

ACT ON THE SUSTAINABLE USE OF TIMBERS

CHAPTER I GENERAL PROVISIONS

Article 1 (Purposes)

The purpose of this Act is to cope with climate change and to contribute to improving the quality of life for people and the sound development of the national economy by increasing the carbon sinking function and other diverse functions of timber and using the timber in a sustainable manner.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

- 1.The term "timber" means a product obtained by cutting standing timber or bamboo defined in the Forest Resources Creation and Management Act (including raw timber and any imported product thereof);
- 2.The term "timber product" means a product (including any imported product) produced by processing timber or any other material physically or chemically, which contains timber as its constituent at a ratio not less than that prescribed by Presidential Decree;
- 3.The term "timber production business" means business of cutting, sawmilling or distributing standing timber or bamboodefined in the Forest Resources Creation and Management Act (including sawmilling and distribution of raw timber and imported products);
- 4.The term "timber industry" means an industry producing and selling timber products;
- 5.The term "timber culture" means values, knowledge, norms, and lifestyles which are common to the members of society who favor and use timber products that realize diverse functions of timber;
- 6.The term "timber culture index" means the degree of settlement and promotion of timber culture indicated in figures;
- 7.The term "timber education" means an education whose purposes are to educate the public to understand the importance and obtain knowledge of timber and to have sound hierarchy of values by experiencing and learning diverse functions of timber;
- 8.The term "sustainable use of timber" means the continuous use of timber in a way that can meet the diverse demand for timber of future generations, not to mention of current generation, in social, economic, cultural and spiritual aspects, through the promotion of timber culture, vitalization of timber education, and systematic and stable supply of timber products;
- 9.The term "amount of carbon storage" means the amount of carbon stored in timber products;
- 10.The term "regional filter timber" means the timber produced in the regions of the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, *Do* or Special Self-Governing Province (hereinafter referred to as "City/*Do*") or in a City/*Do* adjacent thereto;
- 11.The term "product using regional filter timber" means a timber product for which the filter timber produced in the Special Self-Governing City, Special Self-Governing Province, or *Sij Gun/Gu* (referring to an autonomous *Gu*; hereinafter referred to as "*Sij Gun/Gu*") where the timber product is produced is used at a rate not less than that prescribed by Presidential Decree, out of the total volume of timber used therefor.

Article 3 (Basic Philosophy)

The basic philosophy of this Act is, recognizing that the creation of a pleasant living environment and increase of carbon storage through the use of timber are essential factors in promoting national health, enjoying a cultural

lifestyle, and coping with climate change, to enable the realization of the sustainable use of timber and, at the same time, to pass the use of timber on to future generations through the promotion of timber culture and vitalization of timber education.

Article 4 (Responsibilities)

The State and local governments shall endeavor to promote the sustainable use of timber by establishing and implementing measures necessary for the promotion of timber culture, vitalization of timber education, and systematic and stable supply of timber products.

Article 5 (Relationship with other Acts and Subordinate Statutes)

Except as otherwise prescribed by other Acts and subordinate Statutes, this Act shall govern the sustainable use of timber.

CHAPTER II ESTABLISHMENT, IMPLEMENTATION, ETC. OF COMPREHENSIVE PLAN

Article 6 (Establishment, etc. of Comprehensive Plans)

- (1) For the sustainable use of timber, the Minister of the Korea Forest Service shall establish and implement a comprehensive plan for sustainable use of timber (hereinafter referred to as "comprehensive plan") every five years.
- (2) A comprehensive plan shall include the following:
 1. Current status and prospect of the supply and distribution of timber;
 2. Plans for the promotion of timber culture and vitalization of timber education;
 3. Short- and long-term plans for the supply of and demand for timber and timber products;
 4. Mid- and long-term investment plans for nurturing the timber market and the timber industry;
 5. Plans for promoting sustainable use of timber;
 6. Research and development projects for strengthening the competitiveness of the timber industry;
 7. Programs for promoting technical training and training of specialists relating to the timber industry;
 8. Plans for the vitalization of supply and use of domestic timber;
 9. Other matters necessary for the sustainable use of timber.
- (3) In establishing or changing a comprehensive plan, the Minister of the Korea Forest Service shall consult in advance with the heads of the relevant central administrative agencies, hear the opinions of the Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* Governors, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/*Do* Governor"), and finalize it after deliberation by the Committee on Sustainable Use of Timber established under Article 9 (1): *Provided*, That this shall not apply where he/she changes any insignificant matter prescribed by Presidential Decree.
- (4) If necessary in establishing a comprehensive plan, the Minister of the Korea Forest Service may request the heads of the central administrative agencies and Mayors/*Do* Governors concerned to furnish materials. In such cases, the heads of the central administrative agencies and Mayors/*Do* Governors concerned shall comply with such request unless any extenuating circumstances exist to the contrary.
- (5) The Minister of the Korea Forest Service shall establish and execute an annual national implementation plan (hereinafter referred to as "national implementation plan") pursuant to the comprehensive plan. In such cases, the national implementation plan shall include an annual plan for supply of and demand for timber.
- (6) The Minister of the Korea Forest Service shall notify the heads of the central administrative agencies concerned

and Mayor/*Do* Governors of the comprehensive plan finalized under paragraph (3) and the national implementation plan established under paragraph (5).

