

# SEED INDUSTRY ACT

Wholly Amended by Act No. 11458, Jun. 1, 2012

Amended by Act No. 11704, Mar. 23, 2013

## Article 1 (Purpose)

The purpose of this Act is to promote the development of the seed industry and to contribute to the stabilization of production in agriculture, forestry and fisheries by prescribing matters concerning the production, certification and distribution of seeds, the promotion of and support for the seed industry, etc.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "seeds" means seeds, mushroom spawn, seedlings, spores, or vegetative organs like leaves, stems, roots, etc., all of which are used for multiplication, cultivation or culture;
2. The term "seed industry" means industries in which research and development, cultivation, multiplication, production, processing, distribution, importation and exportation, or display of seeds is performed, or industries related to such activities;
3. The term "crops" means all plants cultivated or raised to produce agricultural products, forest products, or fishery products;
4. The term "varieties" means varieties referred to in subparagraph 2 of Article 2 of the Act on the Protection of New Varieties of Plants;
5. The term "properties of a variety" means the ability of a variety to produce value for cultivation, culture and use above a certain level prescribed by this Act;
6. The term "certified seeds" means seeds at each seed-gathering stage, the authenticity and quality of which are certified for the relevant variety pursuant to this Act;
7. The term "seed manager" means a person qualified under this Act to certify seeds that a seed business operator intends to sell or export after production, or that he/she intends to import;
8. The term "seed business" means business selling seeds after producing, processing or repackaging them;
9. The term "seed business operator" means a person who conducts seed business pursuant to this Act.

## Article 3 (Master Plan, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate and implement a master plan to promote and support the seed industry in agriculture, forestry and fisheries (hereinafter referred to as "master plan") every five years. <Amended by Act No. 11704, Mar. 23,

2013>

(2) A master plan shall include the following:

1. The current status and prospects of the seed industry;
2. The direction and objective of supporting the seed industry;
3. A mid-term and long-term investment plan to promote and support the seed industry;
4. A plan for technical training related to the seed industry to foster experts;
5. Research and development projects to support a stable income increase for farmers and fishermen engaging in seed-related works;
6. Projects to create infrastructure for the support for breeding research in the private sector;
7. A plan to promote expansion into overseas markets, such as the expansion of exportation;
8. A plan to promote the education and understanding about seeds;
9. A plan for the local government's support measures for seed-related industries;
10. Other matters prescribed by Presidential Decree to promote and support the seed industry.

(3) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries intends to formulate or change a master plan, he/she shall consult the heads of relevant central administrative agencies in advance: Provided, That this shall not apply where he/she changes any insignificant matters prescribed by Presidential Decree. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall notify the heads of relevant central administrative agencies of a final master plan. *<Amended by Act No. 11704, Mar. 23, 2013>*

(5) In order to implement a master plan, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate and implement an action plan (hereinafter referred to as "action plan") every year after hearing opinions of the heads of relevant central administrative agencies, as prescribed by Presidential Decree. *<Amended by Act No. 11704, Mar. 23, 2013>*

(6) Where necessary to formulate a master plan and an action plan, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies, the heads of local governments, and the heads of relevant institutions and organizations, to submit data. In such cases, any person requested to submit data shall comply with such request, except in extenuating circumstances. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 4 (Compilation of Statistics and Fact-Finding Surveys)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may compile statistics or conduct fact-finding surveys on the seed industry in order to secure basic data necessary for policies on the promotion of the seed industry, such as the efficient formulation and implementation of a master plan and an action plan. In such cases, the Statistics Act shall apply mutatis mutandis to the compilation of statistics on the seed industry. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies, the heads of local governments, the heads of

public institutions under the Act on the Management of Public Institutions, seed business operators, relevant institutions and organizations, etc., to submit data for the compilation of statistics. In such cases, any person requested to submit data shall comply with such request, except in extenuating circumstances.

*<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 5 (Relationship to Other Acts)**

Except as otherwise prescribed by other Acts, this Act shall apply to seeds and the seed industry.

#### **Article 6 (Training of Experts)**

(1) The State and local governments shall train experts necessary to promote and support the seed industry.

(2) In order to train experts pursuant to paragraph (1), the State and local governments may designate institutions equipped with adequate facilities and human resources, such as universities under subparagraphs 1 through 6 of Article 2 of the Higher Education Act, research institutes or organizations established for the research and other activities on the seed industry, or companies in the seed industry, as expert training institutions, and enable them to provide necessary education and training.

(3) The State and local governments may subsidize all or some of the expenses of education and training to expert training institutions designated pursuant to paragraph (2), as prescribed by Presidential Decree.

(4) Where an expert training institution designated pursuant to paragraph (2) falls under any of the following cases, the State or a local government may revoke the designation of the institution or fully or partially suspend its business for a prescribed period not exceeding three months: Provided, That where it falls under subparagraph 1, the State or a local government shall revoke the designation of such institution:

1. Where it has been designated by deception or other unlawful means;
2. Where it fails to meet criteria for the designation of an expert training institution;
3. Where it refuses or delays the training of experts without any justifiable cause;
4. Where it fails to conduct the training of experts for at least one consecutive year without any justifiable cause.

