

# SEED INDUSTRY ACT

Wholly Amended by Act No. 11458, jun. 1, 2012

Amended by Act No. 11704, Mar. 23, 2013

Act No. 13383, jun. 22, 2015

Act No. 13385, jun. 22, 2015

Act No. 14483, Dec. 27, 2016

Act No. 16789, Dec. 10, 2019

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to promote the development of the seed industry and to contribute to stabilizing production in agriculture and forestry by prescribing matters concerning the production, certification and distribution of seeds and seedlings, the promotion of and support for the seed industry, etc. *<Amended on Jun. 22, 2015; Dec. 27, 2016>*

### Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jun. 22, 2015; Mar. 27, 2016>*

1. The term "seeds" means seeds, mushroom spawn, seedlings, spores, or vegetative organs like leaves, stems, roots, etc., all of which are used for multiplication or cultivation;
- 1-2. The term "seedlings" means a young plant developing out of a plant embryo from a seed used for cultivation and a young plant developing by grafting such young plants together;
2. The term "seed industry" means industries in which research and development, cultivation, multiplication, production, processing, distribution, importation and exportation, or display of seeds and seedlings is performed, or industries related to such activities;
3. The term "crops" means all plants cultivated to produce agricultural products or forest products;
4. The term "varieties" means varieties referred to in subparagraph 2 of Article 2 of the Act on the Protection of New Varieties of Plants;
5. The term "properties of a variety" means the ability of a variety to produce value for cultivation and use above a certain level prescribed by this Act;

6. The term "certified seeds" means seeds at each seed-gathering stage, the authenticity and quality of which are certified for the relevant variety pursuant to this Act;
7. The term "seed manager" means a person qualified under this Act to certify seeds that a seed business operator intends to sell or export after production, or that he or she intends to import;
8. The term "seed business" means business selling seeds after producing, processing or repackaging them;
- 8-2. The term "business of raising seedlings" means the business of producing and selling seedlings;
9. The term "seed business operator" means a person who conducts seed business pursuant to this Act;
10. The term "operator in the business of raising seedlings" means a person who conducts the business of raising seedlings pursuant to this Act.

### **Article 3 (Master Plan)**

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate and implement a master plan to promote and support the seed industry in agriculture, forestry and fisheries (hereinafter referred to as "master plan") every five years. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) A master plan shall include the following: *<Amended on Jun 22, 2015; Dec. 27, 2016>*

1. The current status and prospects of the seed industry;
2. The direction and objective of supporting the seed industry;
3. A mid-term and long-term investment plan to promote and support the seed industry;
4. A plan for technical training related to the seed industry to foster experts;
5. Research and development projects to support a stable income increase for farmers related to seeds and seedlings;
6. Projects to create infrastructure for the support for breeding research in the private sector;
7. A plan to promote expansion into overseas markets, such as the expansion of exportation;
8. A plan to promote the education and understanding about seeds and seedlings;
9. A plan for the local government's support measures for seed and seedling-related industries;
10. Other matters prescribed by Presidential Decree to promote and support the seed industry.

(3) Where the Minister of Agriculture, Food and Rural Affairs intends to formulate or change a master plan, he or she shall consult the heads of relevant central administrative agencies in advance: Provided, That this shall not apply where he or she changes any insignificant matters prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(4) The Minister of Agriculture, Food and Rural Affairs shall notify the heads of relevant central administrative agencies of a final master plan. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(5) In order to implement a master plan, the Minister of Agriculture, Food and Rural Affairs shall formulate and implement an action plan (hereinafter referred to as "action plan") every year after hearing opinions of the heads of relevant central administrative agencies, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(6) Where necessary to formulate a master plan and an action plan, the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant central administrative agencies, the heads of local governments, and the heads of relevant institutions and organizations, to submit data. In such cases, any person requested to submit data shall comply with such request, except in extenuating circumstances. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 4 (Compilation of Statistics and Fact-Finding Surveys)**

(1) The Minister of Agriculture, Food and Rural Affairs may compile statistics or conduct fact-finding surveys on the seed industry in order to secure basic data necessary for policies on the promotion of the seed industry, such as the efficient formulation and implementation of a master plan and an action plan. In such cases, the Statistics Act shall apply mutatis mutandis to the compilation of statistics on the seed industry. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may request the heads of relevant central administrative agencies, the heads of local governments, the heads of public institutions under the Act on the Management of Public Institutions, seed business operators and operators in the business of raising seedlings, relevant institutions and organizations, etc., to submit data for the compilation of statistics. In such cases, any person requested to submit data shall comply with such request, except in extenuating circumstances. <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

#### **Article 5 (Relationship with Other Acts)**

Except as otherwise expressly provided for in other Acts, this Act shall apply to seeds or seedlings, and the seed industry. <Amended on Dec. 27, 2016>

## **CHAPTER II CREATION OF INFRASTRUCTURE FOR SEED INDUSTRY**

#### **Article 6 (Training of Experts)**

(1) The State and local governments shall train experts necessary to promote and support the seed industry.

(2) In order to train experts pursuant to paragraph (1), the State and local governments may designate institutions equipped with adequate facilities and human resources, such as universities under subparagraphs 1 through 6 of Article 2 of the Higher Education Act, research institutes or organizations established for the research and other activities on the seed industry, or companies in the seed industry, as expert training institutions, and enable them to provide necessary education and training.

(3) The State and local governments may fully or partially subsidize the expenses of education and training to expert training institutions designated pursuant to paragraph (2), as prescribed by Presidential Decree.

(4) Where an expert training institution designated pursuant to paragraph (2) falls under any of the following cases, the State or a local government may revoke the designation of the institution or fully or partially suspend its business for a prescribed period not exceeding three months: Provided, That where it falls under subparagraph 1, the State or a local government shall revoke the designation of such institution:

1. Where it has been designated by fraud or other improper means;
2. Where it fails to meet criteria for the designation of an expert training institution;
3. Where it refuses or delays the training of experts without justifiable grounds;
4. Where it fails to conduct the training of experts for at least one consecutive year without justifiable grounds.

(5) Matters necessary for criteria and methods for the designation of expert training institutions under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 7 (Promotion of Technical Development for Seed Industry)**

(1) The State and local governments shall encourage the following activities in order to promote the development of technologies for the seed industry:

1. Surveys on trends in and demand for technologies for the seed industry;
2. Research and development on technologies for the seed industry;
3. Commercialization of developed technologies for the seed industry;
4. Exchange of technologies for the seed industry;
5. Other matters necessary for the promotion of the development of technologies for the seed industry.

