

MEASURES ACT

Wholly Amended by Act No. 7862, Mar. 3, 2006
Amended by Act No. 8486, May 25, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9217, Dec. 26, 2008
Act No. 9496, Mar. 18, 2009

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to set standards for measurement and implement proper measurement to maintain the fair order of commercial transactions and to contribute to the industrial modernization.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "measurement" means a series of acts of determining the value of quantity of the state of certain material phenomena for the purposes of commercial transactions or certification;
2. The term "measuring instruments" means machinery, instruments or devices, prescribed by Presidential Decree, which are used to take measurements;
3. The term "legal measurements" means the measurements taken for the purposes of commercial transactions and certification prescribed by Acts and subordinate statutes to ensure the correctness and fairness of measurement;
4. The term "actual quantity-indicated goods" means goods, the actual quantity of which can not be increased or decreased without opening their containers or packages as prescribed by Presidential Decree, among marked goods with length, mass or volume (hereinafter referred to as "actual quantity") according to legal measuring units.

Article 3 Deleted. <by Act No. 9496, Mar. 18, 2009>

Article 4 (Measuring Units)

- (1) The unit that is the standard for taking measurements (hereinafter referred to as "legal measuring unit") shall be categorized into the base unit, the derived unit, the auxiliary unit and the special unit.
- (2) The base unit shall be in accordance with Article 10 of the Framework Act on National Standards.
- (3) The unit and its definitions of the derived unit formed in combination of the base units or of the base unit and other derived unit shall be prescribed by Presidential Decree.
- (4) The auxiliary unit shall be the base unit or the derived unit indicated in decimal multiple or fraction, and the unit and its definitions shall be prescribed by Presidential Decree.
- (5) The unit and its definitions of the special unit used for taking special measurements shall be prescribed by Presidential Decree.

Article 5 (Prohibition, etc. on Use of Nonlegal Measuring Units)

- (1) No one shall use any unit, other than legal measuring units (hereinafter referred to as "nonlegal measuring unit") for the purpose of measurements or advertisements: Provided, That the same shall not apply to cases where such unit is used for the purposes of any research, development, export, etc. as prescribed by Presidential Decree.
- (2) No one shall manufacture or import any measuring instruments or any goods marked in nonlegal measuring units: Provided, That the same shall not apply to any measuring instruments or any goods prescribed by Presidential Decree.

CHAPTER II MEASURING INSTRUMENT BUSINESS, TESTS, ETC.

SECTION 1 Registration, etc. of Business of Manufacturing Measuring Instruments

Article 6 (Registration, etc. of Business of Manufacturing Measuring Instruments)

(1) Any person who intends to run the business falling under any of the following subparagraphs shall file registration with a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or a Governor of a Special Self-Governing Province (hereinafter referred to as a "Mayor/Do Governor"), as prescribed by Ordinance of the Ministry of Knowledge Economy. The same shall also apply to cases where he/she intends to alter any registered matters: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9496, Mar. 18, 2009>

1. The business of manufacturing measuring instruments;
2. The business of repairing measuring instruments;
3. The business of verifying the authenticity of the measurements and certifying measured value (hereinafter referred to as "business of measurement and certification").

(2) Any person intending to file registration under paragraph (1) shall be equipped with the facilities and installations prescribed by Presidential Decree.

Article 7 (Repair and Self-Repair of Measuring Instruments)

(1) Notwithstanding Article 6, any person using measuring instruments to serve any public purpose may repair such measuring instruments himself/herself.

(2) The scope of the self-repair referred to in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

SECTION 2 Observance of Legal Measurements

Article 8 (Marking of Degree of Precision, etc.)

Any person who has registered his/her business of manufacturing measuring instruments (hereinafter referred to as "manufacturer") or any person who has registered his/her business of repairing measuring instruments (hereinafter referred to as "repairer") in accordance with Article 6, or any person who runs the business of importing measuring instruments (hereinafter referred to as "importer"), shall mark the degree of precision and other matters prescribed by Ordinance of the Ministry of Knowledge Economy (hereinafter referred to as "degree of precision, etc.") on measuring instruments which the person has manufactured, repaired or imported. <Amended by Act No. 8852, Feb. 29, 2008>

Article 9 (Restriction on Transfer, etc.)

