

# FERTILIZER CONTROL ACT

Wholly Amended by Act No. 5019, Dec. 6, 1995

Amended by Act No. 5153, Aug. 8, 1996

Act No. 5453, Dec. 13, 1997

Act No. 5947, Mar. 31, 1999

Act No. 6865, Mar. 19, 2003

Act No. 7000, Dec. 11, 2003

Act No. 8050, Oct. 4, 2006

Act No. 8591, Aug. 3, 2007

Act No. 8852, Feb. 29, 2008

Act No. 10017, Feb. 4, 2010

Act No. 10836, Jul. 14, 2011

Act No. 11502, Oct. 22, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11998, Aug. 6, 2013

Act No. 13135, Feb. 3, 2015

Act No. 16122, Dec. 31, 2018

Act No. 16980, Feb. 11, 2020

Act No. 17091, Mar. 24, 2020

Act No. 18690, Jan. 4, 2022

## Article 1 (Purpose)

The purpose of this Act is to maintain and promote agricultural productivity and protect an agricultural environment by preserving the quality of fertilizers and ensuring their smooth supply/demand and price stability.

## Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Mar. 23, 2013; Feb. 11, 2020>

1. The term "fertilizer" means any material bringing chemical changes to the soil to help give nutrition to plants or grow plants or material giving nutrition to plants, or other materials, etc. used for soil improvement that are determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;

2. The term "ordinary fertilizer" means any fertilizer, other than by-product fertilizers, the legal standards of which are established under Article 4;
3. The term "by-product fertilizer" means any fertilizer the legal standards of which are established under Article 4 and which is produced by utilizing by-products, human excrements and urine, food wastes, soil-microbiological products (including manufactured products and soil-enzyme agents), soil activation agents, etc. produced in the course of operating an agriculture, forestry, livestock, fishery, manufacturing, or marketing business;
4. The term "legal standards" means the standards determined and publicly announced by the Minister of Agriculture, Food and Rural Affairs with regard to any fertilizer, the standards of which is deemed necessary to be determined by the Minister of Agriculture, Food and Rural Affairs for the purpose of maintaining the quality of the fertilizer, for matters such as the minimum quantity of its main ingredients, the maximum allowable content of harmful ingredients of the fertilizer, the content of additional ingredients required for maintaining the effects of its main ingredients, its best before date, etc.;
5. The term "certified ingredient" means the minimum content of main ingredients indicated in terms of a percentage with regard to any fertilizer produced, imported or sold by fertilizer business entities;
6. The term "fertilizer business entity" means any of the following persons:
  - (a) A fertilizer producer: A person who runs a business of producing (referring to manufacture, mixing, processing, or extraction; hereinafter the same shall apply) and selling, or distributing or supplying fertilizers free of charge and who is registered pursuant to Article 11;
  - (b) A fertilizer importer: A person who runs a business of importing and selling or distributing or providing fertilizers free of charge and who is reported pursuant to Article 12;
  - (c) A fertilizer seller: A person who runs a business of selling fertilizers.

### **Article 3 (Exceptions to Application)**

- (1) This Act shall not apply where a fertilizer is produced, imported or sold to supply for use in the manufacturing industry or animal feed.
- (2) This Act may not apply where a person who runs the business of agriculture, forestry, livestock, or fisheries sells, distributes or supplies free of charge a fertilizer manufactured by utilizing the by-products generated in the course of his or her ordinary business, as prescribed by Presidential Decree. *<Amended on Feb. 11, 2020>*

### **Article 4 (Establishment of Legal Standards)**

- (1) The Minister of Agriculture, Food and Rural Affairs may establish, change, or abolish the legal standards of fertilizers (hereafter in this Article referred to as "establishment, etc. of legal standards"). *<Amended on Mar. 23, 2013; Feb. 11, 2020>*

(2) Any person who deems that the establishment, etc. of legal standards is necessary may file a request for the establishment, etc. of legal standards with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(3) Where necessary to enhance expertise and fairness in the establishment, etc. of legal standards, opinions of relevant experts, etc. may be sought. <Amended on Feb. 11, 2020>

(4) Where the Minister of Agriculture, Food and Rural Affairs intends to perform the establishment, etc. of legal standards, he or she shall publicly notify them publicly 30 days in advance. <Amended on Mar. 23, 2013>

(5) Any person who intends to produce or import fertilizers for which establishment of legal standards have been established or publicly notified under paragraph (4) and to sell them for agricultural use, shall request the establishment of the legal standards, and shall not produce or import and store, display, sell, distribute, or supply such fertilizers until legal standards have been established: Provided, That any person may produce or import fertilizers legal standards of which are not established if said fertilizers are used for experiment or research purposes. <Amended on Feb. 11, 2020>

(6) Deleted. <Feb. 11, 2020>

#### **Article 4-2 (Designation of Examination and Research Institutes)**

(1) The Minister of Agriculture, Food and Rural Affairs may designate an entity equipped with personnel and facilities necessary for conducting experiments and analyses of fertilizers, such as their efficacy and harm, heavy metals contained therein and physicochemical analysis, as an examination and research institute, for each field. <Amended on Mar. 23, 2013>

(2) An entity that intends to be designated as an examination and research institute pursuant to paragraph (1) shall file an application therefor with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. This shall also apply to any modification to designated matters. <Amended on Mar. 23, 2013>

(3) The term of validity of the designation of an examination and research institute under paragraph (1) shall be four years from the date of designation.