(5) Matters necessary for criteria and methods for the designation of expert training institutions under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 7 (Promotion of Technical Development for Seed Industry)**

(1) The State and local governments shall encourage the following activities in order to promote the development of technologies for the seed industry:

1. Surveys on trends in and demand for technologies for the seed industry;
2. Research and development on technologies for the seed industry;
3. Commercialization of developed technologies for the seed industry;
4. Exchange of technologies for the seed industry;
5. Other matters necessary for the promotion of the development of technologies for the seed industry.

(2) In order to promote the development of technologies for the seed industry under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may subsidize necessary expenses to persons who conduct research and develop technologies for the seed industry or commercialize such technologies. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 8 (Promotion of International Cooperation and Expansion into Overseas Markets)**

(1) The State and local governments shall understand international trends in the seed industry and promote international cooperation.

(2) In order to promote international cooperation on matters related to the seed industry and expansion of the seed industry into overseas markets, the State and local governments may conduct projects, such as the international exchange of technologies and human resources for the seed industry and international joint research.

(3) The State and local governments may provide necessary support to persons who promote international cooperation or expand into overseas markets in relation to the seed industry, as prescribed by Presidential Decree.

#### **Article 9 (Projects Conducted by Local Governments for Seed Industry)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may allow the heads of local governments to engage in the following activities in order to disseminate technologies necessary for the seed industry to strike root stably: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Information collection and education necessary for the dissemination of technologies related to the production of seeds;
2. Development of varieties for the promotion of regional varieties of agricultural and fishery products;
3. Creation of and support for a regionally-specialized breeding research complex;
4. Support for the infrastructure related to seed gathering for farmers and fishermen who produce seeds;
5. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may subsidize expenses to be incurred in efficiently conducting projects referred to in paragraph (1) within budgetary limits. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 10 (Financial Support, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may provide financial support for the following projects to create the infrastructure and facilitate technological innovation of the seed industry: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Installation of apparatus, equipment and facilities necessary for farmers and fishermen who produce seeds, companies in the seed industry and seed business operators to develop, produce, disseminate, process, distribute and gather seeds;
2. Conducting public projects related to seeds.

(2) If farmers and fishermen who produce seeds wish to receive support under paragraph (1), they shall register information on their agricultural and fishery business under Article 40 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry.

#### **Article 11 (Support for Small and Medium Seed Business Operators)**

When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries formulates a policy necessary to promote and support the seed industry, he/she shall formulate a set of measures to provide administrative and financial support for small and medium seed business operators.

*<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 12 (Designation of Seed Industry Promotion Centers, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate institutions equipped with adequate facilities and human resources, such as institutions, organizations or corporations related to the seed industry, as seed industry promotion centers (hereinafter referred to as "promotion center") to efficiently promote and support the seed industry. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Each promotion center shall conduct the following projects:

1. Projects on the creation of the infrastructure, such as the installation of support facilities for the invigoration of the seed industry;
2. Projects on the support for seed industry experts;
3. Projects on the support for startup firms and business management activities in the seed industry, and on the collection, sharing and utilization of information;
4. Support for the invigoration of distribution, international cooperation and expansion into overseas markets for the development of the seed industry;
5. Support for seed business operators to develop the seed industry;
6. Other projects necessary for the development of the seed industry.

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may subsidize expenses to be incurred in conducting projects referred to in paragraph (2) to institutions designated as promotion centers. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) Where a promotion center falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke that promotion center's designation or fully or partially suspend the center's business within a prescribed period not exceeding three months: Provided, That where it falls under subparagraph 1, he/she shall revoke the designation of such promotion center: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Where it has been designated by deception or other unlawful means;
2. Where it ceases to meet criteria for the designation of a promotion center;
3. Where it refuses or delays a project referred to in paragraph (2) without any justifiable cause;
4. Where it fails to conduct a project under paragraph (2) for at least one consecutive year without any justifiable cause.

(5) Matters necessary for criteria and methods for the designation of promotion centers under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 13 (Creation of Seed Technology Research Complex, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may create a seed technology research complex or provide support to create it so that seed-related industrial circles and research circles organically correlate in a certain region to improve the efficiency of research and development on technologies for the seed industry and to promote the development of the seed industry. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Matters necessary for the creation of and support for a seed technology research complex under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 14 (Establishment of Organizations)**

(1) A person engaged in the seed industry may establish an organization after obtaining authorization from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries with an objective of promoting the sound development of the seed industry and common interests of seed-related industrial circles. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) An organization under paragraph (1) shall be a corporation.

(3) An organization established pursuant to paragraph (1) shall endeavor to ensure that seed production and distribution order may be maintained in a sound manner.

(4) Except as otherwise prescribed by this Act, the provisions on incorporated associations of the Civil Act shall apply mutatis mutandis to an organization under paragraph (1).

