

ENFORCEMENT DECREE OF THE ANIMAL PROTECTION ACT

Wholly Amended by Presidential Decree No. 23613, Feb. 3, 2012

Amended by Presidential Decree No. 24455, Mar. 23, 2013

Presidential Decree No. 25160, Feb. 11, 2014

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Animal Protection Act and those necessary for the enforcement thereof.

Article 2 (Scope of Animals)

The term “animals prescribed by Presidential Decree” under subparagraph 1 (c) of Article 2 of the Animal Protection Act (hereinafter referred to as the “Act”) means reptiles, amphibia, and fish: Provided, That those kept for the purpose of human consumption shall be excluded.

Article 3 (Scope of Animals Subject to Registration)

The term “an animal specified by Presidential Decree” under subparagraph 2 of Article 2 of the Act means canines aged at least three months falling under any of the following:

1. Canines raised in a house or quasi-dwelling under subparagraph 1 and 1-2 of Article 2 of the Housing Act;
2. Canines raised for human companionship in a space other than a house or quasi-dwelling under the foregoing subparagraph 1.

Article 4 (Scope of Animal Experimentation Agencies)

The term “a corporation, organization, or institution specified by Presidential Decree” under subparagraph 5 of Article 2 of the Act means a corporation, organization, or institution falling under any of the following, which conducts an experiment on live animals:

1. State agency;
2. Agency of local governments;
3. Research institute under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions;
4. Research institute under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions;
5. Research institute under Article 2 of the Support of Specific Research Institutes Act;

6. A corporation, organization, or institution issuing test trial reports, etc. concerning the safety and effectiveness of medicine and medical supplies under Article 31 (10) of the Pharmaceutical Affairs Act;
7. A corporation, organization, or institution issuing materials necessary for researching the safety and effectiveness of cosmetics, etc. under Article 4 (3) of the Cosmetics Act;
8. Schools under Article 2 of the Higher Education Act;
9. Medical institutions under Article 3 of the Medical Service Act;
10. A corporation, organization, or institution manufacturing or importing the medical devices under Articles 6 and 15 of the Medical Devices Act;
11. An agency or organization under Article 14 (1) of the Basic Research Promotion and Technology Development Support Act;
12. An producers association under subparagraph 4 of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry, and agricultural cooperative corporations, fishery cooperative corporations, agricultural corporations, and fishery corporation under Article 28 of the same Act;
13. A testing institution designated for the investigation of hazards of chemical substances pursuant to Article 14 of the Toxic Chemicals Control Act;
14. A test research institute designated pursuant to Article 17-4 of the Agrochemicals Control Act;
15. A corporation, organization, or institution of manufacturers or importers under subparagraph 7 or 8 of Article 2 of the Control of Livestock and Fish Feed Act;
16. A corporation, organization, or institution that has obtained permission for the manufacturing and processing industry on food or food additives pursuant to Article 37 of the Food Sanitation Act;
17. A corporation, organization, or institution that has obtained permission for the manufacturing industry on functional health foods under Article 5 of the Functional Health Foods Act.

Article 5 (Scope of Non-Governmental Animal Protection Organizations)

The term “non-governmental organizations specified by Presidential Decree” under Article 4 (3) of the Act means a corporation or organization falling under any of following:

1. A corporation established pursuant to Article 32 of the Civil Act for the purpose of animal protection;
2. A non-profit, non-governmental organization registered pursuant to Article 4 of the Assistance for Non-Profit, Non-Governmental Organizations Act, which has the purpose of animal protection.

Article 6 (Operation, etc. of Animal Welfare Committee)

(1) The Chairperson of the Animal Welfare Committee under Article 5 (1) of the Act (hereinafter referred to as the “Welfare Committee”) shall represent the Welfare Committee and have general supervision and control of the affairs of the Welfare Committee.

(2) When the Chairperson fails to perform his/her duties due to any inevitable circumstances, a member designated in advance by the Chairperson shall act for the Chairperson in order of designation.

(3) The term of the members shall be two years.

