptoms occurring in the structures and devices other than those specified in item (a), but for which the defect recurs: Provided, That it includes agricultural machinery that has been repaired at least once and the cumulative repair period exceeds 30 days in total.

(2) Where the defect with the same symptom recurs after repairing once in cases of subparagraph 2 (a) of paragraph (1), and twice in cases of item (b) of the same subparagraph, the owner of agricultural machinery falling under paragraph (1) shall notify the fact to the agricultural machinery manufacturer, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 12 (Safety Control)

(1) Deleted. <Mar. 14, 2017>

(2) Deleted. <Mar. 14, 2017>

(3) No owner or user of agricultural machines specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as tractors and combine harvesters for agriculture, (hereinafter referred to as "agricultural machinery subject to safety control") may arbitrarily alter or change the

structure of any safety devices for agricultural machinery subject to safety control. *<Amended on Mar. 14, 2017>*

(4) The Minister of Agriculture, Food and Rural Affairs may conduct investigations to find whether an owner or a user of an agricultural machine subject to safety control has safety devices attached to the machine and whether such owner or user has not altered or changed the structure of a safety device. *<Amended on Mar. 23, 2013>*

(5) An owner or user of an agricultural machine subject to safety control shall not reject, interfere with, or evade investigations under paragraph (4) without any justifiable cause.

(6) Where an investigation under paragraph (4) is to be conducted, the date, time, purposes, and subject matter of the investigation shall be notified to related persons by no later than seven days prior to the investigation: Provided, That this shall not apply where an urgent measure is required or a prior notice is likely to frustrate the objective of investigation.

(7) A person who intends to conduct an investigation of an agricultural machine subject to safety control pursuant to paragraph (4) shall carry an identification card indicating his or her authority and produce it to related persons.

(8) The Minister of Agriculture, Food and Rural Affairs may order an owner or user of an agricultural machine to take corrective measures, if the owner or user arbitrarily altered or changed the structure of a safety device thereon in violation of paragraph (3). *<Amended on Mar. 23, 2013>*

(9) Investigations of alteration or change of the structure of the safety devices pursuant to paragraph (4) or other necessary matters shall be prescribed by the Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 14, 2017>*

Article 12-2 (Safety Education)

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate and implement a safety education plan each year to prevent any safety accident of agricultural machinery. *<Amended on Mar. 23, 2013>*

(2) The scope of persons who need to undergo safety education under paragraph (1), the period and curriculum of such education, and other necessary matters shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

Article 12-3 (Designation of Testing Agencies)

(1) In order to efficiently perform tests of agricultural machinery for approval under Article 9 (1), the Minister of Agriculture, Food and Rural Affairs may designate a person equipped with personnel and facilities necessary for testing, to perform all or some tests for approval on the Minister's behalf.

(2) A person who intends to be designated as a testing agency pursuant to paragraph (1) shall file an application therefor with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) The effective period of the designation of a testing agency under paragraph (1) shall be three years from the date of designation.

(4) A person who intends to continue to serve as a testing agency after the end of the effective period of the designation of the testing agency under paragraph (3) shall obtain re-designation on a three-yearly basis before the end of the effective period.

(5) The standards and procedures for the designation and re-designation of testing agencies under paragraphs (1) through (4) and other matters necessary for testing for approval shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 12-4 (Revocation of Designation of Testing Agency)

(1) Where any testing agency falls under any of the following, the Minister of Agriculture, Food and Rural Affairs may revoke the designation of such testing agency or may order such testing agency to completely or partially suspend business operations for a period not exceeding six months: Provided, That the Minister of Agriculture, Food and Rural Affairs shall revoke the designation in cases falling under subparagraphs 1 through 3:

1. If a testing agency is designated by fraud or other improper means;
2. If a testing agency permits a third person to engage in testing for approval in the testing agency's name;
3. If a testing agency makes a false representation with regard to the results of a test;
4. If a testing agency is unable to continue testing for approval due to dissolution, insolvency, or any other grounds;
5. If a testing agency no longer satisfies any of the standards for the designation of testing agencies under Article 12-3;
6. If a testing agency violates any regulation prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs on testing for approval.

(2) No person shall be re-designated as a testing agency before two years elapse after his or her designation as a testing agency is revoked under paragraph (1).

(3) Further details about the guidelines for revocation of designation and suspension of business operations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 13 (Entrustment of Agricultural Mechanization Projects)

The Minister of Agriculture, Food and Rural Affairs may entrust a corporation, organization, or non-governmental entity that performs an agricultural mechanization project with some agricultural mechanization projects, as prescribed by Presidential Decree.

Article 13-2 (Assistance in Entering Overseas Markets)

In order to promote entry into overseas markets for agricultural mechanization projects, the State or a local government may provide relevant information, provide counselling and coaching services for entry into overseas markets, hold international agricultural machinery fairs, and subsidize participants in such fairs for expenses incurred in such participation.

Article 14 (Request for Data)

Where necessary for establishing order in the distribution of agricultural machinery, the Minister of Agriculture, Food and Rural Affairs may request manufacturers, importers, distributors, and relevant institutions to provide data related to import, production, and sale, and the person who has received the request for data shall not refuse, obstruct, or evade it without good cause.

