

# ANIMAL PROTECTION ACT

Wholly Amended by Act No. 10995, Aug. 4, 2011

Amended by Act No. 11690, Mar. 23, 2013

Act No. 11737, Apr. 5, 2013

Act No. 12051, Aug. 13, 2013

Act No. 12512, Mar. 24, 2014

## Article 1 (Purpose)

The purpose of this Act is to protect life, ensure safety, and promote welfare of animals by providing for matters necessary for the prevention of cruelty to animals and for the protection and appropriate management of animals, thereby develop national ethos, such as respect for the life of animals.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 12051, Aug. 13, 2013>*

1. The term "animal" means any of the following animals, which are vertebrates with developed nervous systems through which they could feel pain:

(a) Mammals;

(b) Birds;

(c) Reptiles, amphibia, and fish, animals that are prescribed by Presidential Decree after discussion between the head of a relevant central administrative agency and the Minister of Agriculture, Food and Rural Affairs.

1-2 The term "animal abuse" means an act of inflicting unnecessary and avoidable physical distress or stress on animals without justifiable grounds, or neglecting or failing to take appropriate measures against its hunger, diseases, etc.

2. The term "animal subject to registration" means an animal specified by Presidential Decree, as deemed necessary to be registered to control diseases and prevent risks to public health;

3. The term "owner or keeper of an animal" means the owner of an animal or a person engaged in raising, caring for, or protecting an animal on behalf of the owner of the animal;

4. The term "animal experimentation" means experiments on animals, as defined in subparagraph 1 of Article 2 of the Laboratory Animal Act;

5. The term "animal experimentation institution" means a corporation, organization, or institution specified by Presidential Decree, as qualified to conduct animal experimentation.

### **Article 3 (Basic Principles for Protection of Animals)**

Any person shall endeavor to observe the following principles in raising, caring for, or protecting animals:

1. Animals shall live an ordinary life, maintaining their natural behavior and original physical shape;
2. Animals shall not suffer from thirst, hunger, or malnutrition;
3. Animals shall freely express normal behavior without experiencing discomfort;
4. Animals shall be free from pain, injury, and disease;
5. Animals shall be free from fear and distress.

### **Article 4 (Responsibilities of State, Local Governments, and Citizens)**

(1) The State shall formulate and implement a comprehensive plan for the welfare of animals once every five years for appropriate protection and management of animals, which shall include the following matters, and local governments shall fully cooperate with the State in implementing such plan:

1. The basic policy on the prevention of cruelty to animals and the welfare of animals;
2. Matters regarding the management of lost, abandoned, and abused animals;
3. Matters regarding animal experimentation institutions and the operation of the Animal Experimentation Ethics Committee under Article 25;
4. Education and publicity with regard to the prevention of cruelty to animals, the welfare of animals, and ethics for animal experimentation;
5. Matters regarding the expansion of animal welfare livestock farming and animal welfare livestock farms;
6. Other matters necessary for the prevention of cruelty to animals and the welfare of animals.

(2) The Special Metropolitan City Mayor and a Metropolitan City Mayor, Do Governor, Special Self-governing Province Governor, or Special Self-governing City Mayor (hereinafter referred to as "Mayor/Do Governor") shall formulate an animal welfare plan for the Special Metropolitan City and a Metropolitan City, Do, Special Self-governing Province, or Special Self-governing City (hereinafter referred to as "City/Do"), respectively, once every five years based on the relevant comprehensive plan under paragraph (1) and shall notify the Minister of Agriculture, Food and Rural Affairs of such plan.

*<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The State and local governments may encourage non-governmental organizations specified by Presidential Decree to initiate a campaign or other activities for the protection of animals or may provide support for such campaign or activities.

(4) All citizens shall fully cooperate with the State and local governments in taking measures to protect animals and make other efforts necessary to protect animals.

### **Article 5 (Animal Welfare Committee)**

(1) The Animal Welfare Committee shall be established within the Ministry of Agriculture, Food and Rural Affairs to provide advices on the following matters as requested to the Minister of Agriculture, Food and Rural Affairs: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Formulation and implementation of a comprehensive plan under Article 4;
2. Instruction and supervision in regard to the organization of the Animal Experimentation Ethics Committee under Article 28;
3. Certification of animal welfare livestock farms under Article 29 and policies on animal welfare livestock farming;
4. Other matters regarding the welfare of animals, such as prevention of cruelty to animals, and rescue and protection of animals.

(2) The Animal Welfare Committee shall be comprised of not more than ten members, including one chairperson.

(3) Committee members shall be commissioned by the Minister of Agriculture, Food and Rural Affairs from among the following persons, and the chairperson shall be elected by and from among committee members: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Veterinarians with abundant knowledge and experience in the protection and welfare of animals;
  2. Persons recommended by non-governmental organizations falling under Article 4 (3), from among persons who have abundant knowledge and experience in animal welfare policies;
  3. Other persons who meet the qualification standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, from among persons who have expertise in the animal welfare policy.
- (4) Other matters regarding the organization and operation of the Animal Welfare Committee shall be prescribed by Presidential Decree.

#### **Article 6 (Relationship to other Acts)**

Except as otherwise expressly provided for in any other Act, the protection, use, and control of animals shall be governed by the provisions of this Act.

