

PROTECTION OF WILD FAUNA AND FLORA ACT

Act No. 7167, Feb. 9, 2004
Amended by Act No. 7297, Dec. 31, 2004
Act No. 7428, Mar. 31, 2005
Act No. 7457, Mar. 31, 2005
Act No. 7476, Mar. 31, 2005
Act No. 7676, Aug. 4, 2005
Act No. 7678, Aug. 4, 2005
Act No. 8014, Sep. 27, 2006
Act No. 8045, Oct. 4, 2006
Act No. 8343, Apr. 11, 2007
Act No. 8346, Apr. 11, 2007
Act No. 8365, Apr. 11, 2007
Act No. 8370, Apr. 11, 2007
Act No. 8466, May 17, 2007
Act No. 8467, May 17, 2007
Act No. 8733, Dec. 21, 2007
Act No. 8762, Dec. 21, 2007
Act No. 8852, Feb. 29, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent the extinction of wild fauna and flora by systematically protecting and managing wild fauna and flora and the habitats thereof, to maintain the equilibrium of the ecosystem by promoting biodiversity, and at the same time to secure healthy natural environment in which wild fauna and flora dwell together with human beings.

Article 2 (Definitions)

The definitions of terms used in this Act are as follows: <Amended by Act No. 8467, May 17, 2007>

1. The term "wild fauna and flora" means animals and plants that inhabit or grow in the nature, such as mountains, plains, rivers, etc.
2. The term "endangered wild fauna and flora" means animals and plants falling under any of the following items:
 - (a) Class I endangered wild fauna and flora: Wild fauna and flora threatened with extinction as the population has decreased remarkably due to natural or artificial threats, the species of

which are prescribed by Ordinance of the Ministry of Environment after consultation with the heads of related central administrative agencies;

(b) Class II endangered wild fauna and flora: Wild fauna and flora that are feared to be threatened with extinction in the near future where present threats are not eliminated or alleviated as the population has decreased remarkably due to natural or artificial threats, the species of which are prescribed by Ordinance of the Ministry of Environment after consultation with the heads of related central administrative agencies;

3. The term "globally endangered species" means animals and plants, the international transaction of which is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Convention on International Trade in Endangered Species"), which fall under any of the following items, of which the species are announced by the Minister of Environment:

(a) Species that are affected or may be affected by international transactions, which are included in Appendix I of the Convention on International Trade in Endangered Species;

(b) Species that are not endangered at present but may be endangered, if the international transaction thereof is not strictly regulated, and other species that must be regulated to effectively control the transaction of the endangered species, which are included in Appendix II of the Convention on International Trade in Endangered Species;

(c) Species that are confirmed to be regulated in the jurisdiction of a party to the Convention on International Trade in Endangered Species with a purpose of restricting the use thereof by the party and are judged to be in need of cooperation of other parties to regulate international transactions, which are included in Appendix III of the Convention on International Trade in Endangered Species;

4. The term "wild fauna and flora disturbing the ecosystem" means wild animals and plants falling under any of the following items, which are prescribed by Ordinance of the Ministry of Environment:

(a) Wild animals and plants that bring about or are feared to bring about disturbance to the equilibrium of the ecosystem following artificial or natural influx from foreign countries;

(b) Wild animals and plants that bring about or are feared to bring about disturbance to the equilibrium of the ecosystem from among the living modified organisms produced through genetic modification;

5. The term "harmful wild animal" means the wild animals and plants that cause harm to the life and property of people, which are prescribed by Ordinance of the Ministry of Environment;

6. The term "artificial reproduction" means that wild animals and plants are bred, cultivated or reproduced in a certain place or facility;

7. The term "biological resource" means the biological resource under subparagraph 17 of Article 2 of the Natural Environment Conservation Act

Article 3 (Basic Principles of Protection and Use of Wild Fauna and Flora)

- (1) Every person shall recognize that wild fauna and flora are the common property of the present generation and future generations, and have the benefit therefrom go to the future generation by positively protecting the natural habitats thereof.
- (2) Every person shall strive to effectively protect the habitats of wild fauna and flora in order to prevent wild fauna and flora from becoming extinct and to ensure the equilibrium of the ecosystem.
- (3) The State, local governments and people shall use wild fauna and flora in a manner by which sustainable use is possible, such as that the wild fauna and flora do not become extinct or that the biodiversity is not decreased.

Article 4 (Duty of State, etc.)

- (1) The State shall establish and implement a comprehensive policy on the protection of wild fauna and flora by understanding the actual condition, etc. of habitation of wild fauna and flora, comply with international agreements relating to the protection of wild fauna and flora, and strive to protect wild fauna and flora and to conserve the natural habitats through cooperation with related international organizations.
- (2) Local governments shall positively cooperate with the policy of the State for the protection of wild fauna and flora, and establish and implement measures for the protection of wild fauna and flora and for the conservation of the natural habitats thereof under his/her jurisdiction according to the characteristics of each area.
- (3) All the people shall strive to protect wild fauna and flora, such as cooperating with the policies of the State and local governments for the protection of wild fauna and flora.

CHAPTER II PROTECTION OF WILD FAUNA AND FLORA

SECTION 1 General Provisions

Article 5 (Establishment, etc. of Master Plan for Protection of Wild Fauna and Flora)

- (1) The Minister of Environment shall establish a master plan for the protection of wild fauna and flora (hereinafter referred to as "master plan") every five years for the protection of wild fauna and flora and for the conservation of the natural habitats thereof.
- (2) When the Minister of Environment establishes or modifies a master plan, he/she shall consult with the head of a related central administrative agency in advance, and notify the head of the related central administrative agency and the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as "Mayor/*Do* governor") of the established or modified master plan.
- (3) In order to establish or modify a master plan, the Minister of Environment may request the head of each related central administrative agency and Mayor/*Do* governor to submit necessary data.
- (4) The Mayor/*Do* governor shall establish a detailed plan for the protection of wild fauna and

flora (hereinafter referred to as "detailed plan") under his/her jurisdiction in accordance with the master plan.

(5) Where the Mayor/*Do* governor intends to establish or modify a detailed plan, he/she shall hear the opinion of the Minister of Environment in advance.

(6) The contents to be included in the master plan and detailed plan and other necessary matters shall be prescribed by Presidential Decree.

Article 6 (Investigation into Actual Condition of Habitation of Wild Fauna and Flora)

(1) The Minister of Environment shall closely investigate the actual condition of habitation of wild fauna and flora that need special protection or management, such as endangered wild fauna and flora, the ecosystem disturbing wild fauna and flora, and so on.

(2) Matters necessary for the details, method, etc. of investigations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 7 (Designation, etc. of Ex-Habitat Conservation Agency)

(1) Where it is difficult to conserve wild fauna and flora in the habitat or it is necessary to conserve wild fauna and flora in a place other than the habitats for the conservation, etc. of species, the Minister of Environment may designate an agency to conserve wild fauna and flora in a place other than their habitats after hearing the opinion of the head of a related central administrative agency: *Provided*, That he/she intends to have a designated agency conserve wild fauna and flora in a place other than habitat (hereinafter referred to as "ex-habitat conservation agency") conserve natural monuments under Article 7 of the Cultural Heritage Protection Act, he/she shall consult with the Administrator of the Cultural Heritage Administration. <Amended by Act No. 8346, Apr. 11, 2007>

(2) Where it is necessary to have an ex-habitat conservation agency conserve endangered wild fauna and flora, the Minister of Environment may subsidize all or part of the expenses.

(3) Matters necessary for the designation and cancellation of designation of ex-habitat conservation agency shall be prescribed by Presidential Decree, and matters necessary for the operation of such agency shall be prescribed by Ordinance of the Ministry of Environment.

Article 8 (Prevention of Cruelty to Wild Animals)

No one shall treat wild animals with cruelty in the following subparagraphs without a justifiable reason:

1. Killing by a cruel method, such as the use of toxic chemicals or by a method that is disgusting to other persons;
2. Causing pain to the wild animals or inflicting any wound upon them after capturing and cooping them up;
3. Collecting, or installing any device in the body of any wild animal to collect, blood, gallbladder, internal organs or parts of the living body of wild animals.

Article 9 (Prohibition of Acquisition, etc. of Illegally Captured Wild Animals)

(1) No one shall acquire (including eating foods or extracts made from wild animals prescribed by Ordinance of the Ministry of Environment), transfer, acquire by transfer, transport or keep

wild animals captured, imported or brought into Korea in violation of this Act and foods or processed products made therefrom, or conciliate such act while knowing the fact.

(2) The Minister of Environment or the head of a local government may take necessary measures, such as confiscating wild animals captured, imported or brought into Korea in violation of this Act, and foods or processed products therefrom.

Article 10 (Prohibition, etc. of Making Snares, Traps and Nooses)

No one shall make, sell, carry or keep snares, traps, nooses or implements by which wild animals can be captured in a similar way: *Provided*, That the same shall not apply to cases prescribed by Ordinance of the Ministry of Environment, such as scientific research, observation, exhibition, etc.

Article 11 (Rescue and Medical Treatment of Wild Animals)

(1) The Minister of Environment or the head of a local government shall take necessary measures, such as the establishment and operation of a facility for the rescue and medical treatment of wild animals in order to rescue and treat wild animals that meet with an accident or wild animals that are wounded, and so on.

(2) The Minister of Environment or the head of a local government may designate a related agency or organization as a special wild animal rescue and medical treatment agency in order to rescue and treat wild animals, as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the head of a local government may assist a special wild animal rescue and medical treatment agency designated under paragraph (2) with all or part of the expenses incurred in the rescue and medical treatment of wild animals.

(4) Matters necessary for the designation and cancellation of designation of a special wild animal rescue and medical treatment agency under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 12 (Prevention of Damage from Wild Animals and Compensation therefor)

(1) The State and local governments may assist those who install facilities necessary to prevent damage to agriculture, forestry and fisheries from wild animals with all or part of the installation expenses.

(2) The State and local governments may compensate those whose agricultural production, forestry production or fishery production has been damaged by endangered wild animals or City/*Do* protected wild animals under Article 26, or those whose agricultural, forestry or fisheries production has been damaged by wild animals in an area falling under any of the following subparagraphs for damage within the extent of budget: <Amended by Act No. 7297, Dec. 31, 2004; Act No. 7476, Mar. 31, 2005; Act No. 8467, May 17, 2007>

1. Special wild fauna and flora protection districts under Article 27;
2. City/*Do* wild fauna and flora protection districts and wild fauna and flora protection district under Article 33;
3. Ecological and scenery conservation areas under Article 12 of the Natural Environment Conservation Act

- ;
4. Wetlands protection areas under Article 8 of the Wetlands Conservation Act;
 5. Natural parks under the Natural Parks Act
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 6. Urban parks and urban natural park areas under the Act on Urban Parks, Greenbelts, etc.;
 7. Other areas prescribed by Ordinance of the Ministry of Environment for the protection of wild animals.
- (3) Matters necessary for the standards, procedures, etc. of compensation for damage under paragraph (2) shall be prescribed by Presidential Decree.

