

Wholly amended By	1980· 1· 4	Act No. 3232
Amended By	1986·12·20	Act No. 3854
Amended By	1986·12·31	Act No. 3910
Amended By	1988·12·26	Act No. 4031
Amended By	1990· 1·13	Act No. 4206
Amended By	1990· 1·13	Act No. 4212
Amended By	1990·12·31	Act No. 4305
Amended By	1991·11·22	Act No. 4401
Amended By	1991·12·14	Act No. 4419
Amended By	1993· 6·11	Act No. 4556
Amended By	1994·12·22	Act No. 4816
Amended By	1994·12·31	Act No. 4848
Amended By	1995·12·29	Act No. 5079
Amended By	1995·12·29	Act No. 5108
Amended By	1996· 8· 8	Act No. 5153
Amended By	1997· 4·10	Act No. 5323
Amended By	1997· 4·10	Act No. 5325
Amended By	1997·12·13	Act No. 5453
Amended By	1997·12·13	Act No. 5454
Amended By	1999· 2· 5	Act No. 5760
Amended By	1999· 2· 5	Act No. 5767
Amended By	1999· 5·24	Act No. 5982
Amended By	1999·12·31	Act No. 6101
Amended By	2000· 1·21	Act No. 6187
Amended By	2000· 1·28	Act No. 6222
Amended By	2001· 1·26	Act No. 6382
Amended By	2001· 3·28	Act No. 6446
Amended By	2001· 5·24	Act No. 6477
Amended By	2001·12·31	Act No. 6573
Amended By	2001·12·31	Act No. 6589
Amended By	2002· 2· 4	Act No. 6656
Amended By	2002·12·30	Act No. 6841
Amended By	2003· 5·29	Act No. 6893
Amended By	2003·12·31	Act No. 7058
Amended By	2004· 1·29	Act No. 7159

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to the preservation of national territory and the sound development of national economy by providing for basic matters with respect to the multiplication of forest resources and forests, protecting and developing forests, improving the forest productivity and promoting the public function of forests.

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

## Article 2 (Definitions)

(1) For the purpose of this Act, the definitions of terms shall be as follows: <Amended by Act No. 3854, Dec. 20, 1986; Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5153, Aug. 8, 1996; Act No. 5323, Apr. 10, 1997>

1. The term "forest" means that to which any of the following items apply: Provided, That farmlands (including grazing lands), residential districts, roads and such other lands as determined by the Presidential Decree and standing timber and bamboo shall be excluded:

- (a) Standing timber and bamboo that are growing collectively and the land on which they are growing;
- (b) Land that has temporarily lost the standing timber and bamboo which had been growing on it collectively;
- (c) Land that is used for collective growth of standing timber and bamboo;
- (d) Forestry districts; and
- (e) Rocky formation and marshlands within the lands of items (a) through (c);

2. The term "forest products" means those which are produced in forests and falling under any of the following items:

- (a) Wood (including logs and lumber as well as such wood as is imported from abroad. The same shall apply hereinafter) and charcoal;
- (b) Trees, roots (including stocks. The same shall apply hereinafter), branches, fruits, bark, resin, fallen leaves, and earth and rocks that are extracted from forests; and
- (c) Other produce as prescribed by the Ordinance of the Ministry of Agriculture and Forestry;

3. The term "forest management technician" means a person, as prescribed by the Presidential Decree, who prepares forest management plans and performs duties pertaining to the enforcement of the plans;

4. The term "forest owner" means a person who possesses a forest with lawful title thereto;

5. and 6. Deleted; <by Act No. 5767, Feb. 5, 1999>

7. The term "forest public works technician" means a person who performs duties such as those pertaining to the establishment of forestry districts or restoration of wastelands, who is determined by the Presidential Decree;

8. Deleted; and <by Act No. 6841, Dec. 30, 2002>

9. The term "wooden structure technician" means a person determined by the Presidential Decree, who performs duties such as those pertaining to the installing of structures that utilize wood.

(2) All or a part of the provisions of this Act may be applied mutatis mutandis under the conditions as prescribed by the Presidential Decree with regard to mountains, wilderness and

other lands that are not forest.

### **Article 3 (Classification of Forests)**

Forests shall be classified as the following according to their holders:

1. National forests: forests owned by the State;
2. Public forests: forests owned by the local governments and other public organizations; and
3. Private forests: other forests not included in subparagraphs 1 and 2.

### **Article 4 (Succession of Rights and Responsibilities)**

Disposition, application, report filing and other acts which are carried out under the conditions as prescribed by this Act or the orders issued under this Act have their effect also with regard to forest owners, persons who have, on the basis of title to any forest, to use and earn profits from standing timber and bamboo of that forest, and successors to land holders occupants.

### **Article 5 (Operators of Forest Projects, etc.)**

(1) The forest projects under this Act shall be carried out by the State, local governments, forestry cooperatives, the National Forestry Cooperatives Federation, or forest owners. <Newly Inserted by Act No. 6222, Jan. 28, 2000>

(2) The Administrator of the Forestry Administration may delegate part of his authority under this Act to the Special Metropolitan City Mayor, the Metropolitan City Mayor, Do governor (hereinafter referred to as "Mayor/Do governor"), the Administrator of the Cultural Properties Administration or heads of the regional forest management offices, etc. and the heads of other competent agencies, as prescribed by the Presidential Decree, and the Mayor/Do governor or heads of regional forest management offices who are so delegated with part of such authority may re-delegate the authority to the head of Si/Gun/autonomous Gu (hereinafter referred to as the "head of Si/Gun") or heads of offices for national forest management (meaning offices under the control of the regional forest management offices; hereinafter the same shall apply) with the approval of the Administrator of the Forestry Administration. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 5323, Apr. 10, 1997; Act No. 5982, May 24, 1999; Act No. 6382, Jan. 26, 2001>

(3) Part of the authority of the heads of regional forest management offices under this Act may be delegated to the head of regional office for the national forest management under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 6382, Jan. 26, 2001>

(4) The State or local governments shall have forestry cooperatives or the National Forestry Cooperatives Federation carry out the forest projects on behalf of them or commission forestry cooperatives or the National Forestry Cooperatives Federation to carry out such forest projects: Provided, that the same shall not apply to the cases prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 6222, Jan. 28, 2000>

(5) Matters necessary for forestry cooperatives or the National Forestry Cooperatives Federation to carry out the forest projects under the provisions of paragraph (1) shall be

prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Newly Inserted by Act No. 6222, Jan. 28, 2000>

## **CHAPTER II PRODUCTION, UTILIZATION AND DEVELOPMENT OF FOREST RESOURCES**

### **SECTION 1 Forest Management Plan, etc.**

#### **Articles 6 and 7**

Deleted. <by Act No. 6477, May 24, 2001>

#### **Article 8 (Forest Management Plans for Public or Private Forests)**

(1) The head of Si/Gun, where he deems it necessary to protect and develop forests, may, upon an application from owners of public or private forests (including any person who is duly authorized to own trees and bamboos or gain profits from them: the same in this Article shall apply) grant approval for forest management plans for public and private forests and make guidance on the management of such forests as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(2) When an owner of forests, who has obtained approval for his forest management plans under the provisions of paragraph (1), intends to alter important matters prescribed by the Ordinance of the Ministry of Agriculture and Forestry from among the forest management plans, he shall obtain approval as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(3) The forest management plans referred to in paragraph (1) shall be prepared by forest management technicians: Provided, That the same shall not apply to the case where forest management plans are drawn up for forests which are owned or managed by such successors of forest owners or forest enterprisers as prescribed in Article 13 of the Forestry and Mountain Villages Development Promotion Act. <Amended by Act No. 6573, Dec. 31, 2001>

(4) Where a forest owner, who has obtained approval for his forest management plans in accordance with the provisions of paragraph (1), fails to manage his forest as approved without any justifiable reasons, or where there occur any reasons prescribed by the Presidential Decree, the head of Si/Gun shall revoke such approval.

(5) Necessary matters concerning standards for drawing up the forest management plans under the provisions of paragraph (1) shall be prescribed by the Presidential Decree and other standards for paying forest management technicians expenses required to draw up the forest management plans shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 9**

Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 10 (Forestry Technical Guidance)**

(1) The Administrator of the Forestry Administration may post forestry management technicians in charge of guidance services at forestry cooperatives and the National Forestry Cooperatives Federation as prescribed by the Presidential Decree for guidance services and dissemination of forestry technology. <Amended by Act No. 6187, Jan. 21, 2000>

(2) The Administrator of the Forestry Administration, the Mayor/Do governor, the President of National Forestry Cooperatives Federation or heads of forestry cooperatives may post forest management technicians in charge of guidance services concerning the implementation of forest management plans at their administrative agencies or organizations or other administrative agencies or organizations under their jurisdiction as prescribed by the Presidential Decree. <Amended by Act No. 6187, Jan. 21, 2000>

(3) Qualifications for the forestry management technicians in charge of guidance services referred to in paragraph (1) shall be determined by the Presidential Decree.  
[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Articles 10-2 and 10-3**

Deleted. <by Act No. 5325, Apr. 10, 1997>

#### **Article 10-4 (Building of Forest Roads, etc.)**

(1) The Administrator of the Forestry Administration may, when he deems it necessary to upgrade the production infrastructure of forests including the efficient development of forests, the sophistication of the utilization of forests and the mechanization of forestry, build forest roads with consent of forest owners. In this case, the kinds of forest roads shall be determined by the Presidential Decree. <Amended by Act No. 5760, Feb. 5, 1999>

(2) The Administrator of the Forestry Administration, when he intends to build forest roads falling under the conditions as prescribed by the Presidential Decree from among forest roads referred to in paragraph (1), shall hear in advance opinions of the heads of administrative agencies concerned. <Newly Inserted by Act No. 6222, Jan. 28, 2000>

(3) The Administrator of the Forestry Administration, the Mayor/Do governor, the President of the National Forestry Cooperatives Federation, or the heads of forestry cooperatives may post forestry civil engineers assigned to render guidance services with respect to the formulation and implementation of plans for building forest roads and restoring damaged forests at their administrative agencies and organizations or other administrative agencies and organizations under their jurisdiction. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5760, Feb. 5, 1999; Act No. 6187, Jan. 21, 2000>

(4) Necessary matters related to the designing of such forest roads as prescribed by paragraph (1), standards for such forest roads, procedures for building such forest roads, the management of such forest roads, the scope of business for forest civil engineers shall be determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5760, Feb. 5, 1999>

[This Article Newly Inserted by Act No. 4206, Jan. 13, 1990]

#### **Article 10-5 (Assessment of Propriety of Forest Roads)**

(1) The Administrator of the Forestry Administration shall, in case where he intends to build forest roads under [Article 10-4](#) (1), perform the assessment on whether or not the building of forest roads is proper (hereinafter referred to as the "assessment of propriety") in comprehensive view of the necessity of building forest roads and the suitability of forest road lines, and build them when the propriety is recognized as a result thereof.

(2) The items, methods and criteria for the assessment of propriety and other necessary matters shall be determined by the Ordinance of the Ministry of Agriculture and Forestry.  
[This Article Newly Inserted by Act No. 6382, Jan. 26, 2001]

#### **Article 11 (Obligation of Implementing Plans and Report)**

Any person who has obtained approval for his forest management plans under the provisions of [Article 8](#) (1) shall perform such forest operations as afforestation, forest cultivation, deforestation and other works according to such forest management plans, and when he intends to commence such forest operations, he shall file a report with the head of Si/Gun as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: Provided, That the same shall not apply to the case where such forest operations are prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Articles 12 and 13**

Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 14 (Vicarious Execution of Forest Operations)**

(1) The head of Si/Gun, when a person who has obtained approval for his forest management plans under [Article 8](#) conducts the forest operations in a way different from such forest management plans or fails to conduct such forest operations, may get him to suspend his afforestation, forest cultivation, deforestation and other operations as prescribed by the Presidential Decree or get a forestry cooperative, the National Forestry Cooperatives Federation or a person who is capable of managing any forest and prescribed by the Presidential Decree to conduct such forest operations on behalf of him with the consent of a forest owner (including a person who is duly authorized to own trees and bamboos or gain profits from them: hereafter the same in this Article shall apply): Provided, That where national policies require and such requirements are prescribed by the Presidential Decree, the head of Si/Gun may directly implement such forest operations. <Amended by Act No. 6187, Jan. 21, 2000>

(2) Where the owner of a forest, who has not obtained approval for his forest management plans under the provisions of [Article 8](#) (1), fails to conduct or neglects to implement such forest operations, the head of Si/Gun, when he deems it necessary to preserve forests, may have any other person conduct such forest operations or may directly conduct such forest operations under the provisions applied mutatis mutandis paragraph (1).

