

ENFORCEMENT DECREE OF THE SPECIAL ACT ON THE EXTERMINATION OF PINE WILT DISEASE

Presidential Decree No. 19046, Sep. 14, 2005
Amended by Presidential Decree No. 19965, Mar. 27, 2007
Presidential Decree No. 20696, Feb. 29, 2008
Presidential Decree No. 22291, Jul. 21, 2010
Presidential Decree No. 22726, Mar. 29, 2011
Presidential Decree No. 23834, Jun. 5, 2012
Presidential Decree No. 24241, Dec. 20, 2012
Presidential Decree No. 24669, Jul. 22, 2013
Presidential Decree No. 26616, Nov. 4, 2015
Presidential Decree No. 28274, Sep. 5, 2017
Presidential Decree No. 29979, Jul. 16, 2019

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Special Act on the Extermination of Pine Wilt Disease and those necessary for the enforcement thereof.

Article 2 (Central Control Headquarters)

(1) Pursuant to Article 5 (4) of the Special Act on the Extermination of Pine Wilt Disease (hereinafter referred to as the "Act"), to assist the director general (hereinafter referred to as "Director-General of the Central Control Headquarters") of the Central Pine Wilt Disease Control Headquarters (hereinafter referred to as "Central Control Headquarters"), a public official in general service in the Senior Civil Service in charge of the prevention of diseases and pests of forests in the Korea Forest Service shall be appointed as the Vice Director-General of the Central Control Headquarters.

(2) The Director-General of the Central Control Headquarters may establish and operate working-level task force teams by sector; to take general charge of eradication measures against pine wilt disease (hereinafter referred to as "pine wilt"); to conduct preparatory observational inspection of pine wilt; to prevent the spread of pine wilt; and to eliminate and handle pine trees infected with pine wilt (hereinafter referred to as "infected tree"), etc. <Amended by Presidential Decree No. 24669, Jul. 22, 2013>

(3) The Central Control Headquarters shall perform the following duties: <Amended by Presidential Decree No. 24669, Jul. 22, 2013>

1. Formulation of national measures to eradicate pine wilt;
2. Advancement of measures to secure relevant funding and human resources;
3. Establishment of systems for cooperation with relevant agencies;
4. Advancement of plans for publicity related to the eradication of pine wilt to the people;
5. Support for plans for eradicating infected trees by region;
6. Periodic inspection of regional eradication projects;
7. Promotion of preparatory observational inspections to locate infected trees nationwide;
8. Development of methods to perform epidemiological investigations under Article 7-2 (1) of the Act, and instructions to and supervision of epidemiological investigation teams under Article 7-2 (2) of the Act;
9. Other matters directed by the Director-General of the Central Control Headquarters to eradicate pine wilt.

(4) In addition to matters prescribed by this Decree, matters necessary for the formation and operation of the Central Control Headquarters shall be determined by the Director-General of the Central Control Headquarters.

Article 3 (Regional Control Headquarters)

(1) Pursuant to Article 5 (4) of the Act, to assist the director general (hereinafter referred to as "director general of a regional control headquarters) of regional pine wilt disease control headquarters (hereinafter referred to as "regional control headquarters"), the vice head of a relevant agency shall be appointed as the vice director-general of regional control headquarters.

(2) The director-general of a regional control headquarters may establish and operate working-level task force teams by sector; to take general charge of eradication measures against pine wilt; to conduct preparatory observational inspection of pine wilt; to prevent the spread of pine wilt; and to eliminate and handle infected trees, etc. <Amended by Presidential Decree No. 24669, Jul. 22, 2013>

(3) Each regional control headquarters shall perform the following duties: <Amended by Presidential Decree No. 24669, Jul. 22, 2013>

1. Formulation of regional measures to eradicate pine wilt;
2. Securing of relevant funding and human resources;
3. Establishment of systems for cooperation with relevant organizations within jurisdiction;
4. Publicity related to pine wilt, to residents;
5. Eradication of infected trees;
6. Implementation of preparatory observational inspection to locate infected trees on a regional scale, diagnosis of pine wilt, and operation of a system through which residents can report;