(2) In order to promote the development of technologies for the seed industry under paragraph (1), the Minister of Agriculture, Food and Rural Affairs may subsidize necessary expenses to persons who conduct research and develop technologies for the seed industry or commercialize such technologies. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

#### **Article 8 (Promotion of International Cooperation and Expansion into Overseas Markets)**

(1) The State and local governments shall understand international trends in the seed industry and promote international cooperation.

(2) In order to promote international cooperation on matters related to the seed industry and expansion of the seed industry into overseas markets, the State and local governments may conduct projects, such as the international exchange of technologies and human resources for the seed industry and international joint research.

(3) The State and local governments may provide necessary support to persons who promote international cooperation or expand into overseas markets in relation to the seed industry, as prescribed by Presidential Decree.

### **Article 9 (Projects Conducted by Local Governments for Seed Industry)**

(1) The Minister of Agriculture, Food and Rural Affairs may allow the heads of local governments to engage in the following activities in order to disseminate technologies necessary for the seed industry to strike root stably: *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

1. Information collection and education necessary for the dissemination of technologies related to the production of seeds and seedlings;
2. Development of varieties for the promotion of regional varieties of agricultural products;
3. Creation of and support for a regionally-specialized breeding research complex;
4. Support for the infrastructure related to seed gathering for farmers who produce seeds;
5. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs.

(2) The Minister of Agriculture, Food and Rural Affairs may subsidize expenses to be incurred in efficiently conducting projects referred to in paragraph (1) within budgetary limits. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

### **Article 10 (Financial Support)**

(1) The Minister of Agriculture, Food and Rural Affairs may provide financial support for the following projects to create the infrastructure and facilitate technological innovation of the seed industry: *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

1. Installation of apparatus, equipment and facilities necessary for farmers who produce seeds or seedlings, companies in the seed industry and seed business operators or operators in the business of raising seedlings to develop, produce, disseminate, process, distribute and gather seeds or seedlings;
2. Conducting public projects related to seeds and seedlings;
3. Awarding a prize and giving an award to individuals, organizations, enterprises, etc. that have rendered distinguished service to the development and dissemination of high quality seeds and seedlings.

(2) If farmers who produce seeds or seedlings wish to receive support under paragraph (1), they shall register information on agriculture under Article 40 of the Framework Act on Agriculture, Rural Community and Food Industry. *<Amended on Jun. 22, 2015; Dec. 27, 2016>*

### **Article 11 (Support for Small and Medium-Sized Seed Business Operators and Small and Medium-Sized Operators in Business of Raising Seedlings)**

When the Minister of Agriculture, Food and Rural Affairs formulates a policy necessary to promote and support the seed industry, he or she shall formulate a set of measures to provide administrative and financial support for small and medium-sized seed business operators and small and medium-sized operators in the business of raising seedlings. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

## **Article 12 (Designation of Seed Industry Promotion Centers)**

(1) The Minister of Agriculture, Food and Rural Affairs may designate institutions equipped with adequate facilities and human resources, such as institutions, organizations or corporations related to the seed industry, as seed industry promotion centers (hereinafter referred to as "promotion center") to efficiently promote and support the seed industry. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) Each promotion center shall conduct the following projects:

1. Projects on the creation of the infrastructure, such as the installation of support facilities for the invigoration of the seed industry;
2. Projects on the support for seed industry experts;
3. Projects on the support for startup firms and business management activities in the seed industry, and on the collection, sharing and utilization of information;
4. Support for the invigoration of distribution, international cooperation and expansion into overseas markets for the development of the seed industry;
5. Support for seed business operators to develop the seed industry;
6. Other projects necessary for the development of the seed industry.

(3) The Minister of Agriculture, Food and Rural Affairs may subsidize expenses to be incurred in conducting projects referred to in paragraph (2) to institutions designated as promotion centers. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(4) Where a promotion center falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs may revoke that promotion center's designation or fully or partially suspend the center's business within a prescribed period not exceeding three months: Provided, That where it falls under subparagraph 1, he or she shall revoke the designation of such promotion center: *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

1. Where it has been designated by fraud or other improper means;
2. Where it ceases to meet criteria for the designation of a promotion center;
3. Where it refuses or delays a project referred to in paragraph (2) without justifiable grounds;
4. Where it fails to conduct a project under paragraph (2) for at least one consecutive year without justifiable grounds.

(5) Matters necessary for criteria and methods for the designation of promotion centers under paragraph (1) shall be prescribed by Presidential Decree.

## **Article 13 (Creation of Seed Technology Research Complex)**

(1) The Minister of Agriculture, Food and Rural Affairs may create a seed technology research complex or provide support to create it so that seed-related industrial circles and research circles organically corelate in a certain region to improve the efficiency of research and development on technologies for the seed industry and to promote the development of the seed industry. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) Matters necessary for the creation of and support for a seed technology research complex under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 14 (Establishment of Organizations)**

(1) A person engaged in the seed industry may establish an organization after obtaining authorization from the Minister of Agriculture, Food and Rural Affairs with an objective of promoting the sound development of the seed industry and common interests of seed and seedling-related industrial circles. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

(2) An organization under paragraph (1) shall be a corporation.

(3) An organization established pursuant to paragraph (1) shall endeavor to ensure that seed and seedling production and distribution order may be maintained in a sound manner. *<Amended on Dec. 27, 2016>*

(4) Except as provided in this Act, the provisions on incorporated associations of the Civil Act shall apply mutatis mutandis to an organization under paragraph (1).

### **CHAPTER III REGISTRATION IN NATIONAL CATALOG OF VARIETIES**

#### **Article 15 (Varieties Eligible for Registration in National Catalog of Varieties)**

(1) In order to manage properties of varieties, seeds of which grow into important crops for the stabilization of production in agriculture and forestry, the Minister of Agriculture, Food and Rural Affairs may register varieties of the relevant crops in the national catalog of varieties (hereinafter referred to as "catalog of varieties") prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) Crops eligible for registration in the catalog of varieties shall be rice, barley, bean, corn, potato, and other crops prescribed by Presidential Decree: Provided, That crops for animal feed shall be excluded.

#### **Article 16 (Application for Registration in Catalog of Varieties)**

(1) A person who applies for registration of a variety (hereinafter referred to as "applicant for registration in the catalog of varieties") of crops eligible for registration in the catalog of varieties under Article 15 (2) (hereinafter referred to as "crops eligible for registration in the catalog of varieties") in the catalog of varieties shall file an application with the Minister of Agriculture, Food and Rural Affairs, attaching relevant seed samples to the application form for registration in the catalog of varieties prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, if a seed sample is a vegetative organ, the timing, method, etc. for the submission shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) A variety, an application for which is filed for registration in the catalog of varieties pursuant to paragraph (1), shall have one denomination of its own variety.

