

법령, 판례 등 모든 법령정보를 한 번에 검색 OK !

## **FERTILIZER CONTROL ACT**

농림축산식품부(농기자재정책팀) 044-201-1892, 1893

 **법제처 국가법령정보센터**  
www.law.go.kr

2019. 10. 30.

## FERTILIZER CONTROL ACT

### Article 1 (Purpose)

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

### Article 2 (Definitions)

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

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

### Article 3 (Exceptions, etc. to Application)

(1) This Act shall not apply where a fertilizer is produced, imported or sold to supply for use in the manufacturing industry or animal feed.

(2) This Act may not apply where a person who runs the business of agriculture, forestry, livestock, or fisheries sells, distributes or supplies free of charge a by-product fertilizer manufactured by utilizing the by-products generated in the course of his/her ordinary business, as prescribed by Presidential Decree.

- Article 4 (Establishment, etc. of Legal Standards)** (1) The Minister of Agriculture, Food and Rural Affairs may establish, change or abolish the legal standards of fertilizers, or designate or abolish by-product fertilizers (hereafter referred to as "establishment, etc. of legal standards" in this Article). <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Any person who deems that the establishment, etc. of legal standards is necessary may file a request for the establishment, etc. of legal standards with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) If necessary to enhance expertise and fairness in the establishment, etc. of legal standards, such standards shall be deliberated upon by the Fertilizer Legal Standards Council, as prescribed by Presidential Decree.
- (4) Where the Minister of Agriculture, Food and Rural Affairs intends to perform the establishment, etc. of legal standards, he/she shall announce them publicly 30 days in advance. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Any person who intends to produce or import fertilizers for which no legal standards or designation of by-product fertilizers have been established or announced as provided in paragraph (4) and to sell them for agricultural use, shall request the establishment of the legal standards or the designation of by-product fertilizers, and may not produce or import and sell such fertilizers until legal standards are established or designation as by-product fertilizers is made: Provided, That any person may produce or import fertilizers without establishment of legal standards or designation of by-product fertilizers if fertilizers are used for experiment or research purposes.
- (6) Matters necessary for the composition and operation of the Fertilizer Legal Standards Council referred to in paragraph (3) and other matters shall be prescribed by Presidential Decree.

- Article 4-2 (Designation of Examination and Research Institutes)** (1) The Minister of Agriculture, Food and Rural Affairs may designate an entity equipped with personnel and facilities necessary for conducting experiments and analyses of fertilizers, such as their efficacy and harm, heavy metals contained therein and physicochemical analysis, as an examination and research institute, for each field. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) An entity that intends to be designated as an examination and research institute pursuant to paragraph (1) shall file an application therefor with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. This shall also apply to any modification to designated matters. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) The term of validity of the designation of an examination and research institute under paragraph (1) shall be four years from the date of designation.
- (4) Any entity that intends to continuously engage in examinations and analyses affairs after the term of validity of designation stipulated under paragraph (3) expires shall obtain re-designation every four years by no later than three months prior to the expiry of the term of validity.
- (5) Standards for designation of an examination and research institute under paragraph (1), scope of duties for examinations and analyses, procedures for filing applications for designation, requirements and procedures for re-designation under paragraph (4), and other necessary matters shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

- Article 4-3 (Revocation, etc. of Designation of Examination and Research Institutes)** (1) When any entity designated as an examination and research institute pursuant to Article 4-2 (1) falls under any of the following, the Minister of Agriculture, Food and Rural Affairs may revoke the designation or issue an order to the entity to suspend all or part of its business for a fixed

period not exceeding one year: Provided, That the Minister shall revoke designation in cases falling under subparagraph 1 or 5: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where it obtains the designation by fraud or other improper means;
2. Where it, intentionally or by gross negligence, issues any of the following documents falsely:
  - (a) A report on results of an examination;
  - (b) A document stating the results of analysis of heavy metals and physicochemical;
  - (c) Other documents relevant to the examination and analysis of fertilizers;
3. Where an examination and research institute falls short of standards for designation thereof;
4. Where it fails to perform the relevant affairs continuously for one year without any justifiable reason;
5. Where it performs affairs, in violation of an order to suspend its affairs.
  - (2) Where two years have not passed since the designation as an examination and research institute was revoked pursuant to paragraph (1), the relevant entity shall not be designated as the examination and research institute pursuant to Article 4-2 (1).
  - (3) Detailed standards for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, in consideration of the types and severity of the violations. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 5 Deleted.**