Any manufacturer, any repairer, any importer and any person running the business of selling measuring instruments (hereinafter referred to as "seller") shall be prohibited from transferring or leasing measuring instruments falling under any of the following subparagraphs, or displaying or storing such measuring instruments for the purpose of transferring or leasing them, except as provided for in Presidential Decree:

1. Any measuring instruments shall be marked in nonlegal measuring units: Provided, That the same shall not apply to any measuring instruments which are permitted to be marked in nonlegal measuring units in accordance with the proviso to Article 5 (2);
2. Any measuring instruments which carry no mark of the degree of precision, etc. in accordance with Article 8 or carry a false mark;
3. Any measuring instruments which are made by a non-manufacturer or for which the type approval pursuant to Article 12 (1) is not granted;
4. Any measuring instruments whose valid period of test prescribed in Article 20 (3) has expired;
5. Any measuring instruments which are not marked with the test seal as prescribed in Article 23 (1) or the regular inspection seal prescribed in Article 33 (1), or are falsely marked with such seals;
6. Any measuring instruments altered.

Article 10 (Restrictions on Use, etc.)

No one shall use any instruments which are not measuring instruments or any measuring instruments falling under any of the following subparagraphs for making legal measurements or possess such instruments or such measuring instruments for the purpose of making such legal measurements, except as provided for in Presidential Decree:

1. Measuring instruments which are restricted in transfer, lease, display, storage, etc. in accordance with any subparagraph of Article 9;
2. Measuring instruments which have not undergone the tests as prescribed in Article 20 (1);
3. Measuring instruments which are in excess of allowable error of usage prescribed by Presidential Decree.

Article 11 (Obligation to Measure Correctly, etc.)

(1) Any person who is engaged in the legal measurement shall correctly measure and shall not measure anything in excess of the permissible error by commodity prescribed by Presidential Decree.

(2) Any measuring instruments with horizontal devices shall be used in a state that they are kept

horizontal, and any measuring instruments with zero-point adjustment devices shall be used after their zero points are adjusted.

(3) No one shall alter any measuring instruments for the purpose of falsifying the value of measurement.

SECTION 3 Type Approval for Measuring Instruments

Article 12 (Type Approval for Measuring Instruments)

(1) Any person who manufactures measuring instruments (including any person who exports measuring instruments to the Republic of Korea after manufacturing them in any foreign country) or imports them shall, in advance, obtain approval from a type approval institution designated pursuant to Article 14 with respect to the types of such measuring instruments.

(2) The objects and valid period of type approval referred to in paragraph (1) shall be prescribed by Presidential Decree.

(3) The standards for type approval under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 13 (Exemption from Type Approval)

Where measuring instruments subject to type approval fall under any of the following subparagraphs, such measuring instruments may be wholly or partially exempted by the Minister of Knowledge Economy from type approval pursuant to Article 12 (1): <Amended by Act No. 8486, May 25, 2007; Act No. 8852, Feb. 29, 2008>

1. Measuring instruments manufactured or imported for research, development, military or export purpose;
2. Measuring instruments for which accreditation is granted in conformity with the standards for type approval under Article 15 of the Industrial Standardization Act;
3. Other measuring instruments determined by Presidential Decree as not requiring type approval.

Article 14 (Designation, etc. of Type Approval Institutions)

(1) The Minister of Knowledge Economy may designate type approval institutions assigned to carry out the business of type approval for measuring instruments (hereinafter referred to as "type approval institutions") to perform the type approval of such measuring instruments professionally and efficiently, as prescribed in Article 12. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Any corporation or organization which seeks to get the designation referred to in paragraph (1) shall file an application for such designation with the Minister of Knowledge Economy after securing testers, testing facilities and equipment, etc. prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Standards, methods, procedures, etc. for designation under paragraph (1) and other necessary matters concerning designation of type approval institutions shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Knowledge Economy may guide and supervise type approval institutions within the limit necessary for achieving the purpose of designation under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>

(5) Type approval institutions may conclude a bilateral or multilateral agreement with domestic or foreign testing institutions with respect to the mutual recognition of type approval of measuring instruments.

Article 15 (Cancellation of Designation, etc. of Type Approval Institutions)

(1) Where any corporation or organization designated as a type approval institution under Article 14 falls under any of the following subparagraphs, the Minister of Knowledge Economy may cancel its designation or order its business suspended in whole or in part for a fixed period not exceeding one year: Provided, That when it falls under subparagraph 1 or 2, its designation shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where it has been designated as a type approval institution in any false or other illegal means;
2. Where it has granted type approval during the period of business suspension;
3. Where it has granted type approval, in violation of the standards for type approval under Article 12 (3);
4. Where it no more meets the standards for designation under Article 14 (3);
5. Where it has refused to grant type approval without justifiable grounds.

