
Wholly amended By	1996·10· 7	Presidential Decree No. 15156
Amended By	1997·12·31	Presidential Decree No. 15598
Amended By	1999· 5·24	Presidential Decree No. 16349
Amended By	1999· 6·30	Presidential Decree No. 16445
Amended By	2001· 8·10	Presidential Decree No. 17333
Amended By	2003· 6·25	Presidential Decree No. 18015

Article 1 (Purpose)

The purpose of this Decree is to provide for matters necessary for matters entrusted in the [Agrochemicals Control Act](#) and the enforcement thereof.

Article 2 (National Plant Quarantine Station)

For the purpose of [Article 3-2 \(1\) of the Agrochemicals Control Act](#) (hereinafter referred to as the "Act"), the term "national plant quarantine institution as prescribed by Presidential Decree" means the National Plant Quarantine Service (hereinafter referred to as the "Plant Quarantine Service"). <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

Article 3 (Operation Limit on Pest Control Business for Imported and Exported Plants)

The operation limit on the pest control business for imported and exported plants under the provisions of [Article 3-2 \(2\) of the Act](#) shall be the pest control business executed in the process of the quarantine for exported and imported plants.
[This Article Wholly Amended by Presidential Decree No. 16445, Jun. 30, 1999]

Article 4 (Appointment of Test and Research Institute Issuing Test Results of Agrochemicals, etc.)

(1) For the purposes of [Articles 8 \(2\)](#) and [16 \(2\) of the Act](#), the term "test and research institute as prescribed by the Presidential Decree" means an institute falling under one of the following subparagraphs: <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

1. An institute designated or notified by the Administrator of Rural Development Administration among those falling under one of the following items:

- (a) A national or public test research institute or inspection institute;
- (b) A university as provided in the [Higher Education Act](#);

(c) A business affiliate research institute as provided in the [Technology Development Promotion Act](#); and

(d) Other institutes as prescribed by the Ordinance of the Ministry of Agriculture and Forestry; and

2.A test and research institute whose test results have been internationally recognized.

(2) Even though an appointment of a test and research institute as provided in the provisions of paragraph (1) 1 of this Article is executed pursuant to an application or ex officio, the appointment criteria shall be prescribed beforehand and notice shall be given thereof.

Article 5 (Criteria and Method of Testing)

The criteria and method of testing agrochemicals or technical concentrates as provided in the provisions of [Articles 8 \(2\)](#) and [16 \(2\) of the Act](#) shall be prescribed by the Administrator of Rural Development Administration and shall give notice thereof.

Article 6 (Items Subject to Exemption from Submission of Test Results)

(1) Items which may be exempted from submitting test results in whole or in part pursuant to provisions of the proviso of the text of [Article 8 \(2\) of the Act](#) shall be those falling under any of the following subparagraphs: Provided, That for items falling under subparagraphs 1 and 2, items with a fixed period prescribed by the Administrator of Rural Development Administration due to the presentation of a problem related to the safety of the concerned item by an international organization, etc., or on other grounds corresponding to this, which are deemed to require reevaluation, shall be excluded: <Amended by Presidential Decree No. 16349, May 24, 1999; Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003>

1.Items for re-registration due to the expiration of the effective period as provided in the provisions of [Article 11 of the Act](#);

2.Items where 15 years have passed since the initial registration (in cases where the initial registrant with respect to the same items is two persons or more, referring to the initial registration which was executed earlier);

3.Items with consent to use test results of a previous registrant (in cases where the previous registrant with respect to the same items is two persons or more, referring to the test results of one person among them);

4.Items for which the test on residual effects is exempted in foreign countries;

5.Items used for non-edible crops (excluding crops used for animal feed and tobacco); and

6. Biological agrochemicals pursuant to the standards for safety which the Administrator of the Rural Development Administration determines and notifies.

(2) With regard to items which are under reassessment by the Administrator of Rural Development Administration pursuant to the provisions of the proviso of paragraph (1) or are deemed necessary to be reassessed, the manufacturers of the items concerned shall be notified

of the fact in advance. <Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999>

Article 7 (Administrative Agency in Charge of Business Affairs Related to Agricultural Science Technology)

An administrative agency in charge of business affairs related to agricultural science technology as provided in the provisions of [Article 9 \(1\) of the Act](#) shall be a technical institute of agricultural science of the Rural Development Administration.

