

<Informal>

Proposed Amendments to the Enforcement Revised of the Act on the Sustainable Use of Timbers

(Promulgation 21 of March, 2017)

Article 4 (Responsibilities)

(1) The State and local governments shall endeavor to promote the sustainable use of timber by formulating and implementing measures necessary to promote timber culture, vitalize timber education, and systematically and stably supply timber products.

(2) The Minister of the Korea Forest Service shall formulate and implement necessary policies to ensure the distribution and use of timber or timber products produced (hereinafter referred to as "legally felled") in accordance with timber harvest-related statutes of the Republic of Korea or the country of origin.

(3) Each timber producer shall endeavor to import, distribute, produce, and sell legally felled timber or timber products.

Article 19-2 (Import Declaration)

Where an importer intends to import timber or any timber product prescribed by Presidential Decree to sell or use it for business, he/she shall file an import declaration thereof with the Minister of the Korea Forest Service, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 19-3 (Import Inspection, etc.)

(1) The Minister of the Korea Forest Service shall require an inspection agency prescribed by Presidential Decree to inspect the relevant documents before the completion of customs clearance for the timber or timber product an import declaration of which has been filed pursuant to Article 19-2. In such cases, an import declaration may be received, under the condition that the sale or distribution of the relevant timber or timber product be prohibited until inspection results are verified or supplementary measures are taken for violations, if any.

(2) Where an inspection agency inspects documents under paragraph (1), it shall verify whether any document falls under any of the following:

1. A permit for felling issued pursuant to the statutes of the country of origin;
2. A document prescribed and publicly notified by the Minister of the Korea Forest Service, which is internationally recognized to certify legally felled timber or timber products;
3. A document prescribed and publicly notified by the Minister of the Korea Forest Service, which is mutually recognized in accordance with bilateral consultations between the Republic of Korea and the country of origin;
4. Any other document prescribed and publicly notified by the Minister of the Korea Forest Service,

which verifies that the relevant timber or timber product has been legally felled.

(3) The Minister of the Korea Forest Service may issue an order to suspend the sale of any timber or timber product, the legal felling of which has not been verified as a result of the inspection conducted under paragraph (2), or an order to return or destroy such timber or timber product, as prescribed by Presidential Decree.

Article 26 (Revocation, etc. of Registration)

(1) If a timber producer falls under any of the following, the head of a Si/Gun/Gu may revoke his/her registration for timber production business or order the suspension of his/her business for a fixed period of not exceeding six months: Provided, That in cases falling under subparagraph 1 or 2, the registration for timber production business shall be revoked:

1. Where the registration is made under Article 24 (1) in a false or other unjust manner;
2. Where he/she falls under any subparagraph of Article 25;
3. Where he/she fails to meet the standards for registration of the timber production business;
4. Where he/she violates Article 24 (3);
5. Where he/she fails to report under Article 24 (4);
6. Where he/she fails to keep books or a document verifying that the relevant timber or timber products have been legally felled, in violation of Article 27 (1);
7. Where he/she fails to make a report, or refuses, interferes with, or evades an inspection prescribed in Article 27 (2), without any justifiable ground;
8. Where he/she conducts business during the term of business suspension.

(2) Detailed standards for revocation of registration, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree, in consideration of the types and severity of violations, etc.

(3) Where any timber producer receives a disposition of revocation of his/her timber production business registered under paragraph (1), he/she shall be prohibited from operating the timber production business from the date of such revocation: Provided, That he/she may continue to distribute the timber, the distribution of which has been contracted before receiving such disposition of revocation of registration.

Article 27 (Guidance and Supervision)

(1) Each timber producer shall retain books specifically stating the types, volume of distribution, etc. of timber as well as a document verifying that the relevant timber or timber products have been legally felled, as prescribed by Ordinance of the Ministry for Food, Agriculture and Rural Affairs. The document verifying the legal felling of the timber or timber products shall be kept for five years.

(2) If deemed necessary to ascertain the fulfillment of the standards for registration of timber production business or current status of distribution of timber, etc., the head of a Si/Gun/Gu may require any timber producer to report on his/her business or have the public official under their jurisdiction inspect the facilities, equipment, documents, etc.

(3) Where an inspection is conducted pursuant to paragraph (2), the date and time of, reasons for, and matters subject to the inspection shall be notified to the relevant timber producer seven days before the inspection is conducted: Provided, That this shall not apply where it is deemed impractical to accomplish the purpose of inspection due to the destruction of evidence, etc., if a prior notification is made.

(4) Each public official who conducts an inspection under paragraph (2) shall carry a document indicating his/her authority and show it to interested persons.

(5) No timber producer may refuse, interfere with, or evade the inspection prescribed in paragraph

(2) without any justifiable ground.

Article 34 (Cooperation from Relevant Agencies)

Where necessary to verify whether any timber or timber product has been legally felled, the Minister of the Korea Forest Service may request the head of the relevant administrative agency to provide the relevant import declaration or any other relevant data. In such cases, the head of the relevant administrative agency shall comply with such request, except in extenuating circumstances.

Article 41 (Monetary Rewards)

The Minister of the Korea Forest Service may pay prize money, within budgetary limits, to a person who has reported or informed on any person who violated Article 20 (2) or (3), 24 (1) or (4), or 27 (1) to the competent authorities or criminal investigation agency or who has contributed to improving quality and establishing a distribution order of timber products, as prescribed by Presidential Decree.

Article 45 (Penal Provisions)

(1) Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who falsely indicates or uses the following certification or authorization without obtaining the certification or authorization under Article 14 (2):

(a) and (b) Deleted; <by Act No. 14358, Dec. 2, 2016>

(c) Authorization of a master of timber products;

(d) Certification of a product using regional filter timber;

2. A person who fails to comply with an order to restrict production or sale or to dispose of a hazardous timber product issued under Article 17 (4);

3. A person who sells or clear through customs a timber product that has not undergone the inspection of the standard dimensions and quality prescribed in Article 20 (2) or who sells or clears through customs a timber product that fails to meet the criteria for the standards of dimensions and quality;

4. A person who fails to comply with the order for the suspension of sale, or order for return or disposal issued under Articles 20(5);

5. A person who sells, preserves or clears through customs a timber product that does not indicate the standard dimensions and quality prescribed in Article 20 (6);

6. A person who conducts an inspection of standard dimensions and quality or the quality certification, in violation of Article 20 (2) or 21 (1);

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

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

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