(3) Articles 106 through 117 of the Act on the Protection of New Varieties of Plants shall apply mutatis mutandis to the application, registration and request for objection in regard to the denomination of a variety under paragraph (2), as well as its use and cancellation.

#### **Article 17 (Examination of Varieties for Registration in Catalog of Varieties)**

(1) The Minister of Agriculture, Food and Rural Affairs shall examine a variety applied for registration in the catalog of varieties pursuant to Article 16 (1) according to the standards for examination of the properties of a variety prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

*<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) Where a variety applied for registration in the catalog of varieties fails to meet any standard for examination of the properties of a variety under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall reject the application for registration in the catalog of varieties.

*<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(3) Where the Minister of Agriculture, Food and Rural Affairs intends to reject an application for registration in the catalog of varieties pursuant to paragraph (2), he or she shall notify the grounds for rejection to an applicant for registration in the catalog of varieties, and give him or her an opportunity to submit a written opinion within a prescribed period.

*<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(4) Where a variety, an application for which is filed for registration in the catalog of varieties, meets the standards for examination of the properties of the variety as a result of examination under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall notify an applicant for registration in the catalog of varieties of such fact without delay and register the relevant variety applied for registration in the catalog of varieties in the catalog of varieties.

*<Amended on Mar. 23, 2013; Jun. 22, 2015>*

#### **Article 18 (Announcement of Varieties Registered in Catalog of Varieties)**

Where the Minister of Agriculture, Food and Rural Affairs registers a variety in the catalog of varieties pursuant to Article 17 (4), he or she shall announce a species of crops to which the relevant variety belongs, the denomination of a variety, the period of validity of registration under Article 19, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. The same shall also apply where the period of validity of registration is extended pursuant to Article 19 (2).

*<Amended on Mar. 23, 2013; Jun. 22, 2015>*

#### **Article 19 (Period of Validity of Registration in Catalog of Varieties)**

(1) The period of validity of registration in the catalog of varieties pursuant to Article 17 (4) shall be 10 years from the following year to which the date of registration of a variety belongs.

(2) The period of validity of registration in the catalog of varieties under paragraph (1) may be continually extended with an application for extension of the period of validity.

(3) An application for extension of the period of validity of registration in the catalog of varieties under paragraph (2) shall be made within one year before the expiry of the period of validity of such registration in the catalog of varieties.

(4) Where the Minister of Agriculture, Food and Rural Affairs receives an application for extension of the period of validity of registration in the catalog of varieties under paragraph (2), he or she shall not reject such application for extension if a variety applied for extension of the period of validity maintains the properties of the variety at the time it was registered in the catalog of varieties. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(5) The Minister of Agriculture, Food and Rural Affairs shall give prior notice to an applicant for registration in the catalog of varieties, of the procedure for extension and the fact that he or she shall not obtain an extension if he or she fails to file an application for extension within a period under paragraph (3), at least one year before the period of validity of registration in the catalog of varieties expires. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(6) Notification under paragraph (5) may be given via text messaging service by mobile phone, email, fax, telephone, in writing, etc.

#### **Article 20 (Revocation of Registration in Catalog of Varieties)**

(1) Where a variety falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs may revoke the registration of the relevant variety in the catalog of varieties: Provided, That where the variety falls under subparagraph 4 or 5, he or she shall revoke the registration of the relevant variety in the catalog of varieties: <Amended on Mar. 23, 2013; Jun. 22, 2015>

1. Where the properties of the variety fail to meet any standard for examination of the properties of the variety under Article 17 (1);
2. Where the cultivation of the relevant variety causes or is likely to damage the environment;
3. Where the registered denomination of the variety is cancelled because it falls under any of the provisions of Article 117 (1) of the Act on the Protection of New Varieties of Plants;
4. Where the variety is registered in the catalog of varieties by fraud or other improper means;
5. Where the same variety is registered in duplicate under two or more denominations of the variety (excluding the variety initially registered).

(2) Where the Minister of Agriculture, Food and Rural Affairs intends to determine on the revocation of the registration pursuant to paragraph (1), he or she shall notify the grounds for the decision to the applicant for registration of a variety in the catalog of varieties, and give him or her an opportunity to submit a written opinion within a prescribed period. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) Where the Minister of Agriculture, Food and Rural Affairs determines to revoke the registration under paragraph (1), he or she shall serve a certified copy of the decision on the applicant for registration in the catalog of varieties and announce such decision, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 21 (Preservation of Documents on Registration in Catalog of Varieties)**

The Minister of Agriculture, Food and Rural Affairs shall preserve documents related to each variety registered in the catalog of varieties for the period of validity of registration of the relevant variety in the catalog of varieties under Article 19. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 22 (Production of Seeds of Variety Registered in Catalog of Varieties)**

Where the Minister of Agriculture, Food and Rural Affairs produces seeds of a variety registered in the catalog of varieties pursuant to Article 17 (4) or seeds of a variety announced due to its importance for the stable production of agricultural products, he or she may allow the following persons to produce seeds on his or her behalf. In such cases, the Minister of Agriculture, Food and Rural Affairs may fully or partially subsidize the expenses to be incurred in producing and supplying seeds to a person who produces seeds on his or her behalf: <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

1. The Administrator of the Rural Development Administration, or the Minister of the Korea Forest Service;
2. The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Special Self-Governing City Mayor, the Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor");
3. The Special Self-governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu");
4. Agricultural organizations or forestry organizations (hereinafter referred to as "agricultural organization, etc.") prescribed by Presidential Decree;
5. Seed business operators prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or agricultural business entities under subparagraph 3 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

### **Article 23 (Compensation for Loss Due to Defects in Seeds)**

(1) The Minister of Agriculture, Food and Rural Affairs may compensate farmers who have sustained loss due to defects in seeds produced and supplied pursuant to Article 22 for the amount of loss fully or partially within budgetary limits. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may investigate the current extent of loss under paragraph (1) at the site, and form and operate a seed damage investigation team to limit the spread of damage. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) If necessary to efficiently conduct investigations under paragraph (2), the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant administrative agencies or the heads of relevant organizations to provide cooperation. In such cases, any person requested to provide cooperation shall comply with such request except in extenuating circumstances. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(4) Matters necessary for the scope, criteria and procedures concerning the compensation under paragraph (1) as well as for the formation and operation of a seed damage investigation team under paragraph (2) shall be prescribed by Presidential Decree.