#### **Article 7 (Appropriate Raising and Management)**

- (1) The owner or keeper of an animal shall provide the animal with appropriate feed and water and endeavor to ensure that the animal exercises, rests, and sleeps adequately.
- (2) If an animal suffers from a disease or an injury, the owner or keeper of the animal shall endeavor to promptly provide it with curing remedies or to take other necessary measures.
- (3) When the owner or keeper of an animal manages the animal or moves the animal to some other places, he/she shall endeavor to take measures necessary for the adaptation of animals to the new environment.
- (4) Except as provided for in paragraphs (1) through (3), matters regarding appropriate methods for raising and managing animals shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 8 (Prohibition of Cruelty to Animals, etc.)**

- (1) No person shall commit any of the following offenses against animals: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 11737, Apr. 5, 2013>*

1. Killing an animal by hanging it by the neck or by applying any other cruel methods;
  2. Killing an animal on the street or any other places open to the public or killing an animal with animals of the kind present at the scene;
  3. Killing an animal by failing to feed and water it on purpose;
  4. Killing an animal without any justifiable grounds specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as necessity for veterinary treatment, harm or damage caused by an animal to human life, body or property, etc.
- (2) No person shall engage in any of the following cruelty to animals: <Amended by Act No. 11690, Mar. 23, 2013>

1. Inflicting an injury upon animals with a tool or drug: Provided, That cases specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as the prevention or treatment of diseases, shall be excluded herefrom;
  2. Hurting the body of live animals, collecting body fluid from a live animal, or installing a device for collecting body fluid from a live animal: Provided, That cases specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as curing of diseases and animal experimentation, shall be excluded herefrom;
  3. Inflicting an injury upon an animal for the purpose of gambling, advertising, amusement, or entertainment: Provided, That cases specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as folk games, shall be excluded herefrom;
  4. Inflicting an injury upon an animal for any other purpose without any justifiable ground specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as necessity for veterinary treatment and harm or damage caused by animals to human life, body, or property.
- (3) No person shall commit any of the following offenses against an animal specified in Article 14 (1) 1 or 2:

1. Catching and selling or killing such animal;
  2. Knowingly acting as a broker for purchasing, or directly purchasing, an animal protected under Article 14 (1).
- (4) No owner or keeper of an animal shall abandon the animal.
- (5) Any one shall not sell, exhibit, convey, show, or post on the Internet a cinematographic work that photographed an act falling under paragraphs (1) through (3): Provided, That it shall not apply to cases prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as publicity activities demonstrating the purpose of boosting animal protection awareness, etc. <Newly Inserted by Act No. 12051, Aug. 13, 2013>

#### **Article 9 (Transportation of Animals)**

- (1) A person transporting animals, who is specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, shall observe the following principles: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12051, Aug. 13, 2013>

1. A person shall provide animals in transit with adequate feed and water and shall not surprise or injure animals by starting or stopping suddenly;
2. A vehicle for transporting animals shall have a structure that can protect animals from injuries in transit and minimize suffering caused by a rapid change of body temperature or a difficulty in breathing;
3. When a person transports an ailing animal, a youngling, a pregnant animal, or an animal with a suckling, he/she shall install partitions or take other necessary measures to prevent such animal from being hurt by other animals in transit;
4. A person shall be careful not to injure an animal by throwing or dropping cages for transportation which contain animals while he/she loads or unloads the animal;
5. No person shall use any electronic tool for driving animals for transportation.

(2) The Minister of Agriculture, Food and Rural Affairs may establish standards for the structure and equipment of vehicles for transporting animals under paragraph (1) 2, and may encourage the use of vehicles that meet the standards. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Agriculture, Food and Rural Affairs may establish guidelines necessary for the transportation of animals in addition to the provisions of paragraphs (1) and (2), and may encourage relevant people to observe the guidelines. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 9-2 (Restrictions on Method of Shipping for Companion Animal)**

A person who intends to sell animals under Article 32 (1) shall directly transfer the relevant animal to a purchaser, or deliver it through a forwarding agent for animals who observes the provisions of Article 9 (1).

#### **Article 10 (Methods of Slaughtering Animals)**

(1) No animal shall be slaughtered in a cruel or revolting manner, and shall be free from unnecessary pain, fear, or stress in the process of being slaughtered. <Newly Inserted by Act No. 12051, Aug. 13, 2013>

(2) When a person slaughters animals pursuant to the Livestock Products Sanitary Control Act or the Act on the Prevention of Contagious Animal Diseases, he/she shall minimize suffering by applying a method specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as gas stunning, electrical stunning, etc., and shall move on to the next step of slaughter only where they are unconscious. The same shall apply to cases of burial. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12051, Aug. 13, 2013>

(3) Apart from cases specified in paragraphs (1) and (2), where it is unavoidable to kill an animal, a method that can minimize suffering shall be applied. <Amended by Act No. 12051, Aug. 13, 2013>

#### **Article 11 (Surgery on Animals)**

Each person who performs a surgical operation on an animal, such as castration, removing a horn, or cutting a tail, shall apply a veterinary method.

#### **Article 12 (Registration, etc. of Animals subject to Registration)**

(1) The owner of an animal subject to registration shall register the animal with the head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; the same shall apply hereinafter) or the Special Self-governing City Mayor (hereinafter referred to as the "head of a Si/Gun/Gu") in order to protect the animal and prevent it from being lost or abandoned: Provided, That the area specified by ordinance of each City/Do shall be excluded herefrom, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If a change is made to any matter specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with respect to an animal registered pursuant to paragraph (1), the owner of the animal shall report such changes to the head of a Si/Gun/Gu within 30 days from the date such change is made. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If a person who has acquired the ownership interest in an animal subject to registration resides in an area where the animal shall be registered pursuant to paragraph (1), he/she shall report the acquisition of the ownership interest to the head of a Si/Gun/Gu with jurisdiction over the place of his/her domicile within 30 days from the date he/she acquires the ownership interest.

(4) The head of a Si/Gun/Gu may authorize a person specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to carry out the affairs specified in paragraphs (1) through (3) on behalf of him/her. In such cases, the head of a Si/Gun/Gu may pay fees for carrying out affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) Details to be registered with regard to animals subject to registration, the methods of and procedures for registration, and the procedures for filing a report on a change shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and other matters necessary for registration shall be prescribed by ordinance of each City/Do. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 13 (Management, etc. of Animals subject to Registration)**

(1) If the owner or keeper of an animal subject to registration allows the animal to escape from the place where the animal is usually kept, he/she shall affix an identification tag on the animal, indicating the contact information of the owner or keeper and other matters specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the owner or keeper of an animal subject to registration goes outside with the animal, he/she shall take safety measures, such as attaching a neck leash, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall collect excreta (urine shall be removed only when it is discharged on a bench, chair, or any other object on which a person can sit or lie), whenever discharged. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When necessary to prevent registered animals from being lost or abandoned or to prevent risks to public health, a Mayor/Do Governor may require owners and keepers of animals to have their animals vaccinated or to place restrictions on raising them in a specific area or place or bringing them into a specific area or place, or may take other necessary measures, as prescribed by ordinance of the competent City/Do.