SECTION 2 Protection of Endangered Wild Fauna and Flora

Article 13 (Establishment, etc. of Measures for Protection of Endangered Wild Fauna and Flora)

- (1) The Minister of Environment shall establish and implement mid-term and long-term measures for the conservation of endangered wild fauna and flora, as prescribed by Presidential Decree.
- (2) The Minister of Environment shall devise measures for the protection of habitats, etc. of endangered wild fauna and flora, and take necessary measures, such as reproduction, restoration, etc. of species determined to be difficult to survive continuously in nature with the present number of population.
- (3) Where it is necessary for the implementation of mid-term and long-term measures for the conservation of endangered wild fauna and flora and for the reproduction, restoration, etc. of endangered wild fauna and flora, the Minister of Environment may request the head of a related central administrative agency or Mayor/*Do* governor for cooperation.
- (4) Where it is acknowledged as necessary for the protection of endangered wild fauna and flora, the Minister of Environment may recommend methods of proper utilization of land, etc. to the owner, occupier or custodian of the relevant land, as prescribed by Presidential Decree.

Article 14 (Prohibition of Capture, Collection, etc. of Endangered Fauna and Flora)

- (1) No one shall capture, collect, set loose, naturalize, process, distribute, keep, export, import, take out, bring in (including dead ones in cases of processing, distribution, keeping, exporting, importing, taking out or bringing in), damage or wither (hereinafter referred to as "capture, collect, etc.") endangered wild fauna and flora: *Provided*, That the same shall not apply to any of the following cases, which has been permitted by the Minister of Environment: <Amended by Act No. 8467, May 17, 2007>

1. Where it is for scientific research or for the protection, reproduction and restoration of endangered wild fauna and flora;
2. Where it is for watching or exhibition at the biological resource conservation facility registered under Article 35 or biological resource center installed under Article 39;
3. Where it is inevitable to protect endangered wild fauna and flora after moving or

naturalizing them for the implementation of public works under Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor or for the implementation of projects authorized, permitted, etc. under the provisions of other Acts and subordinate statutes;

4. Where the head of a related central administrative agency requests the Minister of Environment for the diagnosis and medical treatment or prevention of disease of people or animals;

5. Where artificially reproduced endangered wild fauna and flora are exported, imported, taken out or brought in, as prescribed by Presidential Decree;

6. Where an Ordinance of the Ministry of Environment prescribes within the extent that does not hinder the protection of endangered wild fauna and flora.

(2) No one shall perform an act falling under any of the following subparagraphs in order to capture or wither endangered wild fauna and flora: *Provided*, That the same shall not apply to cases falling under any of the subparagraphs of paragraph (1), which are prescribed by Ordinance of the Minister of Environment, such as the case in which he/she has been permitted by the Minister of Environment after determining the method of capturing them, and so on:

1. Laying or using explosives, snares, traps, nooses, pitfalls, electric power and nets;
2. Scattering or injecting poisonous objects, agrochemicals or similar objects.

(3) In any of the following cases, the provisions of the main sentence of paragraph (1) shall not apply: <Amended by Act No. 8346, Apr. 11, 2007>

1. Where they are captured for fear of imminent danger to the human body;
2. Where a wild animal have met with an accident or an injured wild animal is captured because rescue and medical treatment is urgent;
3. Where they are subject to permission under Article 34 of the Cultural Heritage Protection Act;
4. Where an ex-habitat conservation agency has been authorized, permitted, etc. to capture, collect, etc. under the provisions of related Acts and subordinate statutes;
5. Where they are kept after making a statement of custody under paragraph (5);
6. Where artificially reproduced ones are processed, distributed or kept, as prescribed by Presidential Decree.

(4) Those who intend to capture, collect, release or naturalize endangered wild fauna and flora after being permitted under the proviso to paragraph (1) shall carry a certificate of permission, and make a report on the result to the Minister of Environment where they have captured, collected, etc. them.

(5) Those who have been keeping wild fauna and flora or stuffed wild animals at the time when wild fauna and flora are designated as endangered wild fauna and flora shall make a report to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment within one year from such date when they are designated as such: *Provided*, That where they have made a statement under Article 38 of the Cultural Heritage Protection Act, this shall not apply.

<Amended by Act No. 8346, Apr. 11, 2007>

(6) Matters necessary for the standards, procedure, delivery of certificate of permission, etc. under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Cancellation of Permission for Capture, Collection, etc. of Endangered Wild Fauna and Flora)

(1) Where a person who has been permitted to capture, collect, etc. endangered wild fauna and flora under the proviso to Article 14 (1) falls under any of the following subparagraphs, the Minister of Environment may cancel the permission: *Provided*, That he/she falls under subparagraph 1, the Minister of Environment shall cancel the permission: <Amended by Act No. 8467, May 17, 2007>

1. Where he/she has obtained permission by fraud or other wrongful means;
2. Where he/she has violated the conditions of permission in capturing, collecting, etc. endangered wild fauna and flora;
3. Where he/she is using endangered wild fauna and flora for a purpose and use other than the purpose and use permitted under Article 14 (1) 1 or 2.

(2) Those whose permission has been cancelled under paragraph (1) shall return the certificate of permission within seven days from the date when the permission was cancelled.

Article 16 (Restriction on International Transaction, etc. of Globally Endangered Species)

(1) Those who intend to export, import, take out or bring in globally endangered species and processed products thereof shall obtain permission of the Minister of Environment: *Provided*, That the same shall not apply to the medical supplies permitted for export, import or bringing in under the Pharmaceutical Affairs Act , which have been processed from globally endangered species, and to the globally endangered species and processed products thereof: <Amended by Act No. 8467, May 17, 2007>

1. That they shall be compatible with the restriction on transactions according to the species involved in the Annex (I, II and III to the Convention on International Trade in Endangered Species;
2. That the export, import, taking out or bringing in of an animal or plant does not jeopardize the existence of the species;
3. That it shall be compatible with the detailed conditions for permission for each Appendix to the Convention on International Trade in Endangered Species prescribed by Presidential Decree.

(2) Deleted. <by Act No. 8467, May 17, 2007>

(3) The globally endangered species and processed products thereof that have been imported or brought in with permission under the main sentence of paragraph (1) shall not be used for any other purpose than import or bringing in: *Provided*, That the same shall not apply to cases where it is inevitable to modify the use, which has been approved by the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(4) No one shall transfer, acquire by transfer, conciliate or mediate transfer or acquisition by

transfer, possess, occupy or exhibit globally endangered species and processed products thereof that have been imported or brought in without obtaining permission under the main sentence of paragraph (1) while aware of such fact.

(5) The species that have been reproduced from the globally endangered species imported or brought in with permission under the main sentence of paragraph (1) shall be deemed to have been permitted for import or bringing in under the main sentence of paragraph (1), and to have the same use as that of the originally imported or brought in globally endangered species. In such cases, the use of the species reproduced from the globally endangered species, the use of which has been modified under the proviso to paragraph (3) shall be deemed the same as the modified use.

(6) When a person intends to transfer globally endangered species imported or brought in with permission under the main sentence of paragraph (1), or when it is impossible to breed globally endangered species because of death or disease, he/she shall make a report thereon to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8467, May 17, 2007>

(7) No one shall capture, collect or purchase globally endangered species and processed products thereof in a foreign country without passing through lawful procedures, nor bring them into Korea, or conciliate or mediate to bring them into Korea.

Article 17 (Cancellation, etc. of Permission for Export and Import of Globally Endangered Species)

(1) Where a person who has been permitted to export, import, take out or bring in globally endangered species and processed products thereof under the main sentence of Article 16 (1) falls under any of the following subparagraphs, the Minister of Environment may cancel the permission: *Provided*, That where he/she falls under subparagraph 1, the Minister of Environment shall cancel the permission: <Amended by Act No. 8467, May 17, 2007>

1. Where he/she has obtained by fraud or other wrongful means;
2. Where he/she has violated the conditions of permission in exporting, importing, taking out or bringing in globally endangered species and processed products thereof;
3. Where he/she has used globally endangered species for a use other than the purpose of import or bringing into Korea in violation of Article 16 (3).

(2) Where it is urgent for the existence of living animals and plants from among the globally endangered species falling under any of the following subparagraphs, the Minister of Environment or the head of a related administrative agency may take necessary protective measures immediately:

1. Those that are used for a use other than the purpose of import or bringing into Korea in violation of main sentence of Article 16 (3);
2. Those that are transferred, acquired by transfer, conciliated or mediated transfer or acquisition by transfer, possessed, occupied or exhibited without permission, in violation of Article 16 (4).

(3) The Minister of Environment or the head of a related administrative agency may return the globally endangered species that have been given protective measures under paragraph (2) or have been confiscated for violation of this Act following the consultation with the country of export or country of origin, or transport them to a protection facility or other proper facilities.

Article 18 (Restriction on Advertisement of Endangered Wild Fauna and Flora, etc.)

No one shall advertise so as to accelerate the extinction or decrease of endangered fauna and flora and globally endangered species, or to induce cruelty thereto: *Provided*, That the same shall not apply to cases where he/she is authorized, permitted, etc. under other Acts.

SECTION 3 Protection, etc. of Wild Fauna and Flora other than Endangered Fauna and Flora

Article 19 (Prohibition, etc. of Capture of Wild Fauna and Flora)

(1) No one shall capture mammals, birds, amphibians and reptiles prescribed by Ordinance of the Ministry of Environment from among the wild fauna and flora that do not fall under endangered wild fauna and flora: *Provided*, That the same shall not apply to any of the following cases, which has been permitted by the head of *Si/Gun/Gu* (refers to the head of autonomous *Gu*):

<Amended by Act No. 8467, May 17, 2007>

1. Where it is intended for scientific research or for the protection, reproduction and restoration of wild fauna and flora;
2. Where it is intended for observation or exhibition at a biological resource conservation facility registered under Article 35 or at a biological resource center installed under Article 39;
3. Where it is inevitable to move wild animals for protection in order to implement public works under Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor
, or to implement projects that have been authorized, permitted, etc. under other Acts and subordinate statutes;
4. Where the head of a related central administrative agency requests the head of *Si/Gun/Gu* for the diagnosis, treatment or prevention of disease of the people or animals;
5. Where wild animals prescribed by Ordinance of the Ministry of Environment are artificially reproduced according to the standards, methods, etc. prescribed by Ordinance of the Ministry of Environment.