Article 7 (Establishment, etc. of Regional Plans)

- (1) Upon receipt of notification of the establishment of the comprehensive plan from the Minister of the Korea Forest Service under Article 6 (6), each Mayor/*Do* Governor shall establish or revise a regional comprehensive plan for the sustainable use of timber (hereinafter referred to as "regional comprehensive plan") every five years. In such cases, upon receipt of notification of the change of the comprehensive plan from the Minister of the Korea Forest Service, he/she shall reflect such change in the regional comprehensive plan, unless any extenuating circumstances exist to the contrary.
- (2) Each Mayor/*Do* Governor shall establish and execute an annual regional implementation plan (hereinafter referred to as "regional implementation plan") pursuant to the comprehensive regional plan and the national implementation plan notified under Article 6 (6). In such cases, the regional implementation plan shall include a plan for supply of and demand for timber.
- (3) Each Mayor/*Do* Governor shall submit a report on the outcomes of executing a regional implementation plan to the Minister of the Korea Forest Service, as prescribed by Ordinance of the Ministry for Food, Agriculture, and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 8 (Survey on Statistics and Actual Conditions, and Construction and Operation of Information System)

- (1) The Minister of the Korea Forest Service shall conduct an annual survey on statistics and actual conditions (hereinafter referred to as "survey on statistics and actual conditions") concerning the sustainable use of timber, including the production, distribution, consumption, etc. of timber products, and reflect the outcomes thereof on the comprehensive plan and national implementation plan. In such cases, the relevant provisions of the Statistics Act shall apply *mutatis mutandis* to the survey and preparation of statistics.
- (2) In order to provide people with information and materials, etc. relating to the sustainable use of timber and efficiently establish and implement policies necessary for the vitalization of the timber industry, the Minister of the Korea Forest Service shall construct and operate an information system relating to the sustainable use of timber.
- (3) If necessary for surveys on statistics and actual conditions, and the construction and operation of the information system pursuant to paragraph (2), the Minister of the Korea Forest Service may request the heads of the central administrative agencies, local governments, public institutions (referring to the public institutions under Article 4 of the Act on the Management of Public Institutions; the same shall apply hereinafter), institutions and organizations involved in furnishing necessary materials and information. In such cases, a person shall, upon receipt of a request for materials and information, comply with such request unless extenuating circumstances exist to the contrary.
- (4) The Minister of the Korea Forest Service shall endeavor to furnish the contents of survey on statistics and actual conditions, and the information and materials referred to in paragraph (2) to people pursuant to the Official Information Disclosure Act.
- (5) The scope and method of survey on statistics and actual conditions, and other necessary matters therefor shall be prescribed by Presidential Decree.

CHAPTER III PROMOTION OF TIMBER CULTURE, VITALIZATION OF TIMBER EDUCATION, ETC.

Article 9 (Committee on Sustainable Use of Timber)

- (1) In order to invigorate the sustainable use of timber, a committee on sustainable use of timber (hereinafter referred to as the "Committee on Use of Timber") shall be established under the control of the Minister of the Korea Forest Service.
- (2) The Committee on Use of Timber shall perform the following: <Amended by Act No. 11690, Mar. 23, 2013>
 1. Deliberation of the comprehensive plan pursuant to Article 6 (3);
 2. Examinations concerning certification and authorization under each subparagraph of Article 14 (1);
 3. Examinations concerning the designation of extremely safe timber products and hazardous timber products under Article 17 (3) and (4);
 4. Examinations concerning the designation of new technologies for timber products under Article 18 (1);
 5. Examinations for criteria for standard dimensions and quality of timber products under Article 20;
 6. Other matters prescribed by Ordinance of the Ministry for Food, Agriculture, and Rural Affairs among matters concerning the sustainable use of timber.
- (3) The Committee on Use of Timber shall consist of not more than 20 members, including one Chairperson.
- (4) The Committee on Use of Timber may have subcommittees and expert members as prescribed by Presidential Decree.
- (5) Matters necessary for the organization, operation, etc. of the Committee on Use of Timber and subcommittees shall be prescribed by Presidential Decree.

Article 10 (Promotion of Timber Culture and Vitalization of Timber Education)

- (1) The State and heads of local governments shall endeavor to promote timber culture so that the diverse functions of timber can be realized in people's lives.
- (2) The State and heads of local governments shall endeavor to vitalize timber education, such as development, dissemination, etc. of timber education programs necessary in experiencing and learning the diverse functions of timber.

Article 11 (Measurement and Announcement of Timber Culture Index)

- (1) The Minister of the Korea Forest Service shall measure and make a public notification of timber culture indices of Cities/*Dos* every year.
- (2) Every year, each Mayor/*Do* Governor shall measure, and make a public notification of, the timber culture index of the *Si/Gun/Gu* under his/her jurisdiction.
- (3) Measurement of the timber culture indices referred to in paragraphs (1) and (2) may be entrusted to the Timber Culture Promotion Association prescribed in Article 16.
- (4) Standards for and method of measurement of the timber culture indices referred to in paragraphs (1) and (2), procedures for public announcement thereof and other necessary matters shall be prescribed by Presidential Decree.

Article 12 (Succession and Development of Traditional Timber Culture)

- (1) The State and local governments shall develop measures necessary for the succession and development of traditional timber culture and provide such information to the public.
- (2) In order to develop and disseminate diverse timber products and production technology therefor utilizing traditional timber processing technology, the Minister of the Korea Forest Service may operate a timber product master authorization system. <Amended by Act No. 14358, Dec. 2, 2016>

Article 13 (Promotion, etc. of Regional Timber Culture)

- (1) In order to promote regional timber culture and increase carbon sinks (referring to the carbon sinks defined in subparagraph 10 of Article 2 of the Act on the Maintenance and Increase of Carbon Sinks; hereafter the same shall apply in this Article), the Minister of the Korea Forest Service or the head of a local government may implement measures for facilitating the use of regional filter timber.
- (2) In order to promote regional timber culture and increase carbon sinks, the Minister of the Korea Forest Service may certify the products using regional filter timber.