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

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

**Article 7 (Supply of Fertilizers)** (1) If deemed necessary for the adjustment of demand for, and supply of fertilizers, price stability and fostering of eco-friendly agriculture, the Minister of Agriculture, Food and Rural Affairs may require the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") or the National Agricultural Cooperatives Federation established under the Agricultural Cooperatives Act (hereinafter referred to as the "National Agricultural Cooperatives Federation") to supply fertilizers. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Mayor/Do Governor or the National Agricultural Cooperatives Federation supplies fertilizers under paragraph (1), he/she or it shall manage the supply of fertilizers, as prescribed by the Minister of Agriculture, Food and Rural Affairs, and where an accident brings any loss, spoil, quality deterioration, damage of package, etc. to fertilizers, he/she or it shall make compensation pursuant to the standards and procedures prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where the Mayor/Do Governor or the National Agricultural Cooperatives Federation supplies fertilizers pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs may partially subsidize the expenses within budgetary limits. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 8 (Establishment of Fertilizer Account and Financial Support)** (1) Where the National Agricultural Cooperatives Federation supplies fertilizers pursuant to Article 7, it shall establish and keep a fertilizer account separately from its own account.

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

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

**Article 9 Deleted.**

**Article 10 (Restrictions on Importation of Harmful Fertilizers, etc.)** (1) When the Minister of Agriculture, Food and Rural Affairs deems that any organic fertilizers, by-product fertilizers, and their raw materials, among ordinary fertilizers, are likely to cause serious harm to the soil environment and plants because they contain heavy metals or carry blights and insects, he/she may restrict their importation after consultation with the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(2) With respect to organic fertilizers, by-product fertilizers, and their raw materials among ordinary fertilizers that the Minister of Agriculture, Food and Rural Affairs deems harmful under paragraph (1), he/she may require an agency that he/she designates to inspect them. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Standards for harmfulness and matters necessary for inspections under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

**Article 11 (Registration of Fertilizer Production Business)** (1) Any person who intends to run a business of producing and selling, or distributing or supplying fertilizers free of charge (including those who intend to reclaim fertilizers from wastes provided in the Wastes Control Act and sell, or distribute or supply them free of charge) shall register raw materials for production, certified ingredients, etc. with the head of a Si (including a Special Self-Governing Province Governor; hereinafter the same shall apply)/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) for each kind of fertilizer, as prescribed by Presidential Decree: Provided, That this shall not apply in cases of a by-product fertilizer production business not in excess of the scale prescribed by Presidential Decree. <Amended by Act No. 10836, Jul. 14, 2011>

(2) Deleted. <by Act No. 5947, Mar. 31, 1999>

(3) Facilities required for the registration of a fertilizer production business under paragraph (1) and other registration standards shall be prescribed by Presidential Decree. <Amended by Act No. 10836, Jul. 14, 2011>

(4) Where any fertilizer producer modifies registered matters or discontinues his/her business, he/she shall report it to the head of a Si/Gun/Gu, by no later than 30 days after the date of occurrence thereof. <Amended by Act No. 10836, Jul. 14, 2011>

(5) Any person who intends to register a fertilizer production business under paragraph (1) shall pay fees prescribed by ordinances of a Si (including the Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply). <Amended by Act No. 10836, Jul. 14, 2011>

**Article 12 (Reporting on Fertilizer Import Business)** (1) Any person who intends to engage in the business of importing and selling fertilizers shall report raw materials for production, certified ingredients, etc. by the kind of fertilizer to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(2) When any fertilizer importer modifies matters reported or discontinues his/her business, he/she shall report thereon to the head of a Si/Gun/Gu by no later than 30 days after the date of occurrence thereof.