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 15**

Deleted. <by Act No. 5760, Feb. 5, 1999>

## **SECTION 2 Preservation of Forest**

### **Articles 16 and 16-2**

Deleted. <by Act No. 6841, Dec. 30, 2002>

### **Article 16-3 (Management of Forest Resources)**

(1) The Administrator of the Forestry Administration shall prepare a guide for forest resources management according to the capabilities of forests, in consultation with the heads of the administrative agencies concerned, as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The heads of the administrative agencies concerned that have designated or determined a forest as an area, district or zone for conservation, use or development for a specified purpose under the provisions of other Acts shall manage the forest resources within the area, district, zone in accordance with the guide for forest resources management referred to in paragraph (1): Provided, That this shall not apply in cases where there are special provisions in other Acts concerning the management of forest resources. <Amended by Act No. 5323, Apr. 10, 1997>

[This Article Newly Inserted by Act No. 4816, Dec. 22, 1994]

### **Article 16-4 (Conversion of Idle Land into Forest, etc.)**

(1) Where the owner of idle land other than forest intends to convert such idle land into a forest and when the Administrator of the Forestry Administration judges that such conversion of the idle land into a forest is more efficient in the light of the state of the utilization of the idle land and geographical conditions, he may subsidize whole or part of costs required for such conversion.

(2) Necessary matters concerning scope of such idle land and methods of subsidizing costs under the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

### **Articles 17 through 20-2**

Deleted. <by Act No. 6841, Dec. 30, 2002>

### **Article 20-3**

Deleted. <by Act No. 6589, Dec. 31, 2001>

### **Article 20-4**

Deleted. <by Act No. 6841, Dec. 30, 2002>

## **SECTION 3 Development of Forest**

### **Article 21 (Designation of Special Development Areas)**

The Administrator of the Forestry Administration may designate forest areas, that are deemed as having the necessity for development into large complexes over a long-term period, as special development areas upon conference with the heads of the administrative agencies concerned.

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

#### **Article 22 (Invalidation, etc., of Forest Management Plans)**

(1) With regard to forests designated as special development areas under the provisions of [Article 21](#), the forest management plan referred to in [Article 8](#) shall lose the validity of authorization starting on the date of the designation. <Amended by Act No. 4206, Jan. 13, 1990>

(2) When the special development area projects referred to in this Act are implemented, it shall be assumed that permission has been obtained or the report has been completed for timber cutting and such, as referred to in [Article 90](#). <Amended by Act No. 4206, Jan. 13, 1990>

#### **Article 23 (Revocation of Special Development Area)**

The Administrator of the Forestry Administration may revoke the designation for all or a part of the special development regions in question, when the objective of the designation is deemed to have been achieved, or other causes determined by the Presidential Decree arise.

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

#### **Article 24 (Announcement and Notification)**

When the Administrator of the Forestry Administration designates a special development area or revokes such a designation under the provisions of [Article 21](#) or [23](#), he shall announce details determined by the Presidential Decree and notify a forest owner without delay.

<Amended by Act No. 4206, Jan. 13, 1990>

#### **Articles 25 through 30**

Deleted. <by Act No. 5325, Apr. 10, 1997>

#### **Article 31 (Designation and Creation, etc., of Nature Recreational Forest)**

(1) The Administrator of the Forestry Administration, where he deems it necessary to enhance the health, recreation, sentiment cultivation and education in nature study of the people and boost the income of forest owners, upon a request from such forest owners (including persons who are capable of utilizing forests and gaining profits from the utilization of such forests: hereafter the same in this Article shall apply), may designate any forest meeting standards set by the Presidential Decree as a nature recreational forest (hereinafter referred to as the "recreational forest") as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: Provided, That where the designation of any forest is restricted by the provisions of other Acts, the Administrator of the Forestry Administration shall consult with the heads of administrative agencies concerned when he makes such designation. <Amended by Act No.

5760, Feb. 5, 1999

(2) Deleted. <by Act No. 5760, Feb. 5, 1999>

(3) When a forest owner intends to create a recreational forest, by installing facilities in the recreational forest designated under the provisions of paragraph (1), he shall prepare the recreational forest creation plan as prescribed by the Ordinance of the Ministry of Agriculture and Forestry and obtain approval from the Administrator of the Forestry Administration in the case of a national forest and from the Mayor/Do governor in the case of a public or private forest. The same shall apply to its modification. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5323, Apr. 10, 1997>

(4) Where it is intended to create a recreational forest under the provisions of paragraph (3), necessary matters concerning kinds of and standards for facilities to be installed in such recreational forest shall be prescribed by the Presidential Decree. <Amended by Act No. 5760, Feb. 5, 1999>

(5) The Administrator of the Forestry Administration may cancel or alter the designation of a recreational forest when what falls under each of the following subparagraphs occurs:  
<Amended by Act No. 5760, Feb. 5, 1999>

1. When a request is filed from a person who has obtained the designation of his recreational forest under the provisions of paragraph (1) for the cancellation or alteration of such designation; and

2. When the grounds such as the impossibility of attaining the objective of such designation, etc., for the cancellation or alteration of the designation of a recreational forest arise.

(6) When the Administrator of the Forestry Administration has designate a recreational forest under the provisions of paragraph (1), he shall notify the administrative agencies and the interested parties and announce the name, location and area of the recreational forest. The same shall also apply in the case of cancellation or alteration of the recreational forest designation referred to in paragraph (5). <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5760, Feb. 5, 1999>

(7) The Administrator of the Forestry Administration or Mayors/Do governor may revoke approval when persons who have obtain approval as referred to in paragraph (3) fall under any of the following subparagraphs: <Newly Inserted by Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997>

1. When, without a justifiable reason, the creation project has not been started within one year from the date on which the approval as referred to in paragraph (3) was obtained or has been interrupted for not less than one year; and

2. When it is deemed that creation objective cannot be achieved due to poor management, operation and such of the recreational forest.

(8) Deleted. <by Act No. 5760, Feb. 5, 1999>

(9) Forest owners may consign the preparation of recreational forest creation plan referred to in paragraph (3) to the National Forestry Cooperatives Federation. <Newly Inserted by Act No. 4816, Dec. 22, 1994; Act No. 6187, Jan. 21, 2000>

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

### **Article 32 (Consigned Management of Recreational Forest)**

(1) When it is deemed as necessary for efficient creation, management or operation of a recreational forest, forest owners who obtained approval for the recreational forest creation plan under the provisions of [Article 31](#) (3) may consign the duties concerning the construction for the creation of recreational forest, its management or operation. <Amended by Act No. 4816, Dec. 22, 1994>

(2) Deleted. <by Act No. 5760, Feb. 5, 1999>

### **Article 33 (Entrance Fees of Recreational Forest)**

(1) Managers or operators of recreational forests may collect entrance fees or facilities rental fees from persons who enter the recreational forests.

(2) Collection basis of entrance fees or facilities rental fees referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

### **Articles 34 and 34-2**

Deleted. <by Act No. 6446, Mar. 28, 2001>

### **Article 35**

Deleted. <by Act No. 5325, Apr. 10, 1997>

### **Article 36 (Recommendation for Import of Forest Products)**

(1) Persons intending to import forest products at the concession tariff rates applicable to the market access quota from the Republic of Korea's Schedules of Concessions, pursuant to the Marrakesh Agreement Establishing the World Trade Organization (WTO) shall obtain the recommendation of the Administrator of the Forest Administration.

(2) The Administrator of the Forestry Administration may have nonprofit corporations that are designated by the Administrator of the Forestry Administration execute the recommendation duties for the importation of forest products referred to in paragraph (1) as proxy. In this case, the recommended volume and recommendation basis by item and other necessary matters shall be determined by the Administrator of the Forestry Administration.

(3) Those who are intending to import forest products under the provisions of paragraph (1) shall apply for a recommendation for the importation with the usage purposes and other matters determined by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

[This Article Newly Inserted by Act No. 4848, Dec. 31, 1994]

### **Article 37 (Collection of Import Profits)**

(1) The Administrator of the Forestry Administration may impose and collect, as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, import profits within the limit of the difference between domestic prices and import prices from those who import items determined by the Ordinance of the Ministry of Agriculture and Forestry from among those who import forest products with recommendation referred to in [Article 36](#) (1). <Amended by Act No. 5153, Aug. 8, 1996>

(2) The import profit referred to in paragraph (1) shall be paid to the Special Accounts of Structural Improvement of Agricultural and Fishing Villages under the Act on Special Accounts of Structural Improvement of Agricultural and Fishing Villages as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5325, Apr. 10, 1997; Act No. 6101, Dec. 31, 1999>

(3) When the import profits referred to in paragraph (1) are not paid within the prescribed time period, they may be collected following the example of dispositions on the national tax in arrears.

[This Article Newly Inserted by Act No. 4848, Dec. 31, 1994]

#### **Article 38**

Deleted. <by Act No. 4206, Jan. 13, 1990>

### **SECTION 4 Such as Encouragement of Afforestation, etc.**

#### **Article 39**

Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 40**

Deleted. <by Act No. 5325, Apr. 10, 1997>

#### **Article 41 (Obligatory Afforestation)**

Any person who has filed a report on his deforestation under the provisions of [Article 11](#) or any other person who has obtained permission for or filed a report on his deforestation under the provisions of [Article 90](#) (1) shall reforest the deforested area as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: Provided, That the same shall not apply to the case where the natural renewal (meaning the natural creation of a forest without any afforestation) prescribed by the Ordinance of the Ministry of Agriculture and Forestry is deemed possible.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 42 (Possession of Industrial Reserve Forest)**

(1) The Administrator of the Forestry Administration may encourage those who use or process forest produces to take possession of forests as industrial reserve forest as prescribed by the Presidential Decree. <Amended by Act No. 4206, Jan. 13, 1990>

(2) Deleted. <by Act No. 5760, Feb. 5, 1999>

(3) Deleted. <by Act No. 4206, Jan. 13, 1990>

#### **Article 43**

Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 44 (Repayment of Afforestation Expenses)**

The Administrator of the Forestry Administration may have those who intend to use forests, where any afforestation or forestry district establishment has been implemented with the aid of the State or local governments, for purposes other than forestry repay the aided amount, including the interest, as prescribed by the Presidential Decree. <Amended by Act No. 4206, Jan. 13, 1990>

### **SECTION 5 Management of Seeds/Seedlings and Forests for Seed Collection**

#### **Article 45 (Registration of Seed and Seedling Producers)**

(1) Any person who intends to produce forest seeds (including grafting shoots, cutting shoots, and mushroom fungi: hereinafter the same shall apply) and forest seedlings prescribed by the Administrator of the Forestry Administration for the purpose of marketing them (hereinafter referred to as the "seed and seedling producer") shall register his business with the head of Si/Gun as prescribed by the Ordinance of the Ministry of Agriculture and Forestry and the same shall apply to the case where he intends to alter the registered matters: Provided, That the same shall not apply to the case where a village or a school produces and sells such forest seeds and seedlings after obtaining a designation from the State or a local government. <Amended by Act No. 6222, Jan. 28, 2000>

(2) Any person who has bred new forest seeds prescribed by the Ordinance of the Ministry of Agriculture and Forestry shall register such forest seeds with the Administrator of the Forestry Administration after going through a grading examination. In this case, any forest seeds bred by public officials shall be registered in the name of the head of an administrative agency with which such public officials are affiliated.

(3) The forest seeds registered under the provisions of paragraph (2) shall be produced only by those who have registered such forest seeds for up to 20 years from the date such forest seeds are registered.

(4) The State or a local government may, when it is deemed necessary for the forest business, have the seed and seedling producer referred to in paragraph (1) produce seedlings as proxy.

(5) Necessary matters concerning qualifications for the seed and seedling producer referred to in paragraph (1) shall be prescribed by the Presidential Decree.

(6) Necessary matters concerning procedures for applying for the registration of forest seeds under the provisions of paragraph (2) such as grading examination, public notice and the registration of forest seeds shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(7) Any person who seeks to register himself as the seed and seedling producer under the provisions of paragraph (1) and any other person who seeks to register his newly bred forest seeds under the provisions of paragraph (2) shall pay fees as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 46 (Quality Guarantee Certificate)**

The seeds and seedlings producers and villages or schools referred to in [Article 45](#) (1) shall attach the quality guarantee certificate as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, when they intend to ship out their produced forest seeds and seedlings. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 4816, Dec. 22, 1994; Act No. 5153, Aug. 8, 1996>

#### **Article 47 (Inspection of Seeds and Seedlings, etc.)**

When the seed and seedling producer referred to in [Article 45](#) (1), any village, or any school intends to ship out forest seeds and seedlings he or it has produced, the Mayor/Do governor may have a forestry cooperative, the National Forestry Cooperatives Federation or an organization prescribed by the Ordinance of the Ministry of Agriculture and Forestry inspect such forest seeds and seedlings. When, as a result of such inspections, such seeds and seedlings are deemed to be of poor quality, the Mayor/Do governor may order the shipper to halt the shipment of such seeds and seedlings or take necessary measures such as disinfection or disposal, etc. <Amended by Act No. 6187, Jan. 21, 2000>

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 48 (Cancellation of Registration)**

(1) When the seed and seedling producer loses his qualification under the provisions of [Article 45](#) (5) or violates the order given under the provisions of [Articles 46](#) and [47](#), the head of Si/Gun may revoke his registration as a seed and seedling producer. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

(2) Any person for whom three years have yet to elapse after his business registration is revoked under the provisions of paragraph (1) shall be prohibited from registering his business under the provisions of [Article 45](#) (1). <Newly Inserted by Act No. 5760, Feb. 5, 1999>

#### **Article 49 (Designation of Forest for Seeds Collection)**

(1) The Administrator of the Forestry Administration may designate forests or trees as forest for seeds collection or excellent exemplary tree, when such is deemed necessary for the collection of superior seeds for afforestation. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

(2) When the Administrator of the Forestry Administration designates the forests for seeds collection or excellent exemplary trees, they shall notify the forest owners and, at the same time, make an announcement of the fact. <Amended by Act No. 4206, Jan. 13, 1990; Act No.