(2) Other matters necessary for the cancellation of designation, the standards for business suspension, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 16 (Cancellation of Type Approval)

(1) Where any measuring instrument for which type approval is granted falls under any of the following subparagraphs 1 through 3, the head of the type approval institution concerned shall cancel the type approval, and where it falls under subparagraph 4, he/she may cancel the type approval:

1. Where the registration of the business of manufacturing measuring instruments, etc. under Article 6 (1) is cancelled;
2. Where the type approval referred to in Article 12 (1) or the approval of its alteration provided for in Article 18 is granted in any false or other illegal means;
3. Where the measuring instruments manufactured after type approval therefor is granted fails to meet the standards for type approval under Article 12 (3);
4. Where the approval of alteration under Article 18 fails to be granted.

(2) Notwithstanding paragraph (1) 4, if the measuring instrument in question is deemed as not disturbing the fair order of commercial transactions because it fails to meet the standards for type approval prescribed in Article 12 (3) only with respect to any insignificant matters, the head of the type approval institution may order its defect corrected within the period fixed by Ordinance of the Ministry of Knowledge Economy and if such order is complied with within the fixed period, may choose not to cancel the type approval. <Amended by Act No. 8852, Feb. 29, 2008>

Article 17 (Indication, Removal, etc. of Type Approval Number)

(1) Any person who has been granted type approval for measuring instruments pursuant to Article 12 (1) shall indicate the type approval number on the measuring instruments, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) No one shall indicate the type approval number referred to in paragraph (1) or other similar ones on the measuring instruments for which type approval is not granted pursuant to Article 12 (1).

(3) When the measuring instruments on which the type approval number is indicated are repaired differently in structure from the original measuring instruments for which the type approval is granted, the Minister of Knowledge Economy shall delete the type approval number or cancel it with a stamp: Provided, That the same shall not apply to cases where the performance of the repaired measuring instruments is deemed by the Minister of Knowledge Economy to be the same as that of the original measuring instruments. <Amended by Act No. 8852, Feb. 29, 2008>

Article 18 (Alteration, etc. of Type Approval)

Where any person who has been granted type approval for measuring instruments pursuant to Article 12 (1) alters in part the structure, type, etc. of the measuring instruments, that person shall get approval therefor from the type approval institution concerned, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 19 (Follow-Up Management of Type Approval)

The Minister of Knowledge Economy may test the structure, performance, etc. of measuring instruments for which type approval is granted pursuant to Article 12 (1), by purchasing them from the distribution market to ascertain whether they meet the standards for type approval. <Amended by Act No. 8852, Feb. 29, 2008>

SECTION 4 Tests, etc. of Measuring Instruments

Article 20 (Tests)

(1) Measuring instruments for which type approval is granted pursuant to Article 12 (1) shall undergo tests conducted by the testing institution designated pursuant to Article 21 (1), as prescribed by Presidential Decree: Provided, That any measuring instruments which have undergone self-tests pursuant to Article 21 (3) may be exempted from such tests in whole or in part.

(2) Standards for testing measuring instruments which have to undergo tests pursuant to paragraph (1) shall be set by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The valid period of tests referred to in paragraph (1) shall be set by Presidential Decree.

(4) Any person who intends to use any measuring instruments which have undergone tests pursuant to paragraph (1) for legal measurements shall get such measuring instruments to undergo re-tests prior to the expiration of their valid period, as prescribed by Presidential Decree.

Article 21 (Designation, etc. of Testing Institutions)

(1) The Minister of Knowledge Economy may designate institutions to be assigned to test measuring instruments (hereinafter referred to as "testing institutions") to perform the tests of such measuring instruments professionally and efficiently prescribed in Article 20. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Any person who intends to get the designation referred to in paragraph (1) shall file an application for such designation with the Minister of Knowledge Economy after securing testers and testing

facilities and equipment, etc. prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Knowledge Economy may designate any manufacturer of measuring instruments who is in conformity with the standards prescribed by Ordinance of the Ministry of Knowledge Economy as a manufacturer capable of conducting tests (hereinafter referred to as "self-test manufacturer") and permit such manufacturer to directly test his/her own measuring instruments.

<Amended by Act No. 8852, Feb. 29, 2008>

(4) Standards for and methods of making the designation of testing institutions and self-test manufacturers under paragraphs (1) and (3) and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 22 (Cancellation of Designation or Suspension of Business of Testing Institutions, etc.)

Where any institution or manufacturer designated as a testing institution or self-test manufacturer under Article 21 (1) or (3) falls under any of the following subparagraphs, the Minister of Knowledge Economy may cancel the designation or order the business suspension in whole or in part for a fixed period not exceeding one year: Provided, That in cases of falling under subparagraph 1 or 2, the designation shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where such institution or manufacturer has been designated as a testing institution or self-test manufacturer in any false or other illegal means;
2. Where such institution or manufacturer has performed the business of tests during the period of business suspension;
3. Where such institution or manufacturer has performed tests, in violation of the standards for testing set by Ordinance of the Ministry of Knowledge Economy under Article 20 (2);
4. Where such institution or manufacturer no more meets the standards for designation under Article 21 (4);
5. Where such institution or manufacturer has refused to perform the business of tests without justifiable grounds.