(2) No one shall conduct any act falling under any of the following subparagraphs in order to capture wild animals under the main sentence of paragraph (1): *Provided*, That the same shall not apply to cases falling under any of the subparagraphs of paragraph (1), which are prescribed by Ordinance of the Ministry of Environment, such as being permitted after determining the method of capture, etc.:

1. Laying or using explosives, snares, traps, nooses, pitfalls, electric power and nets;
2. Scattering or injecting poisonous objects, agrochemical or similar objects.

(3) In any of the following cases, the main sentence of paragraph (1) shall not apply: <Amended by Act No. 8346, Apr. 11, 2007; Act No. 8467, May 17, 2007>

1. Where a wild animal is captured for fear of imminent injury to human body;
2. Where a wild animal meet with an accident or a injured wild animal is captured because rescue and medical treatment are urgent;
3. Where a wild animal is subject to permission under Article 34 of the Cultural Heritage Protection Act;
4. Where an ex-habitat conservation agency has been authorized, permitted, etc. to capture wild animals under related Acts;
5. Where permission to capture harmful wild animals has been obtained from the head of *Si/Gun/Gu* as prescribed in Article 23 (1);
6. Where approval on hunting has been obtained from the establisher of hunting ground as prescribed in Article 50 (1).

(4) Those who captures wild animals under the proviso to paragraph (1) shall make a report on the result to the head of *Si/Gun/Gu* as prescribed in the proviso to paragraph (1).

(5) Matters necessary for the standards and procedure of permission and the delivery of certificate of permission under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 20 (Cancellation of Permission for Capturing Wild Animals)

(1) Where a person who has been permitted to capture wild animals under the proviso to Article 19 (1) falls under any of the following subparagraphs, the head of *Si/Gun/Gu* may cancel the permission: *Provided*, That in cases falling under subparagraph 1, he/she shall cancel the permission: <Amended by Act No. 8467, May 17, 2007>

1. Where he/she has obtained permission by fraud or other wrongful means;
2. Where he/she has violated the conditions of permission in capturing wild animals;
3. Where he/she has used wild animals for a purpose other than that permitted under Article 19 (1) 1 or 2;
4. Where he/she has not artificially reproduced wild animals according to the standards or methods permitted under Article 19 (1) 5.

(2) Those whose permission has been cancelled under paragraph (1) shall return the certificate of permission to the head of *Si/Gun/Gu* within seven days from the date of cancellation.

Article 21 (Export, Import, etc. of Wild Animals)

(1) Those who intend to export, import, take out or bring in mammals, birds, amphibians and reptiles (including processed products thereof; hereinafter the same shall apply) prescribed by Ordinance of the Ministry of Environment from among the wild fauna and flora that do not fall under the endangered wild fauna and flora shall obtain permission of the head of *Si/Gun/Gu* according to the standards for permission under the following classification: <Amended by Act No. 8467, May 17, 2007>

1. In cases of export or taking out:

- (a) That the export or taking out of wild animals shall not jeopardize the existence of the species;
 - (b) That the wild animal has been legitimately obtained according to the Acts and subordinate statutes relating to the protection of wild animals;
 - (c) That the living animals shall be shipped after minimizing the probability of being injured or of the health thereof being harmed, or after minimizing the risk of cruelty;
2. In cases of import or bringing in:
- (a) That the import or bringing in of wild animals shall not jeopardize the existence of the species;
 - (b) That the person expected to receive living wild animals shall be equipped with a proper facility to admit and protect the wild animals;
 - (c) That it shall meet the detailed standards for permission for import or bringing in by use prescribed by Presidential Decree.
- (2) In any of the following cases, paragraph (1) shall not apply: <Amended by Act No. 8346, Apr. 11, 2007; Act No. 8365, Apr. 11, 2007>
- 1. Where it is subject to prohibition of export or taking out under Article 35 of the Cultural Heritage Protection Act;
 - 2. Medical supplies processed from wild animals, for which import is permitted under Article 42 of the Pharmaceutical Affairs Act
 - ;
 - 3. Where the biological resources designated and announced by the Minister of Environment under Article 41 are intended for export or taking out.

Article 22 (Cancellation of Permission for Export, Import, etc. of Wild Animals)

Where a person who has been permitted to export, import, take out or bring in wild animals under Article 21 (1) falls under any of the following subparagraphs, the head of *Si/Gun/Gu* may cancel the permission: *Provided*, That where he/she falls under subparagraph 1, the head of *Si/Gun/Gu* shall cancel the permission. <Amended by Act No. 8467, May 17, 2007>

- 1. Where he/she obtains permission by fraud or other wrongful means;
- 2. Where he/she violates the conditions of permission in exporting, importing, taking out or bringing in wild animals and processed products thereof;
- 3. Where he/she uses wild animals and processes products thereof for a use other than the purpose of import or bringing in.

Article 23 (Permission, etc. for Capturing Harmful Wild Animals)

- (1) Those who intend to capture harmful wild animals shall obtain permission of the head of *Si/Gun/Gu*, as prescribed by Ordinance of the Ministry of Environment.
- (2) When the head of *Si/Gun/Gu* permits the capture of harmful wild animals under paragraph (1), he/she shall investigate the extent of damage to crops due to harmful wild animals, the kinds, number, etc. of harmful wild animals and prevent any disturbance to the ecosystem caused by excessive capture.

(3) Upon request of a person filed application for permission to capture harmful wild animals, the head of *Si/Gun/Gu* may have another person who has been permitted to hunt wild animals under Article 44 with hunting insurance under Article 51 carry out the capture as proxy.

(4) When the head of *Si/Gun/Gu* has permitted as prescribed in paragraph (1), he/she shall notify the chief of the Korea Forest Service and other heads of related administrative agencies thereof without delay. <Newly Inserted by Act No. 8467, May 17, 2007>

(5) Matters necessary for the standards for permission, safety regulations, method of capture, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8467, May 17, 2007>

Article 24 (Management of Animals Reverted to Wild State)

(1) Where the ecosystem is disturbed or is in danger of being disturbed, such as decrease in the biodiversity, etc. due to domesticated animals and pet animals that have reverted to a wild state after having been abandoned or having escaped, the Minister of Environment may designate and announce them as animals reverted to a wild state after consultation with the heads of related central administrative agencies and take necessary measures. <Amended by Act No. 8467, May 17, 2007>

(2) Where necessary to prevent disturbance to the ecosystem by animals reverted to a wild state, the Minister of Environment may request the head of related central administrative agency or the head of local government to take proper measures, such as the capture of animals reverted to a wild state, etc. <Amended by Act No. 8467, May 17, 2007>

Article 25 (Management of Wild Fauna and Flora Disturbing Ecosystem, etc.)

(1) No one shall set loose or plant wild fauna and flora disturbing the ecosystem in the natural environment.

(2) Wild fauna and flora disturbing the ecosystem shall not be imported or brought in except for the purpose of scientific research: *Provided*, That the same shall not apply to the living modified organisms under Article 2 of the Transboundary Movement, etc. of Living Modified Organisms Act. <Amended by Act No. 8467, May 17, 2007; Act No. 8762, Dec, 12, 2007>

(3) Those who intend to import or bring in wild fauna and flora disturbing the ecosystem for the purpose of scientific research shall obtain permission of the Minister of Environment. <Newly Inserted by Act No. 8467, May 17, 2007>

(4) Upon the request for the permission of import or bringing in of wild fauna and flora disturbing the ecosystem under paragraph (3), the Minister of Environment may grant permission only in cases where they are living fauna and flora without any risk of exposure to the natural environment. <Newly Inserted by Act No. 8467, May 17, 2007>

(5) If necessary for the management of wild fauna and flora disturbing the ecosystem, the Minister of Environment may request the head of related central administrative agency or the head of local government to take proper measures. In such cases, he/she may allow to capture or collect wild fauna and flora disturbing the ecosystem, notwithstanding the restrictions on acts in the water-source protection area under Article 7 (3) of the Water Supply and Waterworks

Installation Act

, and allow to capture and collect other wild fauna and flora where it is inevitable. <Amended by Act No. 8370, Apr. 11, 2007; Act No. 8467, May 17, 2007>

(6) The Minister of Environment shall continuously investigate and assess the effects of wild fauna and flora disturbing the ecosystem on the ecosystem, and take measures necessary to diminish disturbance to the ecosystem due to wild fauna and flora disturbing the ecosystem.

Article 26 (Designation of City/Do Protected Wild Fauna and Flora)

(1) The Mayor/Do governor may designate and announce wild fauna and flora in jurisdictions that are acknowledged to be in need of protection in proportion to the wild fauna and flora because the population thereof is decreasing, as the City/Do protected wild fauna and flora as prescribed by Municipal Ordinance of the relevant Special Metropolitan City, Metropolitan City or Do (hereinafter referred to as "City/Do").

(2) The Mayor/Do governor may take measures necessary for the protection of wild fauna and flora, such as the prohibition, etc. of capture and collection of City/Do protected wild fauna and flora.

SECTION 4 Designation and Management of Special Protection Areas for Wild Fauna and Flora

Article 27 (Designation of Special Protection Districts for Wild Fauna and Flora)

(1) The Minister of Environment may designate an area especially in need of conservation for the protection and reproduction of endangered wild fauna and flora as a special protection district for wild fauna and flora (hereinafter referred to as "special protection district") after hearing the opinions of interested parties, such as land owners, and the heads of local governments, and consulting with the heads of related central administrative agencies.

(2) Where a special protection district has lost its value or there is no need to conserve the special protection district due to military purposes, natural disaster or other causes, the Minister of Environment shall modify the designation or cancel it. In such cases, procedures under paragraph (1) shall apply *mutatis mutandis*.

(3) Where the Minister of Environment designates, modifies or cancels a special protection district, he/she shall determine and announce the location and scale of protection district, date of designation and other necessary matters.

(4) Matters necessary for the standards for designation, procedures thereof, etc. of a special protection district shall be prescribed by Ordinance of the Ministry of Environment.

Article 28 (Restriction on Acts in Special Protection District)

(1) No one shall perform any damaging act falling under any of the following subparagraphs in the special protection district: *Provided*, That the same shall apply to the cultural properties (including protected zone) under Article 2 of the Cultural Heritage Protection Act: <Amended by Act No. 8467, May 17, 2007>

1. New construction and enlargement (limited to the enlargement in which existing total

floor space is enlarged by two times or more) of buildings and structures, and change in the form and quality of land;

2. Modifying the formation of river, lake, etc. or increasing or decreasing the water level or water volume;

3. Gathering soil and stone;

4. Other damaging acts that are acknowledged as harmful to the protection of wild fauna and flora, which are prescribed by Presidential Decree.