(3) Any person who reports a fertilizer import business under paragraph (1) shall pay fees prescribed by ordinances of a Si/Gun/Gu.

**Article 13 (Succession to Business)**

Any of the following persons shall succeed to the status of a fertilizer business entity:

1. Where a fertilizer business entity is dead, the deceased's heirs;
2. Where a fertilizer business entity transfers his/her business, the transferee of the business;
3. Where a corporate fertilizer business entity merges with another corporation, a corporation surviving the merger or a corporation newly established in the course of the merger.

**Article 14 (Indication of Certification and Management of Sale)** (1) Fertilizer business entities shall place certification of fertilizers, such as names, the quantity of certified ingredients, and the best before date determined by the legal standards on the containers or on the outside of the packaging of ordinary fertilizers and by-product fertilizers, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That where the fertilizer is intended for sale, distribution or supply without a container or packaging, the placement of certification may be substituted by issuing to a counter party a certification mark stating the name of fertilizer, the quantity of certified ingredients, and the best before date determined by the legal standards, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) No fertilizer business entity shall transfer, exhibit, sell, distribute or supply any of the following fertilizers:

1. Fertilizers without bearing an indication of certification referred to in paragraph (1);
2. Fertilizers of which the matters indicated on the containers or packing are difficult to identify on account of damage;
3. Fertilizers which exceed the maximum allowable content of harmful ingredients determined by legal standards;
4. Fertilizers bearing misleading indications about their effects on the containers or packing;
5. Fertilizers produced by using materials, other than raw materials determined by legal standards;
6. Fertilizers produced or imported by persons, other than fertilizer producers or importers;
7. Fertilizers produced by using materials, other than raw materials for production registered pursuant to Article 11 or reported pursuant to Article 12.

**Article 14-2 (Entry of Raw Materials Used for Manufacturing in, and Maintenance of, Books)** (1) A fertilizer producer or a fertilizer importer shall enter in a book (including a computerized one) the kind, place of purchase, quantity, etc. of raw materials used for manufacturing the fertilizer by kind of fertilizer and maintain the book for three years.

(2) Matters necessary for making entries in books under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 15** Deleted.

**Article 16** Deleted.

**Article 17** Deleted.

**Article 18 (Quality Examinations)** (1) Deleted. <by Act No. 5947, Mar. 31, 1999>

(2) If deemed necessary for quality management of fertilizers, the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu may examine the quality of fertilizers produced, imported, stored or sold, or distributed or supplied free of charge. <Amended by Act No. 10836, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(3) Any public official conducting an examination pursuant to paragraph (2) shall carry with

him/her a certificate indicating his/her authority and produce it to relevant persons. <Amended by Act No. 10836, Jul. 14, 2011>

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

Where the result of the examination conducted under Article 18 (2) indicates that the relevant fertilizer falls under any of the following, the head of a Si/Gun/Gu may order the relevant fertilizer business entity to take necessary measures, such as suspension of sales, recall, destruction, and prohibition of transfer:

1. Fertilizers in which the harmful ingredients determined by the legal standards exceed the maximum allowable content prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. Fertilizers of which the legal standards are not determined or that are not designated as by-product fertilizers;
3. Fertilizers which exceed the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in terms of the difference between the certified ingredient quantity (including weight) under Article 14 (1) and the actual ingredient quantity;
4. Fertilizers for which the best before date referred to in the legal standard has expired;
5. Fertilizers that are made of materials, other than raw materials for production registered pursuant to Article 11 or reported pursuant to Article 12.