(4) Any entity that intends to continuously engage in examinations and analyses affairs after the term of validity of designation stipulated under paragraph (3) expires shall obtain re-designation every four years by no later than three months prior to the expiry of the term of validity.

(5) Standards for designation of an examination and research institute under paragraph (1), scope of duties for examinations and analyses, procedures for filing applications for designation, requirements and procedures for re-designation under paragraph (4), and other necessary matters shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

### **Article 4-3 (Revocation of Designation of Examination and Research Institutes)**

(1) When any entity designated as an examination and research institute pursuant to Article 4-2 (1) falls under any of the following, the Minister of Agriculture, Food and Rural Affairs may revoke the designation or issue an order to the entity to suspend all or part of its business for a fixed period not exceeding one year: Provided, That the Minister shall revoke designation in cases falling under subparagraph 1 or 5: *<Amended on Mar. 23, 2013>*

1. Where it obtains the designation by fraud or other improper means;
2. Where it, by intention or gross negligence, issues any of the following documents falsely:
  - (a) A report on results of an examination;
  - (b) A document stating the results of analysis of heavy metals and physicochemical;
  - (c) Other documents relevant to the examination and analysis of fertilizers;
3. Where an examination and research institute falls short of standards for designation thereof;
4. Where it fails to perform the relevant affairs continuously for one year without good cause;
5. Where it performs affairs, in violation of an order to suspend its affairs.

(2) Where two years have not passed since the designation as an examination and research institute was revoked pursuant to paragraph (1), the relevant entity shall not be designated as the examination and research institute pursuant to Article 4-2 (1).

(3) Detailed standards for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, in consideration of the types and severity of the violations. *<Amended on Mar. 23, 2013>*

### **Article 5 Deleted.** *<Dec. 11, 2003>*

### **Article 6 (Protection of Agricultural Environment and Development of Fertilizers)**

In order to protect an agricultural environment and soil and to increase agricultural productivity and competitiveness, matters necessary for expediting the development of fertilizers and improving the quality thereof by region and crop shall be prescribed by Presidential Decree.

### **Article 7 (Supply of Fertilizers)**

(1) If deemed necessary for the adjustment of demand for, and supply of fertilizers, price stability and fostering of eco-friendly agriculture, the Minister of Agriculture, Food and Rural Affairs may require the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") or the National Agricultural Cooperatives Federation established under the Agricultural Cooperatives Act (hereinafter referred to as the "National Agricultural Cooperatives Federation") to supply fertilizers. *<Amended on Mar. 23, 2013; Jan. 4, 2022>*

(2) Where the Mayor/Do Governor or the National Agricultural Cooperatives Federation supplies fertilizers under paragraph (1), he or she or it shall manage the supply of fertilizers, as prescribed by the Minister of Agriculture, Food and Rural Affairs, and where an accident brings any loss, spoil, quality deterioration, damage of package, etc. to fertilizers, he or she or it shall make compensation pursuant to the standards and procedures prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(3) Where the Mayor/Do Governor or the National Agricultural Cooperatives Federation supplies fertilizers pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs may partially subsidize the expenses within budgetary limits. <Amended on Mar. 23, 2013>

#### **Article 8 (Establishment of Fertilizer Account and Financial Support)**

(1) Where the National Agricultural Cooperatives Federation supplies fertilizers pursuant to Article 7, it shall establish and keep a fertilizer account separately from its own account.

(2) Where the National Agricultural Cooperatives Federation supplies fertilizers pursuant to Article 7, the Government shall compensate the fertilizer account referred to in paragraph (1) from the Government budget for any deficit incurred in relation to the supply of fertilizers.

(3) A deficit referred to in paragraph (2) may be compensated for from the annual budget surplus of the general accounts in accordance with the procedures provided in Article 90 (6) of the National Finance Act.

**Article 9 Deleted.** <Mar. 31, 1999>

#### **Article 10 (Restrictions on Importation of Harmful Fertilizers)**

(1) When the Minister of Agriculture, Food and Rural Affairs deems that any fertilizers and their raw materials are likely to cause serious harm to the soil environment and plants because they contain heavy metals or carry blights and insects, he or she may restrict their importation after consultation with the Minister of Trade, Industry and Energy. <Amended on Mar. 23, 2013; Feb. 11, 2020>

(2) With respect to fertilizers and their raw materials that the Minister of Agriculture, Food and Rural Affairs deems harmful under paragraph (1), he or she may require an agency that he or she designates to inspect them. <Amended on Mar. 23, 2013; Feb. 11, 2020>

(3) Necessary matters regarding standards for harmfulness, the standards and methods of inspections under paragraphs (1) and (2), and others shall be prescribed by Presidential Decree. <Amended on Feb. 11, 2020>