5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

(3) The Administrator of the Forestry Administration shall create and secure the seed collection sites and exemplary tree collection gardens so as to supply the superior seeds for improvement of tree species. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

#### **Article 50 (Management of Forest for Seeds Collection)**

(1) Deleted. <by Act No. 5760, Feb. 5, 1999>

(2) The Administrator of the Forestry Administration may order any owner of seed-collection forest or excellent exemplary trees with respect to matters concerning protection, management, forest operations or collection or distribution of forest seeds. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

#### **Article 51 (Revocation of Designation on Forest for Seeds Collection)**

The Administrator of the Forestry Administration shall without delay, revoke the designation, notify the forest owner of the fact, and, at the same time, make an announcement of the fact, when it is deemed as unnecessary to maintain the forest or tree designated under the provisions of [Article 49](#) (1) as the forest for seed collection or as the excellent exemplary trees. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

#### **Article 52 (Applicable Mutatis Mutandis Provisions)**

Concerning the forest for seeds collection or excellent exemplary trees, the provisions of [Articles 62](#), [63](#) and [66](#) shall apply mutatis mutandis.

### **SECTION 6 Use and Supervision of Forest Products**

#### **Article 53 (Standard Announcement of Forest Products)**

(1) The Administrator of the Forestry Administration may determine the standards or qualities of forest products and announce them, when such is deemed necessary for the improvement of quality and establishment of order in distribution of forest products. <Amended by Act No. 5323, Apr. 10, 1997>

(2) Those who produce or import the forest products for which the standard or quality has been determined and announced under the provisions of paragraph (1) shall indicate the standard or quality of those forest products as prescribed by the Administrator of the Forestry Administration. <Newly Inserted by Act No. 4206, Jan. 13, 1990; Act No. 5323, Apr. 10, 1997>

(3) Those who produce or import forest products for which the Administrator of the Forestry Administration has determined and announced the standard or quality, other than the forest products referred to in paragraph (2), may indicate the standard or quality as prescribed by the

Administrator of the Forestry Administration. <Amended by Act No. 5323, Apr. 10, 1997>

(4) through (6) Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 54 (Restrictions on Using of Forest Products, etc.)**

(1) The Administrator of the Forestry Administration may, when he deems it necessary to coordinate the supply for and demand of forest products and establish a fair distribution order, restrict the production, marketing, movement or utilization of forest products prescribed by the Ordinance of the Ministry of Agriculture and Forestry. In this case, grounds for restrictions and contents of such restrictions shall be publicly announced. <Amended by Act No. 5323, Apr. 10, 1999; Act No. 5760, Feb. 5, 1999>

(2) The Administrator of the Forestry Administration may recommend necessary matters, such as the use of preservatives, etc., for the efficient utilization of wood, and for the safe construction and management of wooden structures. <Amended by Act No. 5760, Feb. 5, 1999; Act No. 6382, Jan. 26, 2001>

#### **Article 55**

Deleted. <by Act No. 5325, Apr. 10, 1997>

#### **Article 55-2 (Promotion of Use of Wood)**

(1) In order to cultivate wood industries, the Administrator of the Forestry Administration may formulate and carry forward policies necessary for the promotion of use of wood such as improvement of awareness for wood products, as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(2) The Administrator of the Forestry Administration may train wooden structure technicians in order to strive for the safety of wooden structure.

(3) Necessary matters concerning the variety and training of the wooden structure technicians referred to in (2) shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 5323, Apr. 10, 1997]

#### **Article 55-3 (Hearing)**

The Administrator of the Forestry Administration, Mayors/Do governor, heads of Si/Gun or heads of the regional forest management office shall hold a hearing, if they intend to make a disposition falling under any of the following subparagraphs: <Amended by Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

1.Revocation of approval for forest management plan as referred to in [Article 8](#) (4);

2.Deleted; <by Act No. 6841, Dec. 30, 2002>

3.Revocation of approval for recreational forest creation plan as referred to in [Article 31](#) (7);

4.Deleted; <by Act No. 6446, Mar. 28, 2001>

5.Cancellation of the registration of seeds and seedling production business as referred to in [Article 48](#);

6.Revocation of permission for rent or use as referred to in [Article 78](#);

7.Deleted; <by Act No. 6382, Jan. 26, 2001>

8.through 10.Deleted. <by Act No. 6841, Dec. 30, 2002>  
[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

## **CHAPTER III RESERVED FORESTS, FORESTS DESIGNATED FOR PROTECTION OF FOREST HEREDITARY RESOURCES, ETC.**

### **SECTION 1 Reserved Forests**

#### **Article 56 (Designation of Reserved Forest)**

(1) The Mayor/Do governor or heads of the regional forest management offices may, when it is deemed necessary for achieving the objectives of the following subparagraphs, designate the forests concerned as reserved forests as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

1.Defensive works against outflow and collapse of earth and sand, and against flying sand;

2.Protection, preservation and promotion of living environment;

3.Development of water sources;

4.Attraction and propagation of fishes;

5.Deleted; <by Act No. 4206, Jan. 13, 1990>

6.Public health;

7.Preservation of famous sights or historic sites and other scenic beauty; and

8.Defensive works against falling rocks.

(2) The Administrator of the Forestry Administration may, when he deems it necessary to control water quality of water-supply sources, designate the forests concerned as reserved forests as prescribed by the Ordinance of the Ministry of Agriculture and Forestry notwithstanding the provisions of paragraph (1). In this case, the Administrator of the Forestry Administration shall consult in advance with the Mayor/Do governor. <Newly Inserted by Act No. 6222, Jan. 28, 2000>

#### **Article 57 (Revocation of Designation as Reserved Forests)**

The Administrator of the Forestry Administration, the Mayor/Do governor or heads of the regional forest management offices may revoke the designation for all or a part of a reserved

forest so designated under the provisions of [Article 56](#), when a cause falling under any of the following subparagraphs occurs: <Amended by Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000; Act No. 6382, Jan. 26, 2001>

1. When deemed that the objective of designation has been achieved, or such objective has been lost;
2. When recognized that the necessity to maintain it as a reserved forest does not exist;
3. When the revocation of a designation is deemed inevitable in order to use it as the site for educational facilities, farming road, important industrial facilities or military facilities and other official or public facilities determined by the Presidential Decree;
4. When the revocation of a designation is deemed inevitable for the sake of public interest objectives such as agriculture, forestry, fishing or mining industry and where such causes as determined by the Presidential Decree have arisen;
5. When it is a reserved forest for the purpose of being defensive works against the outflow of earth and sand or development of a water source, where there exists no obstacle to the objective of designation, and the development of a hot spring or extraction of earth and rocks is deemed inevitable; and
6. When a forest owner who has possessed for not less than 8 years, at least 10 hectares in the cases of a reserved forest for the purpose of development of a water source or at least 3 hectares in the case of other reserved forests, deems that there exists a necessity to establish a management house on a lot under 100 square meters, to the extent that is not an obstacle to the objective of designation.

[This Article Wholly Amended by Act No. 5323, Apr. 10, 1997]

#### **Article 58 (Notification, Announcement and so on of Designation or Revocation of Planned Site for Reserved Forest)**

(1) When the Administrator of the Forestry Administration, the Mayor/Do governor or heads of the regional forest management offices intend to designate a forest as a reserved forest or revoke the designation, they shall notify a forest owner, the head of Si/Gun having jurisdiction over it or the head of the office for national forest management of the purport, the planned reserved forest site or planned reserved forest revocation location, and other matters determined by the Ordinance of the Ministry of Agriculture and Forestry and announce the fact. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 5153, Aug. 8, 1996; Act No. 6222, Jan. 28, 2000>

(2) The Administrator of the Forestry Administration, the Mayor/Do governor or heads of the regional forest management offices may not make decisions concerning the designation or revocation of a reserved forest, unless 30 days for designation or 10 days for revocation have elapsed from the date of the announcement referred to in paragraph (1). <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

#### **Article 59**

Deleted. <by Act No. 5760, Feb. 5, 1999>

## **Article 60 (Formal Objection to Designation or Revocation of Planned Reserved Forest Site)**

(1) The heads of a local government whose interests are affected by the announcement referred to in [Article 58](#) (1) or persons whose interests are directly affected by the designation or revocation may file a formal objection as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 5153, Aug. 8, 1996>

(2) The formal objection referred to in paragraph (1) shall be submitted with a statement attached to it to the Administrator of the Forestry Administration, the Mayor/Do governor or the head of the regional forest management office via the head of the office for national forest management within 30 days, in case of designation, and within 10 days, in case of revocation, from the date of the announcement referred to in [Article 58](#) (1). <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

(3) The Administrator of the Forestry Administration, the Mayor/Do governor or the head of regional forest management office shall decide on an objection filed and promptly notify an applicant of the results within 20 days from the date on which such objection is filed. <Newly Inserted by Act No. 5760, Feb. 5, 1999; Act No. 6222, Jan. 28, 2000>

(4) Deleted. <by Act No. 6382, Jan. 26, 2001>

## **Article 61 (Announcement and Notification for Designation or Revocation of Reserved Forest)**

(1) When the Administrator of the Forestry Administration, the Mayor/Do governor or heads of the regional forest management offices designate or revoke a reserved forest, they shall announce the fact and notify the forest owner (including the filer of objection in case where there has been a formal objection as referred to in [Article 60](#)), the head of competent Si/Gun or the head of the office for national forest management as prescribed by the Presidential Decree. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6222, Jan. 28, 2000>

(2) The designation or revocation of a reserved forest shall enter into force from the date of the announcement as referred to in paragraph (1).

## **Article 62 (Restrictions within Reserved Forest)**

(1) The cutting of standing timber and bamboo, extraction and gathering of forest products, cattle grazing and other acts that alter the form and quality of land shall not take place within a reserved forest zone (excluding the zones with approval for the recreational forest creation plan under the provisions of [Article 31](#) (3)) without obtaining permission from the Mayor/Do governor or the head of the regional forest management office: Provided, That the cutting of timber to rear it with care, the cutting of standing timber and bamboo, and extraction and gathering of forest products determined by the Ordinance of the Ministry of Agriculture and Forestry may take place after registering or without a registration as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 5153, Aug. 8,

1996; Act No. 6446, Mar. 28, 2001>

(2) The Mayor/Do governor or heads of the regional forest management offices shall grant permission, when there is an application for permission referred to in paragraph (1), except in the case where it is deemed that the contents of the application are an obstacle to achieve the objective of reserved forest designation. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995>

### **Article 63 (Compensation for Losses)**

With regard to reserved forests, the State shall compensate forest owners who have not received permission referred to in [Article 62](#) for losses they will normally suffer due to the restriction on their acts as prescribed by the Presidential Decree.

### **Article 64**

Deleted. <by Act No. 7058, Dec. 31, 2003>

### **Article 65**

Deleted. <by Act No. 5760, Feb. 5, 1999>

### **Article 66 (Purchase or Exchange of Forests)**

(1) The Administrator of the Forestry Administration may, when it is deemed necessary in order to achieve the objective referred to in [Article 56](#), take such measures as purchase of the forest in question by the State or exchange of it with another forest possessed by the State.

(2) The provisions of paragraph (1) shall also apply mutatis mutandis when such is deemed necessary for the provision of essential forest products.

### **Article 66-2**

Deleted. <by Act No. 5760, Feb. 5, 1999>

## **SECTION 2 Forests Designated for Protection of Forest Hereditary Resources**

### **Article 67 (Designation of Forests for Protection of Forest Hereditary Resources)**

(1) The Mayor/Do governor or heads of the regional forest management offices may designate the forests necessary for preservation of the genes and species of vegetables within the forests or the forest ecosystem, as the forest designated for protection of forest hereditary resources; the experimental trees or naturally insect-resistant trees necessary for achieving any experimental objective, as the experimental forests; and other old trees, giant trees and rare trees (including those outside of forests; hereinafter the same shall apply) worthy of preservation, as the protected trees, respectively. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 6382, Jan. 26, 2001>

(2) The designation referred to in paragraph (1) shall be notified to holders and announced.