Article 23 (Test Seals)

(1) Any institution or manufacturer designated as a testing institution or a self-test manufacturer under Article 21 (1) and (3) shall place test seals on any measuring instruments which have successfully undergone tests performed by him/her and put them under seal to prevent any arbitrary manipulation of the permissible error of the measuring instruments, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) No one shall destroy the seal of the measuring instruments on which test seals are printed.

Article 24 (Inspection of Standard Measuring Instruments)

(1) Any person who manufactures any measuring instrument serving as a basis for testing and inspecting other measuring instruments (hereinafter referred to as "standard measuring instrument") shall get the standard measuring instrument to undergo inspection conducted by a testing institution to ascertain whether it conforms to the standards prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The standard measuring instruments to be inspected pursuant to paragraph (1) and the valid period of such inspection shall be prescribed by Presidential Decree.

(3) Any person who intends to use any standard measuring instrument for measurement pursuant to paragraph (1) shall get the standard measuring instrument to undergo re-inspection prior to the expiration of its valid period, as prescribed by Presidential Decree.

(4) When a standard measuring instrument is deemed to satisfy the standards for inspection under paragraph (1), the testing institution shall deliver a certificate of successful inspection to the applicant concerned and print an inspection seal on such measuring instrument, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Methods for marking inspection seals referred to in paragraph (4) shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER III SELF-DECLARATION OF CONFORMITY FOR ACTUAL QUANTITY-INDICATED GOODS

Article 25 (Actual Quantity-Indicated Goods)

(1) Any person who manufactures, imports, processes or sells any actual quantity-indicated goods (hereinafter referred to as "actual quantity-indicated goods dealer") shall not indicate the actual quantity of such goods on their containers or packages in excess of the permissible error prescribed by Presidential Decree between the quantity printed on the goods and the actual quantity.

(2) Every actual quantity-indicated goods dealer shall indicate the actual quantity of the goods on their containers or packages, with the trade name or his/her name, etc., according to the methods determined by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

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(3) The standards for inspecting the actual quantity of actual quantity-indicated goods and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy.

<Amended by Act No. 8852, Feb. 29, 2008>

Article 26 (Self-Declaration of Conformity for Actual Quantity-Indicated Goods)

(1) Every actual quantity-indicated goods dealer may make a declaration that an error in the actual quantity of the actual quantity-indicated goods conforms to the standards concerned (hereinafter referred to as "self-declaration of conformity") after obtaining a confirmation as to whether such goods meet the requirements determined by Ordinance of the Ministry of Knowledge Economy, from a conformity assessment institution referred to in Article 27 (1). <Amended by Act No. 8852, Feb. 29, 2008>

(2) Necessary matters concerning the methods, procedures, etc. for confirmation involving the self-declaration of conformity shall be prescribed by Ordinance of the Ministry of Knowledge Economy.

<Amended by Act No. 8852, Feb. 29, 2008>

(3) Every actual quantity-indicated goods dealer that makes the self-declaration of conformity (hereinafter referred to as "dealer subject to the self-declaration of conformity") shall keep the documents attesting that the actual quantity-indicated goods subject to the self-declaration of conformity (hereinafter referred to as "goods subject to the self-declaration of conformity") meet the requirements provided for in paragraph (2), as prescribed by the Minister of Knowledge Economy.

<Amended by Act No. 8852, Feb. 29, 2008>

(4) Every dealer subject to the self-declaration of conformity shall obtain a confirmation as to whether the goods subject to the self-declaration of conformity continue to satisfy the standards for the self-declaration of conformity from a conformity assessment institution referred to in Article 27 (1) every three years after the self-declaration of conformity is made.