#### **Article 14 (Rescue and Protection of Animals)**

(1) If a Mayor/Do Governor and the head of a Si/Gun/Gu discovers an animal in any of the following situations, he/she shall rescue the animal, take measures necessary to cure and protect the animal pursuant to Article 7 (hereinafter referred to as "protective measures"), and separate the animal referred to in subparagraph 2 or 3 from the abuser in order to prevent recurrence of abuse: Provided, That animals referred to in subparagraph 1, specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, shall be excluded from those eligible for rescue and protective measures: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11737, Apr. 5, 2013>

1. Where a stray animal roams on the street or around a park or in any other public place with no owner or keeper, or if an animal is found in a paper box or any other container dumped (hereinafter referred to as "lost or abandoned animal");
2. Where an animal whose owner is unknown is found cruelly abused in any manner referred to in Article 8 (2) (hereinafter referred to as "abused animal");
3. Where an animal has been abused by its owner's cruelty referred to Article 8 (2) and it is deemed unlikely that the animal will be treated and protected appropriately.

(2) When a Mayor/Do Governor and the head of a Si/Gun/Gu takes custody of an animal referred to in paragraph (1) 3, he/she shall take protective measures for the animal for a specified period as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11737, Apr. 5, 2013>

#### **Article 15 (Establishment, Designation, etc. of Animal Care Centers)**

(1) A Mayor/Do Governor and the head of a Si/Gun/Gu may establish and operate animal care centers in accordance with the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs for the rescue of animals and protective measures for them under Article 14. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12051, Aug. 13, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may fully or partially subsidize a Mayor/Do Governor for expenses incurred in establishing and operating animal care centers. <Amended by Act No. 11690, Mar. 23, 2013>

(3) A Mayor/Do Governor may designate an institution or organization that meets the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs as an animal care center and may authorize it to take charge of the rescue of animals and protective measures for them under Article 14. <Amended by Act No. 11690, Mar. 23, 2013>

(4) A person who intends to obtain designation of an animal care center under paragraph (3) shall file an application with the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(5) A Mayor/Do Governor may fully or partially subsidize an animal care center specified in paragraph (3) for expenses incurred in rescuing animals and taking protective measures for them (hereinafter referred to as "care expenses"), and the procedures for the subsidization of care expenses and other necessary

measures shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) In any of the following cases, a Mayor/Do Governor may revoke the designation of an animal care center designated under paragraph (3): Provided, That a Mayor/Do Governor shall revoke the designation of an animal care center in cases falling under subparagraph 1:

1. If an animal care center is designated by fraud or other unjustifiable means;
2. If an animal care center ceases to meet the standards for designation under paragraph (3);
3. If an animal care center files a false claim for care expenses under paragraph (5);
4. If an animal care center violates any provision of Article 8 (1) through (3);
5. If an animal care center violates Article 22;
6. If an animal care center violates a corrective order issued under Article 39 (1) 3;
7. If an animal care center refuses to take protective measures for lost, abandoned, or abused animals on at least three occasions with no particular justification.

(7) No Mayor/Do Governor shall redesignate an institution or organization whose designation as an animal care center is revoked under paragraph (6) within one year from the date the designation is revoked.

(8) In order to ensure the fairness and transparency in the operation of animal care centers, an animal care center the size of which is more than the size specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs shall organize and operate a steering committee, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(9) Matters regarding obligations of animal care centers under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, while the procedures for designation of animal care centers, protective measures in detail, and other necessary matters shall be prescribed by ordinance of each City/Do. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 16 (Reporting, etc.)**

(1) If a person discovers any of the following animals, he/she may report it to an animal care center or the head of a local government:

1. An animal abused by cruelty referred to in Article 8;
2. A lost or abandoned animal.

(2) If any of the following persons discovers, on duty, an animal referred to in paragraph (1), he/she shall report it to an animal care center or the head of a local government, without delay:

1. An executive or member of a non-governmental organization referred to in Article 4 (3);
2. The head or employee of an institution or organization designated as an animal care center under Article 15 (3);
3. The head or employee of an animal experimentation institution with an Animal Experimentation Ethics Committee established pursuant to Article 25 (1);



4. A member of an Animal Experimentation Ethics Committee under Article 27 (2);
  5. A person who holds certification of a animal welfare livestock farm under Article 29 (1);
  6. A person who has hi/her business registered pursuant to Article 33 (1) or has filed a business report pursuant to Article 34 (1) or an employee of such person;
  7. A veterinarian or the head or employee of a veterinary clinic.
- (3) The status of a reporting person shall be guaranteed, and the identity of such person shall not be disclosed, contrary to his/her intention.

#### **Article 17 (Public Notice)**

When a Mayor/Do Governor and the head of a Si/Gun/Gu takes custody of an animal referred to in Article 14 (1) 1 or 2, he/she shall notify such fact to the public without delay for at least seven days as prescribed by Presidential Decree, so that its owner or keeper is informed about the protective measures that the Mayor/Do Governor and the head of a Si/Gun/Gu has taken. *<Amended by Act No. 11737, Apr. 5, 2013>*

#### **Article 18 (Return of Animals, etc.)**

(1) In any of the following cases, a Mayor/Do Governor and the head of a Si/Gun/Gu shall return an animal referred to in Article 14 to the owner of the animal: *<Amended by Act No. 11737, Apr. 5, 2013>*

1. If a Mayor/Do Governor takes custody of an animal referred to in Article 14 (1) 1 or 2 and its owner claims the return of the animal;
2. If a Mayor/Do Governor takes custody of an animal referred to in Article 14 (1) 3, and its owner pays care expenses pursuant to Article 19 (2) and claims the return of the animal after the period set for protective measures in Article 14 (2) lapses.