7. Instructing and supervising epidemiological investigation teams;
 8. Other matters directed by the director-general of a regional control headquarters to eradicate pine wilt.
- (4) With regard to paragraph (3) 3, the director general of a regional control headquarters shall operate a regional pine wilt eradication council consisting of the heads of relevant organizations, such as a police agency, road management agency, national park management agency, etc. within its jurisdiction, and advance the following matters: <Amended by Presidential Decree No. 24669, Jul. 22, 2013>
1. Sharing information on the manifestation of pine wilt and the eradication thereof;
 2. Joint implementation of preparatory observational inspections and eradication projects;
 3. Other matters concerning the eradication of pine wilt regionally.
- (5) In addition to matters prescribed by this Decree, matters necessary for the formation and operation of regional control headquarters shall be determined by director-general of each relevant regional control headquarters.

Article 3-2 (Application for Adjudication)

Each person who intends to apply for adjudication pursuant to Article 6-3 (3) of the Act shall file an application for adjudication stating the following matters, with the competent land tribunal under Article 51 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects:

1. Names and addresses of the applicant for adjudication and other party;
2. Details of loss incurred;
3. Details of compensation for loss determined by the head of a Si/Gun/Gu, or by the director general of a regional office of forest service;
4. Progress of consultation on compensation for loss.

Article 3-3 (Implementation of Eradication Projects by Director Generals of Regional Offices of Forest Service)

“Where pine wilt occurs in an area extending across a City or a Do boundary or a national forest, a public forest, and a private forest, where pine wilt is likely to spread in a forest with great value for preservation, such as a cultural heritage protection zone, etc., or where any case prescribed by Presidential Decree occurs” in Article 8 (3) of the Act means any of the following cases:

1. Where pine wilt manifest in an area stretching over at least two of the Special Metropolitan City, Metropolitan Cities, Metropolitan Autonomous City, Dos and Special Self-Governing Province, or in an area extending across a national forest, public forest and private forest;
2. Where pine wilt is highly likely to spread in the Baekdu-Daegan protection area prescribed in subparagraph 2 of Article 2 of the Baekdu-Daegan Protection Act; a protection zone prescribed in Article 2 (4) of the Cultural Heritage Protection Act; a forest genetic resources protection zone prescribed in Article 7 (1) 5 of the Forest Protection Act; or a national park prescribed in subparagraph

2 of Article 2 of the Natural Parks Act;

3. Where pine wilt is highly likely to spread in a military base or installation protection zone prescribed in subparagraph 6 of Article 2 of the Protection of Military Bases and Installations Act;

4. Where the Minister of the Korea Forest Service deems that human resources for work in an area where pine wilt has manifested (hereinafter referred to as "infected area") are temporarily in short supply or the deadline to complete eradication works are imminent;

5. Where the head of a relevant administrative agency or the head of a local government so requests;

6. Where pine wilt is highly likely to spread in an area recognized by the Minister of the Korea Forest Service as having substantial influence on the public interest, such as an area in which important national facilities are located, etc.

Article 3-4 (Procedures for Requesting Subsidization of Eradication Expenses, Scope of Subsidization, and Relevant Matters)

(1) The owner of standing trees who intends to be subsidized for eradication expenses pursuant to Article 8-2 of the Act shall comply with each of the orders to take eradication measures under Article 8 (1) 1 and 2 of the Act (hereafter referred to as "eradication order" in this Article) and then apply for subsidies to the Minister of the Korea Forest Service or the head of a local government, accompanied with the following documents: *<Amended by Presidential Decree No. 28274, Sep. 5, 2017>*

1. Document evidencing that the owner has been issued the eradication order;

2. Document evidencing that the eradication order has been complied with;

3. Document concerning the details of expenses incurred in complying with the eradication order;

4. Other documents determined and publicly notified by the Minister of the Korea Forest Service as necessary for granting subsidies for eradication expenses.