#### **Article 15 (Varieties Eligible for Registration in National Catalog of Varieties)**

(1) In order to manage properties of varieties, seeds of which grow into important crops for the stabilization of production in agriculture, forestry and fisheries, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may register varieties of the relevant crops in the national catalog of varieties (hereinafter referred to as "catalog of varieties") prescribed by joint Ordinance of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries (hereinafter referred to as "joint Ordinance"). *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Crops eligible for registration in the catalog of varieties shall be rice, barley, bean, corn, potato, and other crops prescribed by Presidential Decree: Provided, That crops for animal feed shall be excluded.

#### **Article 16 (Application for Registration in Catalog of Varieties)**

(1) A person who applies for registration of a variety (hereinafter referred to as "applicant for registration in the catalog of varieties") of crops eligible for registration in the catalog of varieties under Article 15 (2) (hereinafter referred to as "crops eligible for registration in the catalog of varieties") in the catalog of varieties shall file an application with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, attaching relevant seed samples to the application form for registration in the catalog of varieties prescribed by joint Ordinance. In such cases, if a seed sample is a vegetative organ, the timing, method, etc. for the submission shall be prescribed by joint Ordinance. *<Amended by Act No. 11704,*

*Mar. 23, 2013>*

(2) A variety, an application for which is filed for registration in the catalog of varieties pursuant to paragraph (1), shall have one denomination of its own variety.

(3) Articles 106 through 117 of the Act on the Protection of New Varieties of Plants shall apply mutatis mutandis to the application, registration and request for objection in regard to the denomination of a variety under paragraph (2), as well as its use and cancellation.

#### **Article 17 (Examination, etc. of Varieties for Registration in Catalog of Varieties)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall examine a variety applied for registration in the catalog of varieties pursuant to Article 16 (1) according to the standards for examination of the properties of a variety prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Where a variety applied for registration in the catalog of varieties fails to meet any standard for examination of the properties of a variety under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall reject the application for registration in the catalog of varieties. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries intends to reject an application for registration in the catalog of varieties pursuant to paragraph (2), he/she shall notify the grounds for rejection to an applicant for registration in the catalog of varieties, and give him/her an opportunity to submit a written opinion within a prescribed period. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) Where a variety, an application for which is filed for registration in the catalog of varieties, meets the standards for examination of the properties of the variety as a result of examination under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall notify an applicant for registration in the catalog of varieties of such fact without delay and register the relevant variety applied for registration in the catalog of varieties in the catalog of varieties. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 18 (Announcement of Varieties Registered in Catalog of Varieties)**

Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries registers a variety in the catalog of varieties pursuant to Article 17 (4), he/she shall announce a species of crops to which the relevant variety belongs, the denomination of a variety, the period of validity of registration under Article 19, etc., as prescribed by joint Ordinance. The same shall also apply where the period of validity of registration is extended pursuant to Article 19 (2). *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 19 (Period of Validity of Registration in Catalog of Varieties)**

(1) The period of validity of registration in the catalog of varieties pursuant to Article 17 (4) shall be ten years from the following year to which the date of registration of a variety belongs.

(2) The period of validity of registration in the catalog of varieties under paragraph (1) may be continually extended with an application for extension of the period of validity.

(3) An application for extension of the period of validity of registration in the catalog of varieties under paragraph (2) shall be made within one year before the expiry of the period of validity of such registration in the catalog of varieties.

(4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries receives an application for extension of the period of validity of registration in the catalog of varieties under paragraph (2), he/she shall not reject such application for extension if a variety applied for extension of the period of validity maintains the properties of the variety at the time it was registered in the catalog of varieties. *<Amended by Act No. 11704, Mar. 23, 2013>*

(5) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall give prior notice to an applicant for registration in the catalog of varieties, of the procedure for extension and the fact that he/she shall not obtain an extension if he/she fails to file an application for extension within a period under paragraph (3), at least one year before the period of validity of registration in the catalog of varieties expires. *<Amended by Act No. 11704, Mar. 23, 2013>*

(6) Notification under paragraph (5) may be given via text messaging service by mobile phone, email, fax, telephone, in writing, etc.

#### **Article 20 (Revocation of Registration in Catalog of Varieties)**

(1) Where a variety falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke the registration of the relevant variety in the catalog of varieties: Provided, That where the variety falls under subparagraph 4 or 5, he/she shall revoke the registration of the relevant variety in the catalog of varieties: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Where the properties of the variety fail to meet any standard for examination of the properties of the variety under Article 17 (1);
2. Where the cultivation of the relevant variety causes or is likely to damage the environment;
3. Where the registered denomination of the variety is cancelled because it falls under any of the provisions of Article 117 (1) of the Act on the Protection of New Varieties of Plants;
4. Where the variety is registered in the catalog of varieties by deception or other unlawful means;
5. Where the same variety is registered in duplicate under two or more denominations of the variety (excluding the variety initially registered).