Article 8 (Ex Officio Test on Harmful Effects of Agrochemicals Related to Modification to Registration of Item)

(1) The Administrator of Rural Development Administration may, in cases where modifying registration matters of the concerned items pursuant to the provisions of [Article 14 \(2\) of the Act](#) or where confirmation is necessary for the purpose of cancelling the registration of that item, and in cases where confirmation for the modification of registration matters is necessary for the control of insects and disease as provided in the provisions of [Article 14 \(3\) of the Act](#), ex officio administer a test related to the range, etc. of harmful effects of agrochemicals or applicable diseases and insects.

(2) The Administrator of the Forest Service, the Director General of the Plant Quarantine Service or the heads of the administrative agencies affiliated with the Rural Development Administration may, in cases where it is necessary for the control of diseases and insects of the trees, plants for export and import, or crops of a small cultivation area, request a test related to the range, etc. of applicable diseases and insects as provided in the provisions of paragraph (1) to the Administrator of Rural Development Administration. <Amended by Presidential Decree No. 18015, Jun. 25, 2003>

Article 8-2 (Examination of Cancellation, etc. of Registration of Item)

The Administrator of Rural Development Administration shall, in cases where he intends to modify the registration matters or cancel the registration of the items pursuant to the provisions of [Article 14 \(2\) of the Act](#), or to do a disposition limiting the manufacture, export, import or supply thereof, undergo an examination by the Agrochemical Safety Deliberation Committee pursuant to [Article 11](#).

[This Article Newly Inserted by Presidential Decree No. 18015, Jun. 25, 2003]

Article 9 (Technical Concentrates Exempt from Presenting Test Results)

Technical concentrates which may be exempted from presenting documents, in whole or in part, mentioning physical and chemical analysis and results of toxic testing pursuant to the provisions of the proviso of [Article 16 \(2\) of the Act](#) shall be technical concentrates falling under any of the following subparagraphs: <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003>

1. Technical concentrates of items where 15 years have passed since the initial registration (in cases where the initial registrant with respect to the same technical materials is two persons or more, referring to the initial registration which was executed earlier);

2. Technical concentrates with consent to use documents of a previous registrant (in cases where the previous registrant with respect to the same technical concentrates is two persons or more, referring to the documents of one person among them); and
3. Technical concentrates of biological agrochemicals pursuant to the standards for safety which the Administrator of the Rural Development Administration determines and notifies.

Article 10 (Import Process of Agrochemicals for Testing or Academic Research)

The Administrator of Rural Development Administration, in cases where a person in import business applies for issuance of a certificate concerning import agrochemicals or technical concentrates for testing or academic research as provided in the proviso of [Article 17 \(1\) of the Act](#), may issue this pursuant to the method and procedure for application and issuance prescribed by the Administrator of Rural Development Administration.

Article 11 (Establishment of Agrochemical Safety Deliberation Committee)

An agrochemical safety deliberation committee (hereinafter referred to as the "committee") shall be established at the Rural Development Administration for the purpose of responding to advice of the Administrator of Rural Development Administration with respect to matters necessary for the safety management of agrochemicals.

Article 12 (Function of Committee)

The committee shall deliberate the matters stipulated in the following subparagraphs:

1. Matters related to investigation, research, and assessment concerning the safety of agrochemicals;
2. Matters related to safe use and handling of agrochemicals;
3. Matters related to standards and method of agrochemical safety testing; and
4. Other matters presented for consideration by the Administrator of Rural Development Administration for the safety management of agrochemicals.

Article 13 (Composition of Committee)

(1) The committee shall be composed of not more than 13 committee members including one chairman and one vice-chairman. <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

(2) The chairman of the committee shall be the Deputy-Administrator of Rural Development Administration, the vice-chairman of the committee shall be the director general of the research management bureau of the Rural Development Administration, and the committee members shall be those stipulated in the following subparagraphs. In this case, the committee members stipulated in subparagraphs 2 and 3 shall be entrusted by the Administrator of Rural Development Administration: <Amended by Presidential Decree No. 16445, Jun. 30, 1999; Presidential Decree No. 18015, Jun. 25, 2003>

1. Each one person for the position designated by the head of the pertinent agency among Grade II or III public officials affiliated with the Ministry of Agriculture and Forestry, the Ministry of Environment, the Ministry of Health and Welfare, and the Rural Development Administration;

2. Not more than ten persons among those with an abundance of experience with skill and knowledge related to agrochemicals and the protection of the environment; and

3. Not more than four persons among the executives of a manufacturers', users', or consumers' organization of agrochemicals.