(2) In any of the following cases, paragraph (1) shall not apply:

1. Where it is necessary for military purposes;

2. Where urgent measures are necessary because natural disaster or other disasters prescribed by Presidential Decree as corresponding thereto have occurred;

3. Where an act prescribed by Presidential Decree is performed, such as the act necessary for the continuance of farming that has been kept going on in the special protection district;

4. Where an act announced by the Minister of Environment as he/she acknowledged that there is no hindrance to the protection of wild fauna and flora is performed.

(3) No one shall perform an act falling under any of the following subparagraphs in the special protection district: *Provided*, That the same shall not apply to cases under paragraph (2) 1 and 2:

<Amended by Act No. 8466, May 17, 2007; Act No. 8467, May 17, 2007>

1. Dumping specific substances harmful to water quality under Article 2 of the Water Quality and Ecosystem Conservation Act

, wastes under Article 2 of the Wastes Control Act

or poisonous substances under Article 2 of the Toxic Chemicals Control Act

;

2. Carrying inflammables prescribed by Ordinance of the Ministry of Environment, cooking or camping;

3. Spoiling, damaging or moving arbitrarily information board or other signs concerning the protection of wild fauna and flora;

4. Other acts to be prohibited for the protection of wild fauna and flora, which are prescribed by Presidential Decree.

(4) Where it is inevitable for the protection of endangered wild fauna and flora, the Minister of Environment may restrict acts under paragraph (2) 3.

Article 29 (Restrictions on Access)

(1) Where the Minister of Environment acknowledges it necessary for the protection of wild fauna and flora and the prevention of extinction thereof, he/she may restrict or prohibit entry into all or part of the special protection district specifying a certain period: *Provided*, That the same shall not apply to the access for conducting acts falling under any of the following subparagraphs, and the Minister of Environment shall consult with the Administrator of the Cultural Heritage Administration on the cultural properties (including protected zone) under Article 2 of the Cultural Heritage Protection Act: <Amended by Act No. 8467, May 17, 2007>

1. Act prescribed by Ordinance of the Ministry of Environment as necessary for the protection of wild fauna and flora;
2. Act necessary for military purpose;
3. Taking urgent measures or measures necessary for restoration from a natural disaster or disaster prescribed by Presidential Decree as corresponding thereto has occurred;
4. Where an act prescribed by Presidential Decree is performed, such as the act necessary for the continuance of farming that has been kept going on in the special protection district. and so on;
5. Other acts prescribed by Ordinance of the Ministry of Environment as unlikely to hinder the protection of wild fauna and flora.

(2) When the Minister of Environment intends to restrict or prohibit entry under paragraph (1), he/she shall announce the location and space of the relevant area, period, method of entry and other matters prescribed by Ordinance of the Ministry of Environment.

(3) Where the cause for the restriction or prohibition of access under paragraph (1) has ceased to exist, the Minister of Environment shall cancel the restriction or prohibition without delay and announce such fact.

Article 30 (Orders of Suspension, etc.)

The Minister of Environment may order a person who has performed an act in violation of the subparagraphs of Article 28 (1) in a special protection district to suspend such act or to restore it to the original state, specifying a substantial period: *Provided*, That it is difficult to restore it to the original state, he/she may order the person to take measures equivalent thereto.

Article 31 (Purchase of Land, etc. in Special Protection Districts)

(1) Where necessary for the effective protection of wild fauna and flora, the Minister of Environment may purchase a special protection district, and land, etc. in the area which he/she intends to designate as special protection district and in the surrounding area after consultation with the owner.

(2) Where any person suffers loss by the designation of special protection district, the Minister of Environment may compensate him/her for loss within the extent of budget, as prescribed by Presidential Decree.

(3) The purchase price of land, etc. under paragraph (1) shall be based on the price assessed under the Acquisition of Land, etc. for Public Works and the Compensation therefor. <Amended by Act No. 8467, May 17, 2007>

Article 32 (Conclusion of Endangered Species Management Contract, etc.)

(1) Where it is necessary for the protection of endangered fauna and flora in the special protection district and surrounding area (referring to the area that has direct effects, such as pollution of water quality, etc. on the special protection district; hereafter the same shall apply in this Article), the Minister of Environment may conclude a contract including management method of land, such as modification of farming method, reduction in the use of chemical substances, etc. with the owner, occupier, etc. of land (hereinafter referred to as "endangered

species management contract"), and recommend the heads of related central administrative agencies or the heads of local governments to conclude an endangered species management contract.

(2) Where the Minister of Environment, the head of a central administrative agency or the head of a local government concludes an endangered species management contract, he/she shall compensate the person who has suffered loss from the implementation of the contract.

(3) Where a resident of a surrounding area extends, etc. a house in the surrounding area, the Minister of Environment may subsidize all or part of the expenses for installing a private sewage treatment facility under Article 2 of the Sewerage Act

. <Amended by Act No. 8014, Sep. 27, 2006>

(4) The Minister of Environment shall preferentially establish a plan for assistance in the treatment of dirty water, wastewater and livestock wastewater for special protection districts and surrounding areas, and may request the heads of related central administrative agencies to take measures necessary for such assistance and for fostering eco-friendly agriculture, forestry and fisheries.

(5) Matters necessary for the conclusion, compensation and cancellation of endangered species management contract and the kinds, procedures, methods, etc. of assistance to surrounding areas shall be prescribed by Presidential Decree.

Article 33 (Designation, etc. of Wild Fauna and Flora Protection District)

(1) In order to protect endangered wild fauna and flora, the Mayor/*Do* governor may designate an area in need of protection corresponding to a special protection district as City/*Do* wild fauna and flora protection district (hereinafter referred to as "City/*Do* protection district"), and the head of *Si/Gun/Gu* may designate an area necessary for the protection of wild fauna and flora as wild fauna and flora protection district (hereinafter referred to as "protection district"), respectively.

(2) When the Mayor/*Do* governor or the head of *Si/Gun/Gu* intends to designate a City/*Do* protection district or protection district, he/she shall hear the opinions of the interested parties, such as land owners, etc. and consult with the heads of related administrative agencies. The same shall apply to the modification or cancellation of the designation of City/*Do* protection district or protection district.

(3) Where the Mayor/*Do* governor or the head of *Si/Gun/Gu* designates, modifies or cancels City/*Do* protection district or protection district, he/she shall announce the location, scale, date of designation of protection district and other matters prescribed by Municipal Ordinance of the relevant local government, as prescribed by Ordinance of the Ministry of Environment.

(4) The Mayor/*Do* governor or the head of *Si/Gun/Gu* may take measures necessary for the conservation of City/*Do* protection district or protection district, such as restriction on entry, etc. as prescribed by Municipal Ordinance of the relevant local government by applying the provisions of Articles 28 through 32 *mutatis mutandis*.

(5) Those who intend to enter a City/*Do* protection district or protection district in the breeding season of wild animals determined and announced by the Minister of Environment shall make a

report to the Mayor/*Do* governor or the head of *Si/Gun/Gu*: *Provided*, That the same shall not apply to caes falling under any of the following subparagraphs: <Amended by Act No. 8467, May 17, 2007>

1. Where they enter the protection district to put out forest fire, or to prevent, restore, etc. disaster under the Countermeasures against Natural Disasters Act;
2. Where it is for performing duties of the armed forces;
3. Other cases prescribed by Ordinance of the Ministry of Environment, such as investigation into natural environment, and so on.

Article 34 (Consultation on Development Activities, etc. in Protection Districts)

When the State or a local government intends to perform utilization, development, etc. in a City/*Do* protection district or protection district, or to authorize, permit, etc. utilization, development, etc. under other Acts and subordinate statutes, he/she shall consult with the Mayor/*Do* governor or the head of *Si/Gun/Gu* having jurisdiction over the City/*Do* protection district or protection district.

CHAPTER III CONSERVATION OF BIOLOGICAL RESOURCES

Article 35 (Registration of Facility for Conservation of Biological Resources)

(1) Those who intend to install and operate a facility for the conservation of biological resources may register with the Minister of Environment by equipping it with facilities and by meeting requirements prescribed by Ordinance of the Ministry of Environment: *Provided*, That an arboretum registered under Article 9 of the Creation and Furtherance of Arboreturns Act shall be deemed a facility for the conservation of biological resources registered under this Act.

<Amended by Act No. 8467, May 17, 2007>

(2) When those who have had a facility for the conservation of biological resources registered under paragraph (1) intend to modify matters prescribed by Ordinance of the Ministry of Environment from among registered matters, they shall have the modification registered.

Article 36 (Revocation of Registration)

(1) Where a person who has had a facility for the conservation of biological resources registered under Article 35 (1) falls under any of the following subparagraphs, the Minister of Environment may revoke the registration: *Provided*, That where he/she falls under subparagraph 1, the Minister of Environment shall revoke the registration:

1. Where registration has been obtained by fraud or other wrongful means;
2. Where he/she has not been equipped with the facilities under Article 35 (1) and has not met the requirements under the same paragraph.

(2) Those whose registration has been revoked under paragraph (1) shall return the certificate of registration to the Minister of Environment within seven days from the date of revocation.

Article 37 (Assistance to Facility for Conservation of Biological Resources)

Where necessary for the efficient conservation of biological resources, such as wild fauna and

flora, and so on, the Minister of Environment may have endangered wild fauna and flora conserved in a facility for the conservation of biological resources registered under Article 35 and subsidize all or part of the expenses.

Article 38 (Information Exchange System between Facilities for Conservation of Biological Resources)

In order to devise efficient management and use of information on biological resources and to facilitate cooperation between facilities for the conservation of biological resources, the Minister of Environment shall establish an information exchange system involving the functions in the following subparagraphs:

1. Distribution of information and data through a computer information system;
2. Exchange of information on biological resources in possession;
3. Scientific management of facilities for the conservation of biological resources;
4. Other matters concerning mutual cooperation between facilities for the conservation of biological resources.

Article 39 (Establishment, Operation, etc. of Biological Resource Centers)

- (1) The State and local governments may have biological resource centers for the efficient conservation of biological resources.
- (2) Where a biological resource center is established under paragraph (1), persons specialized in the classification, conservation, etc. of biological resources shall be employed for the efficient operation and management of the biological resource center.
- (3) Matters necessary for the establishment, operation, etc. of a biological resource center shall be prescribed by Presidential Decree.