(2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries intends to decide on the revocation of the registration pursuant to paragraph (1), he/she shall notify the grounds for the decision to the applicant for registration of a variety in the catalog of varieties, and give him/her an opportunity to submit a written opinion within a prescribed period. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries decides to revoke the registration under paragraph (1), he/she shall serve a certified copy of the decision



on the applicant for registration in the catalog of varieties and announce such decision, as prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 21 (Preservation of Documents on Registration in Catalog of Varieties)**

The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall preserve documents related to each variety registered in the catalog of varieties for the period of validity of registration of the relevant variety in the catalog of varieties under Article 19. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 22 (Production of Seeds of Variety Registered in Catalog of Varieties, etc.)**

Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries produces seeds of a variety registered in the catalog of varieties pursuant to Article 17 (4) or seeds of a variety announced due to its importance for the stable production of agricultural and fishery products, he/she may allow the following persons to produce seeds on his/her behalf. In such cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may fully or partially subsidize the expenses to be incurred in producing and supplying seeds to a person who produces seeds on his/her behalf: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. The Administrator of the Rural Development Administration, or the Minister of the Korea Forest Service;
2. The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Special Self-Governing City Mayor, the Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor");
3. The Special Self-governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu");
4. Agricultural organizations, forestry organizations or fishery organizations (hereinafter referred to as "agricultural organization, etc.") prescribed by Presidential Decree;
5. Seed business operators, farmers, or fishermen prescribed by joint Ordinance.

#### **Article 23 (Compensation for Losses Due to Defects in Seeds)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may compensate farmers or fishermen who have sustained losses due to defects in seeds produced and supplied pursuant to Article 22 for the amount of losses fully or partially within budgetary limits. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may investigate the current extent of losses under paragraph (1) at the site, and form and operate a seed damage investigation team to limit the spread of damage. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) If necessary to efficiently conduct investigations under paragraph (2), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the heads of relevant administrative agencies or the heads of relevant organizations to provide cooperation. In such cases, any person requested to provide cooperation shall comply with such request except in extenuating

circumstances. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) Matters necessary for the scope, criteria and procedures concerning the compensation under paragraph (1) as well as for the formation and operation of a seed damage investigation team under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 24 (Certification of Seeds)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and a seed manager may certify seeds for improvements, etc. in the productivity of agriculture, forestry and fisheries through the distribution and supply of high quality seeds. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Certification of seeds under paragraph (1) shall be classified into certification granted by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries (hereinafter referred to as "national certification") and certification granted by a seed manager (hereinafter referred to as "self-certification"). *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 25 (Seeds Subject to National Certification)**

(1) Where seeds fall under any of the following cases, they shall be subject to national certification: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries produces seeds or requests any other person to produce seeds on his/her behalf pursuant to Article 22;
2. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator intends to obtain national certification in order to produce or export crop seeds subject to registration in the catalog of varieties.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may recognize seeds certified by an international seed certification organization prescribed by Presidential Decree as seeds nationally certified. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 26 (Seeds Subject to Self-Certification)**

Where seeds fall under any of the following cases, they shall be subject to self-certification:

1. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator produces crop seeds subject to registration in the catalog of varieties;
2. Where the Mayor/Do Governor, the head of a Si/Gun/Gu, an agricultural organization, etc. or a seed business operator intends to obtain self-certification in order to produce and sell crop seeds not subject to registration in the catalog of varieties.

#### **Article 27 (Criteria for Qualification for Seed Managers, etc.)**

(1) Criteria for qualification as a seed manager shall be prescribed by Presidential Decree.

(2) A person who intends to be a seed manager shall be a person who meets criteria for qualification under paragraph (1), and shall register with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Where a seed manager has neglected any of his/her duties prescribed by this Act or made a serious mistake, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke his/her registration or suspend his/her business for a prescribed period not exceeding one year.

*<Amended by Act No. 11704, Mar. 23, 2013>*

(4) No person whose registration has been revoked pursuant to paragraph (3) shall re-register as a seed manager unless two years have elapsed from the date on which his/her registration was revoked.

(5) Detailed standards for administrative measures under paragraph (3) shall be prescribed by joint Ordinance, in consideration of types of offenses and the degree of violation. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 28 (Field Inspections)**

(1) A person who intends to produce nationally certified or self-certified seeds shall undergo field inspections by the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a seed manager at least once at each stage of seed gathering. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Matters concerning standards, methods, procedures, etc. for field inspections at each stage of seed gathering under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 29 (Requirements for Field for Seed Production)**

A person who intends to produce nationally certified or self-certified seeds shall meet the requirements for a field prescribed by joint Ordinance, such as fields distant from the cultivation area of varieties or crops that may cause crossing or facilities isolated from the outside environment, to prevent crossing with another variety or crops of another family line. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 30 (Seed Inspections, etc.)**

(1) A person who intends to produce nationally certified or self-certified seeds shall undergo an inspection of seeds produced in a field that meets the standards for field inspections under Article 28 (2), which is conducted by the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a seed manager at each stage of seed gathering. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) A person who has an objection to the results of the inspection under paragraph (1) may apply for a re-inspection to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a seed manager who has conducted such inspection. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Matters concerning standards, methods, procedures, etc. for inspections at each stage of seed gathering under paragraph (1) or re-inspections under paragraph (2) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 31 (Certification Mark, etc.)**

(1) A person who has passed field inspections under Article 28 and intends to sell or supply certified seeds that have undergone seed inspection under Article 30 shall place a certification mark on the relevant certified seeds.