(3) The term of office of the committee members stipulated in paragraph (2) 2 and 3 of this Article shall be three years.

Article 14 (Duties, etc. of Chairman of Committee)

(1) The chairman of the committee shall represent the committee and supervise the operations of the committee.

(2) The vice-chairman of the committee shall assist the chairman of the committee, and when the chairman of the committee is unable to perform his or her duties for unavoidable reasons, shall vicariously execute those duties.

Article 15 (Meetings)

(1) Meetings of the committee shall be convoked by the chairman of the committee and the chairman of the committee shall preside over those meetings.

(2) Meetings of the committee shall be convened with the attendance of a majority of the registered committee members and decisions shall be made with the approval of a majority of committee members in attendance.

Article 16 (Executive Secretary)

A person shall be established as executive secretary for the purpose of handling the affairs of the committee, and the executive secretary shall be appointed by the chairman of the committee to the public officials affiliated with the Rural Development Administration.

Article 17 (Allowance)

With respect to committee members attending the meetings, payment of an allowance may be made within the limit of the budget: Provided, That in cases where committee members who are not public officials attend meetings in direct connection to the discharge of duties, the same shall not apply.

Article 18 (Operational Regulations)

Except as otherwise provided for in this Decree, matters necessary for the operation of the

committee shall be determined by the chairman of the committee through a resolution of the committee.

Article 19 (Requirements for Safety in Using Agrochemicals)

(1) Requirement for safety in using agrochemicals as provided in the provisions of [Article 23 \(1\) of the Act](#) shall be as stipulated in the following subparagraphs:

1. Use shall be limited to applicable agricultural crops;
2. Use shall be limited to applicable diseases by insects;
3. Shall abide by the times of use; and
4. Shall be used within the frequency of application during cultivation period with respect to applicable agricultural crops.

(2) The Administrator of Rural Development Administration may determine the detailed requirements for safe use as provided in the provisions of paragraph (1) of this Article such as the applicable targeted agricultural crops and applicable diseases by insects, the time of use, or frequency of application, etc. by item of agrochemical and give public notice thereof.

Article 20 (Requirements for Restriction on Handling of Agrochemicals)

(1) Requirements for restriction on handling of agrochemicals as provided in the provisions of [Article 23 \(1\) of the Act](#) shall be as stipulated in the following subparagraphs: <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

1. Agrochemicals shall not be transported together with foodstuffs, animal feed, medicines or inflammables, and shall not be overloaded when in transport;
2. Highly toxic agrochemicals with determined customers to be supplied shall not be supplied to persons other than those customers to be supplied;
3. Highly toxic agrochemicals where its users have been determined shall not be used by persons other than those users;
4. Agrochemicals poisonous to fish and pollute water which are limited by a user area shall not be used in an area which has limited use;
5. Highly toxic agrochemicals shall be stored and kept in the facilities; and
6. Other agrochemicals with restriction on handling according to their degree of toxicity shall not be used, in accordance to its requirements for restriction on handling.

(2) The Administrator of Rural Development Administration may determine and notify the detailed requirements for restriction on handling of agrochemicals as provided in the provisions of paragraph (1) of this Article such as handling criteria by goods restricting traces, customers to be supplied, users, areas limiting use, storage, keeping, transport or degree of toxicity by item of agrochemical. <Amended by Presidential Decree No. 16445, Jun. 30,

1999>

(3) Classifications classified by toxicity and degree of residue of agrochemicals related to requirements for restriction on handling of agrochemicals as provided in the provisions of paragraphs (1) and (2) of this Article shall be as stipulated in the attached Table 1. <Amended by Presidential Decree No. 16445, Jun. 30, 1999>

(4) Requirements for restriction on handling of agrochemicals under the provisions of paragraph (1) and detailed requirements for restriction on handling of them under the provisions of paragraph (2) shall apply mutatis mutandis to technical concentrates: Provided, That, detailed requirements for the restriction on handling of technical concentrates may be determined and given public notice through the consultation with the Minister of Environment. <Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999>

