MEASURES ACT

Wholly Amended by Act No. 7862, Mar. 3, 2006

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 the 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; and
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 the Presidential Decree, among marked goods with length, mass or volume (hereinafter referred to as the "actual quantity") according to legal measuring units.

Article 3 (Measurement Deliberative Council)
(1) A Measurement Deliberative Council shall be established under the Ministry of Commerce, Industry and Energy to provide advice and suggestions requested by the Minister of Commerce, Industry and Energy for important matters relating to the deliberation of the standards for the type approval of measuring instruments, tests and measurements.
(2) Matters necessary for the functions, organization, operation, etc. of the Measurement Deliberative Council shall be prescribed by the Presidential Decree.

Article 4 (Measuring Units)
(1) The unit that is the standard for taking measurements (hereinafter referred to as the "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 the provisions of 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 the 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 the Presidential Decree.
(5) The unit and its definitions of the special unit used for taking special measurements shall be prescribed by the 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 the "nonlegal measuring unit") for the purpose of measurements or advertisements: Provided, That the...
same shall not apply to the cases where such a unit is used for the purposes of any research, development or export, etc. as prescribed by the 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 the 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 one of the following subparagraphs shall file registration with the Special Metropolitan City Mayor, the Metropolitan City Mayor or the Do governor (hereinafter referred to as the "Mayor/Do governor") under the conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy. The same shall also apply to the cases where he/she intends to alter any registered matters:
   1. The business of manufacturing measuring instruments;
   2. The business of repairing measuring instruments; or
   3. The business of making measurements and certifying measured values true (hereinafter referred to as the "business of measurement and certification").

(2) Any person intending to file registration under paragraph (1) shall equip himself/herself with the facilities and installations prescribed by the Presidential Decree.

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

(1) Notwithstanding the provisions of 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 the 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 the "manufacturer") or any person who has registered his/her business of repairing measuring instruments (hereinafter referred to as "repairer") in accordance with the provisions of Article 6, or any person who runs the business of importing measuring instruments (hereinafter referred to as an "importer"), shall mark the degree of precision and other matters prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy (hereinafter referred to as the "degree of precision, etc.") on measuring instruments which that person has manufactured, repaired or imported.

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 a "seller") shall be prohibited from transferring or leasing measuring instruments falling under any one of the following subparagraphs, or displaying or storing such measuring instruments for the purpose of transferring or leasing them, except as provided for in the 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 the provisions of 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 the provisions of Article 12 (1) is not granted;

4. Any measuring instruments whose valid period of test as prescribed in the provisions of Article 20 (3) has expired;

5. Any measuring instruments which are not marked with the test seal as prescribed in the provisions of Article 23 (1) or the regular inspection seal as prescribed in the provisions of Article 33 (1), or are falsely marked with such seals; and

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 one 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 the 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 the provisions of Article 20 (1); and

3. Measuring instruments which are in excess of allowable error of usage prescribed by the 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 the Presidential Decree.

(2) Any measuring instruments with horizontal devices shall be used in such a state that they are kept horizontal, and any measuring instruments with zero-point adjustment devices 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 get approval from the type approval institution designated pursuant to the provisions of Article 14 with respect to the types of such measuring instruments.

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

(3) The standards for type approval under the provisions of paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

Article 13 (Exemption from Type Approval)

Where measuring instruments subject to type approval fall under any one of the following subparagraphs, such measuring instruments may be exempted by the Minister of Commerce, Industry and Energy in whole or part from type approval pursuant to the provisions of Article 12 (1):

1. Measuring instruments manufactured or imported for research, development, military or export
2. Measuring instruments for which the accreditation of standards mark is granted in conformity with the standards for type approval under the provisions of Article 11 or 13 the Industrial Standardization Act; and
3. Other measuring instruments determined by the Presidential Decree as not requiring type approval.