(2) A person who intends to sell or supply certified seeds pursuant to paragraph (1) shall keep inspection documents related to the certification of seeds for three years (five years for inspection documents related to seedlings) from the date of preparation of such documents.

(3) Matters concerning a certification mark under paragraph (1) and the period of validity, etc. of the certification of each type of crop shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 32 (Issuance of Certificates)**

Where a person who has undergone an inspection of certified seeds on which a certification mark is placed pursuant to Article 31 (1) requests the issuance of a certificate, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a seed manager shall issue a certificate prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 33 (Post-Management Tests)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall conduct post-management tests of certified crop seeds subject to registration in the catalog of varieties. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Standards and methods for post-management tests under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 34 (Expiration of Certification)**

Where certified seeds fall under any of the following cases, certification for seeds shall be deemed null and void:

1. Where no certification mark prescribed by Article 31 (1) has been placed or a certification mark has been forged or altered;
2. Where the period of validity of the certification under Article 31 (3) has expired;
3. Where the package of certified seeds has been torn or removed: Provided, That cases where they are repackaged into smaller packages under the supervision of a certification agency or a seed manager that has certified the relevant seeds shall be excluded;
4. Where certification has been obtained by deception or other unlawful means.

#### **Article 35 (Certification Mark on Repackaged Seeds)**

A certification mark on seeds repackaged pursuant to the proviso to subparagraph 3 of Article 34 and a certification mark on seeds of the relevant variety prior to repackaging shall include the same details.

#### **Article 36 (Sale of Seeds, etc.)**

(1) A person who intends to sell or supply crop seeds subject to registration in the catalog of varieties or seeds of varieties announced by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries pursuant to Article 22 shall obtain the certification of the seeds pursuant to Article 24: Provided, That this shall not apply where seeds fall under any of the following cases: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Where seeds are used only as the parents of the first filial generation or of a synthetic variety;
2. Where a seller purchases back all of the seeds produced after he/she sold them for the purpose of multiplication;
3. Where seeds are used for testing or research;
4. Where all of the seeds produced are exported;
5. Where a breeder directly sells or transfers seeds of a variety bred in the course of performing his/her duties so that they may be used for multiplication;
6. Where seeds are used for a purpose other than the purposes of seeds.

(2) Notwithstanding paragraph (1), where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems it necessary for distribution, he/she may, even if registration of a variety in the catalog of varieties has been revoked pursuant to Article 20 (1), allow seeds of the relevant variety, produced or being produced before the date of revocation, to be sold or supplied until the end of the following year to which the date of revocation belongs. In such cases, he/she shall announce regions eligible for sale or supply and the period. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 37 (Registration of Seed Business)**

- (1) A person who intends to conduct seed business shall have facilities prescribed by Presidential Decree and register his/her business with the head of a Si/Gun/Gu.
- (2) A person who intends to conduct seed business shall employ at least one seed manager: Provided, That this shall not apply to a person who intends to produce and sell crop seeds prescribed by Presidential Decree.
- (3) Paragraphs (1) and (2) shall not apply where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Mayor/Do Governor, the head of a Si/Gun/Gu, or an agricultural organization, etc. multiplies, produces, sells, supplies, exports or imports seeds. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 38 (Reporting of Sale after Production or Importation of Varieties)**

- (1) A person who intends to sell seeds of a variety other than the following varieties after producing or importing them shall report to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, along with the relevant seed samples. In such cases, if seed samples are seedlings, vegetative organs or aquatic plants, the timing, methods, etc. for the submission shall be prescribed by joint Ordinance: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. A variety for which an application has been disclosed pursuant to Article 37 (1) of the Act on the Protection of New Varieties of Plants;
2. A variety registered in the catalog of varieties pursuant to Article 17 (4).

(2) Where important matters prescribed by joint Ordinance are altered among matters reported pursuant to paragraph (1), they shall be reported to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries without delay. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) A variety reported for sale after production or importation of seeds pursuant to paragraph (1) shall have one denomination of its own variety.

(4) Articles 106 through 117 of the Act on the Protection of New Varieties of Plants shall apply mutatis mutandis to the application, registration, etc. of the denomination of a variety under paragraph (3).

(5) Methods, procedures, etc. for reporting under paragraphs (1) and (2) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 39 (Revocation of Registration of Seed Business, etc.)**

(1) Where a seed business operator falls under any of the following cases, the head of a Si/Gun/Gu may revoke the registration of his/her seed business or order him/her to fully or partially suspend his/her seed business for a prescribed period not exceeding six months: Provided, That where the seed business operator falls under subparagraph 1, the head of a Si/Gun/Gu shall revoke the registration:

1. Where the seed business operator registers seed business by deception or other unlawful means;
2. Where the seed business operator fails to commence his/her business within one year from the date of registration of seed business, or suspends his/her business for at least one consecutive year without any justifiable cause;
3. Where the seed business operator fails to comply with an order to report whether he/she licenses a protected variety under Article 81 of the Act on the Protection of New Varieties of Plants;
4. Where the seed business operator sells or supplies non-certified seeds of a variety of crops subject to registration in the catalog of varieties, in violation of Article 36 (1);
5. Where the seed business operator fails to meet any standard for facilities under Article 37 (1) after having registered seed business;
6. Where the seed business operator fails to employ a seed manager, in violation of the main sentence of Article 37 (2);
7. Where the seed business operator sells unreported seeds after producing or importing them, in violation of Article 38;
8. Where the seed business operator exports or imports seeds, the exportation or importation of which is restricted pursuant to Article 40, or he/she distributes the imported seeds, the distribution of which is restricted in Korea;
9. Where the seed business operator sells or supplies foreign-produced seeds that have not undergone importation adaptability testing, in violation of Article 41 (1);
10. Where the seed business operator sells or supplies seeds with no quality indication, in violation of Article 43;
11. Where the seed business operator refuses, interferes with or evades an investigation of seeds, etc. or the collection of seeds under Article 45 (1);
12. Where the seed business operator produces or sells seeds, the production or sale of which under Article 45 (2) has been suspended.

(2) Where a seed business operator continues to conduct business during the period of suspension in violation of an order to suspend business under paragraph (1), the head of a Si/Gun/Gu may revoke the registration of his/her business.

(3) No person whose registration of seed business has been revoked pursuant to paragraph (1) or (2) shall re-register seed business unless two years have elapsed from the date on which the registration was revoked.

(4) Detailed criteria for administrative measures under paragraph (1) shall be prescribed by joint Ordinance, in consideration of types of offenses, the degree of violation, etc. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 40 (Restrictions on Exportation, Importation and Distribution of Seeds)**

The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may restrict the exportation or importation of seeds or distribution of imported seeds in the domestic market, as prescribed by Presidential Decree, where he/she deems that they may seriously impede the protection of the national ecological system or the preservation of natural resources. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 41 (Importation Adaptability Testing)**

(1) A person who intends to import seeds of a variety imported to the Republic of Korea for the first time for sale or distribution, among which are crop seeds determined and announced by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, shall undergo importation adaptability testing of seeds of such variety by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Where the result of importation adaptability testing conducted pursuant to paragraph (1) fails to meet any standard for examination prescribed by joint Ordinance, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may restrict the distribution of seeds of the relevant variety in the domestic market. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 42 (Recommendation on Import of Seeds)**

(1) A person who intends to import seeds at bound tariff rates applicable to the market access quota in the schedules of concessions of the Republic of Korea under the Marrakesh Agreement Establishing the World Trade Organization shall obtain a recommendation on the importation of seeds from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may allow a relevant institution or organization that he/she designates and announces to make recommendations on the importation of seeds under paragraph (1) on his/her behalf. In such cases, recommended quantities by item, recommendation standards and other necessary matters shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 43 (Indication of Quality of Seeds in Distribution)**

A person who intends to sell or supply seeds not subject to national certification or seeds not self-certified shall indicate the following matters on the container or package of all seeds (hereinafter referred to as "indication of quality"): *<Amended by Act No. 11704, Mar. 23, 2013>*

1. The production year or the year and month the seeds are packaged;
2. The warranty period of germination of seeds;
3. Other matters prescribed by joint Ordinance, such as matters concerning the registration under Article 37 (1) and the reporting under Article 38.

#### **Article 44 (Prohibition of Display or Storage of Seeds in Distribution)**

No person shall sell seeds falling under the following cases, which are not subject to national certification or not self-certified; nor shall display or store them for sale:

1. Where there is no indication of quality;
2. Where the warranty period of germination of the seeds has expired;
3. Where the prohibition on distributing the seeds is deemed necessary because they violate this Act.

#### **Article 45 (Investigation, etc. of Distribution of Seeds)**

(1) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Mayor/Do Governor deems it necessary for the production and efficient distribution of quality seeds, he/she may allow the relevant public officials to have access to a place of business, office, etc. of a seed business operator or a seed dealer for the investigation of such facilities, relevant documents or books, seeds, etc. or for inspections of the quality of seeds, or to collect seeds in the minimum amount necessary for the investigation or inspections. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Mayor/Do Governor may order the suspension of the production or sale of seeds being produced or sold in violation of the Act, or allow the relevant public official to collect such seeds. In such cases, the relevant public official who collects seeds shall list the seeds collected and produce the prepared list to a person who owns or carries such seeds at the time he/she collects the seeds. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Mayor/Do Governor shall have the relevant public official keep the seeds collected pursuant to paragraph (2) for one year: Provided, That he/she may, after the investigation, return or destroy the seeds determined and announced by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries due to difficulty in their storage, by applying paragraph (4) mutatis mutandis. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Mayor/Do Governor shall, after the expiry of storage period under the main sentence of paragraph (3), have the relevant public official return the seeds to a person who owned or carried the seeds when they are collected after having made them unusable: Provided, That where he/she is unable to return the seeds due



to a unclear address of a person who owned or carried the seeds at the time they are collected or refusal by such person to receive them, he/she may destroy such seeds. *<Amended by Act No. 11704, Mar. 23, 2013>*

(5) When the relevant public official performs his/her duties pursuant to paragraph (1) or (2), he/she shall carry an identity card indicating his/her authority and produce it to the relevant person, and deliver a document stating matters such as the purpose and time of an investigation and the identity of an investigator.