Article 27 (Designation, etc. of Conformity Assessment Institutions)

(1) The Minister of Knowledge Economy may designate the institutions assigned to carry out the business of confirming the self-declaration of conformity (hereinafter referred to as "conformity assessment institutions") to conduct a confirmation professionally and efficiently as to whether an error in the indication of actual quantity is permissible. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Matters necessary for the designation, operation, etc. of conformity assessment institutions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Knowledge Economy may guide and supervise conformity assessment institutions within the limit necessary for achieving the purpose of designation under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>

Article 28 (Cancellation of Designation of Conformity Assessment Institutions)

(1) Where any conformity assessment institution falls under any of the following subparagraphs, the Minister of Knowledge Economy may cancel its designation or order the business suspension in whole or in part for a period not exceeding one year: Provided, That when it falls under subparagraph 1 or 2, its designation shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where it has been designated as a conformity assessment institution in any false or other illegal means;
2. Where it has performed the business of conformity confirmation during the period of business suspension;
3. Where it has failed to perform the business of conformity confirmation without justifiable grounds;
4. Where it has failed to perform the business of self-conformity confirmation in conformity with the requirements prescribed by Ordinance of the Ministry of Knowledge Economy pursuant to Article 26 (1).

(2) Necessary matters concerning the standards, etc. for the cancellation of designation and the suspension of business of conformity assessment institutions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 29 (Mark of Self-Declaration of Conformity)

(1) Every dealer subject to the self-declaration of conformity may place a mark of compliance with the standards for the self-declaration of conformity (hereinafter referred to as "mark of the self-declaration of conformity") on the containers or packages of actual quantity-indicated goods, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) No person, other than a dealer subject to the self-declaration of conformity, shall use the mark of the self-declaration of conformity or other similar marks thereto.

(3) Methods for the mark of the self-declaration of conformity and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 30 (Removal of Mark of Self-Declaration of Conformity)

When any goods subject to the self-declaration of conformity fall under any of the following subparagraphs, the conformity assessment institution concerned may order the mark of the self-declaration of conformity to be removed:

1. Where the confirmation of the self-declaration of conformity referred to in Article 26 (1) has been obtained in any false or other illegal means;
2. Where documents as to the self-declaration of conformity provided for in Article 26 (3) have not been kept;
3. Where a confirmation referred to in Article 26 (4) has not been obtained from the conformity assessment institution concerned;
4. Where the mark of the self-declaration of conformity has been put differently from the details of conformity confirmed pursuant to Article 29 (1);
5. Where a person, other than a dealer subject to the self-declaration of conformity, has put the mark of the self-declaration of conformity or any other similar mark thereto in violation of Article 29 (2).

Article 31 (Follow-Up Management of Goods subject to Self-Declaration of Conformity)

(1) Any conformity assessment institution may test and inspect goods subject to the self-declaration of conformity confirmed by the institution through purchasing them from the distribution market.

(2) As a result of the test and inspection referred to in paragraph (1), if a dealer subject to the self-declaration of conformity is confirmed as not meeting the requirements for the self-declaration of conformity, the conformity assessment institution concerned shall order him/her to remove the mark of the self-declaration of conformity and then notify the details of the violation to the Minister of Knowledge Economy or a Mayor/Do Governor concerned. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The dealer subject to the self-declaration of conformity who is ordered to remove the mark of the self-declaration of conformity pursuant to Article 30 and paragraph (2) of this Article may not make the self-declaration of conformity with respect to the same item within five years after such disposition is taken.

CHAPTER IV MAYOR/DO GOVERNOR'S POST-MANAGEMENT

Article 32 (Inspections)

(1) A Mayor/Do Governor shall inspect any measuring instruments, as prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The inspection under paragraph (1) shall be classified into the regular inspection conducted once every two years and the occasional inspection conducted irregularly.

(3) Measuring instruments subject to the regular inspection under paragraph (2) shall be prescribed by Presidential Decree.

(4) A Mayor/Do Governor may exempt the measuring instruments prescribed by Ordinance of the Ministry of Knowledge Economy, such as the measuring instruments, etc. already inspected or corrected in a way similar to the regular inspection, from the regular inspection referred to in paragraph (2). <Amended by Act No. 8852, Feb. 29, 2008>

Article 33 (Seals of Regular Inspection)

(1) A Mayor/Do Governor shall mark regular inspection seals on any measuring instruments which successfully undergo the regular inspection prescribed in Article 32 (2).

(2) A Mayor/Do Governor shall remove or cancel test seals or regular inspection seals from or on any measuring instruments which fail to pass the regular inspection.

(3) The mark of regular inspection seals referred to in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 34 (Report, Inspection, etc.)

(1) A Mayor/Do Governor may, when it is deemed necessary, request any manufacturer, any repairer, any self-repairer, any importer, any seller, and any person who takes legal measurement to make necessary reports and furnish materials, as prescribed by Presidential Decree, or get his/her officials in charge to visit the workplace, stores, places of business, offices, factories or warehouses of the business operator concerned and other necessary places to inspect measuring instruments, examine books, check other articles and question persons concerned.