Article 14 (Designation, etc. of Type Approval Institutions)
(1) The Minister of Commerce, Industry and Energy 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 the provisions of Article 12.
(2) Any corporation or other organization which seeks to get the designation referred to in paragraph (1) shall file an application for such designation with the Minister of Commerce, Industry and Energy after securing testers, testing facilities and equipment, etc. prescribed by the Presidential Decree.
(3) Standards, methods, procedures, etc. for the designation under paragraph (1) and other necessary matters concerning the designation of type approval institutions shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.
(4) The Minister of Commerce, Industry and Energy may guide and supervise type approval institutions within the limit necessary for achieving the purpose of designation under paragraph (1).
(5) Type approval institutions may conclude a bilateral or multilateral agreement with domestic or foreign testing institutions concerned with respect to the mutual recognition of the type approval of measuring instruments.

Article 15 (Cancellation of Designation, etc. of Type Approval Institution)
(1) Where any corporation or other organization designated as a type approval institution under the provisions of Article 14 falls under any one of the following subparagraphs, the Minister of Commerce, Industry and Energy 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:
   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 the provisions of Article 12 (3);
   4. Where it no more meets the standards for designation under the provisions of Article 14 (3); or
   5. Where it has refused to grant type approval without due cause.
(2) Other matters necessary for the cancellation of designation, the standards for business suspension, etc. under paragraph (1) shall be prescribed by the Presidential Decree.

Article 16 (Cancellation of Type Approval)
(1) Where any measuring instrument for which type approval is granted falls under any one 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 the provisions of Article 6 (1) is cancelled;
   2. Where the type approval referred to in the provisions of Article 12 (1) or the approval of its
alteration provided for in the provisions of 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 the provisions of Article 12 (3); and
4. Where the approval of alteration under the provisions of Article 18 fails to be granted.
(2) Notwithstanding the provisions of 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 as prescribed in the provisions of 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 of time fixed by the Ordinance of the Ministry of Commerce, Industry and Energy and if such order is complied with within the fixed period, may choose not to cancel the type approval.

Article 17 (Indication, Removal, etc. of Type Approval Number)
(1) Any person who has been granted type approval for measuring instruments pursuant to the provisions of Article 12 (1) shall indicate the type approval number on the measuring instruments under the conditions prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.
(2) No one shall indicate the type approval number referred to in the provisions of paragraph (1) or other similar ones on the measuring instruments for which type approval is not granted pursuant to the provisions of 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 Commerce, Industry and Energy shall delete the type approval number or cancel it with a stamp: Provided, That the same shall not apply to the cases where the performance of the repaired measuring instruments is deemed by the Minister of Commerce, Industry and Energy to be the same as that of the original measuring instruments.

Article 18 (Alteration, etc. of Type Approval)
Where any person who has been granted type approval for measuring instruments pursuant to the provisions of 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 under the conditions prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

Article 19 (Follow-Up Management of Type Approval)
The Minister of Commerce, Industry and Energy may test the structure, performance, etc. of measuring instruments, for which type approval is granted pursuant to the provisions of Article 12 (1), by purchasing them from the distribution market to ascertain whether they meet the standards for type approval.

SECTION 4 Tests, etc. of Measuring Instruments

Article 20 (Tests)
(1) Measuring instruments for which type approval is granted pursuant to the provisions of Article 12 (1) shall undergo tests to be conducted by the testing institution designated pursuant to the provisions of Article 21 (1) under the conditions as prescribed by the Presidential Decree: Provided, That any measuring instruments which have undergone self-tests pursuant to the provisions of 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 the provisions of paragraph (1) shall be set by the Ordinance of the Ministry of Commerce, Industry and Energy.
The valid period of tests referred to in the provisions of paragraph (1) shall be set by the Presidential Decree.

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

Article 21 (Designation, etc. of Testing Institutions)

(1) The Minister of Commerce, Industry and Energy 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 as prescribed in the provisions of Article 20.