(4) The meetings of the Welfare Committee shall be convoked by the Chairperson, upon the request by the Minister of Agriculture, Food and Rural Affairs or more than one third of its members. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(5) A majority of current members of the Welfare Committee shall constitute a quorum, and any resolution thereof shall require the concurring votes of a majority of those present.

(6) Where deemed necessary regarding the matters under deliberation, the Welfare Committee may require the person concerned to attend the meeting to listen to his/her opinion.

(7) Matters necessary for the operation of the Welfare Committee in addition to matters provided for in paragraphs (1) through (6) shall be determined by the chairperson through the resolution by the Welfare Committee.

Article 7 (Public Notification)

(1) Where the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of a Special Self-Governing Province or Special Self-Governing City Mayor (hereinafter referred to as “Mayor/Do Governor”) intends to issue public notification regarding protective measures for animals pursuant to Article 17 of the Act, he/she shall post it on the website of the System established and operated by the Commissioner of the Animal and Plant Quarantine Agency (hereinafter referred to as “the QIA Commissioner”) (hereinafter referred to as “the Animal Protection Management System”): Provided, That where the Animal Protection Management System fails to function normally, the public notification for animal protection prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs shall be written and posted by different methods; however, when the Animal Protection Management System normally functions, the details thereof shall be posted on the website of the Animal Protection Management System. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) Where the Mayor/Do Governor makes a public notification under paragraph (1), he/she shall compile and manage identity management cards and the management ledger of protected animals through the Animal Protection Management System, as determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 8 (Collection of Care Expense)

Where the Mayor/Do Governor intends to collect the care expenses pursuant to Article 19 (1) and (2) of the Act, he/she shall issue a written notice for the collection of care expenses determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the owner of the relevant animal or a person to whom such animal is transferred pursuant to Article 21 (1) of the Act. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 9 (Range of Non-Governmental Organizations, etc. Subject to Donation or Transfer of Animals)

The term “non-governmental organizations specified by Presidential Decree” under Article 21 (1) of the Act means any of the following organizations or agencies:

1. Corporations or organizations falling under any of the subparagraphs of Article 5;
2. Specialized training institutions for assistance dogs for the disabled designated pursuant to Article 40 (4) of the Act on Welfare of Persons with Disabilities;
3. Social welfare facilities under subparagraph 4 of Article 2 of the Social Welfare Services Act.

Article 10 (Animals Prohibited from Animal Experimentation)

The term “an animal specified by Presidential Decree” under subparagraph 2 of Article 24 of the Act means any of the following animals: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Assistance dogs for the disabled under Article 40 of the Act on Welfare of Persons with Disabilities;
2. Rescue dogs used for effective human rescue activities in the National Emergency Management Agency (including its affiliates);
3. Police dogs used for search, detection, etc. in the Korean National Police Agency (including its affiliates);
4. Military dogs used for search, vigilance, pursuit, detection, etc. in the Ministry of National Defense (including its affiliates);
5. Drug and explosive detection dogs and quarantine detection dogs used for the detection, etc. of a range of materials in the agencies including the Ministry of Agriculture, Food and Rural Affairs (including its affiliates) and the Korea Customs Service (including its affiliates).

Article 11 (Methods of Instruction and Supervision by Animal Experimentation Ethics Committee)

An Animal Experimentation Ethics Committee under Article 25 (1) of the Act (hereinafter referred to as “Ethics Committee”) shall instruct and supervise the relevant animal experimentation institution by means of the following methods:

1. Deliberation on the ethical and scientific validity of animal experimentation;
2. Production, introduction, management, experiment, and use of animals for animal experimentation (hereinafter referred to as “laboratory animals”), and verification and evaluation of the disposal of the relevant animals after the experiment is finished;
3. Verification and evaluation of education, training, etc. for the administrator or employees of an animal experimentation institution;
4. Verification and evaluation of the level of animal welfare and the actual condition of management in the animal experimentation and an animal experimentation institution.