Article 40 (Registration, etc. of Taxidermist)

- (1) Those who intend to engage in a business of making or sale of stuffed wild animals shall register with the head of *Si/Gun/Gu*. The same shall apply when they intend to modify matters prescribed by Ordinance of the Ministry of Environment from among the registered matters.
- (2) Those who have registered under paragraph (1) (hereinafter referred to as "taxidermist") shall prepare a book stating matters prescribed by Ordinance of the Ministry of Environment, such as the source, kinds, quantity, etc. of stuffed articles (including wild animals for taxidermy; hereinafter the same shall apply).
- (3) Where necessary for the protection and reproduction of wild animals, the head of *Si/Gun/Gu* may issue orders necessary to taxidermists, such as making a report on stuffed articles, etc.
- (4) Matters necessary for registration and delivery of certificate of registration under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.
- (5) When a taxidermist has violated paragraphs (1) through (3), the head of *Si/Gun/Gu* may suspend business for a period within the extent of six months or revoke the registration.
- (6) Those whose registration is revoked under paragraph (5) shall return the certificate of registration to the head of *Si/Gun/Gu* within seven days from the date of revocation.

Article 41 (Taking Biological Resources out of Korea)

(1) Those who intend to take biological resources, which are highly valued for the conservation of biodiversity and have been designated and announced by the Minister of Environment after consultation with the heads of related central administrative agencies, out of Korea shall obtain approval of the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8467, May 17, 2007>

(2) Where the biological resources intended for approval under paragraph (1) fall under any of the following subparagraphs, the Minister of Environment may not grant approval: <Newly Inserted by Act No. 8467, May 17, 2007>

1. Biological resources of which the inhabiting number is extremely limited;
2. Biological resources of which the reproduction in large quantity is difficult because artificial reproduction technology has not been secured;
3. Biological resources that are in danger of significant damage to the national interest if taken out of Korea;
4. Peculiar biological resources that have the characteristics of shape and heredity with high economic value;
5. Biological resources that are in danger of threatening the existence of the species if taken out of Korea.

CHAPTER IV MANAGEMENT OF HUNTING

Article 42 (Establishment of Hunting Ground, etc.)

(1) The head of *Si/Gun/Gu* may establish a place for hunting (hereinafter referred to as "hunting ground") in a certain area for the protection of wild animals and healthy hunting activities of the people, as prescribed by Presidential Decree. <Amended by Act No. 7457, Mar. 31, 2005>

(2) No one shall hunt wild animals in a place other than hunting grounds.

(3) When the head of *Si/Gun/Gu* establishes a hunting ground, he/she shall hear the opinions of the interested parties, such as land owners, etc. in advance and when he/she has established a hunting ground, he/she shall announce it without delay. <Amended by Act No. 7457, Mar. 31, 2005>

(4) Where necessary for the protection of wild animals after establishment of a hunting ground, the head of *Si/Gun/Gu* may cancel or modify the establishment of hunting ground, when he/she has cancelled or modified the establishment of hunting ground, he/she shall announce it without delay. <Amended by Act No. 7457, Mar. 31, 2005>

(5) Where the head of *Si/Gun/Gu* intends to establish a hunting ground under paragraph (1), he/she shall obtain approval of the Minister of Environment. The same shall apply to the modification or cancellation of the establishment of hunting grounds. <Amended by Act No. 7457, Mar. 31, 2005>

(6) When the head of *Si/Gun/Gu* has established a hunting ground under paragraph (1), he/she shall prepare facilities, equipment, etc. necessary for the prevention of danger from hunting and for the healthy hunting activities of users, and determine the management regulations of hunting

ground. <Amended by Act No. 7457, Mar. 31, 2005>

Article 43 (Designation of Game Animals, etc.)

- (1) The Minister of Environment shall designate and announce game animals (hereinafter referred to as "game animal") that can be hunted in the hunting grounds.
- (2) Where the Minister of Environment or the head of *Si/Gun/Gu* intends to restrict hunting in a hunting ground for the protection and reproduction of wild animals, he/she shall determine and announce the period when game animals can be captured (hereinafter referred to as "hunting season"), kinds and quantity of animals that can be hunted in the relevant hunting ground, hunting implements, hunting method, number of hunters, etc.
- (3) The Minister of Environment shall periodically conduct investigation into the kinds of wild animals, density of habitation, etc. for the designation of game animals.

Article 44 (Hunting Licenses)

- (1) Those who intend to hunt wild animals in hunting grounds shall obtain license from the head of *Si/Gun/Gu* having jurisdiction over the address, as prescribed by Presidential Decree.
<Amended by Act No. 7457, Mar. 31, 2005>
- (2) The kinds of hunting licenses shall be as listed in the following subparagraphs:
 1. Class 1 hunting license: Hunting with firearms;
 2. Class 2 hunting license: Hunting with hunting implements other than firearms.
- (3) Those who have obtained hunting licenses under paragraph (1) shall renew the hunting license every five years, as prescribed by Ordinance of the Ministry of Environment.
- (4) Those who intend to obtain hunting license under paragraph (1), to renew hunting license under paragraph (3), or to have hunting licenses reissued under Article 48 (3) shall pay charge, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8467, May 17, 2007>

Article 45 (Hunting License Examination, etc.)

- (1) Those who intend to obtain hunting licenses shall pass an examination conducted by the Mayor/*Do* governor on the matters prescribed by Ordinance of the Ministry of Environment, such as Acts and subordinate statutes concerning hunting by kind of hunting license.
- (2) The method of conducting hunting license examination under paragraph (1), procedures thereof and other necessary matters shall be prescribed by Presidential Decree.
- (3) Those who intend to take a hunting license examination under paragraph (1) shall pay charge, as prescribed by Ordinance of the Ministry of Environment.

Article 46 (Grounds for Disqualification)

No person who falls under any of the following subparagraphs shall have hunting license:

1. A minor;
2. An insane person, person who is addict to narcotics, marijuana, psychotropic drug, or alcohol, or any other person corresponding to a mentally disabled person;
3. A person for whom two years have not passed since the date when the enforcement of sentence was completed (including cases where enforcement is deemed to have completed) or

he/she was exempted from the enforcement of sentence after he/she had been sentenced to imprisonment without labor or heavier punishment for violation of this Act;

4. Person who is in suspension of sentence after having been sentenced to suspension of imprisonment without labor or heavier punishment for violation of this Act;

5. Person for whom one year has not passed since his/her hunting license was cancelled.

Article 47 (Training Courses for Hunting)

(1) Those who intend to obtain a hunting license shall take lessons in the history and culture of hunting, safety regulations to abide by at the time of hunting, etc., which are conducted by a specialized agency designated by the Minister of Environment (hereinafter referred to as "hunting training agency") as prescribed by Ordinance of the Ministry of Environment after passing the hunting license examination under Article 45 (1).

(2) The head of a hunting training agency shall issue a certificate of completion of training course to those who have taken lessons under paragraph (1).

(3) The head of a hunting training agency may collect rates prescribed by Ordinance of the Ministry of Environment from those who intend to take hunting lessons under paragraph (1).

(4) Matters necessary for the designation of a hunting training agency, cancellation of designation thereof, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 48 (Delivery, etc of Hunting License.)

(1) The head of *Si/Gun/Gu* shall deliver a certificate of hunting license as prescribed by Ordinance of the Ministry of Environment to those who have passed the hunting license examination under Article 45 (1) and have been issued a certificate of completion of training course under Article 47

(2). <Amended by Act No. 7457, Mar. 31, 2005>

(2) The validity of hunting license shall become effective from the time a certificate of hunting license under paragraph (1) is delivered to the principal or agent, and the delivered certificate of hunting license shall not be leased to another person.

(3) When the certificate of hunting license under paragraph (1) is lost or is worn out because of damage, it shall be re-issued as prescribed by Ordinance of the Ministry of Environment.

Article 49 (Cancellation and Suspension of Hunting License)

(1) Where a person who has obtained hunting license falls under any of the following subparagraphs, the head of *Si/Gun/Gu* may cancel the hunting license, or suspend the validity of the hunting license specifying a period within the extent of one year: *Provided*, That he/she falls under subparagraphs 1 and 2, the head of *Si/Gun/Gu* shall cancel the hunting license: <Amended by Act No. 7457, Mar. 31, 2005; Act No. 8467, May 17, 2007>

1. Where he/she has obtained hunting license by deceit or other unjust methods;

2. Where he/she falls under subparagraphs 1 through 4-1 of Article 46;

3. Where he/she has inflicted harm on the life, body or property of another person, intentionally or by negligence while hunting;

4. Where he/she has committed a crime with hunting implements;

5. Where he/she has captured endangered wild animals in violation of Article 14 (1) or (2);

6. Where he/she has captured wild animals in violation of Article 19 (1) or (2);
7. Where he/she has captured harmful wild animals in violation of Article 23 (1);
8. Where he/she has not renewed hunting license in violation of Article 44 (3);
9. Where he/she has hunted wild animals in violation of Article 50 (1);
10. Where he/she has hunted wild animals at a place or time falling under any of the subparagraphs of Article 55.

(2) The person who was issued disposition of cancellation of hunting license or disposition of suspension of hunting license under paragraph (1) shall return the hunting license to the head of *Si/Gun/Gu* within seven days from the date he was issued such disposition of cancellation or disposition of suspension. <Amended by Act No. 7457, Mar. 31, 2005>

Article 50 (Approval for Hunting, etc.)

(1) Those who intend to hunt wild animals in a hunting ground shall obtain approval on hunting as prescribed by Ordinance of the Ministry of Environment from the person who has established the hunting ground (hereinafter referred to as "establisher of hunting ground") under Article 42 (1), and pay charges for use of hunting ground to the establisher of hunting ground.

(2) Those who have hunted wild animals with approval of the establisher of a hunting ground under paragraph (1) shall make a report on the kinds, number, etc. of hunted animals to the establisher of the hunting ground as prescribed by Ordinance of the Ministry of Environment.

(3) The establisher of a hunting ground shall use the revenue, such as charge for use of hunting ground, etc. for the installation and maintenance of hunting ground facilities, and for a project prescribed by Presidential Decree: *Provided*, That within the extent of 40/100 of the revenue, it may be used as the financial source for revenue of special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement, within the extent of 10/100 of the revenue, it may be use as the financial source for revenue of accounts for forestry promotion project under the Act on Special Accounts for the Structural Improvement of Agricultural and Fishing Villages. <Amended by Act No. 8467, May 17, 2007>

(4) Each establisher of a hunting ground shall make a report on performance of the hunting ground to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

<Amended by Act No. 7457, Mar. 31, 2005>

Article 51 (Hunting Insurance)

Those who intend to hunt wild animals in a hunting ground shall be insured as prescribed by Presidential Decree in order to compensate for damages if they inflict harm on the life, body or property of another person due to hunting.