(2) Any person who intends to get the designation referred to in the provisions of paragraph (1) shall file an application for such designation with the Minister of Commerce, Industry and Energy after securing testers and testing facilities and equipment, etc. prescribed by the Presidential Decree.

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

(4) Standards for and methods of making the designation of testing institutions and self-test manufacturers under the provisions of paragraphs (1) and (3) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

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 the provisions of Article 21 (1) or (3) falls under any one of the following subparagraphs, the Minister of Commerce, Industry and Energy 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:

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 the Ordinance of the Ministry of Commerce, Industry and Energy under the provisions of Article 20 (2);

4. Where such institution or manufacturer no more meets the standards for designation under the provisions of Article 21 (4); or

5. Where such institution or manufacturer has refused to perform the business of tests without due cause.

Article 23 (Test Seals)

(1) Any institution or manufacturer designated as a testing institution or a self-test manufacturer under the provisions of Article 21 (1) and (3) shall mark 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, under the conditions prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

(2) No one shall break the seal of the measuring instruments marked with test seals.
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 a "standard measuring instrument") shall get the standard measuring instrument to undergo inspection conducted by the testing institution to ascertain whether it conforms to the standards prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

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

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

(4) When a standard measuring instrument is deemed to satisfy the standards for inspection under the provisions of paragraph (1), the testing institution shall deliver a certificate of successful inspection to the applicant concerned and mark an inspection seal on such measuring instrument, under the conditions prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

(5) Methods for marking inspection seals referred to in the provisions of paragraph (4) shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

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 the "actual quantity-indicated goods dealer") shall not mark the actual quantity of such goods on their containers or packages in excess of the permissible error prescribed by the Presidential Decree between the quantity marked on the goods and the actual quantity.

(2) Every actual quantity-indicated goods dealer shall mark 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 the Ordinance of the Ministry of Commerce, Industry and Energy.

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

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 the "self-declaration of conformity") after obtaining a confirmation as to whether such goods meet the requirements determined by the Ordinance of the Ministry of Commerce, Industry and Energy, from the conformity assessment institution referred to in the provisions of Article 27 (1).

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

(3) Every actual quantity-indicated goods dealer that makes the self-declaration of conformity (hereinafter referred to as the "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 the "goods subject to the self-declaration of conformity") meet...
the requirements provided for in the provisions of paragraph (2) under the conditions prescribed by the Minister of Commerce, Industry and Energy.

(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 the conformity assessment institution referred to in the provisions of Article 27 (1) every three years after the self-declaration of conformity is made.

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

(1) The Minister of Commerce, Industry and Energy may designate the institutions assigned to carry out the business of confirming the self-declaration of conformity (hereinafter referred to as the "conformity assessment institutions") to conduct a confirmation professionally and efficiently as to whether an error in the indication of actual quantity is permissible.

(2) Matters necessary for the designation, operation, etc. of conformity assessment institutions under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

(3) The Minister of Commerce, Industry and Energy may guide and supervise the conformity assessment institutions within the limit necessary for achieving the purpose of designation under paragraph (1).

Article 28 (Cancellation of Designation of Conformity Assessment Institution)

(1) Where any conformity assessment institution falls under any one of the following subparagraphs, the Minister of Commerce, Industry and Energy may cancel its designation or order the business suspension 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:

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 due cause;

4. Where it has failed to perform the business of self-conformity confirmation in conformity with the requirements prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy pursuant to the provisions of Article 26 (1).

(2) Necessary matters concerning the standards, etc. for the cancellation of designation and the suspension of business of the conformity assessment institutions under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

Article 29 (Mark of Self-Declaration of Conformity)

(1) Every dealer subject to the self-declaration of conformity may put a mark of compliance with the standards for the self-declaration of conformity (hereinafter referred to as the "mark of the self-declaration of conformity") on the containers or packages of actual quantity-indicated goods under the conditions prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

(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.