#### **Article 11 (Registration of Fertilizer Production Business)**

(1) Any person who intends to run a business of producing and selling, or distributing or supplying fertilizers free of charge (including those who intend to reclaim fertilizers from wastes provided for in the Wastes Control Act and sell, or distribute or supply them free of charge) shall register raw materials for production, certified ingredients, etc. with the head of a Si (including a Special Self-Governing City

Mayor and a Special Self-Governing Province Governor; hereinafter the same shall apply)/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) for each kind of fertilizer, as prescribed by Presidential Decree: Provided, That this shall not apply in cases of a by-product fertilizer production business not in excess of the scale prescribed by Presidential Decree. <Amended on Jul. 14, 2011; Feb. 11, 2020>

(2) Deleted. <Mar. 31, 1999>

(3) Facilities required for the registration of a fertilizer production business prescribed in paragraph (1) and other registration standards shall be prescribed by Presidential Decree. <Amended on Jul. 14, 2011>

(4) Where any fertilizer producer modifies registered matters or discontinues his or her business, he or she shall report such fact to the head of a Si/Gun/Gu, no later than 30 days after the date of occurrence thereof, as prescribed by Presidential Decree. <Amended on Jul. 14, 2011; Feb. 11, 2020>

(5) Where a fertilizer producer intends to suspend the fertilizer production business for at least six months, he or she shall report such intent to the head of a Si/Gun/Gu in advance, as prescribed by Presidential Decree. <Newly Inserted on Feb. 11, 2020>

(6) The head of a Si/Gun/Gu shall notify a person who files a report on modifications under paragraph (4) or suspension of business under paragraph (5) as to whether such report is accepted within seven days from the date of receiving said report. <Newly Inserted on Dec. 31, 2018; Feb. 11, 2020>

(7) Where the head of a Si/Gun/Gu fails to notify the reporting person as to whether his or her report is accepted within the period prescribed in paragraph (6) or of an extension of the period to handle such report under statutes or regulations related to handling civil petitions, the report shall be deemed accepted on the day immediately following the date such period (where the period to handle the report is extended or re-extended under statutes or regulations related to handling civil petitions, referring to such extended or re-extended period) expires. <Newly Inserted on Dec. 31, 2018; Feb. 11, 2020>

(8) Any person who intends to register a fertilizer production business under paragraph (1) shall pay fees prescribed by ordinances of a Si (including a Special Self-Governing City or a Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply). <Amended on Jul. 14, 2011; Dec. 31, 2018; Feb. 11, 2020>

## **Article 12 (Report of Fertilizer Import Business)**

(1) Any person who intends to engage in the business of importing and selling or distributing or supplying fertilizers shall report raw materials for production, certified ingredients, etc. for each kind of fertilizers to the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Feb. 11, 2020>

(2) Where any fertilizer importer modifies reported matters or discontinues his or her business, he or she shall report such fact to the head of a Si/Gun/Gu, no later than 30 days after reasons for such modification or discontinuation arise. <Amended on Feb. 11, 2020>

(3) Where a fertilizer importer intends to suspend the fertilizer production business for at least six months, he or she shall report such intent to the head of a Si/Gun/Gu in advance, as prescribed by Presidential

Decree. <Newly Inserted on Feb. 11, 2020>

(4) The head of a Si/Gun/Gu shall notify a person who files a report, a report on modification, or a report on discontinuation under paragraphs (1) through (3) as to whether such report is accepted within seven days from the date of receiving the report. <Newly Inserted on Jan. 31, 2018; Feb. 11, 2020>

(5) Where the head of a Si/Gun/Gu fails to notify the reporting person as to whether his or her report is accepted within the period prescribed in paragraph (4) or of an extension of the period to handle such report under statutes or regulations related to handling civil petitions, the report shall be deemed accepted on the day immediately following the date such period (where the period to handle the report is extended or re-extended under statutes or regulations related to handling civil petitions, referring to such extended or re-extended period) expires. <Newly Inserted on Dec. 31, 2018; Feb. 11, 2020>

(6) Any person who reports a fertilizer import business prescribed in paragraph (1) shall pay fees prescribed by ordinances of a Si/Gun/Gu. <Amended on Dec. 31, 2018; Feb. 11, 2020>

### **Article 13 (Succession to Business)**

(1) Any of the following persons shall succeed to the status of fertilizer producer or fertilizer importer (hereinafter referred to as "fertilizer producer, etc."): <Amended on Feb. 11, 2020>

1. Where a fertilizer producer, etc. die, their heirs;
2. Where a fertilizer producer, etc. transfer their business, the transferees of the business;
3. Where a corporate fertilizer producer, etc. merge with other corporations, a corporation surviving the merger or newly established in the course of the merger.