(2) In cases of visiting the workplace, stores, places of business, offices, factories and warehouses of the business operator concerned and other necessary places to conduct inspections or ask questions, etc. pursuant to paragraph (1), the inspection plan, including the scheduled date and hour, reasons, contents, etc. of inspection, shall be notified to the inspected persons by not later than seven days before such inspection is conducted: Provided, That in cases of an emergency or in cases where deemed that any prior notification might cause the destruction of any evidence to make it impossible to attain the purposes of such inspection, such notification shall not be required.

(3) Public officials assigned to visit the places of business, conduct inspections or request questions in accordance with paragraph (1) (hereinafter referred to as "public officials in charge of inspecting measuring instruments") may, where any measuring instruments or actual quantity-indicated goods are existent which are found to be difficult to be inspected on the spot, request the owner or occupant concerned to move such measuring instruments and goods to a designated place for a fixed period.

(4) The public officials in charge of inspecting measuring instruments shall carry certificates indicating their competence with them, and show them to the parties concerned.

(5) Procedures for reports and inspections, standards for inspections, and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

Article 35 (Orders Issued to Correct)

A Mayor/Do Governor may order the owner or occupant of measuring instruments which are found not to be marked properly with the degree of precision, etc. as a result of inspections conducted pursuant to Article 32 (1), to correct the measuring instruments and marks in question within a period not exceeding 3 months.

Article 36 (Judicial Police Power)

With respect to crimes provided for in this Act, the public officials in charge of inspecting measuring instruments shall perform the duties of judicial police officers as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties.

Article 37 (Handling of Illegal Measuring Instruments)

(1) A Mayor/Do Governor shall, with respect to measuring instruments falling under any of the following subparagraphs, remove or cancel the marks of seals:

1. Measuring instruments manufactured or repaired by any person who has not registered his/her business in accordance with Article 6 (1);
2. Measuring instruments which are restricted in use or possession in accordance with each subparagraph of Article 10.

(2) A Mayor/Do Governor may order any person who has violated Article 8 or 25 to mark the degree of precision, etc. or the actual quantity or to correct such marks or take other necessary dispositions.

(3) In taking dispositions as prescribed in paragraphs (1) and (2), a Mayor/Do Governor shall notify the owner or the occupant of measuring instruments or actual quantity-indicated goods of the reasons thereof.

Article 38 (Registration Cancellation and Business Suspension)

A Mayor/Do Governor may, with respect to any manufacturer, any importer or any person engaged in the business of measurement and certification falling under any of the following subparagraphs, cancel his/her registration or order the business suspension for a fixed period not exceeding one year: Provided, That when he/she falls under subparagraph 1, his/her registration shall be cancelled:

1. A person who has registered his/her business pursuant to Article 6 (1) in a false or any other illegal means;
2. A person who falls short of the requirements for registration prescribed in Article 6 (2);
3. A person who has transferred, leased, or displayed or stored for transferring or leasing, the measuring instruments which are restricted in transfer, etc., in violation of Article 9;
4. A person who has used, or possessed for using, the measuring instruments restricted in use, etc. for making legal measurements, in violation of Article 10.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 39 (Support for Measurement Projects)

The Minister of Knowledge Economy may support any institution or any organization engaged in projects falling under each of the following subparagraphs to facilitate the sound development of the measurement industry and maintain the fair order of transactions: <Amended by Act No. 8852, Feb. 29, 2008>

1. A project designed to improve testing and inspection capacity and disseminate measuring technology for developing the measurement industry;
2. A project designed to cultivate professional manpower of technology in the measurement industry;
3. A project designed to survey actual quantity-indicated goods;
4. A project designed to conclude an agreement with domestic or foreign testing institutions with respect to the mutual recognition of the type approval of measuring instruments;
5. Other projects recognized by the Minister of Knowledge Economy as necessary for developing the measurement system and maintaining the order of transactions.

Article 40 (Korea Association of Standards and Testing Organizations)

(1) Manufacturers and persons designated as institutions in exclusive charge of State correction in accordance with Article 14 (3) of the Framework Act on National Standards may establish a Korea Association of Standards and Testing Organizations (hereinafter referred to as the "Association") subject to authorization by the Minister of Knowledge Economy. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Association shall carry out projects falling under each of the following subparagraphs: <Amended by Act No. 8486, May 25, 2007; Act No. 8852, Feb. 29, 2008>

1. A project relating to guidance, survey, public relations, etc. aimed to develop the measurement industry and enhancing the precision of measurements;
2. A project relating to the cultivation of professional manpower of technology in the measurement industry;
3. A project relating to the development and dissemination of the technical standards for measuring instruments and the collective standards under Article 27 of the Industrial Standardization Act;
4. A project relating to the product certification of measuring instruments under Article 22 of the Framework Act on National Standards and the recognition of testing and inspection institutions under Article 23 of the same Act;
5. A project relating to the promotion of cooperation with international organizations and foreign organizations concerned with measurement;
6. Other projects relating to measurement, which are designated or commissioned by the Minister of Knowledge Economy.