Article 12 (Operation of Ethics Committee)

(1) The meetings of the Ethics Committee shall be convoked by the chairperson in any of the following cases, and the chairperson shall preside over such meetings:

1. Where more than one third of registered members request the convocation of a meeting;
2. Where the head of a relevant animal experimentation institution requests the convocation of a meeting;
3. Where otherwise deemed necessary by the chairperson.

(2) A majority of current members of the Ethics Committee shall constitute a quorum, and any resolution thereof shall require the concurring votes of a majority of those present: Provided, that at least one member who shares no interest in the relevant animal experimentation institution under Article 27 (4) of the Act shall attend the meeting in which the plan for animal experimentation is deliberated upon and evaluated.

(3) Records and documents relating to the composition and operation, etc. of the Ethics Committee, such as the meeting records shall be kept for more than three years.

(4) If deemed necessary for matters of deliberation, the Ethics Committee may require the person concerned to attend the meeting and may listen to his/her opinion.

(5) The head of the animal experimentation agency shall actively cooperate on the following matters for the effective operation of the Ethics Committee installed in the relevant agency:

1. Guarantee of independence of the Ethics Committee;
2. Preparation and implementation of prompt and effective measures for resolutions and recommendation of the Ethics Committee;
3. Proper support necessary for the establishment and operation of the Ethics Committee, such as human resources, equipment, places, expenses, etc.

(6) The head of the animal experimentation agency shall notify the Minister of Agriculture, Food and Rural Affairs of matters concerning the operation of the Ethics Committee and the actual condition of animal experimentation each year by the end of January 31 of the following year, as determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(7) Except otherwise determined by paragraphs (1) through (6), matters necessary for the effective operation of the Ethics Committee shall be determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 13 (Corrective Orders concerning Composition, Operation, etc. of Ethics Committee)

(1) In issuing a corrective order pursuant to Article 28 (2) of the Act, the Minister of Agriculture, Food and Rural Affairs shall issue the corrective order with a fixed period not exceeding three months, in consideration of the measures necessary for such improvement. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) If the head of the animal experimentation agency who fails to make improvement within the fixed period for improvement under paragraph (1) due to natural disaster or other inevitable grounds applies for an extension of the improvement period, the Minister of Agriculture, Food and Rural Affairs may extend the period for up to three months starting from the date the relevant cause disappears. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(3) When the head of the animal experimentation agency in receipt of a corrective order pursuant to paragraph (1) has performed the order, he/she shall, without delay, notify the Minister of Agriculture, Food and Rural Affairs of the result. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(4) The head of the animal experimentation agency who has an objection to a corrective order under paragraph (1) may raise an objection to the Minister of Agriculture, Food and Rural Affairs within 30 days. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 14 (Qualification, etc. for Animal Guardians)

(1) The term “the head of an affiliated agency prescribed by Presidential Decree” under Article 40 (1) of the Act means the QIA Commissioner. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) When the Minister of Agriculture, Food and Rural Affairs, the QIA Commissioner, Mayor/Do Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) appoints an animal guardian pursuant to Article 40 (1) of the Act, he/she shall appoint the animal guardian from among affiliated public officials falling under any of the following: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. A person who has a veterinarian’s license under subparagraph 1 of Article 2 of the Veterinarians Act;
2. A person qualified as a professional livestock engineer, master livestock craftsman, industrial livestock engineer or livestock technician under Article 9 of the National Technical Qualifications Act;
3. A person who has majored in and graduated from the fields of management and use of animals, animal protection, or animal welfare, such as veterinary science, animal husbandry, animal management, pet animal science, companion animal science, etc. at a school specified in Article 2 of the Higher Education Act;
4. Other persons who have served for the affairs relating to the fields of animal protection, animal welfare, and laboratory animal.