Article 14 (Certification, Authorization, etc.)

- (1) A person who intends to obtain any of the following certification or authorization may file an application for certification or authorization with the Minister of the Korea Forest Service as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs: <Amended by Act No. 11690, Mar. 23, 2013>
 - 1 and 2. Deleted; <by Act No. 14358, Dec. 2, 2016>
 3. Authorization of a master of timber products;
 4. Certification of a product using regional filter timber.
- (2) Upon receipt of an application for any certification or authorization prescribed in each subparagraph of paragraph (1), the Minister of the Korea Forest Service shall examine it after the examination by the Committee on Use of Timber. In such cases, if the result of examination meets the criteria for certification or authorization prescribed by Presidential Decree, he/she shall certify or authorize the requested matter.
- (3) Deleted. <by Act No. 14358, Dec. 2, 2016>
- (4) If any certification or authorization granted under paragraph (2) falls under any of the following subparagraphs, the Minister of the Korea Forest Service may revoke such certification or authorization: *Provided*, That in cases falling under subparagraph 1, such certification or authorization shall be revoked:
 1. Where a certification or authorization is obtained in a false or otherwise unjust manner;
 2. Where a person allows any other person use his/her trade name or title;
 3. Where it does not meet the criteria for certification or authorization referred to in paragraph (2).
- (5) No application for certification or authorization revoked under paragraph (4) shall be filed until three years pass from the date on which the revocation thereof is made.
- (6) Procedures for certification and application pursuant to paragraph (1), method of indicating certification and authorization, and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 15 (Indication, Measurement, etc. of Carbon Stored Amount)

- (1) The Minister of the Korea Forest Service may enforce indication of the amount of carbon storage of the timber products prescribed by Presidential Decree.
- (2) The Minister of the Korea Forest Service may have any timber specialized agency prescribed by Presidential Decree measure the amount of carbon storage on his/her behalf.
- (3) Method of indicating the amount of carbon storage under paragraph (1) or other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 16 (Timber Culture Promotion Association)

- (1) For the purposes of promoting timber culture, vitalizing timber education, and facilitating sustainable use of timber, the Timber Culture Promotion Association (hereinafter referred to as the "Association") shall be established under the control of the Minister of the Korea Forest Service.

- (2)The Association shall engage in the following business: <Amended by Act No. 11690, Mar. 23, 2013>
- 1.Survey, research, education, publicity, etc. of timber culture and timber education;
 - 2.Promotion of timber culture and vitalization of timber education;
 - 3.Improvement of the timber culture index;
 - 4.Measurement of amount of carbon storage;
 - 5.Other activities prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs as necessary for the sustainable use of timber.
- (3)The Association shall be a juristic person, and shall be established by effecting the registration for incorporation in the place in which its main office is located.
- (4)The expenses incurred for the business of the Association shall be appropriated by membership fees, operating costs, consignment fees, etc, and the State or local governments may partially subsidize the required expenses.
- (5)Organization of, and scope of the business to be performed by, the Association and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>
- (6)Except as otherwise prescribed in this Act, the provisions of the Civil Act which pertain to incorporated associations shall apply *mutatis mutandis* to the Association.

CHAPTER IV QUALITY CONTROL OF TIMBER PRODUCTS

Article 17 (Safety Evaluation, etc. of Timber Products)

- (1)The Minister of the Korea Forest Service may conduct a safety evaluation of timber products (hereinafter referred to as "safety evaluation") to prevent any physical or chemical harm to people and environment at the time the timber products are produced, sold or used.
- (2)Safety evaluation may be entrusted to the Korea Forestry Promotion Institute established under Article 29-2 of the Forestry and Mountain Villages Development Promotion Act (hereinafter referred to as the "Korea Forestry Promotion Institute").
- (3)The Minister of the Korea Forest Service may designate a timber product whose results of safety evaluation conducted by the Committee on Use of Timber is acknowledged to be exemplary as an extremely safe timber product after the examination by the Committee on Use of Timber.
- (4)The Minister of the Korea Forest Service may designate a product whose results of safety evaluation conducted by the Committee on Use of Timber is deemed a hazardous timber product, and impose an order to restrict the production or sale or to dispose of such product as prescribed by Presidential Decree.
- (5)A person who is dissatisfied with the result of a safety evaluation may raise an objection thereto and re-undergo the safety evaluation as prescribed by Presidential Decree.
- (6)The subject matters of, standards for, method and term of validity of safety evaluation, criteria and procedures for the designation of extremely safe timber products or hazardous timber products, method to dispose of a hazardous timber product, and other necessary matters shall be prescribed by Presidential Decree.

Article 18 (Designation of New Technology for Timber Products)

- (1)In order to improve the technology and facilitate development of new technologies for manufacturing timber products, the Minister of the Korea Forest Service may designate a technology which satisfies the criteria prescribed by Presidential Decree as a new technology for timber products.
- (2)In order for the Minister of the Korea Forest Service to designate a new technology for timber products under paragraph (1), he/she shall undergo the technology analysis conducted by the Korea Forestry Promotion Institute

and examination conducted by the Committee on Use of Timber.