## **Article 68 (Management of Forests Designated for Protection of Forest Hereditary Resources)**

(1) The Mayor/Do governor or heads of the regional forest management offices may appoint managers when such is deemed necessary for managing the forest designated for protection of forest hereditary resources, experimental forest or protected trees. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6382, Jan. 26, 2001>

(2) The Mayor/Do governor or heads of the regional forest management office may order the holders or managers of the forests designated for protection of nature, experimental forests or protected trees to take measures necessary for their protection, management and commencement of work. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 5079, Dec. 29, 1995; Act No. 6382, Jan. 26, 2001>

## **Article 69 (Revocation of Designation as Forest for Protection of Forest Hereditary Resources)**

(1) The Mayor/Do governor or heads of the regional forest management offices may revoke the designation for all or a part of a forest designated for protection of forest hereditary resources, experimental forest or protected trees so designated under the provisions of [Article 67](#) (1), when a cause falling under any of the following subparagraphs arises: <Amended by Act No. 6382, Jan. 26, 2001>

1. When it is deemed that the necessity to maintain it as a forest designated for protection of forest hereditary resources does not exist, because the objective of designation has been achieved;

2. When it is deemed that the objective of designation has been lost due to damages caused by a natural calamity or an extraordinary geographical phenomenon;

3. When the revocation of designation is deemed inevitable in order to use it as the site for military facilities and other official or public facilities determined by the Presidential Decree; and

4. Other cases where revocation of designation is deemed inevitable for the sake of public interest objectives and where such causes as determined by the Presidential Decree have arisen.

(2) The Mayor/Do governor shall, when designation has been revoked under the provisions of paragraph (1), notify the holders of the fact and announce it.

[This Article Wholly Amended by Act No. 5323, Apr. 10, 1997]

## **Article 70 (Provisions Applied Mutatis Mutandis)**

The provisions of [Articles 62](#), [63](#) and [66](#) (1) shall apply mutatis mutandis to the forests designated for protection of forest hereditary resources, experimental forests and protected trees. <Amended by Act No. 6382, Jan. 26, 2001>

## **CHAPTER IV NATIONAL FORESTS**

### **SECTION 1 Management and Administration of National Forests**

## **Article 71 (Classification of National Forests)**

(1) National Forests shall be classified as follows:

1. National forests requiring preservation: Forests having the need to be preserved under the State ownership for reasons of preservation of national territory, forest operation, academic research, development of forestry technology, protection of monuments and tangible cultural properties such as historical remains and fortress sites, and other reasons for public interests; and

2. National forests not requiring preservation: Forests other than those in subparagraph 1.

(2) The classification of national forests by types under the jurisdiction of the Office of Forestry shall be determined by the Administrator of the Forestry Administration.

## **Article 72 (Administrative Agencies for Management or Disposal of National Forests)**

(1) The Administrator of the Forestry Administration shall manage or dispose national forests: Provided, That this shall not apply to the national forests applicable under [Article 4 \(2\) and \(3\) of the State Properties Act](#) that belong to other administrative agencies under the provisions of [Article 6 of the same Act](#).

(2) When an administrative agency has discontinued the use of national forests referred to in the proviso of paragraph (1), the administrative agency in question shall without delay transfer the administration to the Administrator of the Forestry Administration: Provided, That this shall not apply when the use discontinues for public objectives. <Amended by Act No. 4031, Dec. 26, 1988>

(3) The Administrator of the Forestry Administration shall, when intending to partition or re-classify national forests, consult with the administrative agencies referred to in the main sentence and the proviso of paragraph (1).

## **Article 73 (Management Plan of National Forests)**

(1) The Administrator of the Forestry Administration shall prepare forest management plan for national forests as prescribed by the Presidential Decree.

(2) Preparation of the forest management plan may be forgone with regard to the national forests not requiring preservation and the national forests not managed by the Administrator of the Forestry Administration. In such case, when the administrative agencies other than the Administrator of the Forestry Administration wish to cut standing timber and bamboo, they shall receive the approval or obtain the consent of the Administrator of the Forestry Administration, and when persons who have obtained the rent or use permission referred to in [Article 75](#) (1) (referred to as a "borrower"; hereinafter the same shall apply) intend to cut standing timber or bamboo, the provisions of [Article 76](#) (3) shall apply mutatis mutandis.

(3) When administrative agencies or borrowers other than the Administrator of the Forestry Administration prepare the forest management plan for national forests referred to in paragraph (2), they shall receive approval or obtain the consent of the Administrator of the

Forestry Administration. The same shall apply when they modify or discontinue it.

(4) When intending to commence work under the forest management plan referred to in paragraph (3), they shall report to the Administrator of the Forestry Administration in accordance with the provisions of [Article 11](#), as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 5153, Aug. 8, 1996>

#### **Article 74 (Joint Protection of Forests by Local Forestry Cooperatives, etc.)**

(1) The Administrator of the Forestry Administration may, when it is deemed necessary to protect national forests, have local forestry cooperatives, schools, or forestry technicians prescribed in Article 14 of the Forestry and Mountain Villages Development Promotion Act jointly protect national forests in a certain designated area, or may entrust the protection of such national forests to them and hand over whole or part of forest products from such national forests to them as prescribed by the Presidential Decree. <Amended by Act No. 6187, Jan. 21, 2000; Act No. 6573, Dec. 31, 2001>

(2) In having local forestry cooperatives, schools or forestry technicians jointly protect national forests or entrusting the protection of such national forests to them under the provisions of paragraph (1), the Administrator of the Forestry Administration shall set a period not exceeding 5 years.

(3) The Administrator of the Forestry Administration may, when he deems it unnecessary to retain the joint protection of national forests or the entrustment of the protection of such national forests under the provisions of paragraph (2), cancel such protection and notify the forestry cooperatives, schools, or forestry technicians referred to in Article 14 of the Forestry and Mountain Villages Development Promotion Act of the fact. <Amended by Act No. 6187, Jan. 21, 2000; Act No. 6573, Dec. 31, 2001>  
[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

### **SECTION 2 Disposal of National Forests and Sale of Produce**

#### **Article 75 (Renting of National Forests, etc.)**

(1) The Administrator of the Forestry Administration may permit the rent or use of national forests or approve the use of national forests by administrative agencies referred to in [Article 6 of the State Properties Act](#) for only the case falling under any of the following subparagraphs: <Amended by Act No. 4556, Jun. 11, 1993; Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr, 10, 1997; Act No. 5760, Feb. 5, 1999; Act No. 6187, Jan. 21, 2000; Act No. 6382, Jan. 26, 2001>

1. When it is necessary for official, public or public interest enterprises;

2. When it is necessary for stock farming, breeding stock farming referred to in subparagraph 5 of [Article 2 of the Livestock Industry Act](#), or mining;

3. Deleted; <by Act No. 6382, Jan. 26, 2001>

4. When it is necessary for industrial facilities determined by the Ordinance of the Ministry of Agriculture and Forestry;

5. When it is necessary for the purchasers of State-owned forest products to install facilities of gathering, processing or transporting such products;

6. When it is directly necessary for the forestry cooperatives or the National Forestry Cooperatives Federation to achieve their business objectives;

7. When it is necessary for use as school sites as prescribed by [Article 2 of the Elementary and Secondary Education Act](#) and [Article 2 of the Higher Education Act](#);

8. When it is necessary for the establishment of recreational forests, arboretums or the hunting grounds referred to in Article 13 of the Protection and Hunting of Wild Birds and Animals Act; and

9. When it is necessary for the youth training facilities referred to in subparagraph 5 of [Article 3 of the Framework Act on Juveniles](#).

(2) In cases of paragraph (1) 1, 5, 6, 8 and 9, the Administrator of the Forestry Administration may grant permission for rent or use (includes approval for use; hereinafter the same shall apply) free of charge as prescribed by the Presidential Decree. <Amended by Act No. 6382, Jan. 26, 2001>

(3) In case of paragraph (1) 4, with regard to industrial facilities which cause no problems in managing national forests and do not require any diversion and deforestation (excluding thinning) of mountainous districts under the Management of Mountainous Districts Act, the Administrator of the Forestry Administration may, without rental or use fees, rent national forests to the operators of such industrial facilities or permit them to utilize such national forests on the condition that they assume the business of afforestation, silviculture and management of the national forests concerned. <Newly Inserted by Act No. 5760, Feb. 5, 1999; Act No. 6841, Dec. 30, 2002>

(4) Any person who has obtained permission for rent or use of national forests is prohibited from installing permanent facilities in such national forests: Provided, That the same shall not apply to what is prescribed by the Presidential Decree. <Newly Inserted by Act No. 5760, Feb. 5, 1999>

(5) Deleted. <by Act No. 6841, Dec. 30, 2002>

(6) Necessary matters concerning standards for the permission for rent or use of national forests and the collection of rental fees or utilization fees, etc. shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 5760, Feb. 5, 1999>  
[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

## **Article 76 (Reversion of Produce)**

(1) Any renter of a national forest shall not collect benefits from what is not produce clearly stated in the contract clauses.

(2) Deleted. <by Act No. 6382, Jan. 26, 2001>

(3) In the case of a removal of trees that hinder the accomplishment of projects with the objective of rent or use, the renter shall obtain permission for cutting any standing timber and bamboo or enter into a standing timber sales contract as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 5153, Aug. 8, 1996; Act No. 6382, Jan. 26, 2001>

#### **Article 77 (Restrictions on Transfer of Rights)**

Any renter of a natural forest shall not transfer his rental right without obtaining permission from the Administrator of the Forestry Administration. In this case, standards for permitting the transfer of rental rights shall be prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 5760, Feb. 5, 1999]

#### **Article 78 (Cancellation of Rent)**

(1) In the case falling under any of the following subparagraphs, the Administrator of the Forestry Administration may cancel a permission for rent or use and return all or a part of the forest for which the permission for rent or use was granted: <Amended by Act No. 4206, Jan. 13, 1990; Act No. 6656, Feb. 4, 2002>

1. When a rental fee or use fee have not been paid within a specified time period;
2. When an enterprise of which the objective is rent or use doesn't progress, or when it is deemed that there is no possibility for success;
3. When matters provided in this Act, orders or contracts under this Act have been violated;
4. When a permission for rent or use has been obtained through a deceitful method;
5. When a permission for rent or use has been granted erroneously; and
6. When it is deemed necessary for enterprises of the State or local governments or projects for the public interest referred to in [Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor](#).

(2) When the rent or use permission has been canceled in accordance with the provisions of paragraph (1) 1 through 4, the return of illegally gained profits from the rented or used forests or removal of installations and other dispositions necessary for restoration to the original state, may be ordered to the borrower. In this case, when the renter fails to implement them, necessary measures may be taken against him according to the following classifications: <Amended by Act No. 5760, Feb. 5, 1999>

1. When he fails to return illegally gained profits, such illegally gained profits shall be collected according to a disposition taken to collect national taxes in arrears under the [National Tax Collection Act](#); and
2. When he fails to remove installations or restore to the original state, such installations shall be removed and other necessary measures shall be taken by applying mutatis mutandis the [Administrative Vicarious Execution Act](#).
- (3) When the permission for rent or use is canceled under the provisions of paragraph (1) 5 or 6, whole or part of the rental fees or use fees may be refunded as prescribed by the

Presidential Decree. <Amended by Act No. 5760, Feb. 5, 1999>

(4) When there are losses to the borrower due to the cancellation of rental or use permission applicable under the provisions of paragraph (1) 6, the administrative agencies or the enterprise undertaker to use the forest shall compensate for them under the condition as prescribed by the Presidential Decree. <Newly Inserted by Act No. 4206, Jan. 13, 1990>

#### **Article 79 (Free Concession of Produce)**

When there is a major disaster, the Administrator of the Forestry Administration may concede the use of produce from national forests gratuitously so as to provide materials for prevention of, defense against or recovery from the disaster or to provide building repairs materials or fuel for the victims of the disaster.

#### **Article 80 (Sale, etc. of National Forests)**

(1) In cases of sales of national forests under the provisions of [Article 72](#) (1), when they fall under any of the following subparagraphs, the Administrator of the Forestry Administration may make the sales under private contracts as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: <Amended by Act No. 3854, Dec. 20, 1986; Act No. 4556, Jun. 11, 1993; Act No. 4816, Dec. 22, 1994; Act No. 5153, Aug. 8, 1996; Act No. 6187, Jan. 21, 2000>

1. When it is necessary for official or public uses;
2. When a national forest with a special relation to any person is sold to him; and
3. When the sale is to a forestry cooperatives or the National Forestry Cooperatives Federation.

(2) Deleted. <by Act No. 5760, Feb. 5, 1999>

(3) Necessary matters concerning the sale procedures and the determination, payment period, and payment method of proceeds from the sale of national forests shall be determined by the Presidential Decree. <Newly Inserted by Act No. 4816, Dec. 22, 1994; Act No. 6382, Jan. 26, 2001>

#### **Article 81 (Exchange and Purchase of National Forests)**

When it is deemed necessary for the operational management of national forests, the Administrator of the Forestry Administration may exchange national forests with public forests or private forests or purchase them.