(6) Matters concerning standards, methods, procedures, etc. for quality inspections under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

(7) Matters necessary for the storage of seeds under paragraph (3) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 46 (Storage of Seed Samples)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall store and manage a certain amount of samples of the following seeds. In such cases, where seed samples are vegetative organs or aquatic plants, the timing, methods, etc. for the submission shall be prescribed by joint Ordinance: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Seeds of a variety registered in the catalog of varieties pursuant to Article 17 (4);

2. Seeds of a variety reported pursuant to Article 38.

(2) Matters necessary for the storage of seed samples under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 47 (Testing, Analysis, etc. of Seeds in Dispute)**

(1) Where a dispute concerning seeds occurs, the parties to the dispute may request the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to conduct testing or analysis on the relevant seeds in dispute. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) When the parties to a dispute request testing or analysis pursuant to paragraph (1), they shall jointly collect and confirm a seed sample in dispute and submit the sealed sample of the seeds to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Where the joint sample collection under paragraph (2) does not happen due to reasons prescribed by Presidential Decree, such as noncooperation of either one of the parties, the parties to the dispute may request the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to collect such sample. In such cases, a request for testing or analysis under paragraph (1) shall be deemed made. *<Amended by Act No. 11704, Mar. 23, 2013>*

(4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries receives a request for the collection of a sample under paragraph (3), he/she shall have the relevant public official collect the sample within seven days. In such cases, the parties to the dispute shall provide cooperation in collecting the sample. *<Amended by Act No. 11704, Mar. 23, 2013>*

(5) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries receives a request for testing or analysis under paragraph (1) or the latter part of paragraph (3), he/she shall conduct testing or analysis and inform the parties to a dispute of the results without delay. *<Amended by Act No. 11704, Mar. 23, 2013>*

(6) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the parties to a dispute under paragraph (1) to submit data necessary for testing or analysis under paragraph (5). *<Amended by Act No. 11704, Mar. 23, 2013>*

(7) Where losses related to seeds in dispute have been sustained due to a defect in seeds, any person who has sustained losses may request a seed business operator to compensate for such losses, as prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 48 (Mediation of Dispute)**

(1) The parties to a dispute may request the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to mediate the dispute concerning compensation under Article 47 (7). *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) Matters necessary for a request, procedures, etc. for the mediation of a dispute under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 49 (Language Used)**

All documents under this Act shall be prepared in Korean, and where it is necessary to use Chinese characters or other foreign characters, they shall be mentioned in parentheses: Provided, That this shall not apply to cases prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 50 (Hearings)**

(1) Where the State or a local government intends to revoke the designation of an expert training institution pursuant to Article 6 (4), it shall hold a hearing.

(2) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu intends to take the following measures, he/she shall hold a hearing: *<Amended by Act No. 11704, Mar. 23, 2013>*

1. Revocation of the designation of a promotion center under Article 12 (4);
2. Revocation of the registration of a seed manager under Article 27 (3);
3. Revocation of the registration of seed business under Article 39 (1) or (2).

#### **Article 51 (Fees)**

(1) The following persons shall pay a fee:

1. A person who intends to file an application for the registration of a variety in the catalog of varieties pursuant to Article 16 (1);
2. A person who intends to file an application for the extension of the period of validity of the registration of a variety in the catalog of varieties pursuant to Article 19 (2);
3. A person who intends to obtain national certification pursuant to Article 25 (1) 2;

4. A person who intends to request the issuance of a certificate under Article 31;
5. A person who intends to report seeds that he/she intends to sell after producing or importing them pursuant to Article 38 (1);
6. A person who intends to undergo importation adaptability testing pursuant to Articles 41 (1);
7. A person who makes a request for testing or analysis pursuant to Article 47 (1);
8. A person who makes a request for the mediation of a dispute pursuant to Article 48 (1);
9. A person who intends to apply for the issuance of a certified copy, an abridged copy, a copy, or a certificate of various documents under this Act.

(2) The amount of fees, methods of payment, the period of payment, etc. under paragraph (1) shall be prescribed by joint Ordinance. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 52 (Exemption from and Refund of Fees)**

(1) The State, local governments, beneficiaries under Article 5 of the National Basic Living Security Act and those prescribed by joint Ordinance shall be exempted from any fees, notwithstanding Article 51.

*<Amended by Act No. 11704, Mar. 23, 2013>*

(2) A person who intends to be exempted from any fees pursuant to paragraph (1) shall submit a document prescribed by joint Ordinance to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11704, Mar. 23, 2013>*

(3) Any fees paid shall not be refunded: Provided, That a fee paid erroneously shall be refunded at the request of a person who has paid such fee.

(4) Where there is a fee paid erroneously, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall notify a person who has paid the fee immediately after he/she learns such fact. *<Amended by Act No. 11704, Mar. 23, 2013>*

(5) A request for refund of a fee under the proviso to paragraph (3) shall be made within three years from the date of payment.