- (3) Article 14 (4) shall apply *mutatis mutandis* to the revocation of designation of a new technology. In such cases, "paragraph (2)" shall be construed as "paragraph (1)" and "certification or authorization" shall be construed as "designation of a new technology for timber products".
- (4) Procedures for designation of a new technology for timber products and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 19 (Preferential Purchase)

Notwithstanding the provisions of any other Acts, the State, local governments, or public institutions may purchase any of the following timber products preferentially:

1. Deleted; <by Act No. 14358, Dec. 2, 2016>
2. A timber product manufactured by a person authorized as a master of timber products under Article 14 (1) 3;
3. A timber product certified as a product using regional filter timber under Article 14 (1) 4;
4. An extremely safe timber product designated under Article 17 (3);
5. A timber product manufactured using new technology for timber products designated under Article 18 (1).

Article 20 (Public Notification of Criteria for Standard Dimensions and Quality of Timber Products and Inspection thereof)

- (1) In order to improve quality of timber products, protect consumers, and establish order in distribution thereof, the Minister of the Korea Forest Service shall make a public notification of the criteria for standard dimensions and quality of timber products prescribed by Presidential Decree. <Amended by Act No. 14358, Dec. 2, 2016>
- (2) Where a person who has produced or imported a timber product for which the criteria for standard dimensions and quality are publicly notified under paragraph (1) intends to sell or distribute such product, he/she shall prove himself/herself that such timber product meets the criteria for standard dimensions and quality by conducting a prior inspection of standard dimensions and quality through any of the following agencies or factories: *Provided*, That where a person who has imported timber products such as timber pellets prescribed by Presidential Decree, intends to clear it through customs, he/she shall undergo a prior inspection of standard dimensions and quality: <Amended by Act No. 14358, Dec. 2, 2016>
1. An agency prescribed by Presidential Decree to inspect standard dimensions and quality;
 2. A factory of a person who has produced timber products (hereinafter referred to as "self-inspecting factory"), which is designated by the Minister of the Korea Forest Service to have met the requirements to self-inspect standard dimensions and quality.
- (3) Where a timber product subject to an inspection of standard dimensions and quality under paragraph (2) is certified pursuant to Article 15 of the Industrial Standardization Act, the Minister of the Korea Forest Service may exempt all or part of the inspection of standard dimensions and quality under paragraph (2), as prescribed by Ordinance of the Minister of Food, Agriculture and Rural Affairs. <Newly Inserted by Act No. 14358, Dec. 2, 2016>
- (4) Where a person who has produced or imported a timber product has confirmed from an inspection that such timber product meets the standard for dimensions and quality under paragraph (2), he/she shall keep the documents on the results of such inspection for a period of time prescribed by Presidential Decree. <Newly Inserted by Act No. 14358, Dec. 2, 2016>
- (5) The Minister of the Korea Forest Service may impose an order to suspend the sale, return or dispose of any timber product that does not meet the criteria for standard dimensions or quality as a result of an inspection conducted pursuant to paragraph (2), as prescribed by Presidential Decree. <Amended by Act No. 14358, Dec. 2, 2016>

- (6) A person who intends to sell or keep a timber product which has undergone an inspection pursuant to paragraph (2) or clear such product through customs shall indicate the results of the inspection of standard dimensions and quality in conspicuous places readily visible to consumers. <Amended by Act No. 14358, Dec. 2, 2016>
- (7) A person who is dissatisfied with the result of the inspection of standard dimensions and quality conducted pursuant to subparagraph 1 of paragraph (2) may raise an objection thereto and undergo a re-inspection thereof, as prescribed by Presidential Decree. <Amended by Act No. 14358, Dec. 2, 2016>
- (8) Criteria for the standard dimensions and quality, standards for the indication of standard dimensions and quality, standards and procedures for designating self-inspecting factories, method of return or disposal pursuant to paragraphs (2) through (7), and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 14358, Dec. 2, 2016>

Article 21 (Certification of Quality of Timber Products)

- (1) The Minister of the Korea Forest Service may certify quality of timber products (hereinafter referred to as "quality certification") for the smooth distribution of such products and improvement of their quality, and consumer protection.
- (2) Quality certification may be entrusted to the Korea Forestry Promotion Institute.
- (3) Any timber product not quality-certified shall be prohibited from indicating any quality certification or making any other indication similar thereto.
- (4) The term of validity of quality certification shall be prescribed by Presidential Decree within the limit of five years: Provided, That, if necessary, it may be extended only once by no more than two years.
- (5) If necessary for the improvement of quality, promotion of production, etc., the Minister of the Korea Forest Service may subsidize a person who produces a timber product that has obtained quality certification with a fund within budgetary limits.
- (6) Products subject to quality certification, standards for and method of indication, procedures for certification, criteria for and timing of the effect of the certification, and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 22 (Inspection of Standard Dimensions and Quality, or Revocation, etc. of Quality Certification)

- (1) If deemed necessary to maintain the quality level of a timber product which has an indication of the standard dimensions or quality or quality certification or to protect the customers thereof, the Minister of the Korea Forest Service may have any relevant public official or employee of the Korea Forestry Promotion Institute collect the timber product distributed and sold, and investigate or examine whether it satisfies each of the following conditions or to peruse the documents concerned. In such cases, each public official who conducts collection, investigation, examination, or perusal shall carry a document indicating his/her authority and show it to interested persons: <Amended by Act No. 14358, Dec. 2, 2016>
1. Whether it has received an inspection of the standard dimensions and quality pursuant to Article 20 (2);
 2. Whether the indication of the standard dimensions and quality pursuant to Article 20 (6) or the indication of quality certification pursuant to Article 21 is correct;
 3. Whether the standard dimensions and quality of a timber product meets the criteria for standard dimensions and quality or criteria for quality certification;
 4. Other matters concerning the standard dimensions and quality or the quality certification.
- (2) No person who is involved under paragraph (1) shall refuse, obstruct or evade the collection, investigation, examination, or perusal without any justifiable reason.
- (3) If an indication of the standard dimensions and quality made under Article 20 (6) or an indication of quality

certification granted under Article 21 falls under any of the following cases, the Minister of the Korea Forest Service may revoke the determination of the inspection of standard dimensions and quality or the quality certification, or issue a disposition order to change or suspend the use of the indication, or to suspend sale of the relevant timber product: <Amended by Act No. 14358, Dec. 2, 2016>