#### **Article 82 (Sale of Products)**

The Administrator of the Forestry Administration may sell products of national forests under a private contract only in case of each of the following subparagraphs: <Amended by Act No. 4556, Jun. 11, 1993; Act No. 4816, Dec. 22, 1994; Act No. 6187, Jan. 21, 2000>

1. When it is necessary for official or public use or public interest businesses;

2. When state-owned forest products with a special relation to any person are sold to him as prescribed by the Presidential Decree;
3. When the products are sold to a person with the qualification determined by the Administrator of the Forestry Administration because the public tender of such products is liable to obstruct the operation of national forests;
4. When a product that is necessary for the out-transport of certain product or for other operations is being sold to a purchaser of the state-owned forest products;
5. When the sale is made to a person with the recommendation of the competent authority to use the products as raw materials, for export industry; and
6. When the sale is made to a forestry cooperatives or the National Forestry Cooperatives Federation.

### **Article 83 (Fixed Term Sale)**

(1) In cases that fall under any of following subparagraphs, the Administrator of the Forestry Administration may specify the variety and quantity of certain state-owned forest produce from fixed areas and put them to a fixed term sale according to the method of yearly installment delivery within a period of ten years. In such cases, when there is an apprehension that the public tender may obstruct the execution of forest administration plan, the sale may be made under a private contract:

1. When utilization of the produce is difficult without a special installation; and
2. When the utilization level can be increased considerably with a special installation.

(2) Approval of the Administrator of the Forestry Administration shall be obtained when persons who got a fixed term sale intend to alter the plan of operation or the installation.

### **Article 84**

Deleted. <by Act No. 5760, Feb. 5, 1999>

### **Article 85 (Renunciation of Rights)**

When a purchaser of the state-owned forest products does not complete the out-transport or gathering within the specified time period, his rights shall be assumed to have been renounced: Provided, That this shall not apply when permission has been obtained from the Administrator of the Forestry Administration due to a natural calamity or extraordinary geographical phenomenon of other special reasons.

### **Article 86 (Cancellation of Contract)**

(1) In the cases that fall under any of the following subparagraphs, the Administrator of the Forestry Administration may cancel the sales contract for a national forest or its produce:

1. When the proceeds from the sale are not paid within the specified time period; and
2. When the purchaser has violated this Act, the orders referred to in this Act or the contractual responsibilities.

(2) When a contract is canceled under the provisions of paragraph (1), contract security deposits, payments already made, and forest products from national forests shall revert to the State: Provided, That when what falls under each of the following subparagraphs occurs, whole or part of the payments already made may be refunded as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: <Amended by Act No. 5760, Feb. 5, 1999>

1. When a sales contract of a national forest is canceled; and
2. When the buyer of forest products from a national forest cancels a sales contract of such forest products in the state where he has yet to dig, collect or ship out such forest products.

**Article 87**

Deleted. <by Act No. 6841, Dec. 30, 2002>

**Articles 88 and 89**

Deleted. <by Act No. 6382, Jan. 26, 2001>

**CHAPTER V PROTECTION OF FORESTS**

**SECTION 1 Alteration of Form and Quality of Forests, etc.**

**Article 90 (Permission and Report on Cutting, etc. of Standing Timber)**

(1) Persons who intend to cut standing timber or to extract and collect forest products (excluding stones, earth and sand referred to in subparagraphs 3 and 4 of Article 2 of the Management of Mountainous Districts Act; hereafter the same shall apply in this Article) within the forest shall obtain permission from the head of Si/Gun or the head of the regional forest management office under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: Provided, That the case determined by the Ordinance of the Ministry of Agriculture and Forestry shall be reported to the head of Si/Gun or the head of the regional forest management office.

(2) Where a person who has obtained permission for cutting standing timber or extracting and collecting forest products under the main sentence of paragraph (1) intends to alter any such matters as prescribed by the Ordinance of the Ministry of Agriculture and Forestry from among the permitted matters, he shall obtain permission for altering such permitted matters from the head of Si/Gun or the head of the regional forest management office under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(3) Where a person who has made a report on cutting standing timber or extracting and collecting forest products under the proviso of paragraph (1) intends to alter any such matters as prescribed by the Ordinance of the Ministry of Agriculture and Forestry from among the reported matters, he shall obtain permission for altering such reported matters from the head of Si/Gun or the head of the regional forest management office under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(4) In cases that fall under any of the following subparagraphs, cutting of standing timber or extraction and gathering of forest products may be done without permission or reporting as referred to in paragraph (1), notwithstanding the provisions of paragraph (1):

1. In case where work is commenced according to a forest management plan under the provisions of [Article 11](#) or [73](#) (4);

2. In case of a forest with approval for the recreational forest creation plan referred to in [Article 31](#) (3);

3. In case of a forest with approval of a plan for the creation of an arbotum referred to in Article 7 of the Creation and Furtherance of Arbotums Act;

4. In case where an experimental research institution affiliated with the Administrator of the Forestry Administration conducts business necessary for experiment and research in the national forest under its jurisdiction;

5. In case where the Administrator of the Cultural Properties Administration conducts the business of protecting cultural properties in national forests under his jurisdiction;

6. In case where a person who has received permission for or has made a report on the diversion of the use of mountainous districts under provisions of Article 14 or 15 of the Management of Mountainous Districts Act intends to do acts that are accompanied by the diversion of use, such as cutting down standing timber or extracting and gathering forest products;

7. In case where a person who falls under any of the following items intends to do acts that are accompanied by the extracting and gathering of stones or earth and sand, such as cutting down standing timber or extracting and gathering forest products:

(a) A person who has received permission for stone-quarrying under provisions of Article 25 (1) of the Management of Mountainous Districts Act or has made a report on stone-quarrying under provisions of Article 30 (1) of the same Act;

(b) A person who has received permission for gathering of earth and sand under provisions of Article 32 (1) of the Management of Mountainous Districts Act or has made a report on gathering of earth and sand under provisions of Article 32 (2) of the same Act; and

(c) A person who has purchased stones or earth and sand in a national forest, or has been granted their concession without any compensation, under provisions of Article 35 of the Management of Mountainous Districts Act; and

8. In other cases of minor acts for convenience of national life that are determined by the Ordinance of the Ministry of Agriculture and Forestry.

(5) No cutting of standing timber shall be done within the areas as prescribed by the Presidential Decree in such public interest as to preserve the national territory and nature and to protect cultural properties and the key facilities of the State: Provided, That the same shall not apply to the minor matters prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Wholly Amended by Act No. 6841, Dec. 30, 2002]

## **Articles 90-2 through 91-2**

Deleted. <by Act No. 6841, Dec. 30, 2002>

#### **Article 92**

Deleted. <by Act No. 5323, Apr. 10, 1997>

#### **Article 93 (Confiscation of Illegal Forest Products)**

Forest products cut, extracted and gathered in violation of [Article 90](#) (hereinafter referred to as "illegal forest produce") shall be confiscated: Provided, That the forest produces that result from the criminal acts referred to in [Articles 116](#) and [117](#) shall be returned to the victims or disposed and the proceeds distributed as prescribed by the Presidential Decree. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997; Act No. 6841, Dec. 30, 2002>

#### **Article 94 (Disposition against Vehicles, etc.)**

The Mayor/Do governor or the head of the regional forest management office may request the heads of the related administrative agencies for the cancellation of driver's license of the driver concerned, sailing license of the seamen on board the vessel or construction machinery operator's license for the construction machinery operator, or the suspension of validity of the driver's license, sailing license or construction machinery operator's license and suspension of use of the motor vehicle or vessel or equipment concerned for a period not less than 1 month but not more than 6 months under the conditions as prescribed by the Presidential Decree, in cases where any illegal forest produce is loaded or transported using motor vehicles or vessels. <Amended by Act No. 6222, Jan. 28, 2000; Act No. 6841, Dec. 30, 2002>  
[This Article Wholly Amended by Act No. 5323, Apr. 10, 1997]

#### **Article 95**

Deleted. <by Act No. 5760, Feb. 5, 1999>

#### **Article 96 (Reward)**

The sum corresponding to 20/100 of the fines taken in or the total sum of illegal forest produce confiscated as a result of cases in question shall be paid as reward to persons who, prior to discovery by administrative organs, notify the forest administrative agencies or investigating agencies concerning the persons who have violated the provisions of [Article 90](#) (1) or arrest them, or to persons who seize illegal goods. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997; Act No. 6841, Dec. 30, 2002>

### **SECTION 2 Prevention of Forest Fire and Extinguishment of Fire, etc.**

#### **Article 97 (Designation of Restricted Entry Forest Zone)**

(1) The head of Si/Gun or heads of the regional forest management offices may determine a specified time period and designate an restricted entry forest zone, when restriction of entry to a forest is deemed necessary for forest fire prevention, preservation of natural scenery, conservation of natural environment and other reasons of forest conservancy. <Amended by

Act No. 4203, Jan. 13, 1990; Act No. 4305, Dec. 31, 1990; Act No. 5079, Dec. 29, 1995>

(2) When an restricted entry forest zone referred to in paragraph (1) is designated, the fact shall be announced.

(3) Signs set up by the forest administrative agencies for the purpose of protection, management of forest shall not be moved, damaged or destroyed.

#### **Article 98 (Report on Entry Forest)**

Any person who intends to enter in the restricted entry forest zone referred to in [Article 97](#) (1) shall report to the head of Si/Gun or the head of the regional forest management office for entrance to the forest: Provided, That this shall not apply in the cases determined by the Ordinance of the Ministry of Agriculture and Forestry, such as for commencement of work. <Amended by Act No. 3854, Dec. 20, 1986; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 5153, Aug. 8, 1996>

#### **Article 99 (Cancellation of Restricted Entry Forest Zone)**

The head of Si/Gun or heads of the regional forest management offices shall, without delay, cancel restricted entry forest zone and announce the fact, when the reason for the restricted entry forest is deemed as removed. <Amended by Act No. 5079, Dec. 29, 1995>

#### **Article 100 (Measures for Prevention of Forest Fire, etc.)**

(1) Forest owners or managers shall take measures necessary for prevention and extinguishment of forest fires. <Newly Inserted by Act No. 4206, Jan. 13, 1990>

(2) The Administrator of the Forestry Administration and the head of local government shall take necessary measures, such as the securing of equipments for the prevention of forest fire and the extinguishment of fire. <Newly Inserted by Act No. 6382, Jan. 26, 2001>

(3) The head of local government or the heads of the regional forest management offices may take necessary measures for the prevention of forest fire and the extinguishment of fire, such as the removal of fallen leaves, twigs, dried grasses, etc., formulation of the fire-prevention lines, and the removal of obstacles capable of hampering the extinguishment of forest fire, with respect to the forests for which the danger of breakout of forest fire is great or which is likely to cause the expansion of forest fire. <Newly Inserted by Act No. 6382, Jan. 26, 2001>

#### **Article 100-2 (Measures for Prevention of and Putting Out Forest Fires)**

(1) No one shall set fire to or enter with fire a forest or on land close to the forest determined by the Ordinance of the Ministry of Agriculture and Forestry without obtaining permission of the head of Si/Gun or head of the office of regional forest management office. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 5323, Apr. 10, 1997>

(2) No one shall throw away wastes, or cigarette butts within a forest without justifiable reasons. <Amended by Act No. 5323, Apr. 10, 1997>

(3) No one shall commit the act of cooking food using fire within a forest: Provided, That this shall not apply in the case determined by the Ordinance of the Ministry of Agriculture and Forestry, when it is reported to the head of Si/Gun or the head of the regional forest management office. <Amended by Act No. 5079, Dec. 29, 1995; Act No. 5153, Aug. 8, 1996>

(4) The heads of Si/Gun or heads of the regional forest management offices may prohibit persons who enter a forest, in possession of firearms and inflammables, when it is deemed necessary in preventing forest fires. <Amended by Act No. 5079, Dec. 29, 1995>

(5) When persons who obtained permission referred to in paragraph (1) set fire or enter with fire, they shall in advance set up forest fire preventive facilities and notify a neighboring forest owner or manager as prescribed by the Presidential Decree. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997>

(6) The head of Si/Gun or heads of the regional forest management offices may temporarily store firearms and inflammables possessed by persons who enter a forest. <Amended by Act No. 5079, Dec. 29, 1995>

[This Article Newly Inserted by Act No. 4305, Dec. 31, 1990]

### **Article 100-3 (Designation, of Mountain District Purification and Protection Zone)**

(1) The head of Si/Gun or heads of the regional forest management offices may designate and announce the mountain district purification and protection zones under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, when such is deemed necessary for prevention of pollution in a mountain district and preservation of natural environment with regard to any forest having many visitors and other entrants to forest.

(2) The head of Si/Gun or heads of the regional forest management offices may take measures necessary for prevention of pollution in a mountain district and preservation of natural environment with regard to forest purification and protection zones designated under the provisions of paragraph (1).

(3) The head of Si/Gun or heads of the regional forest management offices shall cancel the designation and announce the fact, when an area designated under the provisions of paragraph (1) as a mountain district purification and protection zone is deemed as not having the need to be maintained as a mountain district purification and protection zone.