(3) Duties of an animal guardian are as follows:

1. Education and guidance on appropriate raising and management under Article 7 of the Act;
2. Necessary measures for prevention, discontinuance, or prevention of recurrence of offenses of cruelty to animals prohibited under Article 8 of the Act;
3. Guidance on proper transportation and methods of slaughtering animals under Articles 9 and 10 of the Act;
4. Supervision on the operation of animal care centers established under Article 15 of the Act;
5. Supervision on the compliance with the certification standards by a farm certified as an animal welfare livestock farm under Article 29 of the Act;
6. Supervision on matters to be registered, reported, or observed concerning facilities, human resources, etc. and on the completion of education by an animal funeral service provider, animal seller, animal importer and commercial animal producer registered or reported pursuant to Articles 33 (1) and 34 (1) of the Act;
7. Confirmation and guidance concerning compliance with the measures under Article 39 of the Act, such as an order to submit a report or data;
8. Guidance on an honorary animal guardian commissioned pursuant to Article 41 (1) of the Act;

9. Other duties concerning animal protection and welfare improvement.

Article 15 (Qualification, Commissioning, etc. of Honorary Animal Guardians)

(1) When the Minister of Agriculture, Food and Rural Affairs, the Mayor/Do Governor or the head of a Si/Gun/Gu commissions an honorary animal guardian (hereinafter referred to as “honorary animal guardian”) pursuant to Article 41 (1) of the Act, he/she shall commission any of the following persons who have completed the relevant educational course determined by the Minister of Agriculture, Food and Rural Affairs, as an honorary animal guardian: *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

1. A person recommended by the head of a corporation or organization under Article 5;
2. A person falling under any of the subparagraphs of Article 14 (2);
3. A person who has abundant knowledge and experience in the protection of animals and is able to faithfully perform duties as an honorary animal guardian.

(2) When an honorary animal guardian commissioned pursuant to paragraph (1) falls under any of the following, the Minister of Agriculture, Food and Rural Affairs, the Mayor/Do Governor or the head of a Si/Gun/Gu may revoke his/her commission: *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

1. Where the honorary animal guardian is unable to perform any of his/her duties due to death, disease, injury, etc.;
2. Where he/she fails to faithfully perform his/her duties under paragraph (3) or has committed an illegal act in the course of performing his/her duties.

(3) Duties of honorary animal guardians are as follows:

1. Education, consultation, promotion, and guidance concerning animal protection and animal welfare;
2. Report and provision of information concerning the act of cruelty towards animals;
3. Support for the performance of duties of an animal guardian under Article 14 (3);
4. Support for rescue and protection of abused animals.

(4) The scope of activities of an honorary animal guardian corresponds to the following classifications: *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

1. Where the Minister of Agriculture, Food and Rural Affairs has commissioned: Nationwide;
2. Where the Mayor/Do governor or the head of a Si/Gun/Gu has commissioned: District under jurisdiction of the head of agency who has made the commission.

(5) The Minister of Agriculture, Food and Rural Affairs, the Mayor/Do Governor or the head of a Si/Gun/Gu may pay allowances to an honorary animal guardian within budgetary limits. *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

(6) Except otherwise determined by paragraphs (1) through (5), matters necessary for the operation of an honorary animal guardian shall be determined and publicly announced by the Minister of Agriculture, Food and Rural Affairs. *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

Article 16 (Delegation of Authority)

The Minister of Agriculture, Food and Rural Affairs shall delegate the following authority to the QIA Commissioner pursuant to Article 44 of the Act: *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

1. Recommendation of matters necessary for animal transportation under Article 9 (3) of the Act;
2. Provision of detailed matters concerning methods of slaughtering animals under Article 10 (1) of Act;
3. Notice concerning principles of animal experimentation under Article 23 (6) of Act;
4. Guidance, supervision, and corrective orders concerning the composition, operation, etc. of Ethics Committee under Article 28 of Act;
5. Certification of animal welfare livestock farms under Article 29 (1) of Act;
6. Receipt of applications for the certification of animal welfare livestock farms under Article 29 (2) of Act;
7. Revocation of the certification of animal welfare livestock farms under Article 29 (4) of Act;
8. Acceptance of reports by successors to the status of a certified animal welfare livestock farm owner pursuant to Article 31 (2) of Act;
9. Visits, inspections, etc. under Article 39 of Act;
10. Commission, dismissal of commission, and payment of allowances for honorary animal guardians under Article 41 of Act;
11. Hearings concerning the disposition of revocation of certification of an animal welfare livestock farm under subparagraph 2 of Article 43 of the Act;
12. Surveys on the actual conditions (including a field survey; hereinafter referred to as “field survey”) and disclosure of information of an animal welfare livestock farm under Article 45 (2) of the Act;
13. Imposition and collection of administrative fines in accordance with subparagraphs 3 through 5 and 8 through 15 of Article 47 (1) of the Act.