Article 52 (Duty of Carrying Certificate of Hunting License)

Those who intend to hunt wild animals in a hunting ground shall carry a certificate of hunting license under Article 48 (1).

Article 53 (Entrustment of Management of Hunting Grounds)

(1) Where necessary for the protection and reproduction of game animals and the efficient management of hunting grounds, the establisher of a hunting ground may entrust the management

and operation of the hunting ground to a person meeting the requirements prescribed by Presidential Decree.

(2) When a establisher of a hunting ground entrusts the management and operation of the hunting ground as prescribed in paragraph (1), he/she shall make a report thereon to the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 7457, Mar. 31, 2005>

(3) The person who has been entrusted with the management and operation of a hunting ground as prescribed in paragraph (1) shall prepare facilities, equipment, etc. necessary for the prevention of danger from hunting and for the healthy hunting activities of users, determine the management regulations of hunting ground and obtain approval of the establisher of hunting ground, and make a report on results of performance of the hunting ground to the establisher of the hunting ground.

(4) Matters necessary for the facilities and equipment of a hunting ground, and statement of management regulations of hunting ground and report on results of performance of hunting ground under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 54 (Area Restricted to Establish Hunting Ground)

No area falling under any of the following subparagraphs shall be designated as a hunting ground:
<Amended by Act No. 7297, Dec. 31, 2004; Act No. 7476, May 31, 2005; Act No. 7676, Aug. 4, 2005; Act No. 7678, Aug. 4, 2005; Act No. 8343, Apr. 11, 2007; Act No. 8346, Apr. 11, 2007; Act No. 8467, May 17, 2007; Act No. 8733, Dec. 21, 2007>

1. Special protection districts, *Si/Do* protection districts and protection districts;
2. Ecological and scenery conservation areas under Article 12 of the Natural Environment Conservation Act
and City/*Do* ecological and scenery conservation area under Article 23 of the same Act
;
3. Wetlands protection areas designated under Article 8 of the Wetlands Conservation Act;
4. Natural parks under subparagraph 1 of Article 2 of the Natural Parks Act
, and urban parks and urban natural park areas under subparagraphs 3 and 5 of Article 2 of the Act on Urban Parks, Greenbelts, etc.;
5. Military bases and military installations protection areas under subparagraph 6 of Article 2 of the Protection of Military Bases and Installations Act;
6. Urban areas under Article 36 of the National Land Planning and Utilization Act
;
7. Places where cultural properties under Article 2 of the Cultural Heritage Protection Act exist and protected zone designated under Article 9 of the same Act;
8. Tourist destination, etc. designated under Article 52 of the Tourism Promotion Act
;
9. Natural recreation forests under Article 13 of the Forestry, Culture and Recreation Act, forests for seed collection under Article 19 of the Creation and Management of Forest Resources Act
and mountainous districts of forest for protection of forest hereditary resources under Article 7 (1) 5 of the same Act

;

10. Arboretums under Article 4 of the Creation and Furtherance of Arboretums Act;
11. Precincts of a tomb, temple or church;
12. Other places prescribed by Ordinance of the Ministry of Environment for protection, etc. of wild animals.

Article 55 (Restrictions on Hunting)

Hunting shall be prohibited at a place or time falling under any of the following subparagraphs even though it is done in a hunting ground: <Amended by Act No. 8346, Apr. 11, 2007; Act No. 8467, May 17, 2007>

1. Vicinity of towns or human habitation, or other places where people frequent or gather;
2. Between sunset and sunrise;
3. In an automobile, vessel or aircraft in motion;
4. Places within 100 meters from a road under Article 2 of the Road Act
: *Provided*, That hunting is done towards a road, it shall include places within 600 meters from the road;
5. Places where cultural properties under Article 2 of the Cultural Heritage Protection Act exist or which are within one kilometer from the protected zones designated under Article 9 of the same Act;
6. Another person's land which is enclosed with a fence or on which crops are cultivated:
Provided, That the same shall apply to cases where he/she has obtained approval of the occupier;
7. Other places and time prescribed by Ordinance of the Ministry of Environment, which are apprehended to inflict harm on human life, livestock, cultural properties, buildings, automobiles, railroad cars, vessels or aircraft.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 56 (Reporting, Examination, etc.)

(1) Where acknowledged as necessary, the Minister of Environment may order a person falling under any of the following subparagraphs to make a necessary report or to submit data as prescribed by Presidential Decree, and have a related public official enter the office, place of business, etc. of the relevant business operator to examine books, papers and other objects or to ask questions to the interested parties: <Amended by Act No. 8467, May 17, 2007>

1. An operator of ex-habitat conservation agency;
2. A person who has been permitted to capture, collect, etc. endangered wild fauna and flora as prescribed in the proviso to Article 14 (1);
3. A person who has made a report on the custody of endangered wild fauna and flora as prescribed in Article 14 (5);
4. A person who has been permitted to export, import, take out or bring in globally endangered species and processed products thereof as prescribed in Article 16 (1), or has

made a statement of transfer, etc. as prescribed in paragraph (6) of the same Article;

5. A person who has been permitted to import or bring in wild fauna and flora disturbing the ecosystem as prescribed in Article 25 (3);

6. A person who has had an biological resource conservation facility registered as prescribed in Article 35 (1);

7. A person who has been approved for taking biological resources out of Korea as prescribed in Article 41 (1).

(2) Where it is necessary to confirm whether a person permitted to capture, collect, etc.

endangered wild fauna and flora as prescribed in the proviso to Article 14 (1) has captured and collected them illegally, whether the duty to carry a certificate of hunting license as prescribed in Article 52 is abided by, and so on, the Minister of Environment or the head of a local government may have public officials under control examine the endangered wild fauna and flora that have been captured, collected, etc., and whether he/she is carrying a certificate of hunting license, and so on.

(3) In order to take necessary measures, such as protective measures, return, confiscation, etc. under Articles 17 and 71, the Minister of Environment or the head of a related administrative agency may have public officials under his/her control enter a place where globally endangered species and processed products thereof exist examine the animal, plant, related papers and other necessary articles.

(4) Public officials entering the place for examination as prescribed in paragraphs (1) through (3) shall carry a certificate indicating the authority and show it to the interested parties.

Article 57 (Reward)

The Minister of Environment or the head of a local government may give reward as prescribed by Presidential Decree to a person who has made a report, or complained to the environmental administrative agency or investigation agency of another person falling under any of the following subparagraphs before he/she was detected by the relevant agency or has arrested him/her at the scene of violation, and to a person who has made a report on illegally captured wild animals, etc.:

<Amended by Act No. 8467, May 17, 2007>

1. A person who has acquired, transferred, acquired by transfer, transported or kept illegally captured, imported or brought in wild animals and food or processed products made therefrom in violation of Article 9 (1), or has conciliated such acts;

2. A person who has made, sold, possessed or kept snares, traps, nooses or other implements with which it is possible to capture wild animals in a similar way in violation of Article 10;

3. A person who has captured, collected, etc. endangered wild fauna and flora in violation of Article 14 (1);

4. A person who has laid or used explosives, snares, traps, nooses, pitfalls, electric power or nets, or has scattered or injected poisonous objects, agrochemical or similar objects in order to capture or wither endangered wild fauna and flora in violation of Article 14 (2);

5. A person who has exported, imported, taken out or brought in globally endangered species and processed products thereof without permission, in violation of Article 16 (1);

6. A person who has captured wild animals in violation of Article 19 (1), or has laid or used explosives, snares, traps, nooses, pitfalls, electric power or nets, or has scattered or injected poisonous objects, agrochemical or similar objects in order to capture or wither endangered wild fauna and flora, in violation of paragraph (2) of the same Article;
7. A person who has exported, imported, taken out or brought in wild animals and processed products thereof, in violation of Article 21 (1);
8. A person who has set loose or planted wild fauna and flora disturbing the ecosystem in the natural environment in violation of Article 25 (1), or has imported or brought in wild fauna and flora disturbing the ecosystem, in violation of paragraphs (2) and (3) of the same Article;
9. A person who has hunted animals in a place other than the hunting ground in violation of Article 42 (3);
10. A person who has hunted animals other than game animals, in violation of Article 43 (1);
11. A person who has hunted animals at a time other than hunting season, has not abided by the matters designated and announced in order to restrict hunting in the hunting ground, in violation of Article 43 (2);
12. A person who has hunted animals without obtaining approval of the establisher of the hunting ground, in violation of Article 50 (1);
13. A person who has not abided by the restrictions on hunting in violation of Article 55.

Article 58 (Financial Assistance)

When it is necessary to accomplish the purpose of this Act, the State may assist local governments or wild fauna and flora protection organizations prescribed by Ordinance of the Ministry of Environment with all or part of the expenses needed for a project falling under any of the following subparagraphs:

1. Investigation into the distribution of habitation of wild fauna and flora;
2. Research into the breeding, reproduction, restoration, etc. of wild fauna and flora;
3. Development of technology for controlling wild fauna and flora disturbing the ecosystem and research into natural enemies thereof;
4. Prevention of illegal capture, collection, etc. of wild fauna and flora, and control of hunting;
5. Prevention of damage from wild animals and compensation therefor;
6. Rescue and medical treatment of wild animals;
7. Other projects needed for the protection of wild fauna and flora.

Article 58-2 (Korea Wild Animal and Plant Service Association)

(1) In order to conduct the following projects for the protection and management of wild fauna and flora, the Korea Wild Animal and Plant Service Association (hereinafter referred to as "Association") may be established:

1. Assistance in the duty of protection, such as control of poaching, clandestine transaction of wild animals and endangered plants, and so on;
2. Assistance in the duty of managing harmful wild fauna and flora disturbing the ecosystem;
3. Management of hunting, such as assistance in the operation of hunting grounds, and so on;

4. Education and publicity of protection and management of wild fauna and flora, such as training course for hunting, and so on.

(2) The Association shall be a juristic person.

(3) Those who can be a member of the Association shall be those who have obtained hunting license under Article 44 and those who are willing to actively participate in the protection and management of wild fauna and flora.

(4) The expenses incurred in the projects of the Association shall be appropriated from the membership fee, revenue from projects, etc.

(5) The State or local governments may assist the Association with part of the necessary expenses within the extent of budget.

(6) Where necessary for supervision, the Minister of Environment may order the Association to make a report on the matters of the duty or to submit data, and may have public officials under his/her control examine the duty.