(2) The Minister of the Korea Forest Service or the head of a local government in receipt of an application filed under paragraph (1) shall verify whether a relevant eradication order has been complied with; the amount of expenses actually incurred; etc. within 30 days from the application date, and notify the applicant as to whether subsidies will be granted; scope of subsidization, methods of subsidization, etc.

(3) The scope of subsidization provided for in paragraph (2) shall include expenses for agricultural chemicals incurred in implementing an eradication order, labor costs, and other expenses determined and publicly notified by the Minister of the Korea Forest Service.

(4) Except as provided in paragraphs (1) and (2), procedures for applying for eradication expense subsidies, criteria for subsidization, and other necessary matters shall be determined and publicly notified by the Minister of the Korea Forest Service.

Article 3-5 (Scope of Designation of Areas Where Removing Pine Trees Is Prohibited)

"Within a certain distance prescribed by Presidential Decree" in Article 9 (1) of the Act means within two kilometers. *<Amended by Presidential Decree No. 22291, Jul. 21, 2010; Presidential Decree No. 23834, Jun. 5,*

2012>

[Moved from Article 3-3 <by Presidential Decree No. 26616, Nov. 4, 2015>]

Article 3-6 (Movement of Infected Trees, etc.)

“Cases prescribed by Presidential Decree, such as movement of woods including infected trees, etc.” in Article 10 (2) 3 of the Act shall mean moving trees infected with or prone to infection with pine wilt (hereinafter referred to as “infected trees, etc.”) to fumigate, pulverize, incinerate, or to take eradication measures according to the methods determined and publicly notified by the Minister of the Korea Forest Service, within an area where removing pine trees is prohibited, designated under Article 9 (1) of the Act, (limited to an area where removing pine trees is prohibited, that encompasses the relevant infected area), during the period determined and publicly notified by the Minister of the Korea Forest Service. <Amended by Presidential Decree No. 28274, Sep. 5, 2017; Presidential Decree No. 29979, Jul. 16, 2019>

Article 3-7 (Keeping, Managing, etc. of Records of Fumigation Work for Eradication)

(1) Any person who has fumigated for eradication shall keep the records of the serial number, date of the work, workers’ names, chemicals used for fumigation, and other relevant matters, both on the surface of each vinyl sheet with which an infected tree, etc. is sealed and in the register of fumigation for eradication (including electronic documents) determined and publicly notified by the Minister of Korea Forest Service after the eradication work is completed under Article 11 (5) of the Act, and shall manage such records.

(2) When fumigation work for eradication is conducted, the director general of a regional control headquarters shall report the register of fumigation for eradication made pursuant to paragraph (1) to the Director General of the Central Control Headquarters within 30 days after such eradication work is completed.

(3) The director general of a regional control headquarters shall retain the register of fumigation for eradication under paragraph (1) for five years from the date such register is completed, for performing the follow-up management of fumigated trees.

(4) Except as provided in paragraphs (1) through (3), other matters necessary for keeping and managing records on, and reporting of, fumigation for eradication may be determined and publicly notified by the Minister of the Korea Forest Service.

Article 3-8 (Preparation of Plan for Eradication of Pine Wilt and Completion Report on Eradication of Pine Wilt)

(1) “Conversion, etc. of a mountainous district prescribed by Presidential Decree, such as where the area of a mountainous district is less than 660 square meters” in the proviso of Article 13-2 (3) of the Act means any conversion of a mountainous district or the temporary use of a mountainous district (hereinafter referred to as “conversion, etc. of a mountainous district”) falling under any of the following cases:

1. Where the area subject to conversion, etc. of a mountainous district is less than 660 square meters;
 2. Where the number of standing trees, including infected trees, etc., in the relevant mountainous district is less than 50.
- (2) “Person prescribed by Presidential Decree” in the proviso of Article 13-2 (3) of the Act means a forest management engineer with an elementary technician certificate or higher as referred to in attached Table 3 of the Enforcement Decree of the Act on Promotion and Management of Forest Technology, who is affiliated with any of the following:
1. A forest technology service provider defined in subparagraph 6 of Article 2 of the Act on Promotion and Management of Forest Technology;
 2. A forestry cooperative or the National Forestry Cooperative Federation defined in subparagraph 7 (a) of Article 2 of the Act on Promotion and Management of Forest Technology;
 3. A forestry business corporation registered under Article 24 of the Act on Promotion and Management of Forest Technology.