(2) A person who has succeeded to the status of a fertilizer producer, etc. pursuant to paragraph (1), shall report such succession to the head of a Si/Gun/Gu within 30 days from the date he or she succeeds to the status, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted on Feb. 11, 2020>

### **Article 14 (Indication of Certification and Management of Sale)**

(1) A fertilizer producer, etc. shall place certification of fertilizers, such as names, the quantity of certified ingredients, and the best before date determined by the legal standards on the containers or on the outside of the packaging of ordinary fertilizers and by-product fertilizers, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That where the fertilizer producer or fertilizer importer intends to sell, distribute, or supply fertilizers without a container or packaging, the placement of certification may be substituted by issuing to a counter party a certification mark stating the name of fertilizer, the quantity of certified ingredients, and the best before date determined by the legal standards. <Amended on Mar. 23, 2013; Dec. 31, 2018; Feb. 11, 2020; Jan. 4, 2022>

(2) No fertilizer business entity shall transfer, store, display, sell, distribute, or supply any of the following fertilizers: <Amended on Dec. 31, 2018; Feb. 11, 2020>

1. Fertilizers without bearing an indication of certification referred to in paragraph (1);
  2. Fertilizers of which the matters indicated on the containers or packing are difficult to identify on account of damage;
  3. Fertilizers which exceed the maximum allowable content of harmful ingredients determined by legal standards;
  4. Fertilizers bearing misleading indications about their effects on the containers or packing;
  5. Fertilizers produced by using materials, other than raw materials determined by legal standards;
  6. Fertilizers produced or imported by persons, other than fertilizer producers, etc.;
  7. Fertilizers produced by using materials, other than raw materials for production registered pursuant to Article 11 or reported pursuant to Article 12;
  8. Fertilizers prescribed in the proviso of paragraph (1): Provided, That the relevant fertilizer producer or fertilizer importer shall be excluded herefrom.
- (3) A person who sells fertilizers directly to consumers, such as a fertilizer seller, shall indicate the prices of such fertilizers, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Newly Inserted on Dec. 31, 2018>*
- (4) Where deemed necessary for the indication of certification and management of sale of fertilizers, the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu may confirm and inspect matters concerning the indication of certification and management of sale of fertilizers transferred, stored, displayed, sold, distributed, or supplied after production or importation. *<Newly Inserted on Jan. 4, 2022>*

#### **Article 14-2 (Entry of Raw Materials Used for Manufacturing in, and Maintenance of, Books)**

- (1) A fertilizer producer, etc. shall enter in a book (including a computerized one) the kind, place of purchase, quantity, etc. of raw materials used for manufacturing the fertilizer by kind of fertilizer and maintain the book for three years. *<Amended on Feb. 11, 2020>*
- (2) Matters necessary for making entries in books under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

**Article 15 Deleted.** *<Mar. 31, 1999>*

**Article 16 Deleted.** *<Mar. 31, 1999>*

**Article 17 Deleted.** *<Mar. 31, 1999>*

#### **Article 18 (Quality Examinations)**

- (1) Deleted. *<Mar. 31, 1999>*
- (2) If deemed necessary for quality management of fertilizers, the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu may examine the quality of fertilizers produced, imported, stored,

displayed, or sold, or distributed or supplied. <Amended on Jul. 14, 2011; Mar. 23, 2013; Feb. 11, 2020>

(3) Any public official conducting an examination pursuant to paragraph (2) shall carry with him or her a certificate indicating his or her authority and produce it to relevant persons. <Amended on Jul. 14, 2011>

#### **Article 19 (Sales Suspension, Recall, Destruction or other Measures)**

Where the result of the examination conducted under Article 18 (2) indicates that the relevant fertilizer falls under any of the following, the head of a Si/Gun/Gu may order the relevant fertilizer business entity to take necessary measures, such as suspension of sales, recall, destruction, and prohibition of transfer: Provided, That, where no fertilizer business entity exists, the head of the Si/Gun/Gu may order the owner of the fertilizer to take necessary measures: <Amended on Mar. 23, 2013; Dec. 31, 2018; Feb. 11, 2020>

1. Fertilizers that fail to meet other matters determined by the legal standards regarding main ingredients, harmful ingredients, other standards, best dates, etc.;
2. Fertilizers the legal standards of which are not established;
3. Fertilizers which do not conform to the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in terms of the difference between the certified ingredient quantity (including weight) under Article 14 (1) and the actual ingredient quantity;
4. Deleted; <Dec. 31, 2018>
5. Fertilizers produced by using materials, other than raw materials for production registered pursuant to Article 11 or reported pursuant to Article 12.

#### **Article 19-2 (Obligation to Manage and Report Fertilizers)**

(1) Fertilizer producers, fertilizer importers, and fertilizer users shall comply with the management standards for the distribution and storage of fertilizers prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall not engage in environmental pollution such as generating odors, causing soil contamination, groundwater contamination, or water pollution by spilling, neglecting, or burying fertilizers. <Amended on Jan. 4, 2022>

(2) Where any fertilizer for which reporting is required prior to sale, distribution, supply, or use pursuant to paragraph (5) has contaminated or is likely to contaminate the living environment, soil, groundwater, or public waters, fertilizer producers, etc. shall not sell, distribute, or supply such fertilizer to fertilizer users. <Amended on Jan. 4, 2022>