[This Article Newly Inserted by Act No. 5323, Apr. 10, 1997]

### **Article 101 (Establishment of Forest Fire Precaution Period)**

(1) The Administrator of the Forestry Administration shall, when he deems it necessary for the prevention of forest fire or extinguishment of fire establish a forest fire precaution period. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 6382, Jan. 26, 2001>

(2) The Administrator of the Forestry Administration shall, in case where he establishes a forest fire precaution period under paragraph (1), devise a comprehensive countermeasure for forest fire prevention, and notify the heads of local governments and the heads of the regional forest management offices thereof. <Amended by Act No. 6382, Jan. 26, 2001>

(3) The heads of local governments and the heads of the regional forest management offices shall, in accordance with the comprehensive countermeasure for forest fire prevention under

paragraph (2), devise and implement the countermeasure for forest fire prevention for the competent forests in the areas of their jurisdiction. <Newly Inserted by Act No. 6382, Jan. 26, 2001>

#### **Article 102 (Matters on Forest Fire Prevention and Fire Extinguishment, etc.)**

(1) The Administrator of the Forestry Administration shall set forth the matters on forest fire prevention and fire extinguishment by the Ordinance of the Ministry of Agriculture and Forestry, in order to establish the systems for efficient forest fire prevention and fire extinguishment.

(2) The matters to be contained in the provisions of paragraph (1) shall be as follows:

1. Matters on the establishment and operation of the headquarters of forest fire prevention countermeasure;

2. Matters on forest fire prevention, such as an issuing of forest fire alarm by weather status;

3. Matters on the report on forest fire and fire extinguishment systems;

4. Matters on the operation of radio communications, etc.; and

5. Matters on the cooperative systems with relevant public agencies.

(3) The Administrator of the Forestry Administration, the heads of local governments, the heads of the regional forest management offices, or the head of regional offices for national forest management may, in connection with the implementation of forest fire prevention and fire extinguishment affairs under the provisions of [Articles 100](#), [101](#) and [102-2](#), request the heads of the relevant central administrative agencies, fire departments, police offices, competent military units, and other agencies and organizations related with forest management as prescribed by the Presidential Decree to cooperate in relation to the forest fire prevention measures, equipments of forest fire extinguishing and mobilization of manpower, etc. In this case, the heads of relevant agencies and organizations in receipt of such requests shall positively cooperate with it unless there exist any special reasons.

(4) The heads of local governments, the heads of the regional forest management offices, the heads of regional offices for national forest management, or the heads of relevant agencies and organizations in receipt of requests for cooperation under paragraph (3) shall implement the forest fire prevention and fire extinguishing under paragraph (1).

[This Article Newly Inserted by Act No. 6382, Jan. 26, 2001]

#### **Article 102-2 (Direction and Supervision of Forest Fire Extinguishment)**

(1) The head of Si/Gun or the heads of the regional offices for national forest management office shall carry out the affairs of direction and supervision of forest fire extinguishment in the forests of his competent jurisdiction.

(2) In case where the forest fire spreads over the national forests, public forests and private forests, the head of competent Si/Gun shall integrate and implement the affairs of direction and supervision of forest fire extinguishment, notwithstanding the provisions of paragraph (1).

(3) In case where the fire spreads to the large-scale forest fire falling under the criteria as prescribed by the Ordinance of the Ministry of Agriculture and Forestry in view of damaged areas due to forest fires, the competent Mayor/Do governor shall integrate and implement the affairs of direction and supervision of forest fire extinguishment.

[This Article Wholly Amended by Act No. 6382, Jan. 26, 2001]

#### **Article 102-3 (Compensation for Casualties)**

The head of Si/Gun or the head of the regional forest management offices may provide compensation for casualties from forest fire extinguishment and life-saving operations by making a mutatis mutandis application of the provisions of [Article 39 \(2\) of the Framework Act on Fire Services](#). <Amended by Act No. 4419, Dec. 14, 1991; Act No. 5079, Dec. 29, 1995; Act No. 5760, Feb. 5, 1999; Act No. 6893, May 29, 2003>

[This Article Newly Inserted by Act 4206, Jan. 13, 1990]

#### **Article 103 (Extermination and Prevention of Germs and Harmful Insects)**

(1) When harmful insects have developed or there is apprehension that they will develop in a forest, or when germs have spread within a forest, the forest owner shall exterminate and prevent them.

(2) In the cases of paragraph (1), a forest owner may enter others' land and exterminate and prevent the harmful insects and germs from the forest under the provisions as prescribed by the Presidential Decree.

(3) When harmful insects or germs spread or there is apprehension of their spread in forests, the head of Si/Gun may have interested persons take necessary measures for exterminating and preventing them. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4556, Jun. 11, 1993; Act No. 4816, Dec. 22, 1994; Act No. 5760, Feb. 5, 1999>

(4) The provisions of paragraphs (1) through (3) shall apply mutatis mutandis in cases of extermination and prevention of harms by animals other than germs and harmful insects.

(5) and (6) Deleted. <by Act No. 7058, Dec. 31, 2003>

(7) The provisions of paragraphs (1) and (3) shall apply mutatis mutandis with regard to persons who possess or distribute trees (including ornamental trees) in an area that is not forest. <Newly Inserted by Act No. 4206, Jan. 13, 1990>

(8) The [Plant Protection Act](#) shall apply mutatis mutandis to the extermination and prevention of germs and harmful insects, except as otherwise provided in this Act. <Newly Inserted by Act No. 6382, Jan. 26, 2001>

#### **Article 103-2 (Preservation and Management of Trees)**

(1) The Administrator of the Forestry Administration may, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, devise and implement the plans for preservation and management with respect to the forests deemed in need of a special management for the protection of ecology and scenery against the damages from germs and

harmful insects, weather, air pollution and acid rain, etc.

(2) The Administrator of the Forestry Administration shall, in case where he intends to devise the plans for preservation and management of trees under paragraph (1), consult in advance with the head of relevant administrative agency.

[This Article Newly Inserted by Act No. 6382, Jan. 26, 2001]

## **CHAPTER VI FUND FOR PROMOTION OF FOREST ENVIRONMENT FUNCTION AND FINANCIAL SUPPORT**

### **SECTION 1 Fund for Promotion of Forest Environment Function**

#### **Article 104 (Establishment of Green Fund, etc.)**

(1) A fund for the promotion of forest environment function (hereinafter referred to as the "Green Fund") shall be established to support facility costs necessary for the promotion of forest environment function and other expenses.

(2) The Green Fund shall be operated and managed as an independent account by the National Forestry Cooperatives Federation. <Amended by Act No. 6187, Jan. 21, 2000>

(3) Necessary matters concerning the operation and management of the Green Fund shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5760, Feb. 5, 1999]

#### **Article 105 (Raising of Green Fund)**

The Green Fund shall be raised from financial resources falling under each of the following subparagraphs: <Amended by Act No. 7159, Jan. 29, 2004>

1. Donations from persons other than government;

2. Proceeds from the sale of lottery tickets which are distributed in accordance with Article 23 (1) of the Lottery Tickets and Lottery Fund Act;

3. Revenues from the operation of the Green Fund; and

4. Other revenues prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5760, Feb. 5, 1999]

#### **Article 106**

Deleted. <by Act No. 7159, Jan. 29, 2004>

#### **Article 107 (Use of Green Fund)**

The Green Fund may be used as subsidies, loans and investments for the business falling under each of the following subparagraphs with respect to the promotion of forest environment function:

1. The business of supporting the improvement of forest environment for the supply of clear water;
  2. The business of supporting the creation of life environment forests for the prevention of pollution;
  3. The business of supporting the protection of wild animals and plants in forests and the ecosystem; and
  4. Other businesses prescribed by the Presidential Decree for the promotion of environment function of forests.
- [This Article Newly Inserted by Act No. 5760, Feb. 5, 1999]

#### **Article 108 (Utilization of National and Public Properties, etc.)**

Where an organ in charge of managing the Green Fund (hereinafter referred to as the "fund management organ") under the provisions of [Article 104](#) (2) manages and operates the Green Fund, the State or local governments may have the fund management organ utilize national or public facilities, goods and properties free of charge and gain profits from their utilization or rent such national or public facilities, goods and properties to the fund management organ within the scope of not impairing the objectives of their utilization to support raising the Green Fund.

[This Article Newly Inserted by Act No. 5760, Feb. 5, 1999]

### **SECTION 2 Financial Support**

#### **Article 109 (Support for Funds)**

(1) The Government may loan or assist all or a part of the working expenses for the forest projects determined by the Presidential Decree so as to achieve the purposes of this Act.  
<Amended by Act No. 4206, Jan. 13, 1990>

(2) In loaning funds under the provisions of paragraph (1), forest land and standing timber in question may be made security. In such case, the prices of standing timber not yet in harvest season may be evaluated in advance and made security.

## **CHAPTER VII SUPPLEMENTARY PROVISIONS**

### **SECTION 1 Deleted.**

#### **Articles 110 through 112-2**

Deleted. <by Act No. 5323, Apr. 10, 1997>

### **SECTION 2 Forest Insurance**

#### **Article 113 (Subscription to Forest Insurance)**

(1) The Administrator of the Forestry Administration shall encourage forest owners to subscribe the forest under their possession to a forest disaster insurance (including the mutual

aid relief referred to in the Forestry Cooperatives Act shall be included). <Amended by Act No. 4816, Dec. 22, 1994; Act No. 6187, Jan. 21, 2000>

(2) Deleted. <by Act No. 4816, Dec. 22, 1994>

#### **Article 114 (Compensation for Disaster)**

The Government may compensate for loss to seedling farming operations (limited to the operations designated by the Government) resulting from natural disasters and extraordinary geographical phenomenon, such as drought disaster and flood disaster, under the conditions as prescribed by the Presidential Decree.

### **SECTION 3 Research and Development of Technology**

#### **Article 114-2 (Promotion of Research and Development of Technology)**

The Administrator of the Forestry Administration shall promote the research and development of technology determined by the Presidential Decree, in order to advance conservation of forest resources, operational management and utilization of forest, and understanding about forestry business.

[This Article Newly Inserted by Act No. 5323, Apr. 10, 1997]

#### **Article 114-3 (Joint Research and Development of Technology)**

(1) The Administrator of the Forestry Administration may have the affiliated research organizations and applicants to conduct a joint research, in case where there has been an application from universities and industrial enterprises, etc. for research and development of technology needed at a forest management site or for a specific objective.

(2) The Administrator of the Forestry Administration may pay contributions necessary in conducting the joint research referred to in paragraph (1).

(3) Projects targeted for the joint research referred to in paragraph (1) and other matters necessary in conducting the joint research shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 5323, Apr. 10, 1997]

#### **Article 114-4 (Transfer of Research and Development Results)**

(1) The Administrator of the Forestry Administration may collect or exempt royalties on technology under the conditions as prescribed by the Presidential Decree, in case where an enterprise that participated in joint research and development uses the results researched and developed jointly by an affiliated research organization and the enterprise.

(2) The Administrator of the Forestry Administration may pay compensation under the conditions as prescribed by the Presidential Decree to research public officials who have participated in the research and development concerned, within the limit of the royalty on technology collected under the provisions of paragraph (1).

(3) In case where an affiliated public official applies for a patent (including utility models) on any technology that has been researched and developed in connection with his duties, when the early industrialization of the technology concerned is judged to contribute to the promotion of public interests even before the registration of the patent, the Administrator of the Forestry Administration may, in consultation with the Commissioner of the Industrial Property Office, have a person who intends to industrialize it, industrialize the technology prior to the registration of the patent.

[This Article Newly Inserted by Act No. 5323, Apr. 10, 1997]

#### **Article 115**

Deleted. <by Act No. 5323, Apr. 10, 1997>

### **CHAPTER VIII PENAL PROVISIONS**

#### **Article 116 (Forest Theft)**

(1) Persons who stole produce (including planted seedlings) from forest shall be punished by imprisonment for not more than seven years or by a fine no exceeding twenty million won. <Amended by Act No. 4206, Jan. 13, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997>

(2) Criminal attempts of paragraph (1) shall be punished.