**Article 20 (Revocation of Registration, Suspension of Business, etc.)** (1) Where a fertilizer producer falls under any of the following cases, the head of a Si/Gun/Gu may revoke the registration or order the suspension of all or part of a business for a given period not exceeding three months: Provided, That where he/she falls under subparagraph 1, 5 or 9, the head of a Si/Gun/Gu shall revoke the registration thereof: <Amended by Act No. 11502, Oct. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. Where he/she registers the fertilizer production business by fraud or other improper means;
2. Where he/she fails to commence his/her business within one year from the date of registration;
3. Where he/she produces and sells, or distributes or supplies free of charge the fertilizers in which the harmful ingredients determined by the legal standards exceed the maximum allowable content prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
4. Where he/she produces and sells, or distributes or supplies free of charge the fertilizers in which the main ingredients determined by the legal standards fall short of the minimum content prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
5. Where he/she sells fertilizers, in violation of Article 4 (5);
6. Where he/she falls short of registration standards referred to in Article 11 (3);
7. Where he/she produces and sells, or distributes or supplies free of charge the fertilizers in which the ingredient quantity falls short of the certified ingredient quantity indicated pursuant to Article 14 (1);
8. Where he/she violates Article 14 (2);
9. Where he/she carries on his/her business, in violation of an order to suspend his/her business;
10. Where he/she fails to make entries in or maintain books or makes false entries in books under Article 14-2;
11. Where he/she fails to enter some of the matters requiring entry in books under Article 14-2.

(2) Where a fertilizer importer falls under any of the following cases, the head of a Si/Gun/Gu may order the closure of the business office or the suspension of business for a given period not exceeding three months: Provided, That where he/she falls under subparagraph 4 or 7, the head of a Si/Gun/Gu shall order the closure of the business office: <Amended by Act No. 11502, Oct.



22, 2012; Act No. 11690, Mar. 23, 2013>

1. Where he/she reports a fertilizer import business by fraud or other improper means;
2. Where he/she imports and sells fertilizers in which the harmful ingredients determined by the legal standards exceed the maximum allowable content prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
3. Where he/she imports and sells fertilizers in which the main ingredients determined by the legal standards fall short of the minimum content prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
4. Where he/she sells fertilizers, in violation of Article 4 (5);
5. Where he/she imports and sells fertilizers in which the ingredient quantity falls short of the certified ingredient quantity indicated pursuant to Article 14 (1);
6. Where he/she violates Article 14 (2);
7. Where he/she carries on his/her business, in violation of an order to suspend his/her business;
8. Where he/she fails to make entries in or maintain books or makes false entries under Article 14-2;
9. Where he/she fails to enter some of the matters requiring entry in books under Article 14-2.
  - (3) Detailed standards for dispositions such as revocation of registration under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 21 (Disposition of Imposition of Penalty Surcharges)** (1) Where a fertilizer producer or importer falls under Article 20 (1) 7 or 8 or (2) 6, the head of a Si/Gun/Gu may impose a penalty surcharge not exceeding 20 million won in lieu of a disposition to suspend business, as prescribed by Presidential Decree, only when it is required to prevent imbalance between supply of and demand for fertilizers due to the disposition to suspend business and the rapid rising of the price thereby caused. In such cases, penalty surcharges may be imposed up to three occasions.

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

(3) Where a fertilizer producer or importer fails to pay a penalty surcharge imposed under paragraph (1) by the deadline, the head of a Si/Gun/Gu shall collect pursuant to the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>

**Article 22 (Hearings)** (1) Where the Minister of Agriculture, Food and Rural Affairs intends to revoke the designation of an examination and research institute or issue an order to suspend business pursuant to Article 4-3 (1), he/she shall hold a hearing. <Amended by Act No. 11690, Mar. 23, 2013>

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

**Article 23 (Restrictions on Registration or Reporting)** (1) In any of the following cases, the fertilizer production business shall not be registered as provided in Article 11:

1. Where the business falls short of registration standards referred to in Article 11 (3);
2. Where any person (in cases of a corporation, including its representative) for whom one year has not passed after the registration of the fertilizer production business was revoked under Article 20 (1), intends to carry on the same kind of business as the fertilizer production business, the registration of which was revoked;



3. Where any person (in cases of a corporation, including its representative) who has been sentenced to imprisonment for violating subparagraph 2 of Article 27 and for whom two years have not passed after the execution of the sentence was terminated or exempted, intends to carry on the same kind of producing or importing business.
- (2) No person (in cases of a corporation, including its representative) who intends to carry on the same kind of importing business as the business to which the order of closure was issued under Article 20 (2) and for whom one year has not passed after such order of closure was issued, may report the importing business of fertilizers under Article 12.