[Previous Article 14 moved to Article 15 <Jun. 15, 2021>]

Article 15 (Hearings)

The Minister of Agriculture, Food and Rural Affairs shall hold a hearing in any of the following cases:
<Amended on Jun. 15, 2021; Jan. 4, 2022>

1. Revocation of designation of new technology agricultural machinery under Article 7-3;
2. Revocation of designation of an agricultural machinery dismantling and recycling business entity or suspension of its business under Article 9-6;
3. A disposition made under Article 10 (2);
4. Revocation of designation of a testing agency or suspension of its business under Article 12-4 (1).

[Moved from Article 14; previous Article 15 moved to Article 16 <Jun. 15, 2021>]

Article 16 (Delegation and Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his or her authority under this Act to the head of an agency under his or her jurisdiction or to the Administrator of the Rural Development Administration, or may be entrusted to a relevant legal entity or organization, as prescribed by Presidential Decree. <Amended on Jul. 14, 2011; Mar. 23, 2013>

(2) The Administrator of the Rural Development Administration may re-delegate part of his or her authority delegated pursuant to paragraph (1) to the head of an agency under his or her jurisdiction, with approval from the Minister of Agriculture, Food and Rural Affairs. <Newly Inserted on Jul. 14, 2011; Mar. 23, 2013>

[Moved from Article 15; previous Article 16 moved to Article 17 <Jun. 15, 2021>]

Article 17 (Legal Fiction as Public Official in Application of Penalty Provisions)

The executive officers and employees of a testing agency that performs testing for the approval of agricultural machines pursuant to Article 12-3 (1) shall be deemed public officials in applying the penalty

provisions of Articles 129 through 132 of the Criminal Act.

[Moved from Article 16; previous Article 17 moved to Article 18 <Jun. 15, 2021>]

Article 18 Deleted. <Mar. 31, 1999>

Article 19 (Administrative Fines)

(1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding 10 million won: <Amended on May 23, 2012; Aug. 11, 2015; Mar. 14, 2017; Jun. 15, 2021; Jan. 4, 2022>

1. A person who passes a test for approval under Article 9 (1) by fraud or other improper means;
 - 1-2. A person who fails to undergo a test for approval in violation of Article 9 (1);
 - 1-3. Deleted; <Mar. 14, 2017>
 2. A person who sells or distributes agricultural machinery, without a test for approval or found non-compliant as a result of a test for approval, in violation of Article 9 (2);
 3. A person who fails to attach a label for agricultural use or to display the serial number, or who attaches a false label, in violation of Article 9-2 (1) or (2);
 4. A person who erases the serial number mark or makes it difficult to recognize, in violation of Article 9-2 (3);
 5. A person who attaches a label for agricultural use or displays the serial number, in violation of the standards and methods for labeling under Article 9-2 (4);
 6. A person who sells agricultural machinery and fails to report thereon, in violation of Article 9-3 (1);
 7. A person who makes a false report on agricultural machinery disposed of, in violation of Article 9-4 (1);
 8. A person who issues a false document confirming disposal, in violation of Article 9-4 (2);
 9. A person who uses recycled used parts to manufacture new agricultural machinery, in violation of the latter part of Article 9-4 (4);
 10. A person who keeps, manages, and stores false records of the sales details of used parts or the status of recycling, in violation of Article 9-4 (5);
 11. A person who engages in agricultural machinery dismantling and recycling business without being designated by the Minister of Agriculture, Food and Rural Affairs under Article 9-5 (1);
 12. A person who makes a false report on a transaction of secondhand agricultural machinery, in violation of Article 9-7 (1);
 13. A person who sells agricultural machinery without notifying the purchaser of whether or not the defect that occurred before delivery has been repaired, the condition, etc. (in cases of returned agricultural machinery, it includes the reason therefor), in violation of Article 9-8;
- (2) A person who refuses, obstructs, or evades the submission of data under Article 14 without good cause shall be subject to an administrative fine not exceeding five million won. <Newly Inserted on Jun. 15, 2021>

(3) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding one million won: <Amended on Jun. 15, 2021; Jan. 4, 2022>

1. A person who fails to report on agricultural machinery disposed of, in violation of Article 9-4 (1);
2. A person who fails to inform that it is a recycled used part, in violation of the former part of Article 9-4 (4);
3. A person who fails to keep, manage, or store records of the sales details of used parts or the status of recycling, in violation of Article 9-4 (5);
4. A person who fails to report the transaction of secondhand agricultural machinery, in violation of Article 9-7 (1);
5. A person who refuses, obstructs, or evades investigation without good cause, in violation of Article 12 (5);
6. A person who fails to comply with a correction order under Article 12 (8).

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jun. 15, 2021>

[Moved from Article 18 <Jun. 15, 2021>]

ADDENDA <Act No. 4788, Nov. 11, 1994>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measure concerning Low-Cost Agricultural Machines)

Low-cost agricultural machines tested pursuant to the former provisions of Article 14 shall be deemed to have successfully passed a test of agricultural machinery for approval under Article 9.