(3) Where supplying or using fertilizers for which reporting is required prior to sale, distribution, supply, or use under paragraph (5), fertilizer producers, fertilizer importers, and fertilizer users shall not exceed the maximum annual amount of fertilizer supply or use per unit area prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted on Jan. 4, 2022>

(4) Where any fertilizer that is problematic in its distribution or storage, such as discharging, leaving unattended or burying such fertilizer, has contaminated or is likely to contaminate the living environment, soil, groundwater, or public waters, the head of a Si/Gun/Gu may order fertilizer business entities or

fertilizer users to take measures necessary for preventing environmental contamination, such as a change in the method of storing the fertilizer and the collection thereof. <Amended on Jan. 4, 2022>

(5) Where intending to sell, distribute, supply, or use any of the following fertilizers, a fertilizer producer, etc. shall report the type of fertilizer, date and time of supply or use, amount of supply or use, area of supply or use, location of supply or use, address and contact information of the recipient or user, and whether the maximum annual amount of fertilizer supply or use per unit area under paragraph (3) is observed, etc. to the head of a Si/Gun/Gu having jurisdiction over the location of supply or use at least seven days prior to the sale, distribution, supply, or use, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs; the same shall also apply where intending to change the reported matters: <Newly Inserted on Jan. 4, 2022>

1. Fertilizers not placed in containers or packaged;

2. Fertilizers placed in containers or packaged in excess of the weight or capacity of each type of fertilizer prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(6) The head of a Si/Gun/Gu who has received a report under paragraph (5) shall notify the reporting person of whether or not the report is accepted within seven days from the date of receipt of the report and shall notify the head of a Si/Gun/Gu where the relevant fertilizer producer, etc. has registered and reported the fertilizer production or fertilizer import business. <Newly Inserted on Jan. 4, 2022>

#### **Article 20 (Revocation of Registration and Suspension of Business)**

(1) Where a fertilizer producer falls under any of the following cases, the head of a Si/Gun/Gu may revoke the registration or order the suspension of all or part of a business for a specified period not exceeding six months: Provided, That where he or she falls under subparagraph 1, 5, 9, or 12, the head of a Si/Gun/Gu shall revoke the registration thereof: <Amended on Oct. 22, 2012; Mar. 23, 2013; Dec. 31, 2018; Feb. 11, 2020; Jan. 4, 2022>

1. Where he or she registers the fertilizer production business by fraud or other improper means;

2. Where he or she fails to commence his or her business within one year from the date of registration;

3. Deleted; <Dec. 31, 2018>

4. Where he or she produces, stores, displays and sells, or distributes or supplies free of charge the fertilizers that fail to meet the matters determined by the legal standards regarding main ingredients, harmful ingredients, other standards, etc., in violation of the criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;

5. Where he or she stores, displays, sells, distributes, or supplies fertilizers, in violation of Article 4 (5);

6. Where he or she falls short of registration standards referred to in Article 11 (3);

7. Where he or she produces and stores, displays, sells, distributes, or supplies fertilizers in which the ingredient quantity falls short of the certified ingredient quantity indicated pursuant to Article 14 (1);

8. Where he or she violates Article 14 (2);

9. Where he or she carries on his or her business, in violation of an order to suspend his or her business;
10. Where he or she fails to make entries in or maintain books or makes false entries prescribed in Article 14-2;
11. Where he or she fails to enter some of the matters requiring entry in books prescribed in Article 14-2;
12. Where he or she fails to file a report or report changes before sale, distribution, supply, or use pursuant to Article 19-2 (5), or files a false report.

(2) Where a fertilizer importer falls under any of the following cases, the head of a Si/Gun/Gu may order the closure of the business office or the suspension of business for a specified period not exceeding six months: Provided, That where he or she falls under subparagraph 4, 7, or 10, the head of a Si/Gun/Gu shall order the closure of the business office: <Amended on Oct. 22, 2012; Mar. 23, 2013; Dec. 31, 2018; Feb. 11, 2020; Jan. 4, 2022>

1. Where he or she reports a fertilizer import business by fraud or other improper means;
2. Deleted; <Dec. 31, 2018>
3. Where he or she imports, stores, displays or sells fertilizers that fail to meet the matters determined by the legal standards regarding main ingredients, harmful ingredients, other standards, etc., in violation of the criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
4. Where he or she stores, displays, sells, distributes, or supplies fertilizers, in violation of Article 4 (5);
5. Where he or she imports and stores, displays, distributes, or supplies fertilizers in which the ingredient quantity falls short of the certified ingredient quantity indicated pursuant to Article 14 (1);
6. Where he or she violates Article 14 (2);
7. Where he or she carries on his or her business, in violation of an order to suspend his or her business;
8. Where he or she fails to make entries in or maintain books or makes false entries prescribed in Article 14-2;
9. Where he or she fails to enter some of the matters requiring entry in books prescribed in Article 14-2;
10. Where he or she fails to file a report or report changes before sale, distribution, supply, or use pursuant to Article 19-2 (5), or files a false report.