## CHAPTER IV CERTIFICATION OF SEEDS

### **Article 24 (Certification of Seeds)**

(1) The Minister of Agriculture, Food and Rural Affairs, and a seed manager may certify seeds for improvements, etc. in the productivity of agriculture and forestry through the distribution and supply of high quality seeds. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) Certification of seeds under paragraph (1) shall be classified into certification granted by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "national certification") and certification granted by a seed manager (hereinafter referred to as "self-certification"). <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 25 (Seeds Subject to National Certification)**

(1) In any of the following cases, seeds shall be subject to national certification: <Amended on Mar. 23, 2013; Jun. 22, 2015>

1. Where the Minister of Agriculture, Food and Rural Affairs produces seeds or requests any other person to produce seeds on his or her behalf pursuant to Article 22;
2. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator intends to obtain national certification in order to produce or export crop seeds subject to registration in the catalog of varieties.

(2) The Minister of Agriculture, Food and Rural Affairs may recognize seeds certified by an international seed certification organization prescribed by Presidential Decree as seeds nationally certified. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 26 (Seeds Subject to Self-Certification)**

In any of the following cases, seeds shall be subject to self-certification:

1. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator produces crop seeds subject to registration in the catalog of varieties;
2. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator intends to obtain self-certification in order to produce and sell crop seeds not subject to registration in the catalog of varieties.

### **Article 27 (Criteria for Qualification for Seed Managers)**

- (1) Criteria for qualification as a seed manager shall be prescribed by Presidential Decree.
- (2) A person who intends to be a seed manager shall be a person who meets criteria for qualification under paragraph (1), and shall register with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>
- (3) Where a seed manager has neglected any of his or her duties prescribed by this Act or made a serious mistake, the Minister of Agriculture, Food and Rural Affairs may revoke his or her registration or suspend his or her business for a prescribed period not exceeding one year. <Amended on Mar. 23, 2013; Jun. 22, 2015>
- (4) No person whose registration has been revoked pursuant to paragraph (3) shall re-register as a seed manager unless two years have elapsed from the date his or her registration was revoked.
- (5) Detailed standards for administrative measures under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, in consideration of types of offenses and the degree of violation. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 28 (Field Inspections)**

- (1) A person who intends to produce nationally certified or self-certified seeds shall undergo field inspections by the Minister of Agriculture, Food and Rural Affairs or a seed manager, at least once at each stage of seed gathering. <Amended on Mar. 23, 2013; Jun. 22, 2015>
- (2) Matters concerning standards, methods, procedures, etc. for field inspections at each stage of seed gathering under paragraph (1), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 29 (Requirements for Field for Seed Production)**

A person who intends to produce nationally certified or self-certified seeds shall meet the requirements for a field prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as fields distant from the cultivation area of varieties or crops that may cause crossing or facilities isolated from the outside environment, to prevent crossing with another variety or crops of another family line. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 30 (Seed Inspections)**

- (1) A person who intends to produce nationally certified or self-certified seeds shall undergo an inspection of seeds produced in a field that meets the standards for field inspections under Article 28 (2), which is conducted by the Minister of Agriculture, Food and Rural Affairs or a seed manager at each stage of seed gathering. <Amended on Mar. 23, 2013; Jun. 22, 2015>
- (2) A person who has an objection to the results of the inspection under paragraph (1) may apply for a re-inspection to the Minister of Agriculture, Food and Rural Affairs or a seed manager who has conducted

such inspection. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) Matters concerning standards, methods, procedures, etc. for inspections at each stage of seed gathering under paragraph (1) or re-inspections under paragraph (2), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 31 (Certification Mark)**

(1) A person who has passed field inspections under Article 28 and intends to sell or supply certified seeds that have undergone seed inspection under Article 30, shall place a certification mark on the relevant certified seeds.

(2) A person who intends to sell or supply certified seeds pursuant to paragraph (1), shall keep inspection documents related to the certification of seeds for three years (five years for inspection documents related to seedlings) from the date of preparation of such documents.

(3) Matters concerning a certification mark under paragraph (1) and the period of validity, etc. of the certification of each type of crop, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 32 (Issuance of Certificates)**

Where a person who has undergone an inspection of certified seeds on which a certification mark is placed pursuant to Article 31 (1) requests the issuance of a certificate, the Minister of Agriculture, Food and Rural Affairs or a seed manager shall issue a certificate prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 33 (Post-Management Tests)**

(1) The Minister of Agriculture, Food and Rural Affairs shall conduct post-management tests of certified crop seeds subject to registration in the catalog of varieties. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) Standards and methods for post-management tests under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 34 (Expiration of Certification)**

Where certified seeds fall under any of the following cases, certification for seeds shall be deemed null and void:

1. Where no certification mark prescribed by Article 31 (1) has been placed or a certification mark has been forged or altered;
2. Where the period of validity of the certification under Article 31 (3) has expired;
3. Where the package of certified seeds has been torn or removed: Provided, That where they are repackaged into smaller packages under the supervision of a certification agency or a seed manager that

has certified the relevant seeds shall be excluded;

4. Where certification has been obtained by fraud or other improper means.

### **Article 35 (Certification Mark on Repackaged Seeds)**

A certification mark on seeds repackaged pursuant to the proviso to subparagraph 3 of Article 34 and a certification mark on seeds of the relevant variety prior to repackaging, shall include the same details.

### **Article 36 (Sale of Seeds)**

(1) A person who intends to sell or supply crop seeds subject to registration in the catalog of varieties or seeds of varieties announced by the Minister of Agriculture, Food and Rural Affairs pursuant to Article 22 shall obtain the certification of the seeds pursuant to Article 24: Provided, That this shall not apply where seeds fall under any of the following cases: *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

1. Where seeds are used only as the parents of the first filial generation or of a synthetic variety;
2. Where a seller purchases back all of the seeds produced after he or she sold them for the purpose of multiplication;
3. Where seeds are used for testing or research;
4. Where all of the seeds produced are exported;
5. Where a breeder directly sells or transfers seeds of a variety bred in the course of performing his or her duties so that they may be used for multiplication;
6. Where seeds are used for a purpose other than the purposes of seeds.