(3) Methods for the mark of the self-declaration of conformity and other necessary matters shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

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

When any goods subject to the self-declaration of conformity fall under any one 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 the provisions of 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 the provisions of Article 26 (3) have not been kept;
3. Where a confirmation referred to in the provisions of 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 the provisions of Article 29 (1); or
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 in violation of the provisions of Article 29 (2).

Article 31 (Follow-Up Management of Goods Subject to Self-Declaration of Conformity)
(1) A 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 the provisions of 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 Commerce, Industry and Energy or the Mayor/Do governor concerned.
(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 the provisions of 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) The Mayor/Do governor shall inspect any measuring instruments under the conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.
(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 the Presidential Decree.
(4) The Mayor/Do governor may exempt the measuring instruments prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy, 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).

Article 33 (Seals of Regular Inspection)
(1) The Mayor/Do governor shall mark regular inspection seals on any measuring instruments which successfully undergo the regular inspection as prescribed in the provisions of Article 32 (2).
(2) The Mayor/Do governor shall remove or cancel test seals or regular inspection seals from on any measuring instruments which fail the regular inspection.
(3) The mark of regular inspection seals referred to in paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

Article 34 (Report, Inspection, etc.)
(1) The Mayor/Do governor may, when it is deemed necessary, ask 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 under the conditions as prescribed by the Presidential Decree, or get his/her officials in charge to visit the workplace, stores, business place, 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 case of visiting the workplace, stores, business place, 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 not later than seven days before such inspection is conducted: Provided, That in case of an emergency or in the case 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 ask questions in accordance with the provisions of 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, ask 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 the Ordinance of the Ministry of Commerce, Industry and Energy.

Article 35 (Orders Given to Correct)

The 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 the provisions of Article 32 (1), to correct the measuring instruments and marks in question within a fixed 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) The Mayor/Do governor shall, with respect to measuring instruments falling under any one 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 the provisions of Article 6 (1); and
2. Measuring instruments which are restricted in use or possession in accordance with the provisions of each subparagraph of Article 10.

(2) The Mayor/Do governor may order any person who has violated the provisions of 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), the 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)

The Mayor/Do governor may, with respect to any manufacturer, any importer or any person engaged in the business of measurement and certification falling under each 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 the provisions of Article 6 (1) in a
false or any other illegal means;
2. A person who falls short of the requirements for registration as prescribed in the provisions of 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 the provisions of Article 9; or
4. A person who has used, or possessed for using, the measuring instruments restricted in use, etc. for making legal measurements, in violation of the provisions of Article 10.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 39 (Support for Measurement Projects)
The Minister of Commerce, Industry and Energy 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:
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; and
5. Other projects recognized by the Minister of Commerce, Industry and Energy 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 the provisions of 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 Commerce, Industry and Energy.
(2) The Association shall carry out projects falling under each of the following subparagraphs:
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 the provisions of Article 28 of the Industrial Standardization Act;
4. A project relating to the product certification of measuring instruments under the provisions of Article 22 of the Framework Act on National Standards and the recognition of testing and inspection institutions under the provisions of Article 23 of the same Act;
5. A project relating to the promotion of cooperation with international organizations and foreign organizations concerned with measurement; and
6. Other projects relating to measurement which is designated or commissioned by the Minister of Commerce, Industry and Energy.
(3) The Association shall be a juristic person.
(4) Matters necessary for the establishment, operation, supervision, etc. of the Association shall be prescribed by the Presidential Decree.

Article 41 (Hearings)
(1) The Minister of Commerce, Industry and Energy shall hold a hearing when he/she intends to
cancel the designation provided for in each of the following subparagraphs:
1. Cancellation of designation of a type approval institution under the provisions of Article 15 (1);
2. Cancellation of designation of a testing institution or self-test manufacturer under the provisions of Article 22; and
3. Cancellation of designation of a conformity assessment institution under the provisions of Article 28 (1).