1. Where any inspection of standard dimensions and quality is undergone or any quality certification is obtained in a false or otherwise unjustifiable manner;
2. Where any indication of standard dimensions and quality or any indication of quality certification is falsified or is inconsistent with the facts;
3. Where any timber product produced or sold is different from the one which has undergone an inspection of standard dimensions and quality or the one that has obtained quality certification;
4. Where any dimension or quality does not meet the criteria for standard dimensions and quality or the criteria for quality certification;
5. Where the contents of the indication violate the criteria for standard dimensions and quality or the criteria for quality certification;
6. Where the disposition order to change or suspend the use of the indication is not complied with.

Article 23 (Disclosure of Information on Timber Products)

The Minister of the Korea Forest Service shall disclose the following information as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. In such cases, the Minister of the Korea Forest Service may entrust the disclosure thereof to the Korea Forestry Promotion Institute: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14358, Dec. 2, 2016>

1. The result of the inspection of standard dimensions and quality conducted under Article 20 (2) 1;
2. The result of quality certification referred to in Article 21 (1);
3. The result of the investigation and examination conducted under Article 22 (1).

CHAPTER V VITALIZATION OF DISTRIBUTION AND USE OF TIMBER

Article 24 (Registration, etc. of Timber Production Business)

- (1) A person who intends to operate a timber production business shall file a registration with the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a *Sij Gun/ Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply) having jurisdiction over the seat of its main office, in compliance with the standards prescribed by Presidential Decree. In such cases, the head of the relevant *Sij Gun/ Gu* shall issue him/her a certificate of registration.
- (2) Where the trade name, title, location of office or any other matter prescribed by Presidential Decree is changed, the person who has registered the timber production business under paragraph (1) (hereinafter referred to as "timber producer") shall report it to the head of a *Sij Gun/ Gu*.
- (3) No timber producer shall allow any other person to operate a timber production business making use of his/her trade name or title or to lend his/her certificate of registration to any other person.
- (4) Where a timber producer intends to transfer his/her timber production business or have it merged, he/she shall report it to the head of a *Sij Gun/ Gu* as prescribed by Presidential Decree.

Article 25 (Grounds for Disqualification)

No person falling under any of the following subparagraphs may file a registration for a timber production business. The same shall apply to a corporation, if any of its executives falls under any of the following subparagraphs:
<Amended by Act No. 14358, Dec. 2, 2016>

- 1.A bankrupt not yet reinstated;
- 2.A person for whom two years have not passed since his/her registration was revoked (excluding the cases where his/her registration has been revoked because it falls under subparagraph 1);
- 3.A person for whom two years have not passed since the execution of his/her imprisonment with labor declared by a court for violating this Act was terminated (including cases where such execution is deemed to have been terminated) or exempted;
- 4.A person subject to suspended sentence of imprisonment with labor declared by a court for violating this Act;

Article 26 (Revocation, etc. of Registration)

- (1)If a timber producer falls under any of the following cases, the head of a *Sij Gun/ Gu* may revoke his/her registration for timber production business or order the suspension of his/her business for a fixed period of not more than six months: *Provided*, That in cases falling under subparagraph 1 or 2, the registration for timber production business shall be revoked:
 - 1.Where the registration is made under Article 24 (1) in a false or other unjust manner;
 - 2.Where he/she falls under any subparagraph of Article 25;
 - 3.Where he/she fails to meet the standards for registration of the timber production business;
 - 4.Where he/she violates Article 24 (3);
 - 5.Where he/she fails to report under Article 24 (4);
 - 6.Where he/she fails to keep books in violation of Article 27 (1);
 - 7.Where he/she fails to make a report, or refuses, obstructs or evades an inspection prescribed in Article 27 (2) without any justifiable reason;
 - 8.Where he/she conducts business during the term of business suspension.
- (2)Detailed standards for revocation of registration, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree taking the types and level of violations, etc. into consideration.
- (3)Where any timber producer receives a disposition of revocation of his/her timber production business registered under paragraph (1), he/she shall be prohibited from operating the timber production business from the date of such revocation: *Provided*, That he/she may continue to distribute the timber, the distribution of which has been promised before receiving such disposition of revocation of registration.

Article 27 (Guidance and Supervision)

- (1)Each timber producer shall retain books wherein the types, volume of distribution, etc. are specifically stated as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>
- (2)If deemed necessary to ascertain the fulfillment of the standards for registration or current status of distribution of timber, etc., the head of a *Sij Gun/ Gu* may request any timber producer to report on his/her business or have his/her public official inspect the facilities, equipment, documents, etc.
- (3)Where an inspection is conducted under paragraph (2), the date and time of, reasons for, and matters subject to the inspection shall be notified to the relevant timber producer seven days before the inspection is conducted: *Provided*, That this shall not apply where it is deemed impractical to accomplish the purpose of inspection due to the destruction of evidence, etc., if a prior notification is made.
- (4)Each public official who conducts an inspection under paragraph (2) shall carry a document indicating his/her

authority and show it to interested persons.