Article 3 (Transitional Measure concerning Application of Penalty Provisions)

In applying penalty provisions to acts committed before this Act enters into force, the former provisions shall apply.

Article 4 Omitted.

Article 5 (Relationship to Other Statutes)

A citation to any provision of the former Agricultural Mechanization Act by any other statute in force at the time this Act enters into force shall be deemed a citation to a corresponding provision of this Act in lieu of the former provision, if such corresponding provision exists in this Act.

ADDENDA <Act No. 4861, Jan. 5, 1995>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force on the enforcement date of the Presidential Decree on the Organization of the Ministry of Maritime Affairs and Fisheries and the Korea Coast Guard under the amended provisions of Article 41 within 30 days after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5759, Feb. 5, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2000. (Proviso Omitted.)

Articles 2 through 18 Omitted.

ADDENDUM <Act No. 5951, Mar. 31, 1999>

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

ADDENDA <Act No. 7775, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force four months after the date of its promulgation: Provided, That ... <omitted> ... the amended provisions of Article 4 of the Addenda shall enter into force on the date of its promulgation.

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That ... <omitted> ... *the amendments to the Acts to be amended pursuant to Article 6 of the Addenda, which were promulgated before this Act enters into force but the enforcement dates of which have yet to arrive, shall enter into force on the enforcement date of the relevant Act.*

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9276, Dec. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 9621, Apr. 1, 2009>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Tests of Agricultural Machines)

(1) Agricultural machines that have successfully passed a test in accordance with the former provisions and agricultural machines that have successfully passed a test under paragraph (2), as at the time this Act enters into force, shall be deemed to have successfully passed the test for approval under the amended provisions of Article 9.

(2) Notwithstanding the amended provisions of Article 9, agricultural machines, the test of which has been applied for as at the time this Act enters into force, shall be governed by the former provisions.

Article 3 (Transitional Measures concerning Safety Control)

Safety devices attached in accordance with former provisions as at the time the amended provisions of Article 12 (1) enter into force pursuant to the proviso to Article 1 of the Addenda shall be deemed to have been attached and confirmed by the Minister for Food, Agriculture, Forestry and Fisheries pursuant to the amended provisions of Article 12 (1).

Article 4 Omitted.

ADDENDA <Act No. 9717, May 27, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 10834, Jul. 14, 2011>

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

ADDENDUM <Act No. 11095, Nov. 22, 2011>

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

ADDENDA <Act No. 11428, May 23, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Testing Agricultural Machinery for Approval)

The amended provisions of Article 9 (1) shall begin to apply from the first agricultural machine manufactured or imported after this Act enters into force.

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11876, Jun. 12, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Preferential Selection of Persons Eligible for Rental Services for Agricultural Machinery)

The amended provisions of Article 8-2 (2) shall begin to apply from the first rental business entity for agricultural machinery that leases an agricultural machine to a person eligible for rental services after this Act enters into force.

Article 3 (Relationship to Other Statutes)

A citation to the former Agricultural Mechanization Act or any provision thereof by any other statute in force at the time this Act enters into force shall be deemed a citation to this Act or a corresponding provision of this Act in lieu of the former Agricultural Mechanization Act or the former provision, if such corresponding provision exists in this Act.

ADDENDA <Act No. 13383, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13465, Aug. 11, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Obligation to Attach Labels for Agricultural Machinery)

The amended provisions of Article 9-2 shall begin to apply from the first agricultural machine manufactured or imported after this Act enters into force.

ADDENDA <Act No. 14588, Mar. 14, 2017>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

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

ADDENDUM <Act No. 15388, Feb. 21, 2018>

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

ADDENDUM <Act No. 15770, Sep. 18, 2018>

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

ADDENDUM <Act No. 16071, Dec. 24, 2018>

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

ADDENDA <Act No. 18259, Jun. 15, 2021>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Obligation to Attach Labels for Agricultural Machinery)

The amended provisions of Article 9-2 (2) through (4) shall apply from the case where agricultural machinery is manufactured or imported after this Act enters into force.

ADDENDA <Act No. 18688, Jan. 4, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force 18 months after the date of its promulgation.

Article 2 (Applicability to Agricultural Machinery Disposal)

The amended provisions of Article 9-4 shall apply from the case where agricultural machinery subject to a report of disposal is disposed of after this Act enters into force.

Article 3 (Applicability to Reports, etc. of Secondhand Transactions)

The amended provisions of Article 9-7 shall apply from the case where secondhand agricultural machinery with its serial number engraved on the chassis in accordance with Article 9-2 (2) is traded after this Act enters into force.

Article 4 (Applicability to Obligation to Notify Defects of Agricultural Machinery)

The amended provisions of Article 9-8 shall apply from the case where agricultural machinery is shipped after this Act enters into force.

Article 5 (Applicability to Exchange or Refund of Agricultural Machinery)

The amended provisions of Article 11-2 shall apply from the case where agricultural machinery is delivered after this Act enters into force.

Last updated : 2023-03-08