(2) Notwithstanding paragraph (1), where the Minister of Agriculture, Food and Rural Affairs deems it necessary for distribution, even if registration of a variety in the catalog of varieties has been revoked pursuant to Article 20 (1), he or she may allow seeds of the relevant variety, produced or being produced before the date of revocation, to be sold or supplied until the end of the following year to which the date of revocation belongs. In such cases, he or she shall announce regions eligible for sale or supply and the period. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

## **CHAPTER V SEED AND SEEDLING DISTRIBUTION MANAGEMENT**

### **Article 37 (Registration of Seed Business)**

(1) A person who intends to conduct seed business shall have facilities prescribed by Presidential Decree and register his or her business with the head of a Si/Gun/Gu.

(2) A person who intends to conduct seed business shall employ at least one seed manager: Provided, That this shall not apply to a person who intends to produce and sell crop seeds prescribed by Presidential Decree.

(3) Paragraphs (1) and (2) shall not apply where the Minister of Agriculture, Food and Rural Affairs, the Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Mayor/Do Governor, the head of a Si/Gun/Gu, or an agricultural organization, etc. multiplies, produces, sells, supplies, exports or imports seeds. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(4) Necessary matters concerning procedures, etc. for registration of seed business under paragraph (1) and for alteration of registered matters, shall be prescribed by Presidential Decree. <Amended on Dec. 27, 2016>

#### **Article 37-2 (Registration of Business of Raising Seedlings)**

(1) A person who intends to conduct the business of raising seedlings shall have facilities prescribed by Presidential Decree and register his or her business with the head of a Si/Gun/Gu.

(2) A person who intends to conduct the business of raising seedlings shall complete related education at an institution that trains professionals prescribed by Presidential Decree, as prescribed by Presidential Decree.

(3) Where the Minister of Agriculture, Food and Rural Affairs, the Administrator of the Rural Development Administration, the Administrator of the Korea Forest Service, the Mayor/Do Governor, the head of a Si/Gun/Gu or an agricultural organization produces, sells, disseminates, exports or imports seedlings, paragraphs (1) and (2), shall not apply.

(4) Necessary matters concerning procedures, etc. for registration of the business of raising seedlings under paragraph (1) and for alteration of registered matters, shall be prescribed by Presidential Decree.

#### **Article 38 (Reporting of Sale after Production or Importation of Varieties)**

(1) A person who intends to sell seeds of varieties other than the following varieties after producing or importing them shall report to the Minister of Agriculture, Food and Rural Affairs, along with materials substantiating the relevant seeds are acquired justly (limited to crops prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs) and the relevant seed samples. In such cases, if the scope of materials and seed samples are seedlings or vegetative organs, the timing, methods, etc. for the submission shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 10, 2019>

1. A variety for which an application has been disclosed pursuant to Article 37 (1) of the Act on the Protection of New Varieties of Plants;

2. A variety registered in the catalog of varieties pursuant to Article 17 (4).

(2) Where important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs are altered among matters reported pursuant to paragraph (1), they shall be reported to the Minister of Agriculture, Food and Rural Affairs without delay. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) A variety reported for sale after production or importation of seeds pursuant to paragraph (1) shall have one denomination of its own variety.

(4) Articles 106 through 117 of the Act on the Protection of New Varieties of Plants shall apply mutatis mutandis to the application, registration, etc. of the denomination of a variety under paragraph (3).

(5) Methods, procedures, etc. for reporting under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 39 (Revocation of Registration of Seed Business)**

(1) Where a seed business operator falls under any of the following cases, the head of a Si/Gun/Gu may revoke the registration of his or her seed business or order him or her to fully or partially suspend his or her seed business for a prescribed period not exceeding six months: Provided, That where the seed business operator falls under subparagraph 1, the head of a Si/Gun/Gu shall revoke the registration:

<Amended on Dec. 27, 2016>

1. Where the seed business operator registers seed business by fraud or other improper means;
2. Where the seed business operator fails to commence his or her business within one year from the date of registration of seed business, or suspends his or her business for at least one consecutive year without justifiable grounds;
3. Where the seed business operator fails to comply with an order to report whether he or she licenses a protected variety under Article 81 of the Act on the Protection of New Varieties of Plants;
4. Where the seed business operator sells or supplies non-certified seeds of a variety of crops subject to registration in the catalog of varieties, in violation of Article 36 (1);
5. Where the seed business operator fails to meet any standard for facilities under Article 37 (1) after having registered seed business;
6. Where the seed business operator fails to employ a seed manager, in violation of the main clause of Article 37 (2);
7. Where the seed business operator sells unreported seeds after producing or importing them, in violation of Article 38;
8. Where the seed business operator exports or imports seeds, the exportation or importation of which is restricted pursuant to Article 40, or he or she distributes the imported seeds, the distribution of which is restricted in Korea;
9. Where the seed business operator sells or supplies foreign-produced seeds that have not undergone importation adaptability testing, in violation of Article 41 (1);
10. Where the seed business operator sells or supplies seeds with no quality indication, in violation of Article 43 (1);
11. Where the seed business operator refuses, interferes with or evades an investigation of seeds, etc. or the collection of seeds under Article 45 (1);
12. Where the seed business operator produces or sells seeds, the production or sale of which under Article 45 (2) has been suspended.

(2) Where a seed business operator continues to conduct business during a period of suspension in violation of an order to suspend business under paragraph (1), the head of a Si/Gun/Gu may revoke the registration of his or her business.

(3) No person whose registration of seed business has been revoked pursuant to paragraph (1) or (2) shall re-register seed business unless two years have elapsed from the date the registration was revoked.

(4) Detailed criteria for administrative measures under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, in consideration of types of offenses, the degree of violation, etc. <Amended on Mar. 23, 2013; Jun. 22, 2015>

### **Article 39-2 (Revocation of Registration of Business of Raising Seedlings)**

(1) Where an operator in the business of raising seedlings falls under any of the following, the head of a Si/Gun/Gu may revoke the registration of the business of raising seedlings or order the operator in the business of raising seedlings to fully or partially suspend his or her business within a fixed period not exceeding six months: Provided, That where he or she falls under subparagraph 1, the head of the Si/Gun/Gu shall revoke the registration thereof:

1. Where he or she has registered the business of raising seedlings by fraud or other improper means;
2. Where he or she has failed to commence the business within one year from the date he or she registered the business of raising seedlings or has continuously suspended his or her business for at least one year without any justifiable reason;
3. Where he or she has failed to meet standards of facilities under Article 37-2 (1) after he or she registered the business of raising seedlings;
4. Where he or she has sold or disseminated seedlings with no indication of quality, in violation of Article 43 (2);
5. Where he or she has refused, interfered with or evaded an examination of seedlings, etc. or the collection of seedlings under Article 45 (1);
6. Where he or she has produced or sold seedlings the production or sale of which was suspended pursuant to Article 45 (2).