(3) Detailed standards for dispositions, such as revocation of registration made under paragraphs (1) and (2), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

#### **Article 20-2 (Prohibition of False Advertising)**

- (1) No person shall engage in false advertising or hype relating to the ingredients, effects, manufacturing methods, etc. of fertilizers.
- (2) The scope of false advertising of or hype about fertilizers shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

## **Article 21 (Disposition of Imposition of Penalty Surcharges)**

(1) Where a fertilizer producer, etc. falls under Article 20 (1) 7 or 8 or (2) 6, the head of a Si/Gun/Gu may impose a penalty surcharge not exceeding 20 million won in lieu of a disposition to suspend business, as prescribed by Presidential Decree, only when it is required to prevent imbalance between supply of and demand for fertilizers due to the disposition to suspend business and the rapid rising of the price thereby caused. In such cases, penalty surcharges may be imposed up to three occasions. <Amended on Feb. 11, 2020>

(2) The amount of a penalty surcharge and other necessary matters according to the type, degree, etc. of the offences subject to a penalty surcharge under paragraph (1) shall be prescribed by Presidential Decree.

(3) Where a fertilizer producer, etc. fail to pay a penalty surcharge under paragraph (1) by the deadline, the head of a Si/Gun/Gu shall collect said penalty surcharge in accordance with the Act on the Collection of Local Administrative Penalty Charges. <Amended on Aug. 6, 2013; Feb. 11, 2020; Mar. 24, 2020>

## **Article 21-2 (Succession to Effects of Dispositions of Administrative Sanctions)**

(1) The effects of the administrative sanction imposed on a fertilizer producer, etc. pursuant to Article 20 (1) or (2) (including the imposition of a penalty surcharge in lieu of a disposition of business suspension under Article 21) shall be succeeded to by a fertilizer producer, etc. who have succeeded to the fertilizer production business or the fertilizer import business under Article 13 for one year from the date the period of said disposition expires.

(2) The procedures of an administrative sanction in progress under Article 20 (1) or (2) may continue for a fertilizer producer, etc. who have succeeded to the fertilizer production business or the fertilizer import business under Article 13.

(3) Notwithstanding paragraphs (1) and (2), this shall not apply where a fertilizer producer, etc. who have succeeded to the fertilizer production business or the fertilizer import business pursuant to Article 13 proves that they were not aware of the disposition of an administrative sanction against the former fertilizer producer, etc. or their violation at the time of succession.

## **Article 22 (Hearings)**

(1) Where the Minister of Agriculture, Food and Rural Affairs intends to revoke the designation of an examination and research institute or issue an order to suspend business pursuant to Article 4-3 (1), he or she shall hold a hearing. <Amended on Mar. 23, 2013>

(2) Where the head of a Si/Gun/Gu intends to revoke the registration of a fertilizer producer or order the closure of the business office of a fertilizer importer pursuant to Article 20 (1) or (2), he or she shall hold a hearing.

### **Article 23 (Restrictions on Registration or Reporting)**

(1) In any of the following cases, the fertilizer production business shall not be registered as provided in Article 11:

1. Deleted; <Feb. 11, 2020>

2. Where any person (in cases of a corporation, including its representative) for whom one year has not passed after the registration of the fertilizer production business was revoked under Article 20 (1), intends to carry on the same kind of business as the fertilizer production business, the registration of which was revoked;

3. Where any person (in cases of a corporation, including its representative) who has been sentenced to imprisonment for violating subparagraph 2 of Article 27 and for whom two years have not passed after the execution of the sentence was terminated or exempted, intends to carry on the same kind of producing or importing business.

(2) No person (in cases of a corporation, including its representative) who intends to carry on the same kind of importing business as the business to which the order of closure was issued under Article 20 (2) and for whom one year has not passed after such order of closure was issued, may report the importing business of fertilizers under Article 12.

### **Article 24 (Supervision)**

(1) The Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu may require reports necessary for the supervision of duties to be made by a fertilizer business entity, the National Agricultural Cooperatives Federation supplying fertilizers pursuant to Article 7, or a fertilizer shipping agent or warehouseman. <Amended on Mar. 23, 2013; Feb. 11, 2020>

(2) Where the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu deems it necessary for the quality control of fertilizers, etc., he or she may require public officials under his or her control to take, free of charge, the minimum quantity of a sample as required for analysis and examination of fertilizers or their raw materials from the offices, shops, warehouses, factories, etc. of the National Agricultural Cooperatives Federation, a fertilizer business entity, and a fertilizer shipping agent and warehouseman, or to request submission of necessary data and related documents. <Amended on Mar. 23, 2013>

**Article 25 Deleted.** <Mar. 31, 1999>

### **Article 26 (Delegation of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs may partially delegate his or her authority under this Act to the Administrator of the Rural Development Administration or the head of affiliated agencies, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Feb. 11, 2020>

### **Article 27 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won, or by both: <Amended on Feb. 3, 2015; Dec. 31, 2018; Feb. 11, 2020; Jan. 4, 2022>