#### **Article 53 (Delegation or Entrustment of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans may delegate part of his/her authority under this Act to the Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree. *<Amended by Act No. 11704, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans may entrust part of his/her authority under this Act to a corporation or an organization related to agriculture, forestry and fisheries prescribed by joint Ordinance, as prescribed by Presidential Decree. *<Amended by Act No. 11704, Mar. 23, 2013>*

#### **Article 54 (Penal Provisions)**

The following persons shall be punished by imprisonment for not exceeding one year or by a fine not exceeding ten million won:

1. A person who sells, supplies, exports or imports seeds of a variety other than protected varieties under the Act on the Protection of New Varieties of Plants by making fraudulent use of the denomination of a variety registered pursuant to Article 16 (2) or reported pursuant to Article 38 (3);
2. A person who conducts business of a seed manager without registration under Article 27 (2);
3. A seed manager who issues a false certificate under Article 32;
4. A person who sells or supplies seeds without obtaining certification, in violation of Article 36 (1);
5. A person who conducts seed business without registration, in violation of Article 37 (1);
6. A person who sells seeds of a variety by producing or importing them without reporting such activities, or who falsely reports his/her activities, in violation of Article 38 (1);
7. A person who continues to conduct seed business after his/her registration has been revoked or continues to conduct seed business without complying with an order to suspend business, in violation of Article 39 (1);
8. A person who exports or imports seeds or distributes imported seeds, in violation of Article 40;
9. A person who imports seeds without undergoing importation adaptability testing, in violation of Article 41 (1);
10. A person who produces or sells seeds after the suspension of the production or sale has been ordered, in violation of Article 45 (2);
11. A person who refuses, interferes with or evades sampling, in violation of the latter part of Article 47 (4).

#### **Article 55 (Joint Penal Provisions)**

If the representative of a corporation, or an agent, an employee, or any other employed person of the corporation or an individual commits an offense referred to in Article 54 regarding the business of the said corporation or individual, not only shall such offender be punished, but the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or individual has not neglected to pay due attention and supervise the relevant business in order to prevent such offense.

#### **Article 56 (Fines for Negligence)**

(1) The following persons shall be punished by a fine for negligence not exceeding ten million won:

1. A person who sells or supplies seeds by making use of the denomination of a variety which has not been registered or reported, in violation of Article 16 (2) or 38 (3);
2. A person who fails to retain documents for inspection related to certification of seeds, in violation of Article 31 (2);
3. A person who sells or supplies seeds without indicating quality of seeds in distribution or by falsely indicating such quality, in violation of Article 43;
4. A person who refuses, interferes with or evades access, investigation, inspection or collection under Article 45 (1).

(2) A person who displays or stores seeds referred to in the provisions of Article 44, in violation of the same Article, shall be punished by a fine for negligence not exceeding two million won.

(3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Mayor/Do Governor shall impose and collect fines for negligence under paragraphs (1) and (2), as prescribed by Presidential Decree. *<Amended by Act No. 11704, Mar. 23, 2013>*

ADDENDA *<Act No. 11458, Jun. 1, 2012>*

**Article 1 (Enforcement Date)**

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

**Article 2 (General Transitional Measures concerning Measures, etc. )**

Measures taken, procedures followed or other acts done by administrative agencies or acts done with regard to administrative agencies in accordance with the former provisions before this Act enters into force shall be deemed measures taken, procedures followed or acts done by administrative agencies or acts done with regard to administrative agencies under this Act corresponding thereto.

**Article 3 (Transitional Measures concerning Registration of Seed Business)**

Any person who sells seeds after processing or repackaging as at the time this Act enters into force shall be deemed to have registered seed business under Article 37 (1). In such cases, he/she shall have facilities and human resources under Article 37 (1) and (2) within three months from the enforcement date of this Act.

**Article 4 (Transitional Measures concerning Fines for Negligence)**

When the provisions on fines for negligence apply to acts done before this Act enters into force, the former provisions shall apply thereto.

**Article 5 Omitted.**

**Article 6 (Relationship to Other Acts and Subordinate Statutes)**

Where the former provisions have been cited by other Acts and subordinate statutes as at the time this Act enters into force, if the provisions corresponding thereto exist in this Act, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions.

ADDENDA *<Act No. 11704, Mar. 23, 2013>*

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of the wholly amended Seed Industry Act, Act No. 11458, shall enter into force on June 2, 2013.

**Article 2 (Transitional Measures Following Adjustment of Affairs among Government Offices)**

Administrative measures taken and other acts done by the Minister for Food, Agriculture, Forestry and Fisheries and applications, reporting, and other acts done with regard to the Minister for Food, Agriculture, Forestry and Fisheries in accordance with the former provisions before this Act enters into force shall be deemed acts done by the Minister of Agriculture, Food and Rural Affairs or the Minister

of Oceans and Fisheries and acts done with regard to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries under this Act, respectively.

**Article 3 (Transitional Measures concerning Establishment of Seed Council)**

The Seed Council established in accordance with the former provisions before this Act enters into force shall be deemed the Agricultural and Forestry Seed Council or the Fisheries Seed Council established in accordance with the amended provisions of Article 158 (1) until the new councils are formed in accordance with the amended provisions of Article 158 (1).