Article 4 (Payment of Rewards)

- (1) A reward prescribed in Article 15 of the Act shall be paid within two million won.
- (2) Matters necessary for determining criteria for payment of rewards under paragraph (1), methods of payment, procedures for payment, etc. shall be determined and publicly notified by the Minister of the Korea Forest Service.

Article 5 (Delegation of Authority)

The Minister of the Korea Forest Service shall delegate the following authority to the director general of a regional office of forest service pursuant to Article 16-2 (1) of the Act: <Amended by Presidential Decree No. 28274, Sep. 5, 2017; Presidential Decree No. 29979, Jul. 16, 2019>

1. Authority to issue orders to take eradication measures under Article 8 (1) of the Act;
2. Authority to subsidize expenses for eradication under Article 8-2 of the Act;
3. Authority to issue a proof of verification of production under Article 10-2 (1) of the Act;
4. Authority to issue orders to take eradication measures under Article 10-2 (2) of the Act;
5. Authority to make public announcements pursuant to Article 11 (7) of the Act;
6. Authority to request enterprises dealing in pine trees to submit related data; to investigate or inspect books and documents; and to collect test samples without compensation, for verification of whether trees are infected with pine wilt, under Article 13 (1) of the Act;
7. Authority to issue an order to suspend transportation under Article 13 (5) of the Act, and to verify whether Articles 10 and 10-2 of the Act are violated;
8. Authority to issue an order to take eradication measures under Article 13 (6) of the Act;
9. Authority to impose and collect administrative fines under Article 19 (1) of the Act (limited to matters concerning subparagraphs 6 and 7).

Article 6 (Criteria for Imposing Administrative Fines)

The criteria for imposing administrative fines under Article 19 (3) of the Act shall be as listed in the attached Table.

ADDENDUM

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

ADDENDUM <Presidential Decree No. 19965, Mar. 27, 2007>

This Decree shall enter into force on March 28, 2007.

ADDENDA <Presidential Decree No. 20696, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 22291, Jul. 21, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 26, 2010.

Article 2 (Applicability to Reimbursement of Expenses for Eradication)

The amended provisions of Article 3-2 shall begin to apply to the first person who is issued an order to take eradication measures after this Decree enters into force.

ADDENDA <Presidential Decree No. 22726, Mar. 29, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

(1) In applying the criteria for imposing administrative fines for violations committed before this Decree enters into force, the former provisions shall apply, notwithstanding the amended provisions listed in attached Table.

(2) Imposition of administrative fines imposed for violations committed before this Decree enters into force shall not be taken into account in the number of violations calculated under the amended provisions of the attached Table.

ADDENDUM <Presidential Decree No. 23834, Jun. 5, 2012>

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

ADDENDUM <Presidential Decree No. 24241, Dec. 20, 2012>

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

ADDENDA <Presidential Decree No. 24669, Jul. 22, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 6, 2013: Provided, That the amended provisions of subparagraph 2 (e) of the attached Table shall enter into force on the date of promulgation of this Decree.

Article 2 (Transitional Measures concerning Administrative Fines)

For the purposes of imposing administrative fines for violations committed before this Decree enters into force, the former provisions shall apply.

ADDENDUM <Presidential Decree No. 26616, Nov. 4, 2015>

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

ADDENDUM <Presidential Decree No. 28274, Sep. 5, 2017>

This Decree shall enter into force on September 22, 2017.

ADDENDA <Presidential Decree No. 29979, Jul. 16, 2019>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 16, 2019.

Article 2 (Applicability to Preparation of Plan for Eradication of Pine Wilt and Completion Report on Eradication of Pine Wilt)

The amended provisions of Article 3-8 shall begin to apply to plans for eradicating pine wilt or completion reports on eradicating pine wilt submitted under Article 13-2 (1) or (2) of the Act after this Decree enters into force.

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