Article 17 (Scope, etc. of Survey on Actual Status)

(1) When the Minister of Agriculture, Food and Rural Affairs conducts a survey on the actual status under Article 45 (2) of the Act (hereinafter referred to as “field survey”), he/she shall establish a plan for the survey on the actual status and implement the survey accordingly. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) In order to effectively conduct a survey on the actual status, the Minister of Agriculture, Food and Rural Affairs may do so electronically through the Animal Protection Management System, e-mail, etc. and use other methods such as the document investigation, field survey, and may conduct the survey on the actual status by commissioning to a specialized research institution or organization, or a related expert. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(3) Except otherwise provided for in paragraphs (1) and (2), matters necessary for field surveys shall be determined and publicly announced by the Minister of Agriculture, Food and Rural Affairs. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 18 (Head of Appurtenant Agency)

The term “the head of an affiliated agency specified by Presidential Decree” under Article 45 (4) of the Act means the QIA Commissioner. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 19 (Handling of Personally Identifiable Information)

Where inevitable to perform the following affairs, the Minister of Agriculture, Food and Rural Affairs (including the QIA Commissioner), Mayor/Do Governor and the head of a Si/Gun/Gu (including those delegated and entrusted with the authority, where the relevant authority has been delegated and entrusted) may handle materials including the personally identifiable information under Article 24 of the Personal Information Protection Act: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Applications for the registration of animals subject to registration under Article 12 of the Act;
2. Application for the designation of animal care centers under Article 15 of the Act;
3. Applications for the certification of animal welfare livestock farms under Article 29 of the Act;
4. Report on succession to the status of an animal welfare livestock farm under Article 31 of the Act;
5. Applications for the registration of business under Article 33 of the Act;
6. Report on business under Article 34 of the Act;
7. Report on succession to business under Article 35 of the Act.

Article 20 (Imposition and Collection of Administrative Fines)

The criteria for imposing administrative fines under Article 47 (3) of the Act shall be as the attached Table.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on February 5, 2012: Provided, That the section concerning Special Self-Governing City Mayor among the amended provisions of Article 7 (1) shall enter into force on July 1, 2012, and the section concerning the disclosure of information related to Article 45 (1) 2 of the Act among the amended provisions of subparagraph 12 of Article 16 and the amended provisions of subparagraph 2 (b) through (d) of the attached Table shall enter into force on January 1, 2013.

Article 2 (Transitional Measures concerning Administrative Fines)

- (1) When the criteria for imposing administrative fines apply to offenses which have been committed prior to the enforcement of a partial amendment to Enforcement Decree of Animal Protection Act (Decree No. 22730) (hereafter referred to as “the same Decree” in this Article), the prior provisions of the same Decree shall apply.
- (2) The imposition and disposition of administrative fines imposed due to offenses prior to the enforcement of the same Decree shall not be included in the calculation of frequency of offenses pursuant to the amended provisions of the attached Table.

Article 3 (Relations to other Statutes)

Where a former provision is cited in another Act as at the time this Decree enters into force, if provisions corresponding thereto exist in this Decree, it is deemed to have cited the corresponding provisions of this Decree in lieu of the former provision.

ADDENDA <Presidential Decree No. 24455, Mar. 23, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted)

Articles 2 through 6 Omitted.

ADDENDUM <Presidential Decree No. 25160, Feb. 11, 2014>

This Decree shall enter into force on February 14, 2014; Provided, That the amended provisions of subparagraph 2 (c) and (d) of the attached Table shall enter into force on August 14, 2014.