1. Any person who stores, displays, sells, distributes, or supplies fertilizers, in violation of Article 4 (5);
2. Any person who produces, sells or distributes or supplies free of charge fertilizers without registration as provided for in Article 11, or imports and sells or distributes or supplies fertilizers free of charge without reporting as provided for in Article 12 (1);
3. Any person who makes a registration as provided for in Article 11, or makes a report as provided for in Article 12 (1) by fraud or other improper means;
4. Any person who falsely records the indication of certification prescribed in Article 14 (1);
5. Any person who transfers, stores, displays, sells, distributes, or supplies fertilizers falling under Article 14 (2) 3;
6. Any person who violates an order for suspension of sales, recall, destruction, etc. of fertilizers issued under Article 19;
7. Any person who contaminates the environment, in violation of Article 19-2 (1);
8. Any person who sells, distributes or supplies fertilizers to their users, in violation of Article 19-2 (2);
9. Any person who fails to comply with an order to take measures to prevent environmental contamination prescribed in Article 19-2 (4);
10. Any person who continues to carry on his or her business, in violation of a disposition to revoke registration or to suspend business taken under Article 20 (1);
11. Any person who continues to carry on his or her business, in violation of an order for the closure of the business office or a disposition to suspend business issued or taken under Article 20 (2).

### **Article 28 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for up to two years, or by a fine not exceeding 20 million won, or by both: <Amended on Feb. 3, 2015; Dec. 31, 2018; Feb. 11, 2020; Jan. 4, 2022>

1. Any person who fails to make the indication of certification prescribed in the main sentence of Article 14 (1), or issue the certification mark prescribed in the proviso of the same paragraph;
2. Any person who violates Article 14 (2) 1, 2, and 4 through 7;
3. Any person who fails to file a report or report changes prior to sale, distribution, supply, or use of fertilizers under Article 19-2 (5) or who files a false report;
4. Any person who sells, distributes or supplies the fertilizers referred to in Article 14 (2) 8;
5. Any person who has engaged in false advertising or hype, in violation of Article 20-2 (1).

### **Article 29 (Joint Penalty Provisions)**

Where the representative of a corporation, or an agent, servant or any other employee of a corporation or individual commits an offence under Article 27 or 28 with respect to the business of such corporation or individual, not only shall the offender be punished but the corporation or individual also shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply to cases where such corporation or individual has not been neglected to pay due attention and supervision concerning the business in order to prevent such violation.

### **Article 29-2 (Legal Fiction as Public Official in Application of Penalty Provisions)**

A non-public official employee of an examination and research institute designated pursuant to Article 4-2 (1) shall be deemed a public official in application of the penalty provisions under Articles 129 through 132 of the Criminal Act.

### **Article 30 (Administrative Fines)**

Any of the following persons shall be subject to an administrative fine not exceeding five million won:  
<Amended on Feb. 11, 2020; Jan. 4, 2022>

1. Any entity that obtains designation as an examination and research institute under Article 4-2 (1) by fraud or other improper means;
2. Any person who issues false documents referred to in the items of Article 4-3 (1) 2, intentionally or by gross negligence, or any person who violates an order to suspend his or her business issued under Article 4-3 (1) 5;
- 2-2. Any person who fails to comply with the management standards for the distribution, storage, etc. of fertilizers, in violation of Article 19-2 (1);
- 2-3. Any person who supplies or uses fertilizers in excess of the maximum annual amount of fertilizer supply or use per unit area, in violation of Article 19-2 (3);
3. Any person who fails to file a report under Article 24 (1) or who files a false report;
4. Any person who refuses or interferes with the taking of a sample for examination or a request for submission of data and documents under Article 24 (2).

### **Article 31 (Administrative Fines)**

(1) Any of the following persons shall be subject to an administrative fine not exceeding two million won:  
<Amended on Dec. 31, 2018; Feb. 11, 2020>

1. Any fertilizer producer who fails to report any modification or discontinuance of business prescribed in Article 11 (4);
- 1-2. A fertilizer producer who fails to report suspension of business under Article 11 (5);

2. Any fertilizer importer who fails to report any modification or discontinuance of business prescribed in Article 12 (2);
  3. A fertilizer importer who fails to report suspension of business under Article 12 (3);
  4. A person who fails to report succession to business under Article 13 (2).
- (2) A person who fails to indicate the prices of fertilizers, in violation of Article 14 (3), or indicates false prices shall be punished by an administrative fine not exceeding one million won. <Newly Inserted on Dec. 31, 2018>

### **Article 32 (Persons with Authority to Impose Administrative Fines)**

The administrative fines under Article 30 or 31 shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

#### *ADDENDA <Act No. 5019, Dec. 6, 1995>*

- (1) (Enforcement Date) This Act shall enter into force on January 1, 1997: Provided, That Article 8 (3) shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Registration of Fertilizer Producing Business) Any person who obtained permission for a fertilizer producing business pursuant to the previous provisions as at the time this Act enters into force, shall be deemed to have filed for the registration of the fertilizer producing business under this Act.
- (3) (Transitional Measures concerning Report of Fertilizer Sales Business) Any person who filed for the registration of the fertilizer sales business pursuant to the previous provisions as at the time this Act enters into force, shall be deemed to have reported on the fertilizer sales business under this Act.
- (4) (Transitional Measures concerning Application of Penal Provisions) The application of the penal provisions to any offence committed before this Act enters into force shall be subject to the previous provisions.