(2) A Mayor/Do Governor and the head of a Si/Gun/Gu shall notify the owner of an animal referred to in paragraph (1) 2 of the period set for protective measures, the deadline for the payment of care expenses, and matters regarding exemption from care expenses in connection with the return of such animal. *<Amended by Act No. 11737, Apr. 5, 2013>*

#### **Article 19 (Bearing of Care Expenses)**

(1) A Mayor/Do Governor and the head of a Si/Gun/Gu may require the owner of an animal referred to in Article 14 (1) 1 or 2, or a person to whom such animal is transferred under Article 21 (1), to pay care expenses incurred in connection with the animal. *<Amended by Act No. 11737, Apr. 5, 2013>*

(2) The owner of an animal referred to in Article 14 (1) 3 shall pay care expenses incurred in connection with the animal by the payment deadline, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, a Mayor/Do Governor and the head of a Si/Gun/Gu may fully or partially exempt the owner of such animal from the payment of care expenses, if the owner renounces his/her ownership interest in the animal pursuant to subparagraph 2 of Article 20. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 11737, Apr. 5, 2013>*

(3) Matters regarding the collection of care expenses under paragraphs (1) and (2) shall be prescribed by Presidential Decree, while guidelines for the calculation of care expenses shall be prescribed by ordinance of each City/Do within the limits prescribed by Ordinance of the Ministry of Agriculture, Food and Rural

Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 20 (Acquisition of Ownership Interest in Animal)**

In any of the following cases, a City/Do and a Si/Gun/Gu may acquire the ownership interest in an animal:

<Amended by Act No. 11737, Apr. 5, 2013>

1. Where it is impossible to find the owner or keeper of an animal even after ten days have passed since public notice was given pursuant to Article 17, notwithstanding Article 12 of the Lost Articles Act and Article 253 of the Civil Act;
2. Where the owner of an animal referred to in Article 14 (1) 3 renounces his/her ownership interest in the animal;
3. Where the owner of an animal referred to in Article 14 (1) 3 fails to pay care expenses within ten days after the payment deadline for the care expenses under Article 19 (2).

#### **Article 21 (Transfer or Donation of Animals)**

(1) A Mayor/Do Governor and the head of a Si/Gun/Gu may donate or transfer an animal, the ownership interest in which he/she acquires under Article 20, to a zoo, an animal lover (limited to a person who meets the qualification prescribed by ordinance of the competent City/Do), or a non-governmental organization specified by Presidential Decree, as prescribed by ordinance of the competent City/Do, so that the animal can be reared and managed appropriately. <Amended by Act No. 11737, Apr. 5, 2013>

(2) A mayor/Do Governor and the head of a Si/Gun/Gu may give public notice in regard to an animal the ownership interest in which he/she acquires under Article 20, so that the animal can be transferred pursuant to paragraph (1). <Amended by Act No. 11737, Apr. 5, 2013>

(3) The requirements and procedures for the donation or transfer under paragraph (1) and other necessary matters shall be prescribed by ordinance of each City/Do.

#### **Article 22 (Humane Disposal, etc. of Animals)**

(1) The head or operator of an animal care center under Article 15 (1) shall dispose of an animal in custody under Article 14 (1) by a humane method as prescribed by the Minister of Agriculture, Food and Rural Affairs, if such animal suffers from a disease, or an event specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs occurs in relation to such animal. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The disposal by a humane method under paragraph (1) shall be executed by a veterinarian.

(3) The head of an animal care center shall dispose of the carcass of an animal referred to in paragraph (1) in accordance with the Wastes Control Act.

#### **Article 23 (Principles for Animal Experimentation)**

(1) The enhancement of welfare of humankind and the dignity of lives of animals shall be taken into consideration in conducting animal experiments.

(2) When it is intended to conduct an animal experiment, an alternative method shall be taken into consideration prior to the animal experimentation.

(3) An animal experiment shall be executed by a person who has knowledge and experience in the ethical management and scientific use of animals used for experimentation (hereinafter referred to as "laboratory animals"), and the minimum number of animals necessary for experimentation shall be used.

(4) Animals less sensitive to pain shall be used for an experiment that causes pain to laboratory animals, and measures appropriate for relieving such pain by a veterinary method, such as the use of an analgesic, sedative, or anesthetic, shall be taken.

(5) A person who completes an animal experiment shall examine the animal without delay, and shall dispose of the animal as quickly as possible by a method that does not cause any pain, if the result of the examination shows that the animal cannot recover or is likely to live with a persistent pain.

(6) Except as provided for in paragraphs (1) through (5), matters necessary for the principles of animal experimentation shall be determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 24 (Prohibition, etc. of Animal Experimentation)**

No person shall conduct any of the following experiments: Provided, That the foregoing shall not apply where a person obtains approval for such animal experiment for a compelling reason specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as the health of the relevant animal species and the control of, and research on, a disease, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: <Amended by Act No. 11690, Mar. 23, 2013>

1. An experiment on a lost or abandoned animal (including an animal in custody);
2. An experiment on an animal specified by Presidential Decree, such as a guide dog for the disabled under Article 40 of the Act on Welfare of Persons with Disabilities or any other animal that serves or served a person or the State.

#### **Article 25 (Establishment, etc. of Animal Experimentation Ethics Committee)**

(1) The head of an animal experimentation institution shall establish and operate an Animal Experimentation Ethics Committee (hereinafter referred to as "Ethics Committee") pursuant to Article 27 for the protection and ethical management of laboratory animals: Provided, That if an animal experimentation institution has a laboratory animal management committee already established pursuant to Article 7 of the Laboratory Animal Act, and if the committee is formed in compliance with the requirements prescribed in Article 27 (2) through (4), the committee shall be deemed an Ethics Committee.

(2) An animal experimentation institution that falls short of the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs may establish and operate an Ethics Committee jointly with another animal experimentation institution, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When the head of an animal experimentation institution intends to conduct an animal experiment, he/she shall refer the case to an Ethics Committee for deliberation.