**Article 24 (Supervision)** (1) The Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu may issue an order or require reports necessary for the supervision of duties of a fertilizer business entity, the National Agricultural Cooperatives Federation supplying fertilizers pursuant to Article 7, or a fertilizer shipping agent or warehouseman. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/Gu deems it necessary for the quality control of fertilizers, etc., he/she may require public officials under his/her control to take, free of charge, the minimum quantity of a sample as required for analysis and examination of fertilizers or their raw materials from the offices, shops, warehouses, factories, etc. of the National Agricultural Cooperatives Federation, a fertilizer business entity, and a fertilizer shipping agent and warehouseman, or to request submission of necessary data and related documents. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 25** Deleted.

**Article 26 (Delegation of Authority)**

The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority under this Act to the Administrator of the Rural Development Administration, as prescribed by Presidential Decree.

**Article 27 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 13135, Feb. 3, 2015>

1. Any person who sells fertilizers, in violation of Article 4 (5);
2. Any person who produces, sells or distributes or supplies free of charge fertilizers without registration as provided in Article 11, or imports and sells fertilizers without reporting as provided in Article 12 (1);
3. Any person who registers as provided in Article 11, or reports as provided in Article 12 (1) by fraud or other improper means;
4. Any person who falsely records the indication of certification under Article 14 (1);
5. Any person who transfers, exhibits, sells, distributes or supplies fertilizers falling under Article 14 (2) 3;
6. Any person who violates an order for suspension of sales, recall, destruction, etc. of fertilizers issued under Article 19;
7. Any person who continues to carry on his/her business, in violation of a disposition to revoke registration or to suspend business taken under Article 20 (1);
8. Any person who continues to carry on his/her business, in violation of an order for the closure of the business office or a disposition to suspend business issued or taken under Article 20 (2).

**Article 28 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No.13135, Feb. 3, 2015>

1. Any person who fails to make the indication of certification under the main sentence of Article 14 (1), or issue the certification mark under the proviso to the same paragraph;
2. Any person who violates Article 14 (2) 1, 2, and 4 through 7.

**Article 29 (Joint Penalty Provisions)**

Where a representative of a corporation, or an agent, employee, or other person employed by, a corporation or individual commits a violation under Article 27 or 28 in connection with the business affairs of the corporation or individual, not only shall the violator be punished, but also the corporation or individual shall be punished by a fine under the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in exercising due attention and supervision concerning the relevant duties to prevent such violation.

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

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

**Article 30 (Administrative Fines)**

Any of the following persons shall be punished by an administrative fine not exceeding five million won:

1. Any entity that obtains designation as an examination and research institute under Article 4-2 (1) by fraud or other improper means;
2. Any person who issues false documents referred to in the items of Article 4-3 (1) 2, intentionally or by gross negligence, or any person who violates an order to suspend his/her business issued under Article 4-3 (1) 5;
3. Any person who violates an order, or fails to make a report or files a false report, under Article 24 (1);
4. Any person who refuses or interferes with the taking of a sample for examination or a request for submission of data and documents under Article 24 (2).

**Article 31 (Administrative Fines)**

Any of the following persons shall be punished by an administrative fine not exceeding two million won:

1. Any fertilizer producer who fails to report any modification or discontinuance of business under Article 11 (4);
2. Any fertilizer importer who fails to report any modification or discontinuance of business under Article 12 (2).

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

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