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

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

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

### **Articles 2 through 4 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Act No. 5947, Mar. 31, 1999>

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

(2) (Transitional Measures concerning Registration or Report of Producing or Importing Business of Fertilizers) A person who has effected the registration of the producing or importing business of fertilizers under the previous provisions of Article 11 at the time this Act takes effect shall be deemed to have made the registration of the producing business of fertilizers or the report of the importing business of fertilizers under the amended provisions of Articles 11 and 12. In such cases, a person who has completed the registration of the producing business of fertilizers with the Minister of Commerce, Industry and Energy shall apply to the competent Mayor/Do governor for the reissue of the registration certificate of the producing business of fertilizers within three months after enforcement of this Act.

ADDENDA <Act No. 6865, Mar. 19, 2003>

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

(2) (Transitional Measures concerning Persons Who Produce, Distribute or Supply Fertilizers) The persons who run a business of producing, and distributing or supplying free of charge the fertilizers at the time of enforcement of this Act (including those who intend to reclaim fertilizers from the wastes under the Wastes Control Act and to distribute or supply them free of charge), shall make a registration to the Mayor/Do Governor by equipping themselves with the standards for registration under the provisions of Article 11, within six months from the date of promulgation of this Act.

ADDENDUM <Act No. 7000, Dec. 11, 2003>

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

ADDENDA <Act No. 8050, Oct. 4, 2006>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2007. (Proviso Omitted.)

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 8591, Aug. 3, 2007>

- (1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.
- (2) (Transitional Measures concerning Fertilizer Producers) Any person who has registered as a fertilizer producer with the Mayor/Do Governor pursuant to the former provisions at the time when this Act enters into force shall be deemed to have registered as a fertilizer producer with the head of a Si/Gun/Gu pursuant to the amended provisions of Article 11.
- (3) (Transitional Measures concerning Fertilizer Importers) Any person who has reported as a fertilizer importer with the Mayor/Do Governor pursuant to the former provisions at the time when this Act enters into force shall be deemed to have reported as a fertilizer importer with the head of a Si/Gun/Gu pursuant to the amended provisions of Article 12.
- (4) (Transitional Measures concerning Disposition, etc.) Acts, including dispositions made by or reports made to the Mayor/Do Governor, pursuant to the former provisions at the time when this Act enters into force shall be deemed acts performed by or to the head of a Si/Gun/Gu pursuant to this Act corresponding thereto.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 10017, Feb. 4, 2010>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 29 shall enter into force on the date of its promulgation.
- (2) (Applicability to Indication of Certification) The amended provisions of Article 14 (1) shall apply to the first fertilizers produced or imported on or after the date this Act enters into force.

ADDENDUM <Act No. 10836, Jul. 14, 2011>

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

ADDENDUM <Act No. 11502, Oct. 22, 2012>

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

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11998, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 13135, Feb. 3, 2015>

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

ADDENDA <Act No. 16122, Dec. 31, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation: Provided, That the amended provisions of Articles 14 (3) and 31 (2) shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Reports on Modifications in Matters to Be Registered for Fertilizer Production Business)**

The amended provisions of Article 11 (5) and (6) shall begin to apply to a report on modifications in matters to be registered for fertilizer production business, which is filed after this Act enters into force.

**Article 3 (Applicability to Reports on Fertilizer Import Business)**

The amended provisions of Article 12 (3) and (4) shall begin to apply to a report on fertilizer import business or a report on modifications, which is filed after this Act enters into force.

ADDENDA <Act No. 16980, Feb. 11, 2020>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Reporting on Suspension of Business)**

The amended provisions of Articles 11 (5) and 12 (3) shall begin to apply to cases where suspension is to last for at least six months after this Act enters into force.

**Article 3 (Applicability to Reporting on Succession to Status)**

The amended provisions of Article 13 (2) shall begin to apply to those who intend to succeed to the status of fertilizer producer, etc.

**Article 4 (Applicability to Succession to Effects of Dispositions of Administrative Sanctions)**

The amended provisions of Article 21-2 shall begin to apply to dispositions imposed for violations committed after this Act enters into force.

**Article 5 (Transitional Measures concerning Reporting by Persons who Import, distribute, or Supply Fertilizers Free of Charge)**

A person who engage in the business of importing and distributing or supplying fertilizers free of charge as at the time this Act enters into force shall file a report under the amended provisions of Article 12 (1) within three months from the enforcement date of this Act.

**Article 6 (Transitional Measures concerning Administrative Fines)**

The previous provisions shall apply to the imposition of administrative fines for acts committed before this Act enters into force.

ADDENDA <Act No. 17091, Mar. 24, 2020>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 18690, Jan. 4, 2022>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Reporting Before Sale, Distribution, Supply, or Use of Fertilizers)**

The amended provisions of Article 19-2 (5) and (6) shall apply from the case where a fertilizer producer, etc. files a report prior to sale, distribution, supply, or use after this Act enters into force.

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