#### **Article 26 (Functions, etc. of Ethics Committee)**

(1) An Ethics Committee shall perform the following functions:

1. Deliberation on animal experiments;
2. Instruction in, and supervision over, animal experiments to ensure the compliance with the principles prescribed in Article 23;
3. Demanding the head of the animal experimentation institution to take measures necessary for the protection and ethical management of laboratory animals.

(2) No committee member involved in an animal experiment referred to an Ethics Committee for deliberation shall not participate in the deliberation on the animal experiment at issue.

(3) No committee member shall divulge or misappropriate confidential information acquired while performing his/her duty.

(4) The methods of instruction and supervision under paragraph (1) and other matters regarding the operation of an Ethics Committee shall be prescribed by Presidential Decree.

#### **Article 27 (Formation of Ethics Committee)**

(1) An Ethics Committee shall be comprised of not less than three, but not exceeding fifteen members, including one chairperson.

(2) Committee members shall be commissioned by the head of each animal experimentation institution from among the following persons, while the chairperson shall be elected by and from among committee members: Provided, That members of an Ethics Committee formed pursuant to Article 25 (2) shall be commissioned jointly by the heads of relevant animal experimentation institutions: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Veterinarians who meet the qualification standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. Persons recommended by a non-governmental organization under Article 4 (3), who have abundant knowledge and experience in the protection of animals and who meet the qualification standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
3. Other persons specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, who are required for promoting the protection and ethical management of laboratory animals.

(3) An Ethics Committee shall have at least one member falling in each category specified in paragraph (2) 1 and 2.

(4) At least 1/3 of members of an Ethics Committee shall have no interest in the relevant animal experimentation institution.

(5) The term of office for each committee member shall be two years.

(6) Other matters regarding the formation of an Ethics Committee and the scope of interests of members shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 28 (Instruction in, and Supervision over, Formation, etc. of Ethics Committee)**

(1) The Minister of Agriculture, Food and Rural Affairs may instruct and supervise the head of an animal experimentation institution with an Ethics Committee established pursuant to Article 25 (1) or (2) with respect to the formation and operation of the Ethics Committee under Articles 26 and 27. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If an Ethics Committee is formed or operated not in compliance with Articles 26 and 27, the Minister of Agriculture, Food and Rural Affairs may order the head of the relevant animal experimentation institution to make improvements in formation and operation of an Ethics Committee within a specified period, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 29 (Certification of Animal Welfare Livestock Farms)**

(1) In order to promote the welfare of animals, the Minister of Agriculture, Food and Rural Affairs may certify a livestock farm as an animal welfare livestock farm, if the farm is managed so as to enable animals specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, which are livestock defined in subparagraph 1 of Article 2 of the Livestock Products Sanitary Control Act, to live an ordinary life while maintaining their natural behavior. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A person who intends to obtain certification 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. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs may provide support to livestock farms certified as animal welfare livestock farms for the following: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. The cost incurred in improving livestock facilities for promoting the protection and welfare of animals;
2. Instruction, counseling, and education in regard to the environmental improvement and management of animal welfare livestock farms.

(4) The Minister of Agriculture, Food and Rural Affairs shall revoke the certification of an animal welfare livestock farm, if a person obtains the certification by fraud or other misconduct, or may revoke the certification, if a livestock farm ceases to meet the certification standards prescribed pursuant to paragraph (7). *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) No person (including the representative of a corporation, if a livestock farm is a corporation) whose certification is revoked under paragraph (4) shall file an application for certification of an animal welfare livestock farm under paragraph (1) within one year from the date the certification is revoked.

(6) The Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, the head of a Si/Gun/Gu, a livestock farming association under subparagraph 3 of Article 2 of the Creation and Management of Self-Help Livestock Funds Act, and a non-governmental organization under Article 4 (3) shall fully utilize exemplary case studies of the operation of animal welfare livestock farms for education and publicity. *<Amended by Act No. 11690, Mar. 23, 2013>*

(7) Except as provided for in paragraphs (1) through (6), the standards and procedures for certification of animal welfare livestock farms and matters regarding the indication of certified farms shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 30 (Prohibition of Fraud)**

No person shall commit any of the following offenses:

1. Obtaining certification of an animal welfare livestock farm by fraud or other misconduct;
2. Indicating a livestock farm as an animal welfare livestock farm without certification under Article 29.

### **Article 31 (Succession to Certification)**

(1) The following persons shall succeed to the status of a person who holds certification of an animal welfare livestock farm:

1. An heir who intends to continue the operation of an animal welfare livestock farm, where the person obtaining certification of the animal welfare livestock farm is deceased;
2. A transferee, where a person obtaining the certification of an animal welfare livestock farm transfers his/her business;
3. A corporation surviving a merger or newly incorporated in the course of a merger, where a corporation certified as an animal welfare livestock farm is merged with another corporation.

(2) A person who succeeds to the status of a person obtaining certification of an animal welfare livestock farm shall report the succession to the Minister of Agriculture, Food and Rural Affairs within 30 days.

<Amended by Act No. 11690, Mar. 23, 2013>

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

### **Article 32 (Types of Business, Standards for Facilities, etc.)**

(1) A person who intends to engage in any of the following business relating to animals which are raised for the purpose of companion at home specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as dogs, cats, and rabbits, shall meet the standards for facilities and personnel prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: <Amended by Act No.

11690, Mar. 23, 2013; Act No. 12051, Aug. 13, 2013>

1. Funeral services for animals;
2. Sale of animals;
3. Importation of animals;
4. Production of animals.

(2) The specific scope of business under each subparagraph of 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 33 (Registration of Business)**

(1) A person who intends to engage in business specified in any provision of Article 32 (1) 1 through 3 shall file for registration with the competent head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If a person registered pursuant to paragraph (1) intends to make a change in any matter specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, permanently or temporarily close his/her business, or resume the operation of his/her business, he/she shall file a report thereon in advance with the competent head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If a person falls under any of the following subparagraphs, such person shall be disqualified from registration under paragraph (1): Provided, That subparagraph 5 shall apply only to business referred to in Article 32 (1) 1: <Amended by Act No. 12512, Mar. 24, 2014>

1. If a person who intends to file a registration (including an executive officer of a corporation, if an applicant is a corporation; the same shall apply hereafter in this Article) is a minor, a person under limited guardianship, or a person under adult guardianship;

2. If a person fails to meet the standards for facilities and personnel prescribed in the part other than subparagraphs of Article 32 (1);

3. If a person (including the representative of a corporation, if the applicant is a corporation) whose registration was revoked under Article 38 (1) intends to register another business of the same type as the business the registration of which was revoked before one year has lapsed since the registration was revoked;

4. If a person who intends to register his/her business has been sentenced by a fine or heavier punishment for violation of this Act, and one year has not passed since such sentence was finally affirmed;

5. If a person intends to establish an animal cemetery in an area defined in Article 17 of the Act on Funeral Services, etc..