(3) The Association shall be a juristic person.

(4) Matters necessary for the establishment, operation, supervision, etc. of the Association shall be prescribed by Presidential Decree.

Article 41 (Hearings)

(1) The Minister of Knowledge Economy shall hold a hearing when he/she intends to cancel the designation provided for in each of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008>

1. Cancellation of designation of a type approval institution under Article 15 (1);
2. Cancellation of designation of a testing institution or self-test manufacturer under Article 22;
3. Cancellation of designation of a conformity assessment institution under Article 28 (1).

(2) A Mayor/Do Governor shall hold a hearing when he/she intends to cancel any registration in accordance with Article 38.

Article 42 (Fees)

Any person falling under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry of Knowledge Economy: <Amended by Act No. 8852, Feb. 29, 2008>

1. Any person who intends to make registration pursuant to Article 6 (1);
2. Any person who obtains the type approval pursuant to Article 12 (1) or approval for any alteration therein pursuant to Article 18;
3. Any person who has his/her measuring instruments tested pursuant to Article 20 (1);
4. Any person who has his/her standard measuring instrument inspected pursuant to Article 24 (1);
5. Any person falling under any of the following items from among those who has his/her measuring instruments undergo the regular inspection pursuant to Article 32 (2):
 - (a) Any person who has registered his/her business of measurement and certification;
 - (b) Any person who gets his/her measuring instruments inspected at a place where they are located because they are attached to land or buildings or difficult to move.

Article 43 (Delegation of Authority)

The Minister of Knowledge Economy may delegate part of his/her authority under this Act to a Mayor/Do Governor or the heads of institutions belonging to the Ministry of Knowledge Economy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

Article 44 (Entrustment of Authority)

The Minister of Knowledge Economy or a Mayor/Do Governor may entrust part of his/her authority under this Act to government-funded science and technology research institutions established pursuant to subparagraph 1 of Article 2 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions, and other institutions or organizations engaged in the related work. <Amended by Act No. 8852, Feb. 29, 2008>

Article 45 (Legal Fiction as Public Officials in Application of Penal Provisions)

Executives and employees of research institutions or other institutions and organizations engaged in the work entrusted by the Minister of Knowledge Economy or a Mayor/Do Governor in accordance with Article 44 shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER VI PENAL PROVISIONS

Article 46 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding ten million won, or may be punished by concurrent imposition of such penalties:

1. Any person who runs the business of manufacturing or repairing any measuring instruments without registering his/her business, in violation of the former part of Article 6 (1) with the exception of its subparagraphs;
2. Any person who transfers or leases any measuring instruments which has been manufactured by a person who is not the manufacturer of measuring instruments, in violation of subparagraph 3 of Article 9 or for which the type approval has not been granted, in violation of Article 12 (1);
3. Any person who alters any measuring instruments, in violation of Article 11 (3) or transfers or leases any measuring instruments altered, in violation of subparagraph 6 of Article 9;
4. Any person who fails to obtain the type approval or to undergo tests or the inspection of standard measuring instruments, in violation of Article 12 (1), 20 (1) or 24 (1).

Article 47 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding seven million won, or may be punished by concurrent imposition of such penalties:

1. Any person who fails to mark the degree of precision, etc. or marks false degree of precision, etc. on his/her measuring instruments, in violation of Article 8;
2. Any person who transfers or leases any measuring instruments which were not marked with the degree of precision, etc., or which were marked with a false degree of precision, etc. with the knowledge of the fact, in violation of subparagraph 2 of Article 9;
3. Any person who transfers or leases any measuring instruments whose valid period of test has elapsed, in violation of subparagraph 4 of Article 9;
4. Any person who uses what are not measuring instruments, in violation of Article 10 or any measuring instruments falling under any subparagraph of the same Article for legal measurements or who is in possession of such measuring instruments for the purpose of legal measurement;
5. Any person who destroys the seals of measuring instrument for the purpose of altering the measuring instruments;
6. Any person who uses any measuring instruments for the purpose of deceiving measurement or taken legal measurement by false.