(5) Classifications based on the toxic level of technical concentrates related to requirements for the restriction on handling of technical concentrates under the provisions of paragraph (4) shall be as the attached Table 2. <Newly Inserted by Presidential Decree No. 16445, Jun. 30, 1999>

Article 21

Deleted. <by Presidential Decree No. 15598, Dec. 31, 1997>

Article 22 (Mandate and Consignment of Authority)

(1) The Administrator of Rural Development Administration shall entrust the authorities of examining application under the provisions of [Article 24](#) (3) and examining agrochemicals under the provisions of paragraph (4) of same Article to the president of the Agricultural Science and Technology Institute pursuant to the provisions of [Article 31 \(1\) of the Act](#). <Amended by Presidential Decree No. 16349, May 24, 1999>

(2) Deleted. <by Presidential Decree No. 16445, Jun. 30, 1999>

(3) The Administrator of Rural Development Administration shall, pursuant to the provisions of [Article 31 \(2\) of the Act](#), entrust the duties stipulated in the following subparagraphs to the head of an organization composed of the manufacturers, the suppliers of technical ingredients, or the importers who are appointed by the Administrator of Rural Development Administration:

1. Research and drawing up of the standard recommendation scheme for the format of labelling related to the color tone and order of disposition, etc. related to the label of agrochemicals as provided in the provisions of [Article 20 of the Act](#); and

2. Drawing up standard recommendation scheme on advertisement terminology related to the advertising of agrochemicals as provided in the provisions of [Article 22 of the Act](#).

Article 23 (Imposition and Collection of Fine for Negligence)

(1) In case where the fine for negligence is imposed pursuant to [Article 40 \(3\) of the Act](#), the person subject to the disposition of fine for negligence shall be notified of paying it by clarifying in writing the fact of offense and amount of fine for negligence, etc., after an

investigation and verification of the relevant offenses.

(2) The Director General of the Plant Quarantine Service, or the head of Si/Gun/autonomous Gu (hereinafter referred to as the "imposing authorities") shall, where he intends to impose the fine for negligence under paragraph (1), provide the person subject to the disposition of fine for negligence with an opportunity to state his opinions orally or in writing with fixing the period of not less than 10 days. In such case, if there exists no statement of opinions by the fixed date, it shall be considered to have no opinions. <Amended by Presidential Decree No. 18015, Jun. 25, 2003>

(3) The imposing authorities shall take into consideration the motivation of relevant offenses and the results thereof, etc., and the criteria for such imposition shall be as the attached Table 3.

(4) The procedures for collection of fine for negligence shall be determined by the Ordinance of the Ministry of Agriculture and Forestry.
[This Article Newly Inserted by Presidential Decree No. 17333, Aug. 10, 2001]

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on December 7, 1996.

(2) (Transitional Measures concerning Testing) Testing carried out or in the midst of being carried out for the purpose of testing items pursuant to the previous provisions, at the time of enforcement of this Decree, shall be regarded as testing under the testing criteria and method of [Article 5](#) of this Decree.

(3) (Transitional Measures concerning Items Subject to Exemption from Submission of Test Results) With respect to the applicant for registration of items which have been publically notified (limited to the applicant for registration by December 6, 1998) pursuant to the previous provisions, at the time of enforcement of this Decree, the provisions of [Article 6](#) of this Decree shall be disregarded and shall be exempted from submitting test results of the subject application items (limited to test results in cases where the funds of agrochemical management are used for testing for testing for the notified for testing items under the previous provisions).

ADDENDUM <Presidential Decree No. 15598, Dec. 31, 1997>

This Decree shall enter into force on January 1, 1998.

ADDENDA <Presidential Decree No. 16349, May 24, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 4

Omitted.

ADDENDA <Presidential Decree No. 16445, Jun. 30, 1999>

(1) (Enforcement Date) This Decree shall enter into force on July 1, 1999.

(2) Omitted.

ADDENDUM <Presidential Decree No. 17333, Aug. 10, 2001>
This Decree shall enter into force on the date of its promulgation.

ADDENDUM <Presidential Decree No. 18015, Jun. 25, 2003>
This Decree shall enter into force on the date of its promulgation.