#### **Article 34 (Reporting of Business)**

(1) A person who intends to engage in business specified in Article 32 (1) 4 shall file a report thereon with the competent head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If a person who has reported his/her business pursuant to paragraph (1) intends to make a change in any matter specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, permanently or temporarily close his/her business, or resume the operation of his/her business, he/she shall file a report thereon with the competent head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If a person falls under any of the following subparagraphs, such person shall be disqualified from filing a report under paragraph (1): <Amended by Act No. 12512, Mar. 24, 2014>

1. If a person who intends to file a registration (including an executive officer of a corporation, if an applicant is a corporation; the same shall apply hereafter in this Article) is a minor, a person under limited guardianship or a person under adult guardianship;
2. If a person fails to meet the standards for facilities and personnel prescribed in the part other than subparagraphs of Article 32 (1);
3. If a person has not undergone the education required by Article 37 (1).

#### **Article 35 (Succession to Business)**

(1) If a person who has his/her business registered pursuant to Article 33 (1) or reported pursuant to Article 34 (1) (hereinafter referred to as "business operator") transfers such business to a third party or is deceased, or if a corporation so registered or reported is merged with another corporation, the transferee, heir, or the corporation surviving the merger or newly incorporated in the course of the merger (hereinafter referred to as "transferee, etc.") shall succeed to the status of the business operator.

(2) A person who acquires all business facilities from a business operator through any of the following procedures shall succeed to the status of the business operator:

1. An auction under the Civil Execution Act;
2. Realization under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of property seized under the National Tax Collection Act, the Customs Act, or the Local Tax Act;
4. A procedure equivalent to any of the procedures specified in subparagraphs 1 through 3.

(3) A person who succeeds to the status of a business operator pursuant to paragraph (1) or (2) shall report thereon to the competent head of a Si/Gun/Gu within 30 days from the date the person succeeds to the status, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Articles 33 (3) and 34 (3) shall apply mutatis mutandis to the succession under paragraphs (1) and (2), and the term "registration" in Article 33 (3) shall be construed as "reporting" in such cases: Provided, That the foregoing shall not apply, during a period of three months from the date business is inherited, where an heir falls under Article 33 (3) 1 or 34 (3) 1.

#### **Article 36 (Compliance of Business Operators)**

A business operator (including the representative of a corporation, if a business is a corporation) and his/her employees shall observe guidelines prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with regard to the following matters: <Amended by Act No. 11690, Mar. 23, 2013>

1. Raising and management of animals;
2. Sale of animals, such as the saleable age by month and the condition of health of animals;
3. Appropriate disposal of the carcass of an animal;
4. Guidelines for the operation of business facilities;
5. Education of employees;



6. Other matters necessary to protect animals and to prevent risks to public health.

#### **Article 37 (Education)**

(1) A person who intends to engage in business specified in any provision of Article 32 (1) 2 through 4 and a business operator whose business operation is suspended under Article 38 shall undergo education on the protection of animals and the prevention of risks to public health.

(2) A business operator who is required to undergo education but fails to undergo education pursuant to paragraph (1) shall not engage in the relevant business.

(3) If a business operator who is required to receive education pursuant to paragraph (1) does not operate the relevant business directly or operates at least two business establishments in different places, he/she may designate a manager from among his/her employees to undergo education on behalf of the business operator.

(4) Matters regarding the institutions providing education under paragraph (1) and the curriculum and method of the education shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 38 (Revocation of Registration, etc.)**

(1) Where a business operator falls under any of the following cases, the competent head of a Si/Gun/Gu may revoke the registration of the business operator or may order him/her to suspend the operation of all or part of his/her business for a specified period not exceeding six months, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That the head of a Si/Gun/Gu must revoke the registration of a business operator in cases falling under subparagraph 1: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where it is found that a business operator registered his/her business by fraud or other misconduct;
2. Where a business operator commits cruelty to an animal, in violation of any provision of Article 8 (1) through (3);
3. Where a business operator fails to commence his/her business even after one year lapses from the date the business is registered or reported;
4. Where a business operator ceases to meet the standards prescribed in Article 32 (1), with the exception of its subparagraphs;
5. Where a business operator fails to file a report pursuant to Article 33 (2) or 34 (2);
6. Where a business operator fails to comply with the guidelines prescribed in Article 36.

(2) The effect of a disposition made under paragraph (1) shall be transferred to a transferee, etc. during one year from the end of the period for disposition, and the procedure for a disposition may continue against a transferee, etc. when the procedure for the disposition is in progress: Provided, That the foregoing shall not apply where a transferee, etc. proves that he/she was not aware of the disposition or violation at issue at the time when he/she acquires or inherits business or when the corporation is merged.

#### **Article 39 (Visit, Inspection, etc.)**

(1) If deems necessary to protect animals and to prevent risks to public health, the Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu may take the following measures with respect to the owner or keeper of an animal: <Amended by Act No. 11690, Mar. 23, 2013>

1. Demanding the owner or keeper of an animal to submit necessary data about the current status of the animal or the actual status of management of the animal;
2. Visiting and inspection over a place where an animal is kept;
3. Issuing a corrective order, such as execution of measures for preventing risks to animals, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) If deems necessary to protect animals, the Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order any of the following persons to submit a report or data, and may authorize a relevant public official to visit the facility in question to survey the actual status of operation, or to inspect relevant documents: <Amended by Act No. 11690, Mar. 23, 2013>

1. The head of an animal care center under Article 15 (1) or (3);
2. The head of an animal experimentation institution with an Ethics Committee established pursuant to Article 25 (1) or (2);
3. A person whose farm is certified as an animal welfare livestock farm under Article 29 (1).