(5) No timber producer may refuse, obstruct or evade the inspection prescribed in paragraph (2) without any justifiable reason.

Article 28 (Vitalization of Sustainable Use of Timber)

- (1) To cope with climatic change, the Minister of the Korea Forest Service may recommend the State, local governments, or public institutions to increase the use of clean forest biomass energy (referring to forest biomass energy defined in subparagraph 7 of Article 2 of the Act on the Maintenance and Increase of Carbon Sinks).
- (2) For the efficient use of timber and systematic nurturing of the timber industry, the Minister of the Korea Forest Service may assist in the development of timber distribution complexes or the timber industry complexes.
- (3) For the systematic distribution of timber, each timber producer shall endeavor to produce and sell the timber, sorted into by quality grades as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs.
- <Amended by Act No. 11690, Mar. 23, 2013>

Article 29 (Restriction, etc. on Distribution of Timber or Timber Products)

- (1) If deemed necessary for the adjustment of supply and demand, establishment of distribution order or securing of safety of timber or timber products, the Minister of the Korea Forest Service may restrict the production, sale, distribution or use of timber or timber products prescribed by Presidential Decree. In such cases, he/she shall make a public notification of the reasons and subject matter of such restriction after prior consultations with the heads of the relevant central administrative agencies.
- (2) The Minister of the Korea Forest Service may establish guidelines for efficient and safe use of timber and timber products and provide guidance for using them in accordance with such guidelines.

Article 30 (Facilitation of Development of Technologies Related to Timber Industry)

- (1) The State and local governments may implement the following to facilitate the development of timber industry-related technologies:
1. Research and development of technologies related to the timber industry;
 2. Acquisition of rights and commercialization of developed technologies;
 3. Technological cooperation and exchanges of information related to the timber industry;
 4. Other matters necessary for research and development of technologies related to the timber industry.
- (2) In order to facilitate the development of technologies related to the timber industry pursuant to paragraph (1), the Minister of the Korea Forest Service may subsidize the expenses incurred by a person who develops timber industry-related technologies or industrializes them.

Article 31 (Training of Technical Manpower)

- (1) Where necessary to train the technical manpower required for the sustainable use of timber, the Minister of the Korea Forest Service may designate any of the following schools, agencies, etc. as an agency training specialists to conduct necessary education and training:
1. Schools set forth in subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
 2. Education and training institutions belonging to the National Forestry Cooperative Federation established under the Forestry Cooperatives Act;
 3. Vocational skill development training establishments defined in subparagraph 3 of Article 2 of the Act on the Development of Workplace Skills of Workers;
 4. Research institutes, agencies or organizations established for the purpose of timber-related research activities,

etc.

- (2) The Minister of the Korea Forest Service may fully or partially subsidize the expenses required for the education and training conducted by the agencies that train specialists designated under paragraph (1) within budgetary limits.
- (3) The Minister of the Korea Forest Service may, in employing or computing careers of public officials in forestry service, add points to the technical manpower having completed the education or training pursuant to paragraph (1) and persons who have obtained national technical qualifications under the National Technical Qualifications Act (hereinafter referred to as "technical manpower, etc."), or have the requirements to employee technical manpower included in the standards for registration of corporations engaged in forest business.
- (4) Matters concerning the standards for designation of agency training specialists and the criteria for authorization of technical manpower, etc. shall be prescribed by Presidential Decree.

Article 32 (Wood-Structural Engineers)

- (1) For purposes of promoting the safety of wood structure, improving the quality level of wood-structural architecture, and facilitating otherwise the development of wood-structural technology, the Minister of the Korea Forest Service may operate a wood-structural engineer qualification system.
- (2) Types of and qualifications and other necessary matters for a wood-structural engineer shall be prescribed by Presidential Decree.
- (3) A wood-structural engineer shall conduct each of the following:
 1. Installation and management of wood structures;
 2. Construction and management of timber houses and wooden buildings;
 3. Other matters prescribed by Presidential Decree.
- (4) No wood-structural engineer shall be employed concurrently by two or more business entities, and shall allow any other person use his/her name or lend his/her qualification certificate to any other person.
- (5) If a wood-structural engineer falls under any of the following subparagraphs, the Minister of the Korea Forest Service may revoke his/her qualifications or order to suspend his/her qualifications for a period not exceeding three years: *Provided*, That in cases falling under subparagraph 1, 3 or 4, his/her qualifications shall be revoked:
 1. Where his/her qualifications for a wood-structural engineer are obtained in a false or other unjust manner;
 2. Where he/she is in violation of the restriction on employment or lending of qualification certificate prescribed in paragraph (4);
 3. Where he/she continues to perform his/her business affairs during the period of suspension of qualifications;
 4. Where he/she prepares a false document or intentionally performs his/her business affairs deceptively;
 5. Where he/she conducts his/her business affairs (including documentary preparations) contrary to the truth by negligence.
- (6) Detailed standards for administrative dispositions to be made under paragraph (5) shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs, taking the types, seriousness of violations, etc. into consideration. <Amended by Act No. 11690, Mar. 23, 2013>
- (7) For smooth operation of the wood-structural engineer qualification system and the employment of and support for business start-ups by wood-structural engineers, the Minister of the Korea Forest Service may administer the qualifications and careers of wood-structural engineers.
- (8) Matters concerning the issuance of qualification certificates to wood-structural engineers, report on the status of issuance thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>
- (9) No one shall borrow, or suggest to borrow, the qualification certificate issued under paragraph (8).