(2) Where an operator in the business of raising seedlings continuously conducts business during a period of suspension, in violation of an order to suspend business under paragraph (1), the head of Si/Gun/Gu may revoke the registration of his or her business.

(3) No person whose registration of the business of raising seedlings was revoked pursuant to paragraph (1) or (2) shall obtain the registration of the business of raising seedlings again unless two years have elapsed from the date the registration thereof was revoked.

(4) Detailed standards for administrative measures under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the types of violations, the degree of violation, etc.

#### **Article 40 (Restrictions on Exportation, Importation, and Distribution of Seeds)**

The Minister of Agriculture, Food and Rural Affairs may restrict the exportation or importation of seeds or distribution of imported seeds in the domestic market, as prescribed by Presidential Decree, where he or she deems that they may seriously impede the protection of the national ecological system or the preservation of natural resources. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 41 (Importation Adaptability Testing)**

(1) A person who intends to import seeds of a variety imported to the Republic of Korea for the first time for sale or distribution, among which are crop seeds determined and announced by the Minister of Agriculture, Food and Rural Affairs, shall undergo importation adaptability testing of seeds of such variety by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) Where the result of importation adaptability testing conducted pursuant to paragraph (1) fails to meet any standard for examination prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, the Minister of Agriculture, Food and Rural Affairs may restrict the distribution of seeds of the relevant variety in the domestic market. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) Methods, procedures, etc. for examination under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 42 (Recommendation on Import of Seeds)**

(1) A person who intends to import seeds at bound tariff rates applicable to the market access quota in the schedules of concessions of the Republic of Korea under the Marrakesh Agreement Establishing the World Trade Organization, shall obtain a recommendation on the importation of seeds from the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may allow a relevant institution or organization that he or she designates and announces to make recommendations on the importation of seeds under paragraph (1) on his or her behalf. In such cases, recommended quantities by item, recommendation standards and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 42-2 (Examination of Seeds)**

(1) The Minister of Agriculture, Food and Rural Affairs may conduct examinations of seeds to effectively deal in and export and import seeds.

(2) A person who intends to undergo an examination under paragraph (1) shall file an application for examination with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) Items and methods of examination under paragraph (1), and other matters necessary to conduct examinations shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

#### **Article 42-3 (Prohibition of Dishonest Acts)**

No person shall perform the following acts in relation to examination under Article 42-2:

1. Undergoing an examination by deception or other fraudulent means;
2. Providing false advertising or exaggerated advertising with respect to the result of examination.

#### **Article 43 (Indication of Quality of Seeds and Seedlings in Distribution)**

(1) A person who intends to sell or supply seeds not subject to national certification or seeds not self-certified shall provide an indication of quality including all of the following on the container or package of all seeds: *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

1. The production year or the year and month the seeds are packaged;
2. The warranty period of germination of seeds (excluding seeds whose germination rate cannot be indicated);
3. Other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as matters concerning the registration under Article 37 (1) and the reporting under Article 38.

(2) A person who intends to sell or disseminate seedlings shall provide an indication of quality including all of the following on the container or package of seedlings: *<Newly Inserted on Dec. 27, 2016>*

1. Name of varieties and the seeding date of seedlings;
2. Matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as matters concerning registration under Article 37-2 (1).

#### **Article 44 (Prohibition of Display or Storage of Seeds and Seedlings in Distribution)**

No person shall sell seeds or seedlings falling under the following, or display or keep such seeds or seedlings for the purpose of sale: Provided, That the foregoing shall not apply to certified seeds under Article 24. *<Amended on Dec. 27, 2016>*

1. Seeds or seedlings with no indication of quality under Article 43 (1) or (2);
2. Seeds whose warranty period of germination under Article 43 (1) has expired;
3. Other seeds or seedlings the prohibition of the distribution of which is deemed necessary because business operators have violated this Act.

#### **Article 45 (Investigation of Distribution of Seeds and Seedlings)**

(1) Where the Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor deems it necessary for the production and efficient distribution of quality seeds and seedlings, he or she may allow the relevant public officials to have access to a place of business, office, etc. of a seed business operator, operator in the business of raising seedlings, or seed or seedling dealer for the investigation of such

facilities, relevant documents or books, seeds, seedlings, etc. or for inspections of the quality of seeds or seedlings, or to collect seeds or seedlings in the minimum amount necessary for the investigation or inspections. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor may order the suspension of the production or sale of seeds or seedlings being produced or sold in violation of the Act, or allow the relevant public official to collect such seeds or seedlings. In such cases, the relevant public official who collects seeds or seedlings shall list the seeds or seedlings collected and produce the prepared list to a person who owns or carries such seeds or seedlings at the time he or she collects the seeds or seedlings. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

(3) The Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor shall have the relevant public official keep the seeds collected pursuant to paragraph (2) for one year: Provided, That after the investigation, he or she may return or destroy the seeds determined and announced by the Minister of Agriculture, Food and Rural Affairs due to difficulty in their storage, by applying paragraph (4) *mutatis mutandis*. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(4) After the expiry of storage period under the main clause of paragraph (3), the Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor shall have the relevant public official return the seeds to a person who owned or carried the seeds when they are collected after having made them unusable: Provided, That where he or she is unable to return the seeds due to a unclear address of a person who owned or carried the seeds at the time they are collected or refusal by such person to receive them, he or she may destroy such seeds. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(5) When the relevant public official performs his or her duties pursuant to paragraph (1) or (2), he or she shall carry an identity card indicating his or her authority and produce it to the relevant person, and deliver a document stating matters such as the purpose and time of an investigation and the identity of an investigator.