Article 48 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won, or may be punished by concurrent imposition of such penalties:

1. Any manufacturer or importer who manufactures or imports any measuring instruments or goods marked with nonlegal measuring units, in violation of the main sentence of Article 5 (2);
2. Any person who runs the business of measurement and certification without registering his/her business, in violation of the former part of Article 6 (1) with the exception of its subparagraphs;
3. Any person who transfers or leases any measuring instruments which were not marked with test seals or regular inspection seals, or which were marked with false seals with the knowledge of the fact, in violation of subparagraph 5 of Article 9;
4. Any person who indicates any type approval number or other similar ones thereto, in violation of Article 17 (2);
5. Any person who sells any goods measured in excess of the permissible error with respect to the actual quantity while selling them in containers or packages, in violation of Article 25 (1);
6. Any person who fails to execute orders issued to correct under Article 35.

Article 49 (Attempted Criminal)

Any person who has attempted to commit any crime as prescribed in subparagraphs 2 and 3 of Article 46, subparagraphs 2 and 3 of Article 47 and subparagraphs 3 and 5 of Article 48 shall be punished.

Article 50 (Joint Penal Provisions)

If a representative of a corporation or an agent, an employed or other servant of the corporation or an individual commits a violation under Articles 46 through 49 in relation to the business of the corporation or individual, in addition to the punishment of such violator, the corporation or the individual shall be punished by a fine under each relevant Article in addition: Provided, That where such corporation or individual has not been negligent in giving the due attention and supervision concerning the relevant duties to prevent such violation, this shall not apply.

[This Article Wholly Amended by Act No. 9217, Dec. 26, 2008]

Article 51 (Fines for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won:

1. Any person who transfers or leases any measuring instruments marked with nonlegal measuring units, in violation of the main sentence of subparagraph 1 of Article 9;
2. Any person who fails to mark the actual quantity or to affix the trade name or his/her name on the containers or packages of goods, in violation of Article 25 (2);
3. Any person who marks the self-declaration of conformity on any actual quantity-indicated goods for which the self-declaration of conformity was not made, in violation of Article 29 (2);
4. Any person who fails to remove the mark of the self-declaration of conformity in contravention of Article 30 or 31 (2);
5. Any person who fails to have his/her measuring instruments to undergo the regular inspection, in violation of Article 32 (2).

(2) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:

1. Any person who uses any nonlegal measuring units to measure or advertise in contravention of Article 5 (1);
2. Any person who fails to report any altered matters of registration, in violation of the latter part of Article 6 (1) with the exception of its subparagraphs;
3. Any person who takes a measurement in excess of the permissible error, in violation of Article 11 (1);
4. Any person who fails to have his/her measuring instruments tested or his/her standard measuring instruments inspected, the valid period of which has expired, in violation of Article 20 (4) or 24 (3);
5. Any person who rejects, obstructs or dodges the filing of reports, furnishing of data or occasional inspection as prescribed in Article 34 (1);
6. Any person who fails to comply with a request to move his/her measuring instruments or goods fails to of Article 34 (3).

(3) Fines for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Knowledge Economy or a Mayor/Do Governor, as prescribed by Presidential Decree.

<Amended by Act No. 8852, Feb. 29, 2008>

(4) through (6) Deleted. <by Act No. 9496, Mar. 18, 2009>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That Articles 12 (3), 14, 15, 26 (2), 27, 28 and 41 shall enter into force one year after the date of its promulgation; and Articles 12 (1) and 26 (1), subparagraph 3 of Article 46, and Article 51 (1) 4 and 5, one and half year after the date of its promulgation.

Article 2 (Transitional Measures concerning Type Approval and Test of Measuring Instruments and Inspection Period of Standard Measuring Instruments)

Any measuring instruments for which the type approval or test is granted or conducted or any standard measuring instruments for which the inspection is conducted under the previous provisions at the time this Act enters into force shall be deemed that such type approval, test or inspection is granted or conducted under this Act within the limit of their valid period.

Article 3 (Transitional Measures concerning Type Approval Institutions and Test Institutions for Measuring Instruments)

Any person who is designated as an institution conducting tests under the previous provisions at the time this Act enters into force shall be deemed designated as a type approval institution or a test institution under Articles 14 and 21.

Article 4 (Transitional Measures concerning Penal Provisions)

The application of the penal provisions to any act committed before this Act enters into force shall be governed by the previous provisions.

Article 5 (Relationship with other Acts)

In cases where the provisions of the former Measures Act are cited in any other Acts at the time this Act enters into force, if there exist any corresponding provisions in this Act, this Act or the corresponding provisions in this Act shall be deemed cited in lieu of the previous provisions.

ADDENDA <Act No. 8486, May 25, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9217, Dec. 26, 2008>

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

ADDENDUM <Act No. 9496, Mar. 18, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 3 shall enter into force six months after the date of its promulgation.