(3) When the Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu intends to visit a place to conduct an inspection under paragraph (1) 2 or (2), he/she shall notify the person subject to the inspection of the visit and inspection plan including the following matters, by not later than seven days before he/she commences the visit and inspection: Provided, That such notice may be given as he/she commences the visit and inspection, if prior notice may defeat the objectives of inspection: <Amended by Act No. 11690, Mar. 23, 2013>

1. The purposes of the visit and inspection;
2. The duration and place of the visit and inspection;
3. The name and position of the public official involved;
4. The scope and details of the visit and inspection;
5. Data to be submitted.

#### **Article 40 (Animal Guardians)**

(1) The Minister of Agriculture, Food and Rural Affairs (including the head of an affiliated agency specified by Presidential Decree), a Mayor/Do Governor, or the head of a Si/Gun/Gu shall designate a public official as an animal guardian in order to prevent cruelty to animals and perform administrative affairs regarding the protection of animals. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters regarding the qualification for, and the appointment of, animal guardians under paragraph (1) (hereinafter referred to as "animal guardians") and the scope of their duties shall be prescribed by Presidential Decree.

(3) When an animal guardian performs his/her duty under paragraph (2), he/she shall carry an identification certificate specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs and

produce it to a person involved. <Amended by Act No. 11690, Mar. 23, 2013>

(4) No one shall refuse, interfere with, or evade an animal guardian's performance of duty under paragraph (2), except for an unavoidable cause, such as parturition or treatment of a disease, depending upon the nature of an animal.

#### **Article 41 (Honorary Animal Guardians)**

(1) The Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu may commission a person as an honorary animal guardian in order to authorize the person to provide guidance and education for the prevention of cruelty to animals and the protection of animals.

<Amended by Act No. 11690, Mar. 23, 2013>

(2) The matters regarding honorary animal guardians under paragraph (1) (hereinafter referred to as "honorary animal guardians"), such as qualification, commissioning and dismissal, duties and scope of their activities, and the payment of allowances shall be prescribed by Presidential Decree.

(3) No honorary animal guardian shall commit misconduct or abuse his/her authority in performing any of his/her duties under paragraph (2).

(4) When an honorary animal guardian performs his/her duty, he/she shall carry an identification certificate indicating his/her status and produce it to a related person.

#### **Article 42 (Fees)**

Each of the following persons shall pay fees, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That a person specified in subparagraph 1 may be fully or partially exempted from fees, as prescribed by ordinance of the competent City/Do: <Amended by Act No. 11690, Mar. 23, 2013>

1. A person who intends to register an animal subject to registration pursuant to Article 12 (1);
2. A person who intends to have his/her farm certified as an animal welfare livestock farm under Article 29 (1);
3. A person who intends to register or report his/her business or to report a change on his/her business pursuant to Article 33 or 34.

#### **Article 43 (Hearings)**

When the Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu intends to make any of the following dispositions, he/she shall hold a hearing: <Amended by Act No. 11690, Mar. 23, 2013>

1. Revocation of registration of an animal care center under Article 15 (6);
2. Revocation of certification of an animal welfare livestock farm under Article 29 (4);
3. Revocation of registration of business under Article 38 (1).

#### **Article 44 (Delegation of Authority)**

The Minister of Agriculture, Food and Rural Affairs may partially delegate his/her authority vested under this Act to the head of an affiliated agency or a Mayor/Do Governor, as prescribed by Presidential Decree.

<Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 45 (Survey on Actual Status and Disclosure of Information)**

(1) The Minister of Agriculture, Food and Rural Affairs shall collect, research, and analyze information and data about the following matters and shall disclose findings therefrom on a regular basis each year:

*<Amended by Act No. 11690, Mar. 23, 2013>*

1. The actual status of the protection and welfare of animals to formulate a comprehensive plan for the welfare of animals under Article 4 (1);
2. Registration of animals subject to registration under Article 12;
3. Matters regarding animal care centers and the curing and protection of lost or abandoned animals under Articles 14 through 22;
4. The actual status of the operation of an Ethics Committee, animal experimentation, and instruction and supervision under Articles 25 through 28;
5. The actual status of certification of animal welfare livestock farms under Article 29;
6. The actual status of registration, reporting, and operation of businesses under Articles 33 and 34;
7. Other matters regarding the actual status of the protection and welfare of animals.

(2) In order to efficiently perform the affairs referred to in paragraph (1), the Minister of Agriculture, Food and Rural Affairs may conduct surveys on the actual status, and may request the head of a related central administrative agency, the head of a local government, the head of a public institution (referring to a public institution defined in Article 4 of the Act on the Management of Public Institutions; the same shall apply hereinafter), a related institution or organization, or the owner or keeper of an animal to provide data or information, as necessary for surveys on actual status. In such cases, a person upon receipt of a request for data or information shall provide such data or information, unless he/she has a justifiable ground for non-compliance with such request. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The scope and method of the surveys on the actual status under paragraph (2) (including field surveys) and other necessary matters shall be prescribed by Presidential Decree.

(4) A Mayor/Do Governor, the head of a Si/Gun/Gu, or the head of an animal experimentation institution shall report the matters specified in paragraph (1) 1 through 4 and 6 to the Minister of Agriculture, Food and Rural Affairs (including the head of an affiliated agency specified by Presidential Decree) by January 31 of the following year. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 46 (Penalty Provisions)**

(1) Any person who violates any provision of Article 8 (1) through (3) shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won.