(6) Where the head of a Si/Gun/Gu has registered seed business or the business of raising seedlings, altered or revoked the registration thereof to investigate the distribution of seeds or seedlings, he or she shall make reports to the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Newly Inserted on Dec. 27, 2016>*

(7) Matters concerning standards, methods, procedures, etc. for quality inspections under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

(8) Matters necessary for the storage of seeds under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

#### **Article 46 (Storage of Seed Samples)**

(1) The Minister of Agriculture, Food and Rural Affairs shall store and manage a certain amount of samples of the following seeds. In such cases, where seed samples are vegetative organs, the timing,

methods, etc. for the submission shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: <Amended on Mar. 23, 2013; Jun. 22, 2015>

1. Seeds of a variety registered in the catalog of varieties pursuant to Article 17 (4);

2. Seeds of a variety reported pursuant to Article 38.

(2) Matters necessary for the storage of seed samples under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

**Article 47 (Testing and Analysis of Seeds and Seedlings in Dispute)** <Amended on Dec. 27, 2016>

(1) Where a dispute concerning seeds or seedlings occurs, the parties to the dispute may request the Minister of Agriculture, Food and Rural Affairs to conduct testing or analysis on the relevant seeds or seedlings in dispute. <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

(2) When the parties to a dispute request testing or analysis pursuant to paragraph (1), they shall jointly collect and confirm the sample of a seed or seedling in dispute and submit the sealed sample of the seed or seedling to the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

(3) Where the joint sample collection under paragraph (2) does not happen due to reasons prescribed by Presidential Decree, such as noncooperation of either one of the parties, the parties to the dispute may request the Minister of Agriculture, Food and Rural Affairs to collect such sample. In such cases, a request for testing or analysis under paragraph (1) shall be deemed made. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(4) Where the Minister of Agriculture, Food and Rural Affairs receives a request for the collection of a sample under paragraph (3), he or she shall have the relevant public official collect the sample within seven days. In such cases, the parties to the dispute shall provide cooperation in collecting the sample. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(5) Where the Minister of Agriculture, Food and Rural Affairs receives a request for testing or analysis under paragraph (1) or the latter part of paragraph (3), he or she shall conduct testing or analysis and inform the parties to a dispute of the results without delay. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(6) The Minister of Agriculture, Food and Rural Affairs may request the parties to a dispute under paragraph (1) to submit data necessary for testing or analysis under paragraph (5). <Amended on Mar. 23, 2013; Jun. 22, 2015>

(7) Where loss related to seeds or seedlings in dispute have been sustained due to a defect in seeds or seedlings, any person who has sustained loss may request a seed business operator or operator in the business of raising seedlings to compensate for such loss, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

(8) Where a dispute occurs, an operator in the business of raising seedlings shall have custody of information about seeds he or she has purchased, a detailed statement of the use of materials used, data

proving the purchase of materials, etc. so that it may be possible to identify the cause of the occurrence of the dispute. <Newly Inserted on Dec. 27, 2016>

(9) Necessary matters concerning items subject to custody, the period of custody, procedures, methods, etc. for custody under paragraph (8) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted on Dec. 27, 2016>

#### **Article 48 (Mediation of Dispute)**

(1) The parties to a dispute may request the Minister of Agriculture, Food and Rural Affairs to mediate the dispute concerning compensation under Article 47 (7). <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) A dispute mediation council shall be established in an agency prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in order to deliberate on matters concerning the mediation of disputes under paragraph (1). <Newly Inserted on Dec. 27, 2016>

(3) Other necessary matters concerning requests, procedures, etc. for the mediation of a dispute under paragraph (1) and the formation, operation, etc. of the dispute mediation council under paragraph (2), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

## CHAPTER VI SUPPLEMENTARY PROVISIONS

#### **Article 49 (Language Used)**

All documents under this Act shall be prepared in Korean, and where it is necessary to use Chinese characters or other foreign characters, they shall be mentioned in parentheses: Provided, That this shall not apply to cases prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### **Article 50 (Hearings)**

(1) Where the State or a local government intends to revoke the designation of an expert training institution pursuant to Article 6 (4), it shall hold a hearing.

(2) Where the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu intends to take the following measures, he or she shall hold a hearing: <Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>

1. Revocation of the designation of a promotion center under Article 12 (4);
2. Revocation of the registration of a seed manager under Article 27 (3);
3. Revocation of the registration of seed business or the business of raising seedlings under Article 39 (1) or (2), 39-2 (1) or (2).

## **Article 51 (Fees)**

(1) The following persons shall pay a fee: *<Amended on Dec. 27, 2016>*

1. A person who intends to file an application for the registration of a variety in the catalog of varieties pursuant to Article 16 (1);
2. A person who intends to file an application for the extension of the period of validity of the registration of a variety in the catalog of varieties pursuant to Article 19 (2);
3. A person who intends to obtain national certification pursuant to Article 25 (1) 2;
4. A person who intends to request the issuance of a certificate under Article 32;
5. A person who intends to report seeds that he or she intends to sell after producing or importing them pursuant to Article 38 (1);
6. A person who intends to undergo importation adaptability testing pursuant to Articles 41 (1);
- 6-2. A person who applies for examination of seeds pursuant to Article 42-2 (2);
7. A person who requests for testing or analysis pursuant to Article 47 (1);
8. A person who requests for the mediation of a dispute pursuant to Article 48 (1);
9. A person who intends to apply for the issuance of a certified copy, an abridged copy, a copy, or a certificate of various documents under this Act.

(2) The amount of fees, methods of payment, the period of payment, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

## **Article 52 (Exemption from and Refund of Fees)**

(1) The State, local governments, beneficiaries of medical benefits under Article 12-3 of the National Basic Living Security Act and those prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, shall be exempted from any fees, notwithstanding Article 51. *<Amended on Mar. 23, 2013; Jun. 22, 2015; Dec. 27, 2016>*

(2) A person who intends to be exempted from any fees pursuant to paragraph (1) shall submit a document prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the Minister of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(3) No fees paid shall be refunded: Provided, That a fee paid erroneously shall be refunded at the request of a person who has paid such fee.

(4) Where there is a fee paid erroneously, the Minister of Agriculture, Food and Rural Affairs shall notify a person who has paid the fee immediately after he or she learns such fact. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(5) A request for refund of a fee under the proviso to paragraph (3) shall be made within three years from the date of payment.

### **Article 53 (Delegation or 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 Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of an agency under his or her jurisdiction, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may entrust part of his or her authority under this Act to a corporation or an organization related to agriculture and forestry prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jun. 22, 2015>

## **CHAPTER VII PENALTY PROVISIONS**

### **Article 54 (Penalty Provisions)**

The following persons shall be punished by imprisonment for not exceeding one year or by a fine not exceeding 10 million won: <Amended on Dec. 27, 2016>