#### **Article 117 (Special Forest Theft)**

Persons who committed crimes of [Article 116](#) shall, when they fall under any of the following subparagraphs, be punished by imprisonment for not less than one year but for not more than ten years: <Amended by Act No. 4816, Dec. 22, 1994; Act No. 6382, Jan. 26, 2001; Act No. 6841, Dec. 30, 2002>

1. When produce is stolen or excellent exemplary trees or protected trees are stolen within a reserved forest, forest for seed collection, forest designated for protection of forest hereditary resources, and experimental forest;

2. When taproots are collected;

3. When vehicles and vessels are used or transportation and wood processing arrangements are made, in order to transport stolen goods;

4. When crimes are committed through using the opportunity of exercising the rights to cut standing timber and bamboo, or extract and gather produce;

5. When crimes are committed at night; and

6. When the crimes of [Article 116](#) are committed habitually.

#### **Article 118 (Crime of Timber-Felling, etc.)**

(1) Persons who fall under any of the following subparagraphs shall be punished by imprisonment for not more than five years or by a fine not exceeding fifteen million won. In this case imprisonment and a fine may be imposed concurrently:

1. Forest owners, or persons allowed to possess, use and profit from standing timber and bamboo, who cut standing timber and bamboo (including planted seedlings) in violation of this Act;
2. Persons who install structures in others' forest without justifiable reasons;
3. Persons who violate the provisions of [Article 62](#) (1);
4. Persons who violate the provisions of [Article 90](#) (1) through (3);
5. Persons who alter or eliminate signs and seals attached to standing timber, bamboo, wood or taproot; and
6. Persons who damage or cause withering and dying of standing timber and bamboo in a forest without justifiable reasons.

(2) Persons who violate the provisions of paragraph (1) 1, 2 or 6, whose inflicted damages are less than ten thousand won at the price from the place of origin, may be punished by penal detention or minor fine according to the circumstances.

(3) Persons who habitually commit crimes of paragraph (1) shall be punished by imprisonment for not more than ten years.

[This Article Wholly Amended by Act No. 6841, Dec. 30, 2002]

#### **Article 119 (Forest Arson)**

(1) Persons who commit arson to a forest under other's possession or a reserved forest, forest for seed gathering, forest designated for protection of forest hereditary resources, experimental forest, excellent exemplary trees or protected tree shall be punished by imprisonment for not less than seven years. <Amended by Act No. 6382, Jan. 26, 2001>

(2) In the case of paragraph (1), when the main products are destructed by fire, shall be punished by imprisonment for not less than ten years. <Amended by Act No. 6382, Jan. 26, 2001>

(3) Persons who commit arson to a forest under their own possession shall be punished by imprisonment for not more than ten years. In this case, a fine not exceeding fifteen million won may be imposed concurrently. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 6382, Jan. 26, 2001>

(4) Persons who burn the forest under other's possession, shall be punished by imprisonment for not less than one year, but not more than ten years. <Amended by Act No. 4816, Dec. 22, 1994>

(5) Criminal attempts of paragraphs (1) and (3) shall be punished.

#### **Article 120 (Forest Fire Caused by Negligence)**

(1) Persons who destroy a forest referred to in [Article 119](#) (1) by fire by accident shall be punished by imprisonment for not more than three years or a fine not exceeding fifteen million won. <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997; Act No. 6382, Jan. 26, 2001>

(2) Persons who cause public danger by destructing a forest under their own possession by fire by accident shall also be subject to punishment of paragraph (1).

#### **Article 121 (Penal Provisions)**

Persons who use imported forest products for other purposes than those determined at the time of application for import recommendation under the provisions of [Article 36](#) (3) shall be punished by imprisonment for not more than two years or by a fine not exceeding ten million won.

[This Article Wholly Amended by Act No. 6841, Dec. 30, 2002]

#### **Article 122 (Fine)**

(1) Persons who violate any order made under [Article 103](#) (3) shall be punished by a fine not exceeding two million won. <Amended by Act No. 6841, Dec. 30, 2002>

(2) Persons who fall under any of the following subparagraphs shall be punished by a fine not exceeding one million won: <Amended by Act No. 5760, Feb. 5, 1999; Act No. 6382, Jan. 26, 2001>

1. Persons who are in the seeds and seedling production industry without the registration referred to in [Article 45](#) (1);

2. Persons who violate the prohibition and restriction or orders referred to in [Article 45](#) (3), [46](#), [47](#) or the former part of [Article 54](#) (1) (excluding villages or schools);

3. Persons who do not indicate or falsely indicate the standard or quality of forest products, in violation of [Article 53](#) (2); and

4. Deleted. <by Act No. 5760, Feb. 5, 1999>

[This Article Wholly Amended by Act No. 5323, Apr. 10, 1997]

#### **Article 123**

Deleted. <by Act No. 5323, Apr. 10, 1997>

#### **Article 124**

Deleted. <by Act No. 4206, Jan. 13, 1990>

#### **Article 125 (Fine for Negligence)**

(1) Deleted. <by Act No. 5323, Apr. 10, 1997>

(2) Persons who fall under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 5323, Apr. 10, 1997>

1.Deleted; and <by Act No. 5760, Feb. 5, 1999>

2.Persons who violate orders referred to in [Article 50](#) (2) or [68](#) (2).

(3) Persons who fall under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 5323, Apr. 10, 1997; Act No. 5760, Feb. 5, 1999>

1.Persons who falsely indicate the standard or quality and such of forest products, in violation of the provisions of [Article 53](#) (3);

2.Persons who set fire to or enter with fire a forest or a land near a forest under the provisions of [Article 100-2](#) (1) without permission in violation of the provisions of the same Article and paragraph; and

3.Persons who throw away wastes or trash within a forest in violation of the provisions of [Article 100-2](#) (2).

(4) Persons who fall under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three hundred thousand won: <Amended by Act No. 4816, Dec. 22, 1994; Act No. 5323, Apr. 10, 1997; Act No. 5760, Feb. 5, 1999>

1.Deleted; <by Act No. 5760, Feb. 5, 1999>

2.Those who throw away cigarette butts within a forest in violation of the provisions of [Article 100-2](#) (2);

3.Those who utilize fire to cook in violation of a ban imposed pursuant to the provisions of [Article 100-2](#) (3);

4.Those who enter a forest with fire and inflammables in violation of the provisions of [Article 100-2](#) (4); and

5.Those who do not fulfill responsibilities referred to in [Article 100-2](#) (5).

(5) Those who fall under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two hundred thousand won: <Amended by Act No.4305, Dec. 31, 1990; Act No. 5323, Apr. 10, 1997>

1.Deleted; <by Act No. 5760, Feb. 5, 1999>

2.Those who violate the provisions of [Article 97](#) (3);

3.Those who enter a forest in a restricted entry forest zone without reporting as referred to in [Article 98](#); and

4.Deleted. <by Act No. 5760, Feb. 5, 1999>

(6) Deleted. <by Act No. 5323, Apr. 10, 1997>

(7) Those who do not fulfill an afforestation order referred to in [Article 41](#) shall be punished by a fine for negligence corresponding to the entire sum of expenses for afforestation in question. <Newly Inserted by Act No. 4816, Dec. 22, 1994; Act No. 5760, Feb. 5, 1999>

(8) Deleted. <by Act No. 5760, Feb. 5, 1999>

(9) A fine for negligence referred to in paragraphs (1) through (7) shall be imposed and collected by the Administrator of the Forestry Administration, Mayor/Do governor, the head of Si/Gun, the head of regional forest management office or the head of the office for national forest management as prescribed by the Presidential Decree (hereafter in this Article referred to as "persons entitled to impose taxes"). <Amended by Act No. 4305, Dec. 31, 1990; Act No. 4816, Dec. 22, 1994; Act No. 5079, Dec. 29, 1995; Act No. 5760, Feb. 5, 1999>

(10) Those who protest against the disposition of a fine for negligence referred to in paragraph (9) may raise an objection to persons entitled to impose taxes within thirty days from the date of the notification of disposition was received. <Amended by Act No. 4305, Dec. 31, 1990; Act No. 5323, Apr. 10, 1997>

(11) When those who have been subject to the disposition of a fine for negligence referred to in paragraph (9) raise an objection under the provisions of paragraph (10), persons entitled to impose taxes shall, without delay, notify the competent court of the fact, and the competent court that received the notification shall try the case of a fine for negligence under the [Non-Contentious Case Litigation Procedure Act](#). <Amended by Act No. 4305, Dec. 31, 1990; Act No. 5323, Apr. 10, 1997>

(12) When no objection is made within the time period referred to in paragraph (10), and a fine for negligence is not paid, it shall be collected following examples of disposition on the national tax in arrears. <Amended by Act No. 4305, Dec. 31, 1990; Act No. 5323, Apr. 10, 1997>

[This Article Wholly Amended by Act No. 4206, Jan. 13, 1990]

## **Article 126 (Joint Penal Provisions)**

When a representative of a juristic person or an agent, employee and other employed person of a juristic person or individual commit an offense in violation of [Article 118](#), [121](#), [122](#), or [123](#) in connection with duties of the said corporation or the individual, in addition to punishing to offender, the said juristic person or individual shall also be punished by a fine of each applicable Article. <Amended by Act No. 4206, Jan. 13, 1990>

## **ADDENDA**

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

This Act shall enter into force on July 1, 1980.

### **Article 2 (Repealed Acts)**

The Act on Control of Forest Products and the Forest Development Act shall be repealed.

### **Article 3 (Relation to Other Acts)**

In cases where provisions of the previous [Forestry Act](#), the Forestry Development Act and the Act on Control of Forest Products are cited in other Acts at the time when this Act enters into force, corresponding Articles of this Act shall be considered to have been cited in substitution for the previous provisions, when there are corresponding provisions in this Act.

#### **Article 4 (Transitional Measures about Dispositions of Previous Forest Act)**

- (1) Dispositions carried out at the time of enforcement of this Act under the provisions of the previous [Forestry Act](#) shall be considered as those referred to in this Act, unless they are in conflict with this Act.
- (2) Seed and seedling distributors who registered under the provisions of the previous [Forestry Act](#) at the time when this Act enters into force shall be considered as having been registered under the provisions of this Act.
- (3) Gratuitous concession of rented national forest for those who have been granted rent of national forest for the purpose of afforestation under the provisions of the previous [Forestry Act](#) at the time when this Act enters into force, shall follow previous examples.
- (4) Application of penalties concerning acts that violate the [Forestry Act](#) prior to enforcement of this Act shall follow previous examples.

#### **Article 5 (Transitional Measures about Dispositions of Previous Act on Control of Forest Products)**

- (1) Dispositions that are carried out under the provisions of the Act on Control of Forest Products at the time of enforcement of this Act shall be considered as those referred to in this Act, unless they are in conflict with this Act.
- (2) The application of penal provisions to the acts that violate the Act on Control of Forest Products prior to enforcement of this Act shall be governed by the previous examples.

#### **Article 6 (Transitional Measures about Dispositions of Previous Forest Development Act)**

- (1) Dispositions that are carried out under the provisions of the Forestry Development Act at the time when this Act enters into force, shall be considered as those referred to in this Act, unless they are in conflict with this Act.
- (2) Forest development enterprises referred to in the Forestry Development Act at the time when this Act enters into force, shall be considered as the designated development projects referred to in Chapter II Section 3 of this Act.
- (3) The application of penal provisions to the acts that violate the Forest Development Act prior to enforcement of this Act shall be governed by the previous examples.

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1987. (Proviso Omitted.)

**Articles 2 through 4**

Omitted.

**ADDENDA** <Act No. 3910, Dec. 31, 1986>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6**

Omitted.

**ADDENDA** <Act No. 4031, Dec. 26, 1988>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1989.

**Articles 2 and 3**

Omitted.

**ADDENDA** <Act No. 4206, Jan. 13, 1990>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures about Designated Development Areas)**

Designated development areas that were designated under the previous provisions prior to enforcement of this Act shall follow the previous provisions until the term of the designation expires.

**Article 3 (Transitional Measures about Lumbering Facilities)**

Those who have obtained permission for forest products lumbering facilities under the previous provisions prior to enforcement of this Act shall be considered as having the registration for forest products processing industry under this Act.

**Article 4 (Transitional Measures about Permission for Earth and Rocks Gathering)**

Those who have obtained permission for gathering earth and rocks referred to in the previous provisions prior to enforcement of this Act shall be considered as having obtained quarrying permission referred to in this Act.

**Article 5 (Transitional Measures about Penal Provisions)**

The application of penal provisions to the acts prior to enforcement of this Act shall be governed by the previous provisions.

**Article 6 (Amendment of Other Acts)**

Omitted.

**ADDENDA** <Act No. 4212, Jan. 13, 1990>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8**

Omitted.

**ADDENDUM** <Act No. 4305, Dec. 31, 1990>

This Act shall enter into force on March 1, 1991.

**ADDENDUM** <Act No. 4401, Nov. 22, 1991>

This Act shall enter into force on January 1, 1992.

**ADDENDA** <Act No. 4419, Dec. 14, 1991>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1992. (Proviso Omitted.)

**Articles 2 through 8**

Omitted.

**ADDENDA** <Act No. 4556, Jun. 11, 1993>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10**  
Omitted.

**ADDENDA** <Act No. 4816, Dec. 22, 1994>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures about Forestry Technician)**

The forestry technician referred to in the previous provisions at the time when this Act enters into force, shall be considered as forest public works technicians referred to in this Act.

**Article 3 (Transitional Measures about Reorganization of Forest Use Classification)**

In the case where forest use classification is modified under the amended provisions of [Article 16](#) at the time when this Act enters into force, from among forests classified as conserved forest or quasi-conserved forest under the previous provisions, the previous provisions shall be followed until such time as when the conserved forest designation and notification referred to in [Article 17](#) (1) are given.