(7) The provisions of Civil Act

concerning an incorporate association shall apply *mutatis mutandis* to matters that are not prescribed by this Act concerning the Association.

[This Article Newly Inserted by Act No. 8467, May 17, 2007]

Article 59 (Wild Fauna and Flora Warden)

(1) The Minister of Environment or the head of local government may appoint wild fauna and flora wardens to aid public officials in charge of the duty of protection, management and hunting of endangered wild fauna and flora, wild fauna and flora disturbing the ecosystem, wild animals disturbing the ecosystem, etc.

(2) Matters necessary for the qualification, appointment and extent of duty of wild fauna and flora warden under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 60 (Disqualification of Wild Fauna and Flora Wardens)

Those who fall under any of the following subparagraphs shall not become a wild fauna and flora warden: <Amended by Act No. 7428, Mar. 31, 2005>

1. An incompetent or quasi-incompetent;
2. A person who was sentenced bankrupt but has not been reinstated;
3. A person for whom three years have not passed since the date when the enforcement of sentence was completed (including the cases where enforcement is deemed to have completed) or he/she was exempted from the enforcement of sentence after he/she had been sentenced to imprisonment without labor or heavier punishment for violation of this Act;
4. A person who is in suspension of sentence after having been sentenced to suspension of imprisonment without labor or heavier punishment for violation of this Act.

Article 61 (Honorary Wild Fauna and Flora Wardens)

The Minister of Environment or the head of local government may commission a person prescribed by Ordinance of the Ministry of Environment, such as the members of an organization relating to the protection of wild fauna and flora as a wild fauna and flora warden.

Article 62 (Dismissal and Release of Wild Fauna and Flora Warden, etc.)

Where a wild fauna and flora warden under Article 59 (1) or an honorary wild fauna and flora warden under Article 61 falls under any of the following subparagraphs, the Minister of Environment or the head of a local government may dismiss him/her or release him/her from his/her post: *Provided*, That where he/she falls under subparagraph 1 or 2, he/she shall be dismissed or released from the post.

1. When he/she falls under any of the subparagraphs of Article 60 (limited to wild fauna and flora wardens);
2. When a member of the organization under Article 61 loses the qualification (limited to honorary wild fauna and flora warden);
3. When he/she neglects, or lacks ability, to conduct his/her duties;
4. When he/she disobeys an order of duty.

Article 63 (Standards for Administrative Disposition)

Matters necessary for the standards for administrative disposition on the violation of Articles 15 (1), 17 (1), 20 (1), 22, 36 (1), 40 (5) and 49 (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 64 (Hearings)

Where the Minister of Environment or the head of local government intends to revoke permission, registration or license under Article 15 (1), 17 (1), 20 (1), 22, 36 (1), 40 (5) or 49 (1), he/she shall hold a hearing. <Amended by Act No. 7457, Mar. 31, 2005>

Article 65 (Agency in Charge of Marine Natural Environment, etc.)

(1) The Minister of Land, Transport and Maritime Affairs may request the Minister of Environment to designate marine fauna and flora that are in danger of extinction as the population has decreased remarkably as endangered wild fauna and flora. In such cases, the Minister of Environment shall accept it unless there is any special reason. <Newly Inserted by Act No. 8045, Oct. 4, 2006; Act No. 8852, Feb. 29, 2008>

(2) Where the Minister of Environment intends to establish mid-term and long-term conservation policies on marine fauna and flora as prescribed in Article 13, he/she shall consult with the Minister of Land, Transport and Maritime Affairs in advance. <Newly Inserted by Act No. 8045, Oct. 4, 2006; Act No. 8852, Feb. 29, 2008>

(3) The term "Minister of Environment" shall be deemed "Minister of Land, Transport and Maritime Affairs" concerning the matters relating to marine natural environment in Articles 7, 25, and 56. <Amended by Act No. 8045, Oct. 4, 2006; Act No. 8852, Feb. 29, 2008>

(4) The term "Ordinance of the Ministry of Environment" shall be deemed "Ordinance of the Ministry of Land, Transport and Maritime Affairs" concerning the matters relating to marine natural environment in subparagraph 4 of Article 2. <Amended by Act No. 8045, Oct. 4, 2006; Act No. 8852, Feb. 29, 2008>

Article 66 (Delegation and Entrustment)

(1) The Minister of Environment or the Minister of Land, Transport and Maritime Affairs may

delegate part of the authority under this Act to the head of an affiliated agency or the head of a local government, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Mayor/*Do* governor may delegate part of the authority under this Act to the head of *Si/Gun/Gu*, as prescribed by Presidential Decree.

(3) The Minister of Environment may entrust part of the duties under this Act to related specialized agencies, as prescribed by Presidential Decree.

CHAPTER VI PENAL PROVISIONS

Article 67 (Penal Provisions)

Any person who captures, collects, damages or withers class I endangered wild fauna and flora in violation of Article 14 (1) shall be sentenced to imprisonment for not more than five years or a fine not exceeding 30 million won.

Article 68 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be sentenced to imprisonment for not more than three years or a fine not exceeding 20 million won:

1. A person who captures, collects, damages or withers class II endangered wild fauna and flora, in violation of Article 14 (1);
2. A person who processes, distributes, keeps exports, imports, takes out or bring in class I endangered wild fauna and flora in violation of Article 14 (1);
3. A person who lays or uses explosives, snares, traps, nooses, pitfalls, electric power or nets, or scattered or injected poisonous objects, agrochemical or similar objects in order to capture or wither endangered wild fauna and flora, in violation of Article 14 (2);
4. A person who exports, imports, takes out or bring in globally endangered species or processed products thereof, in violation of Article 16 (1);
5. A person who conducts a damaging act in a special protection district, in violation of Article 28 (1).

Article 69 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be sentenced to imprisonment for not more than two years or fine not exceeding ten million won: <Amended by Act No. 8467, May 17, 2007>

1. A person who processes, distributes, keeps exports, imports, takes out or bring class II endangered wild fauna and flora, in violation of Article 14 (1);
2. A person who set loose or naturalizes endangered wild fauna and flora, in violation of Article 14 (1);
3. A person who uses globally endangered species and processes products thereof for a use other than the purpose of import or bringing into Korea, in violation of Article 16 (3);
4. A person who transfers, acquires by transfer, conciliates or mediates transfer or acquisition

by transfer, possesses, occupy or exhibits globally endangered species and processes products thereof, in violation of Article 16 (4);

5. A person who captures, collects or purchases globally endangered species and processes products thereof out of Korea, or bring them into Korea, or conciliates or mediates to bring them into Korea, in violation of Article 16 (7);

6. A person who captures wild animals, in violation of Article 19 (1);

7. A person who lays or uses explosives, snares, traps, nooses, pitfalls, electric power or nets, or scatters or injects poisonous objects, agrochemical or similar objects in order to capture wild animals, in violation of Article 19 (2);

8. A person who set loose or plants wild fauna and flora disturbing the ecosystem, in violation of Article 25 (1);

9. A person who imports or brings in wild fauna and flora disturbing the ecosystem, in violation of Article 25 (2) and (3);

10. A person who disobeys an order under Article 30;

11. A person who takes biological resources out of Korea without obtaining approval in violation of Article 41 (1);

12. A person who hunts animals in a place other than a hunting ground, in violation of Article 42 (2);

13. A person who hunts animals other than game animals or hunts animals at any other time than hunting season, in violation of Article 43 (1) or (2);

14. A person who hunts animals without obtaining a hunting license, in violation of Article 44 (1);

15. A person who hunts animals without obtaining approval of the establisher of a hunting ground, in violation of Article 50 (1).

Article 70 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be sentenced to imprisonment for not more than one year or fine not exceeding five million won:

1. A person who treats wild animals with cruelty, in violation of Article 8;

2. A person who acquires (including eating food or processed food from extract thereof), transfers, acquires by transfer, transports or keep wild fauna and flora captured, imported or brought into Korea in violation of Article 9 (1) and foods or processed products made therefrom, or conciliates such act while knowing the fact;

3. A person who makes, sells, possesses or keeps snares, traps, nooses or implements with which it is possible to capture wild animals in a similar way, in violation of Article 10;

4. A person who obtains permission for capture, collection, etc. under the proviso to Article 14 (1) by fraud or other wrongful means;

5. A person who obtains permission for export, import, taking out or bringing in under the main sentence of Article 16 (1) by fraud or other wrongful means;

6. A person who advertises in a way as to accelerate the extinction or decrease of the population of endangered wild fauna and flora or to cause cruelty to endangered wild fauna

and flora in violation of the main sentence of Article 18;

7. A person who obtains permission for capture under the proviso to Article 19 (1) by fraud or other wrongful means;

8. A person who exports, imports, takes out or bring in wild animals without permission, in violation of Article 21 (1);

9. A person who has makes or sells stuffed wild animals without registration in violation of Article 40 (1);

10. A person who violates the matters (excluding hunting season) determined and announced in order to restrict hunting in the hunting ground as prescribed in Article 43 (2);

11. A person who obtains hunting license under Article 44 (1) by deceit or other unjust methods;

12. A person who leases hunting license, in violation of Article 48 (2);

13. A person who fails to abide by the restrictions on hunting, in violation of Article 55;

14. A person who carries firearms and loads cartridges with a purpose of capturing wild animals, in violation of this Act.

Article 71 (Confiscation)

Globally endangered species and processed products thereof falling under any of the following subparagraphs shall be confiscated:

1. Globally endangered species and processed products thereof that are imported or brought in without permission or used for any other purpose than import or bringing in, in violation of Article 16;

2. Globally endangered species and processed products thereof that are transferred, acquired by transfer, conciliated or mediated transfer or acquisition by transfer, possessed, occupied or exhibited while knowing the fact that they have been imported or brought in without permission, in violation of Article 16.

Article 72 (Joint Penal Provisions)

When the representative of a corporation, or an agent, employee or other servant of a corporation or an individual commits a violation as prescribed for in Article 67 or 70 in connection with the business of the corporation or individual, not only shall such violator be furnished but also the corporation or individual shall be punished by a fine as prescribed by the relevant Article.

Article 73 (Fines for Negligence)

(1) A person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding ten million won:

1. A person who violates measures of the Mayor/*Do* governor under Article 26 (2);

2. A person who violates measures of the Mayor/*Do* governor or the head of *Si/Gun/Gu* under Article 33 (4).

(2) A person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding two million won:

1. A person who fails to make a report on the results of capture, collection, etc. of endangered

wild fauna and flora, in violation of Article 14 (4);

2. A person who fails to make a report that he/she keeps endangered wild fauna and flora, in violation of Article 14 (5);

3. A person who violates restrictions or prohibition of entry under Article 29 (1);

4. A person who rejects, obstructs or evades entry, examination or questions of public officials, in violation of Article 56 (1) through (3).