1. A person who sells, supplies, exports or imports seeds of a variety other than protected varieties under the Act on the Protection of New Varieties of Plants by making fraudulent use of the denomination of a variety registered pursuant to Article 16 (2) or reported pursuant to Article 38 (3);
2. A person who conducts business of a seed manager without registration under Article 27 (2);
3. A seed manager who issues a false certificate under Article 32;
4. A person who sells or supplies seeds without obtaining certification, in violation of Article 36 (1);
5. A person who conducts seed business or the business of raising seedlings without having obtained registration, in violation of Article 37 (1) or 37-2 (1);
6. A person who sells seeds of a variety by producing or importing them without reporting such activities, or who falsely reports his or her activities, in violation of Article 38 (1);
7. A person who continues to conduct seed business or the business of raising seedlings the registration of which has been revoked, or continues to conduct seed business or the business of raising seedlings without complying with an order to suspend business, in violation of Article 39 (1) or 39-2 (1);
8. A person who exports or imports seeds or distributes imported seeds, in violation of Article 40;
9. A person who imports seeds without undergoing importation adaptability testing, in violation of Article 41 (1);
- 9-2. A person who has undergone an examination under Article 42-2 by deception or other fraudulent means, in violation of subparagraph 1 of Article 42-3;
- 9-3. A person who has provided false advertising or exaggerated advertising with respect to the result of examination, in violation of subparagraph 2 of Article 42-3;
10. A person who produces or sells seeds or seedlings after the suspension of the production or sale has been ordered, in violation of Article 45 (2);

11. A person who refuses, interferes with or evades sampling, in violation of the latter part of Article 47 (4).

### **Article 55 (Joint Penalty Provisions)**

If the representative of a corporation, or an agent, an employee, or any other employed person of the corporation or an individual commits an offense referred to in Article 54 regarding the business of the said corporation or individual, not only shall such offender be punished, but the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or individual has not neglected to pay due attention and supervise the relevant business in order to prevent such offense.

### **Article 56 (Administrative Fines)**

(1) The following persons shall be punished by an administrative fine not exceeding 10 million won:  
<Amended on Dec. 27, 2016>

1. A person who sells or supplies seeds by making use of the denomination of a variety which has not been registered or reported, in violation of Article 16 (2) or 38 (3);
2. A person who fails to retain documents for inspection related to certification of seeds, in violation of Article 31 (2);
3. A person who sells or supplies seeds or seedlings with no indication of quality of seeds or seedlings in distribution or with a false indication of quality, in violation of Article 43;
4. A person who refuses, interferes with or evades access, investigation, inspection or collection under Article 45 (1);
5. A person who fails to have custody of information about seeds he or she has purchased, a detailed statement of the use of materials used, data proving the purchase of materials, etc., in violation of Article 47 (8).

(2) A person who displays or stores seeds or seedlings under the subparagraphs of Article 44, in violation of the aforesaid Article, shall be punished by an administrative fine not exceeding two million won.  
<Amended on Dec. 27, 2016>

(3) The Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor shall impose and collect administrative fines under paragraphs (1) and (2), as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jun. 22, 2015>

ADDENDA <Act No. 11458, Jun. 1, 2012>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (General Transitional Measures concerning Measures, etc. )**

Measures taken, procedures followed or other acts conducted by administrative agencies or acts conducted with regard to administrative agencies in accordance with the former provisions before this Act enters into force shall be deemed measures taken, procedures followed or acts conducted by administrative agencies or acts conducted with regard to administrative agencies under this Act corresponding thereto.

**Article 3 (Transitional Measures concerning Registration of Seed Business)**

Any person who sells seeds after processing or repackaging as at the time this Act enters into force shall be deemed to have registered seed business under Article 37 (1). In such cases, he or she shall have facilities and human resources under Article 37 (1) and (2) within three months from the enforcement date of this Act.

**Article 4 (Transitional Measures concerning Administrative Fines)**

When the provisions on administrative fines apply to acts conducted before this Act enters into force, the former provisions shall apply thereto.

**Article 5 Omitted.**

**Article 6 (Relationship to Other Statutes)**

Where the former provisions have been cited by other statutes as at the time this Act enters into force, if the provisions corresponding thereto exist in this Act, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions.

ADDENDA <Act No. 11704, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of the wholly amended Seed Industry Act, Act No. 11458, shall enter into force on June 2, 2013.

**Article 2 (Transitional Measures Following Adjustment of Affairs among Government Offices)**

Administrative measures taken and other acts conducted by the Minister for Food, Agriculture, Forestry and Fisheries and applications, reporting, and other acts conducted with regard to the Minister for Food, Agriculture, Forestry and Fisheries in accordance with the former provisions before this Act enters into force shall be deemed acts conducted by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries and acts conducted with regard to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries under this Act, respectively.

**Article 3 (Transitional Measures concerning Establishment of Seed Council)**

The Seed Council established in accordance with the former provisions before this Act enters into force, shall be deemed the Agricultural and Forestry Seed Council or the Fisheries Seed Council established in accordance with the amended provisions of Article 158 (1) until the new councils are formed in accordance with the amended provisions of Article 158 (1).

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. 13385, Jun. 22, 2015>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 14483, Dec. 27, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 10 (1) 3, subparagraph 5 of Article 22, Articles 42-2, 42-3, 51 (1) 6-2, 52 (1), subparagraphs 9-2 and 9-3 of Article 54, and the provisions of Articles 3 through 6 of Addenda shall enter into force six months after the date of their promulgation.

**Article 2 (Applicability to Formulation of Master Plan)**

The amended provisions of Article 3 shall begin to apply from where the Minister of Agriculture, Food and Rural Affairs formulates a master plan after this Act enters into force.

**Article 3 (Applicability to Examination of Seeds)**

The amended provisions of Article 42-2 shall begin to apply from an examination of seeds for which an application is filed after the aforesaid provisions enter into force.

**Article 4 (Transitional Measures concerning Examination of Seeds)**

Seeds examined pursuant to Article 98 of the former Agricultural and Fishery Products Quality Control Act before the amended provisions of Article 42-2 enter into force and seeds examined pursuant to Article 6 (1) of Addenda shall be deemed examined pursuant to the aforesaid amended provisions.

**Article 5 Omitted.**

**Article 6 (Transitional Measures concerning Amendment of Other Acts)**

(1) Notwithstanding the amended provision of Article 98 (1) of the Agricultural and Fishery Products Quality Control Act under Article 5 of Addenda, the former provision thereof shall apply to an examination of seeds for which an application was filed before the amended provisions of Article 42-2 enter into force.

(2) Notwithstanding the amended provision of Article 98 (1) of the Agricultural and Fishery Products Quality Control Act under Article 5 of Addenda, the former provision thereof shall apply where penalty provisions are applied to persons who have performed acts falling under subparagraph 1, 3, or 5 of Article 101 of the Agricultural and Fishery Products Quality Control Act in relation to an examination of seeds before the amended provisions of Article 42-2 enter into force.

ADDENDUM <Act No. 16789, Dec. 10, 2019>

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

Last updated : 2022-02-08