Article 33 (Facilitation of International Cooperation and External Market Penetration)

- (1) The State and local governments may establish and implement measures necessary in comprehending international trends of policies for the timber industry, facilitating international cooperation, etc.
- (2) In order to facilitate the international cooperation for the timber industry and penetration thereof into external market, the State and local governments may implement programs for international exchanges of manpower, joint international research, etc.

Article 34 (Countermeasures against Illegally Felled Timber)

- (1) The State and local governments shall establish and implement measures to prevent distribution or use of timber illegally cut inside or outside the Republic of Korea.
- (2) The Minister of the Korea Forest Service shall, in cooperation with local governments and agencies and organizations related to forest and the timber industry, provide guidance and conduct publicity activities to prevent the distribution and use of illegally cut timber.

Article 35 (Implementation of Projects related to Timber Industry by Local Governments)

- (1) For the dissemination of technologies necessary for the timber industry, the Minister of the Korea Forest Service may require the heads of local governments to implement the following:
 1. Collection of information required for dissemination of timber industry-related technologies;
 2. Implementation of timber-related education and experience programs;
 3. Establishment and operation of programs for training of timber industry-related technologies;
 4. Other projects deemed by the Minister of the Korea Forest Service as necessary.
- (2) The Minister of the Korea Forest Service may subsidize the expenses necessary for the efficient implementation of the projects set forth in paragraph (1) within budgetary limits.

Article 36 (Honorary Observers of Use of Timber)

- (1) In order to establish fair order in the distribution of timber products which have obtained the indications of standard dimensions and quality and indications of quality certification under this Act, the Minister of the Korea Forest Service may commission any of the following persons as an honorary observer of use of timber and assign him/her to provide guidance, publicity, and education concerning the products being distributed, and to report any offenses thereof: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14358, Dec. 2, 2016>
 1. Members or employees of any consumer organization or business entity defined in subparagraph 3 or 4 of Article 2 of the Framework Act on Consumers;
 2. Members or employees of any non-profit corporation established by permission from the Minister for Food, Agricultural and Rural Affairs or Administrator under his/her control pursuant to Article 32 of the Civil Act;
 3. Volunteers.
- (2) The Minister of the Korea Forest service may pay honorary observers of use of timber the expenses required for observation activities within budgetary limits.
- (3) Matters necessary for the qualifications and method of commissioning honorary observers of use of timber, their duties, etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 37 (Reporting)

- (1) A person who operates the timber industry shall submit information necessary for the sustainable use of timber, to the Minister of the Korea Forest Service and the head of the relevant local government as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The scope of the timber industry subject to the submission of necessary information under paragraph (1) shall be prescribed by Presidential Decree.

Article 38 (Financial Assistance)

The Minister of the Korea Forest Service or the heads of local governments may, for the sustainable use of timber and the promotion of the timber industry, lend loans or offer subsidies to cover all or part of the expenses required by a person who implements the following as prescribed by Presidential Decree:

1. Production, sale, distribution, use, processing, or storage of timber and timber products;
2. Promotion of timber culture or vitalization of timber education;
3. Research and development for laying foundation for, and innovating technology of, the timber industry;
4. Other programs prescribed by Presidential Decree for the increase of use of timber.

Article 39 (Hearings)

The Minister of the Korea Forest Service shall hold a hearing in advance when he/she intends to take any of the following dispositions: <Amended by Act No. 14358, Dec. 2, 2016>

1. Revoking the authorization of a master of timber products, or the certification of a product using regional filter timber granted under Article 14 (4);
2. Revoking the designation of a new technology granted under Article 18 (3);
3. Revoking the determination of the inspection of standard dimensions and quality or the quality certification under Article 22 (3);
4. Revoking a registration for timber production business under Article 26 (1);
5. Revoking qualifications of a wood-structural engineer under Article 32 (5).

Article 40 (Judicial Police Power)

A State public official, or a public official of a local government, of Grade IV through Grade IX engaged in the affairs of quality control of timber products shall perform the duties of a judicial police official, as prescribed in the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties, with respect to the offenses prescribed in this Act and occurring in the area under his/her jurisdiction.

Article 41 (Monetary Rewards)

The Minister of the Korea Forest Service may pay prize money to a person who has reported or informed on any person who violated Articles 20 (2) or (5), 21 (3), or 24 (1) or (4) to the competent authorities or criminal investigation agency or who has contributed to the improvement of quality and establishment of a distribution order of timber products within budgetary limits, as prescribed by Presidential Decree. <Amended by act No. 14358, Dec. 2, 2106>

Article 42 (Fees)

Either of the following persons shall pay fees as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14358, Dec. 2, 2016>

1. A person who applies for the safety evaluation prescribed in Article 17 (1);

2. A person who applies for the technology analysis under Article 18 (2);
3. A person who applies for the inspection of standard dimensions and quality to an inspection agency under Article 20 (2) 1;
4. A person who applies for the quality certification under Article 21 (1).

Article 43 (Delegation and Entrustment of Authority)

- (1) The authority of the Minister of the Korea Forest Service under this Act may be partially delegated to the heads of agencies under his/her jurisdiction and Mayors/*Do* Governors as prescribed by Presidential Decree.
- (2) Any of the heads of the agencies under the control of the Minister of the Korea Forest Service and Mayors/*Do* Governors may re-delegate a part of the delegated authority to the heads of the agencies under his/her jurisdiction with the approval of the Minister of the Korea Forest Service.
- (3) The Minister of the Korea Forest Service may entrust part of his/her authority prescribed in this Act to the Association or the Korea Forestry Promotion Institute, as prescribed by Presidential Decree.