(2) Each of the following persons shall be punished by a fine not exceeding five million won:

1. A member of an Ethics Committee who divulges or misappropriates confidential information, in violation of Article 26 (3);
2. A person who obtains certification of an animal welfare livestock farm by fraud or other misconduct, in violation of subparagraph 1 of Article 30;

3. A person who indicates an uncertified farm as an animal welfare livestock farm, in violation of subparagraph 2 of Article 30.
- (3) A person who sells, exhibits, conveys, shows, or posts on the Internet a cinematographic work in violation of Article 8 (5) shall be punished by a fine not exceeding three million won. <Newly Inserted by Act No. 12051, Aug. 13, 2013>
- (4) Any of the following persons shall be punished by a fine not exceeding one million won: <Amended by Act No. 12051, Aug. 13, 2013>
  1. A person who operates his/her business without registering or reporting such business pursuant to Article 33 or without reporting such business pursuant to Article 34;
  2. A person who registers or reports business under Article 33, or reports business under Article 34, by fraud or any other misconduct;
  3. A business operator who continues to operate his/her business during the period of business suspension under Article 38.
- (5) Any person who conducts an animal experiment, in violation of Article 24, shall be punished by a fine not exceeding 500,000 won. <Amended by Act No. 12051, Aug. 13, 2013>

#### **Article 47 (Administrative Fines)**

- (1) Each of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 12051, Aug. 13, 2013>
  1. The owner or keeper of an animal who abandons the animal, in violation of Article 8 (4);
  2. A person who has transported animals in violation of Article 9 (1) 4 or 5;
  3. A person who has transported animals defined under Article 32 (1) in violation of Article 9 (1); <<Enforcement Date: Aug. 14, 2014>>
  4. A person who has sold animals in violation of Article 9-2; <<Enforcement Date: Aug. 14, 2014>>
  5. The owner of an animal subject to registration who fails to have the animal registered, in violation of Article 12 (1);
  6. The head of an animal experimentation institution that conducts an animal experiment without undergoing deliberation by the Ethics Committee, in violation of Article 25 (3);
  7. The head of an animal experimentation institution that fails to comply with an order to make improvements, in violation of Article 28 (2);
  8. A person who fails to report his/her succession to the status of a person, whose farm is certified as an animal welfare livestock farm, in violation of Article 31 (2);
  9. A person who fails to report his/her succession to the status of a business operator, in violation of Article 35 (3);
  10. A person who engages in business without receiving education, in violation of Article 37 (2);
  11. The owner or keeper of an animal who fails to comply with a demand to submit data pursuant to Article 39 (1) 1 or who submits false data;

12. The owner or keeper of an animal who refuses, interferes with, or evades the visit and inspection under Article 39 (1) 2;
  13. The owner or keeper of an animal who fails to comply with a corrective order issued under Article 39 (1) 3;
  14. A person who fails to submit a report or data pursuant to Article 39 (2), who makes a false representation in such report or data, or who refuses, interferes with, or evades the visit and inspection under the aforesaid paragraph;
  15. A person who refuses, interferes with, or evades an animal guardian's performance of duty, in violation of Article 40 (4).
- (2) Each of the following persons shall be punished by an administrative fine not exceeding 500,000 won:
1. An owner who fails to report a change, in violation of Article 12 (2);
  2. A person who acquires an ownership interest without reporting the change, in violation of Article 12 (3);
  3. The owner or keeper of an animal who fails to put an identification tag on the animal, in violation of Article 13 (1);
  4. The owner or keeper of an animal who fails to take safety measures or to collect excreta, in violation of Article 13 (2).
- (3) The administrative fine under paragraphs (1) and (2) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the provisions regarding a Special Self-governing City and a Special Self-governing City Mayor in the amended Articles 4 (2) and 12 (1) shall enter into force on July 1, 2012, while the amended Article 12 (excluding provisions regarding the head of a Si/Gun/Gu), subparagraph 1 of Article 42, and Articles 45 (1) 2, 47 (1) 2, and 47 (2) 1 and 2 shall enter into force on January 1, 2013.

### **Article 2 (General Transitional Measure)**

An act done by or in relation to an administrative agency under the previous provisions at the time this Act enters into force shall be deemed an act done by or in relation to an administrative agency under this Act.

### **Article 3 (Transitional Measure concerning Animal Care Centers)**

Care facilities existing under the previous provisions, at the time this Act enters into force shall be deemed animal care centers established under the amended Article 15 (1), while entrusted care facilities existing under the previous provisions shall be deemed animal care centers designated under the amended Article 15 (3).

**Article 4 (Transitional Measure concerning Public Notice of Abandoned Animals)**

If public notice has been given with regard to an abandoned animal pursuant to the previous provisions before this Act enters into force, such public notice shall be deemed given pursuant to the amended Article 17.

**Article 5 (Transitional Measure concerning Formation of Ethics Committees)**

An Ethics Committee existing under the previous provisions as at the time this Act enters into force shall be deemed an Ethics Committee under the amended Article 25, and committee members commissioned under the previous provisions before this Act enters into force shall be deemed appointed on the date this Act enters into force.

**Article 6 (Transitional Measure concerning Registration of Business)**

A person who has his/her animal production business registered pursuant to the previous provisions before this Act enters into force shall be deemed to have reported animal production business pursuant to the amended Article 34 (1).

**Article 7 (Transitional Measure concerning Penalty Provisions and Administrative Fines)**

An act committed before this Act enters into force shall be governed by the previous provisions for the purposes of penalty provisions or provisions regarding administrative fines.

**Article 8 (Relationship to other Acts)**

A citation of any provision of the former Animal Protection Act by statutes in force as at the time this Act enters into force shall be deemed a citation of a relevant provision of this Act in lieu of the previous provision, if this Act contains such relevant provision.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 11737, Apr. 5, 2013>

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

ADDENDUM <Act No. 12051, Aug. 13, 2013>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 9-2 and Article 47 (1) 3 and 4 shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 12512, Mar. 24, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 (Transitional Measure concerning Incompetent Person, etc.)**

A person under adult guardianship or a person under limited guardianship pursuant to the amended provisions of Article 33 (3) 1 and Article 34 (3) 1 shall be deemed to include a person to whom the sentence of incompetence or quasi-incompetence in accordance with Article 2 of addenda of a partial amendment to the Civil Act (Act No. 10429) remains effective.