(3) A person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding one million won:

1. A person who fails to carry a certificate of permission, in violation of Article 14 (4);

2. A person who fails to return a certificate of permission, in violation of Article 15 (2);

3. A person who fails to make a report on transfer, perishment, etc. of globally endangered species imported or brought into Korea in violation of Article 16 (6);

4. A person who fails to make a report on the result of capture of wild animals in violation of Article 19 (4);

5. A person who fails to return a certificate of permission in violation of Article 20 (2);

6. A person who violates the prohibition of acts under Article 28 (3);

7. A person who violates the restrictions on acts under Article 28 (4);

8. A person who enters City/*Do* protection district or protection district in the breeding season of wild animals without making a statement in violation of Article 33 (5);

9. A person who fails to return a certificate of registration in violation of Article 36 (2);

10. A person who fails to prepare a book or has stated fraudulently in the book in violation of Article 40 (2);

11. A person who fails to comply with an order of the head of *Si/Gun/Gu* in violation of Article 40 (3);

12. A person who fails to return a certificate of registration in violation of Article 40 (6);

13. A person who fails to return a certificate of hunting license in violation of Article 49 (2);

14. A person who fails to make a report on the kinds, number, etc. of hunted animals in violation of Article 50 (2);

15. A person who hunts animals without carrying a certificate of hunting license in violation of Article 52;

16. A person who fails to make a report on the result of operation of a hunting ground in violation of Article 53 (3);

17. A person who fails to make a report, has made a fraudulent statement, fails to submit data or has submitted a fraudulent data in violation of Article 56 (1).

(4) The fines for negligence under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, Mayor/*Do* governor or head of *Si/Gun/Gu* (hereinafter referred to as "competent agency"), as prescribed by Presidential Decree.

(5) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (4) may raise an objection to the competent agency within 30 days from the date he/she was notified of such disposition.

(6) When the person who has been issued disposition of a fine for negligence under paragraph (4) has raised an objection under paragraph (5), the competent agency shall notify the competent court of the fact without delay, which, in return, shall proceed to a trial on the fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act

. <Amended by Act No. 8467, May 17, 2007>

(7) When no objection is raised within the period under paragraph (5), and the fine for negligence is not paid, it may be collected according to the examples of disposition on default of national taxes or local taxes.

ADDENDA

Article 1 (Enforcement Date)

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

Articles 2 (Repeal of Another Act)

The Protection and Hunting of Wild Birds and Animals Act shall be repealed.

Articles 3 (Transitional Measures concerning Endangered Wild Fauna and Flora)

The endangered wild fauna and flora under the former Natural Environment Conservation Act at the time when this Act enters into force shall be deemed as class I endangered wild fauna and flora under subparagraph 2 (a) of Article 2.

Articles 4 (Transitional Measures concerning Protected Wild Fauna and Flora)

The protected wild fauna and flora under the former Natural Environment Conservation Act at the time when this Act enters into force shall be deemed class II endangered wild fauna and flora under subparagraph 2 (b) of Article 2.

Articles 5 (Transitional Measures concerning Globally Endangered Species)

The globally endangered species under the former Natural Environment Conservation Act and the endangered birds and animals designated and announced under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed globally endangered species under subparagraph 3 of Article 2.

Articles 6 (Transitional Measures concerning Exotic Fauna and Flora Disturbing Ecosystem)

The exotic fauna and flora disturbing the ecosystem under the former Natural Environment Conservation Act shall be deemed wild fauna and flora disturbing the ecosystem under subparagraph 4 of Article 2.

Articles 7 (Transitional Measures concerning Harmful Birds and Animals)

The harmful birds and animals designated and announced under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed harmful wild animal under subparagraph 5 of Article 2.

Articles 8 (Transitional Measures concerning Ex-Habitat Conservation Agency)

The ex-habitat conservation agency designated under the former Natural Environment Conservation Act at the time when this Act enters into force shall be deemed an ex-habitat

conservation agency designated under Article 7.

Articles 9 (Transitional Measures concerning Permission for Capture, Collection, etc. of Endangered Wild Fauna and Flora)

Where permission for the capture, collection, naturalization, processing, export, taking out, distribution or keeping of endangered wild fauna and flora, and protected wild fauna and flora has been obtained under the former Natural Environment Conservation Act at the time when this Act enters into force, it shall be deemed that permission for the capture, collection, naturalization, processing, export, taking out, distribution or keeping of endangered wild fauna and flora has been obtained under the proviso to Article 14 (1).

Articles 10 (Transitional Measures concerning Permission, etc. for Globally Endangered Species)

Where approval on the export, reexport, taking out, import or bringing in of globally endangered species and processed products thereof has been obtained under the former Natural Environment Conservation Act, or permission for the export, import or bringing in of endangered birds and animals, and processed products thereof has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that permission for export, import, taking out or bringing in of globally endangered species and processed products thereof has been obtained under the main sentence of Article 16 (1).

Articles 11 (Transitional Measures concerning Permission to Capture Birds and Animals)

Where permission to capture birds and animals has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that permission to capture wild animals has been obtained under the proviso to Article 19 (1).

Articles 12 (Transitional Measures concerning Permission for Export, etc. of Birds and Animals)

Where permission for export, import or bringing in of birds and animals has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that permission for export, import or bringing in of birds and animals has been obtained under Article 21 (1).

Articles 13 (Transitional Measures concerning Permission to Capture Harmful Birds and Animals)

Where permission to capture harmful birds and animals has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that permission to capture harmful wild animals has been obtained under Article 23 (1).

Articles 14 (Transitional Measures concerning Approval on Import or Bringing in of Exotic Fauna and Flora Disturbing Ecosystem)

Where approval on the import or bringing in of exotic fauna and flora disturbing ecosystem has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time

when this Act enters into force, it shall be deemed that permission for the import or bringing in of wild fauna and flora disturbing the ecosystem has been obtained under Article 25 (2).

Articles 15 (Transitional Measures concerning City/Do Managed Wild Fauna and Flora)

The City/Do managed wild fauna and flora designated under the provisions of former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been designated and announced as the City/Do protected wild fauna and flora under Article 26.

Articles 16 (Transitional Measures concerning Bird and Animal Protection District)

The bird and animal protection districts established under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been designated and announced as wild fauna and flora protection district under Article 33.

Articles 17 (Transitional Measures concerning Registration of Taxidermy Business)

The taxidermist registered under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been registered as a taxidermist under Article 40 (1).

Articles 18 (Transitional Measures concerning Biological Resources)

The biological resources under the former Natural Environment Conservation Act at the time when this Act enters into force shall be deemed to have been designated and announced as biological resources under Article 41.

Articles 19 (Transitional Measures concerning Approval on Taking Biological Resources out of Korea)

Where approval on taking biological resources out of Korea has been obtained under the former Natural Environment Conservation Act at the time when this Act enters into force, it shall be deemed that approval on taking biological resources out of Korea has been obtained under Article 41.

Articles 20 (Transitional Measures concerning Game Birds and Animals)

The game birds and animals announced under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been designated and announced as game animals under Article 43.

Articles 21 (Transitional Measures concerning Hunting License)

Where class 1 hunting license or class 2 hunting license has been obtained under the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that class 1 hunting license has been obtained under Article 44 (2) 1, and where class 3 hunting license has been obtained under the former Protection and Hunting of Wild Birds and Animals Act, it shall be deemed that class 2 hunting license has been obtained under Article 44 (2) 2.

Articles 22 (Transitional Measures concerning Hunting License Examination)

Where a person has passed the hunting license examination under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that he/she has passed the hunting license examination under Article 45 (1).

Articles 23 (Transitional Measures concerning Training Course for Hunting)

Where a person has had the hunting lessons under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that he/she has had hunting lessons under Article 47 (1).

Articles 24 (Transitional Measures concerning Approval on Hunting)

Where a person has obtained approval on hunting under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force, it shall be deemed that he/she has obtained approval on hunting under Article 50 (1).

Articles 25 (Transitional Measures concerning Bird and Animal Protection Wardens)

The bird and animal protection warden appointed under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been appointed as wild fauna and flora protection warden appointed under Article 59.

Articles 26 (Transitional Measures concerning Honorary Bird and Animal Protection Warden)

The honorary bird and animal protection warden commissioned under the provisions of the former Protection and Hunting of Wild Birds and Animals Act at the time when this Act enters into force shall be deemed to have been appointed as an honorary wild fauna and flora protection warden appointed under Article 61.

Articles 27 (Transitional Measures concerning Acts under Progress)

The disposition under the provisions of the former Natural Environment Conservation Act and the former Protection and Hunting of Wild Birds and Animals Act, acts of administrative agencies or acts against administrative agencies at the time when this Act enters into force shall be deemed a disposition under this Act, acts of administrative agencies or acts against administrative agencies under this Act.

Articles 28 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

The former Natural Environment Conservation Act and the former Protection and Hunting of Wild Birds and Animals Act shall apply to the punishment of and to the fine for negligence for a violation committed before this Act enters into force.

Articles 29 Omitted.

Articles 30 (Relationship with other Acts)

Where the former Natural Environment Conservation Act and the former Protection and Hunting of Wild Birds and Animals Act are cited in other Acts and subordinate statutes at the time when this Act enters into force, it shall be deemed that the relevant provisions of this Act have been cited in place of the former provisions if there are provisions corresponding thereto in this Act.

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

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. 7457, Mar. 31, 2005>

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

(2)(Transitional Measures concerning Administrative Disposition, etc.) Any disposition by an administrative agency under the former provisions of Articles 42, 44, 48 and 49 at the time when this Act enters into force shall be deemed as disposition by an administrative agency under the amended provisions of this Act.

ADDENDA <Act No. 7476, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 7676, Aug. 4, 2005>

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. 7678, Aug. 4, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8045, Oct. 4, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8343, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8346, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

ADDENDA <Act No. 8365, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 22 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8467, May 17, 2007>

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

(2)(Transitional Measures concerning Animals Reverted to Wild State) The managed animals designated and announced under the former provisions at the time this Act enters into force shall be deemed the animals reverted to a wild state that have been designated and announced under the amended provisions of Article 24.

ADDENDA <Act No. 8733, Dec. 21, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8762, Dec. 21, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date when the Protocol becomes effective in Korea.

[Effective Date of the Protocol: Jan. 1, 2008]

Articles 2 through 4 Omitted.

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.