Article 44 (Legal Fiction of Public Official in Application of Penal Provisions)

An executive or an employee of a corporation or organization engaged in any of the following shall be deemed public officials in the application of penal provisions pursuant to Articles 129 through 132 of the Criminal Act:
<Amended by Act No. 14358, Dec. 2, 2016>

1. Measurement of the timber culture index pursuant to Article 11 (1) and (2);
- 1-2. Affairs of certification or authorization under Article 14 (1);
2. Safety evaluation pursuant to Article 17 (1);
3. Technology analysis pursuant to Article 18 (2);
4. Inspection of standard dimensions and quality by an inspector under Article 20 (2) 1;
5. Quality certification pursuant to Article 21 (1).

Article 45 (Penalty Provisions)

- (1) Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 14358, Dec. 2, 2016>
 1. A person who falsely indicates or uses the following certification or authorization without obtaining the certification or authorization under Article 14 (2):
 - (a) and (b) Deleted; <by Act No. 14358, Dec. 2, 2016>
 - (c) Authorization of a master of timber products;
 - (d) Certification of a product using regional filter timber;
 2. A person who fails to comply with an order to restrict production, sale or disposal of a hazardous timber product issued under Article 17 (4);
 3. A person who sells or distributes a timber product which does not undergo the inspection of the standard dimensions and quality prescribed in Article 20 (2) or has cleared such product through customs, or a person who sells or distributes a timber product which does not meet the criteria for the standards of dimensions and quality or has cleared such product through customs;
 4. A person who fails to comply with the order for the suspension of sale, or order for return or disposal issued under Article 20 (5);
 5. A person who sells or distributes a timber product that does not indicate the standard dimensions and quality prescribed in Article 20 (6);
 6. A person who conducts an inspection of standard dimensions and quality or the quality certification in violation of

Article 20 (2) or 21 (1);

7.A person who indicates quality certification or makes any other indication similar thereto, in violation of Article 21 (3);

8.A person who refuses, obstructs or evades the collection, investigation, examination or perusal for the inspection of standard dimensions and quality, in violation of Article 22 (2);

9.A person who fails to comply with disposition order to change or suspend the use of the indication, or to suspend the sale issued under Article 22 (3);

10.A person who operates a timber production business without being registered therefor, in violation of Article 24 (1).

(2)A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 14358, Dec. 2, 2016>

1.A person who has obtained certification or authorization under Article 14 (2) and allows any other person to use it, or a person who uses such certification or authorization;

2.A person who violates the standards for the indication of the standard dimensions and quality prescribed in Article 20 (8) or makes an indication thereof in a false manner;

3.A person who violates the standards for indication of quality certification prescribed in Article 21 (6) or makes an indication thereof in a false manner;

4.A person who allows any other person to operate a timber production business making use of his/her trade name or title, or a person who lends his/her registration certificate to any other person, in violation of Article 24 (3);.

5.A person who fails to comply with an order to suspend business issued under Article 26 (1);

6.A person who is in violation of Article 32 (4) or (9).

Article 46 (Joint Penalty Provisions)

If the representative or an agent, employee or any other servant of a corporation, or an individual has committed any act which violates Article 45 with respect to the business of the said corporation or individual, not only shall such violator be punished accordingly, but the corporation or individual shall also be punished by a fine prescribed in the relevant Article: *Provided*, That the same shall not apply where the corporation or the individual has not been negligent in giving due attention and supervision on the relevant business in order to prevent the violation.

Article 47 (Administrative Fines)

(1)A person falling under any of the following subparagraphs shall be punished by an administrative fine not exceeding ten million won:

1.A person who fails to make a report, in violation of Article 24 (2) or (4);

2.A person who refuses, obstructs or evades an inspection without any justifiable reason, in violation of Article 27 (5);

3.A person who fails to submit necessary information, in violation of Article 37 (1).

(2)Administrative fines under paragraph (1) shall be imposed and collected by the head of a *Sil Gun/Gu* as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. Article 2 (General Transitional Measures concerning Disposition, etc.)

Any act done by or to an administration agency under the former provisions at the time this Act enters into force shall be deemed done under this Act by or to an administration agency corresponding thereto.

Article 3 (Transitional Measures concerning Penal Provisions, etc.)

Former provisions shall govern in applying any of penal provisions or provisions for fines for negligency against an act committed before this Act enters into force.

Article 4 Omitted.

Article 5 (Relationship with other Acts and Subordinate Statutes)

Where any other Act or subordinate statute cites the former provisions of the Forest Resources Creation and Management Act or the Forestry and Mountain Villages Development Promotion Act at the time this Act enters into force, it shall be deemed to have cited the relevant provisions of this Act in lieu of the former provisions, if such provisions corresponding thereto exist in this Act.

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

Article 1 (Enforcement Date)

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

(2) The Acts amended by Article 6 of this Addenda, the amended provisions of the Acts, which were promulgated before this Act enters into force but their enforcement dates have yet to arrive, shall enter into force on their respective enforcement dates. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 14358, Dec. 2, 2016>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Keeping of Results of Inspection on Standard Dimensions and Quality)

The amended provisions of Article 20 (4) shall apply from the first inspection of standard dimensions and quality after this Act enters into force.

Article 3 (Transitional Measures concerning Penalty Provisions)

Former provisions shall govern to the application of any of penalty provisions against an act committed before this Act enters into force.