**Article 4 (Transitional Measures about Those with Permission for Diversion of Conserved Forest)**

(1) Those who have obtained forest damage permission and reported for forest damage under the previous provisions at the time when this Act enters into force shall be considered as having obtained forest form and quality alteration permission and reported for the forest form and quality alteration, respectively, under the provisions of this Act.

(2) Application of the amended provisions of [Articles 18-2](#), [19](#), [20-2](#), [20-3](#), and [90](#) (3) for those who have obtained permission or consent for diversion of a conserved forest or administrative dispositions through consultation for diversion under which the permission becomes legal fiction or abated, those who obtained forest damage permission or reported for forest damage, and those who received administrative dispositions under which permission or report becomes legal fiction or abated under the previous provisions at the time when this Act enters into force, shall be governed by the previous provisions.

**Article 5 (Transitional Measures about Creation of Arboretum)**

Form among those who have created or are in the process of creating arboretums under the previous provisions at the time when this Act enters into force, those who report to the Administrator of the Forestry Administration within three months after enforcement of this

Act shall be considered as having obtained approval for the arboretum creation plan referred to in [Article 34](#) (2).

#### **Article 6 (Transitional Measure about Quarrying Permission for Those with Mining Plan Authorization)**

(1) Those who have obtained authorization for mining plan under the provisions of the [Mining Industry Act](#) to mine feldspar or silicon dioxide and are collecting the ores containing the mineral in question in order to use or distribute as building stones at the time when this Act enters into force, shall be considered as having entered into the contract or obtained quarrying permission as referred to in [Article 90-3](#) (1) within the limit of the approved time period, in only mining areas that are announced separately by the Administrator of the Forestry Administration.

(2) Contracts shall be concluded or permission shall be obtained according to the classification of each subparagraph of [Article 90-3](#) (1) within three months of enforcement of this Act for mining areas excluded from the announcement referred to in paragraph (1).

#### **Article 7 (Transitional Measure about Forestry Fraternity)**

Dispositions against forestry fraternities referred to in the previous provisions, operations commenced by forest fraternities and rental contracts concluded by forest fraternities, at the time when this Act enters into force, shall be considered as dispositions, operations and contracts referred to in this Act, until the said forest fraternities is dissolved.

#### **Article 8 (Transitional Measures about Penal Provisions)**

The application of penal provisions to acts prior to enforcement of this Act shall be governed by the previous provisions.

#### **Article 9 (Temporary Special Case concerning Illegally Diverted Forest)**

(1) Farmers, foresters and fishermen who have been using a forest continuously for not less than five years at the time of enforcement of this Act for purposes of agricultural, forestry and fishing operations determined by the Presidential Decree and for principal housing without having followed lawful procedure may report to the head of Si/Gun within one year from the date of enforcement of this Act.

(2) The head of Si/Gun may take measures necessary for modifying the use of forest, such as forest form and quality alteration permission, when the fact that the forest reported as referred to in paragraph (1) has been used continuously for not less than five years for other purposes is confirmed as a result of examination of the forest. In this case, the heads of the related administrative agencies shall be consulted in advance with regard to the forest being restricted under other Acts.

(3) Necessary matters concerning the basis and method of examination referred to in paragraph (2) and disposition procedure shall be determined by the Presidential Decree.

(4) Provisions of paragraphs (1) through (3) shall not apply to forests within the urban planning zone referred to in the Urban Planning Act.

**Article 10 (Amendment of Other Acts)**

Omitted.

**ADDENDUM** <Act No. 4848, Dec. 31, 1994>

This Act shall enter into force on the date on which the Marrakesh Agreement Establishing the World Trade Organization (WTO) take effect for the country.

[Enforced on Jan. 1, 1995 under the Treaty No. 1265, Dec. 31, 1994]

**ADDENDA** <Act No. 5079, Dec. 29, 1995>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1996.

**Article 2 (Amendment of Other Acts)**

Omitted.

**Article 3 (Transitional Measures about Administrative Dispositions)**

Permission, authorization, approval and revocation of permission that are executed by the head of the local forestry office or head of the management office of the local forestry office, and other acts of the head of the local forestry office or head of the management office of the local forestry office, or various applications for permission and other acts that are directed to the head of the local forestry office or head of the management office of the local forestry office under the previous provisions at the time of enforcement of the Acts that are amended under the provisions of this Act or [Article 2 of the Addenda](#) shall be considered as their corresponding acts of the heads of the local forest management offices or heads of the national forest management office at local forest management office or acts directed to the heads of the local forest management offices or heads of the national forest management office at local forest management offices as referred to in this Act or the Acts amended under the provisions of [Article 2 of the Addenda](#).

**ADDENDA** <Act No. 5108, Dec. 29, 1995>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8**

Omitted.

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

**Article 1 (Enforcement Date)**

This Act shall enter into force within thirty days of the date of its promulgation, on the enforcement date of the Presidential Decree concerning the organization of the Ministry of Maritime Affairs and Fisheries and the National Maritime Police Agency referred to in the amended [Article 41](#).

[Enforced on the date of its promulgation under the Presidential Decree No. 15135, dated Aug. 8, 1996]

**Articles 2 through 4**

Omitted.

**ADDENDA** <Act No. 5323, Apr. 10, 1997>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of [Articles 16-2](#) (1), [16-3](#) (2) and 5 of the Addenda shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measure about Quarrying Complexes)**

(1) Quarrying complexes designated under the previous provisions at the time when this Act enters into force, shall be considered as having been designated as the quarrying complexes referred to in this Act until the date of the expiration of quarrying permission period for those who received quarrying permission under the previous provisions.

(2) Those who received quarrying permission within a quarrying complex designated under previous provisions at the time when this Act enters into force, shall be considered as having reported for quarrying within the quarrying complex referred to in this Act.

**Article 3 (Transitional Measures about Gathering Earth and Sand)**

Those who received permission or reported for gathering earth and sand under the previous provisions at the time when this Act enters into force, shall be considered as having received permission or reported for gathering earth and sand under this Act.

**Article 4 (Transitional Measure about Penal Provisions)**

The application of penal provisions to acts prior to enforcement of this Act shall be governed by the previous provisions.

**Article 5 (Amendment of Other Acts)**

Omitted.

#### **Article 6 (Relation to Other Acts)**

(1) In cases where the provisions of the previous [Forestry Act](#) are cited in other Acts at the time when this Act enters into force, corresponding provisions of this Act shall be considered to have been cited in substitution for the previous provisions, when there are the corresponding provisions in this Act.

(2) In the case where the previous Article 90 is cited in other Acts at the time when this Act enters into force, [Articles 90](#) and [90-6](#) shall be considered to have been cited in substitution for the previous provisions.

**ADDENDA** <Act No. 5325, Apr. 10, 1997>

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

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

#### **Articles 2 through 6**

Omitted.

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

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

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

#### **Article 2**

Omitted.

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

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

**ADDENDA** <Act No. 5760, Feb. 5, 1999>

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

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

#### **Article 2 (Transitional Measures on Forest Management Plan)**

A forest management plan granted approval according to the previous provisions at the time

this Act enters into force shall be considered to have been granted approval according to the amended provisions of [Article 8](#) (1).

### **Article 3 (Transitional Measures on Profit-Sharing Contract According to Vicarious Execution of Forest Operation)**

With regard to the time period of profit-sharing, the ratio of profit-sharing, and superficies for that which is considered as a concluding a contract or profit-sharing under the previous provision of Article 14 (3) at the time when this Act enters into force, the previous provisions of Article 14 (4) and (5) are applied.

### **Article 4 (Transitional Measures on Forestry Development Promotion Region)**

The region of the forest development promotion as prescribed by the previous provisions at the same time when this Act enters into force shall be considered as the zone of forestry development promotion under the amended provision of [Article 16](#) (1) 1 (a).

### **Article 5 (Transitional Measures on Deposit for Reforestation Expenses)**

The deposit for the reforestation expenses under the previous provision of Article 41 (2) at the time this Act enters into force shall be refunded, within 60 days from the date of the enforcement of this Act, to those who made such deposit.

### **Article 6 (Transitional Measures on Time Period for Production of Breeded Species of Plant which are Registered)**

With regard to the breeded varieties which are registered under the previous provisions at the same time when this Act enters into force, the time period, wherein only those who registered such breeded varieties are allowed to produce, shall be that which is prescribed under the amended provisions of [Article 45](#) (3).

### **Article 7**

Omitted.

**ADDENDA** <Act No. 5767, Feb. 5, 1999>

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

(2) Omitted.

**ADDENDA** <Act No. 5982, May 24, 1999>

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

This Act shall enter into force on the date of its promulgation: Provided, That Article 3 (71) of the Addenda and the matters related to the amendment of [Article 90](#) (4) 5 provided in Article

3 (72) of the Addenda shall each enter into force on July 1, 1999 and August 6, 1999.

**Articles 2 through 6**

Omitted.

**ADDENDA** <Act No. 6101, Dec. 31, 1999>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4**

Omitted.

**ADDENDA** <Act No. 6218, Jan. 21, 2000>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14**

Omitted.

**ADDENDA** <Act No. 6222, Jan. 28, 2000>

(1) (Enforcement Date) This Act shall enter into force after the elapse of three months from the date on which this Act is promulgated.

(2) (Application Example concerning Collection of Alternative Afforestation Costs) The amended provisions of [Articles 20-2](#) (4) and [20-3](#) (6) shall apply to alternative afforestation costs and diversion charges imposed on after the enforcement of this Act.

(3) (Transitional Measures concerning Registration of Seed and Seedling Business Operator) Any person who registers himself as a seed and seedling business operator with the Mayor/Do governor under the previous provisions at the time of enforcing this Act shall be deemed to register himself as a seed and seedling business operator with the head of Si/Gun under the amended provisions of [Article 45](#) (1).

(4) (Transitional Measures concerning Designation of Seed-Collection Forest) Any seed-collection forest or any excellent exemplary trees which is designated by the Mayor/Do governor of the head of the regional forest management office under the previous provisions at the time of enforcing this Act shall be deemed to be designated by the Administrator of the Forestry Administration under the amended provisions of [Article 49](#).

(5) (Transitional Measures concerning Forestry Cooperatives, etc.) Forestry cooperatives and the National Forestry Cooperatives Federation, from among the amended provisions of [Article 5](#) (1), (3), (4), shall be deemed the forest cooperatives and the National Forest Cooperatives

Federation by up to the date preceding the date on which the amended Forestry Cooperatives Act is enforced.

**ADDENDA** <Act No. 6382, Jan. 26, 2001>

**Article 1 (Enforcement Date)**

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

**Article 2 (Application Example to Propriety Assessment of Forest Roads)**

The amendments to [Article 10-5](#) shall be applicable from the portion of selection of road lines for the opening of forest roads after January 1, 2002.

**Article 3 (Transitional Measures on Designation and Public Notice of Forest Designated for Nature)**

The forest designated and publicly announced for protection of nature by the previous provisions prior to the enforcement of this Act shall be considered as the forests designated and publicly announced for protection of forest hereditary resources under the amendments to [Article 67](#).

**Article 4 (Transitional Measures on Rent for Afforestation)**

With respect to the rent of national forest for afforestation, permit or approval for its use, and the reversion of produce in the relevant forest under the previous provisions at the time of enforcement of this Act, the previous provisions shall govern, notwithstanding the amendments to [Articles 75](#) and [76](#).

**Article 5 (Transitional Measures on Establishment of Profit-Sharing Forest)**

With respect to the profit-sharing forest established in the national forests and the revocation of establishment of profit-sharing forest, etc. under the previous provisions at the time of enforcement of this Act, the previous provisions shall govern, notwithstanding the amendments to [Articles 88](#) and [89](#).

**Article 6 (Transitional Measures on Penal Provisions)**

In applying the penal provisions against the activities prior to the enforcement of this Act, the previous provisions shall govern.

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

**Article 1 (Enforcement Date)**

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

Omitted.)

**Articles 2 and 3**

Omitted.

**ADDENDA** <Act No. 6477, May 24, 2001>

(1) (Enforcement Date) This Act shall enter into force on January 1, 2002.

(2) through (4) Omitted.

**ADDENDA** <Act No. 6573, Dec. 31, 2001>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3**

Omitted.

**ADDENDA** <Act No. 6589, Dec. 31, 2001>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2002. (Proviso Omitted.)

**Articles 2 through 8**

Omitted.

**ADDENDA** <Act No. 6656, Feb. 4, 2002>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2003.

**Articles 2 through 12**

Omitted.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12**  
Omitted.

**ADDENDA** <Act No. 6893, May 29, 2003>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6**  
Omitted.

**ADDENDA** <Act No. 7058, Dec. 31, 2003>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2004.

**Article 2**  
Omitted.

**ADDENDA** <Act No. 7159, Jan. 29, 2004>

**Article 1 (Enforcement Date)**

This Act shall enter into force on April 1, 2004. (Proviso Omitted.)

**Articles 2 through 5**  
Omitted.