(2) The Mayor/Do governor shall hold a hearing when he/she intends to cancel any registration in accordance with the provisions of Article 38.

Article 42 (Fees)
Any person falling under any one of the following subparagraphs shall pay fees as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy:
1. A person who intends to make registration pursuant to the provisions of Article 6 (1);
2. A person who gets the type approval pursuant to the provisions of Article 12 (1) or approval for any alteration therein pursuant to the provisions of Article 18;
3. A person who gets his/her measuring instruments tested pursuant to the provisions of Article 20 (1);
4. A person who gets his/her standard measuring instrument inspected pursuant to the provisions of Article 24 (1); and
5. A person falling under any one of the following items from among those who get his/her measuring instruments to undergo the regular inspection pursuant to the provisions of Article 32 (2):
   (a) A person who has registered his/her business of measurement and certification; and
   (b) A 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 Commerce, Industry and Energy may delegate part of his/her authority under this Act to the Mayor/Do governor or the heads of institutions belonging to the Ministry of Commerce, Industry and Energy under the conditions as prescribed by the Presidential Decree.

Article 44 (Entrustment of Authority)
The Minister of Commerce, Industry and Energy or the Mayor/Do governor may entrust part of his/her authority under this Act to government-invested research institutions specialized in the field of science and technology established pursuant to the provisions of subparagraph 1 of Article 2 of the Act on the Establishment, Operation and Fosterage of Government-Invested Research Institutions of Science and Technology, and other institutions or organizations engaged in the related work.

Article 45 (Legal Fiction as Public Officials in Application of Penal Provisions)
Officers and employees of research institutions or other institutions and organizations engaged in the work entrusted by the Minister of Commerce, Industry and Energy or the Mayor/Do governor in accordance with the provisions of Article 44 shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

CHAPTER VI PENAL PROVISIONS

Article 46 (Penal Provisions)
Any person falling under any one of the following subparagraphs shall be punished by imprisonment for not more than 3 years or by a fine not exceeding 10 million won, or may be punished by concurrent imposition of such penalties:
1. A person who has run the business of manufacturing or repairing any measuring instruments
without registering his/her business in contravention of the provisions of the former part of Article 6 (1) with the exception of its subparagraphs;

2. A person who has transferred or leased any measuring instruments which had been manufactured by a person who is not the manufacturer of measuring instruments in contravention of the provisions of subparagraph 3 of Article 9 or for which the type approval had not been granted in contravention of the provisions of Article 12 (1); and

3. A person who has altered any measuring instruments in contravention of the provisions of Article 11 (3) or transferred or leased any measuring instruments altered in contravention of the provisions of subparagraph 6 of Article 9; and

4. A person who has failed to get the type approval or to undergo tests or the inspection of standard measuring instruments in contravention of the provisions of Article 12 (1), 20 (1) or 24 (1).

Article 47 (Penal Provisions)

Any person falling under any one of the following subparagraphs shall be punished by imprisonment for not more than 2 years or by a fine not exceeding 7 million won, or may be punished by concurrent imposition of such penalties:

1. A person who has failed to mark the degree of precision, etc. or marked false degree of precision, etc. on his/her measuring instruments in contravention of the provisions of Article 8;

2. A person who has transferred or leased any measuring instruments which were not marked with the degree of precision, etc., or which were marked with false degree of precision, etc. with the knowledge of the fact, in contravention of the provisions of subparagraph 2 of Article 9;

3. A person who has transferred or leased any measuring instruments whose valid period of test has elapsed in contravention of the provisions of subparagraph 4 of Article 9;

4. A person who has used what are not measuring instruments in contravention of the provisions of Article 10 or any measuring instruments falling under each subparagraph of the same Article for legal measurements or who has been in possession of such measuring instruments for the purpose of legal measurement;

5. A person who has destroyed the seals of measuring instrument for the purpose of altering the measuring instruments; and

6. A person who has used any measuring instruments for the purpose of deceiving measurement or taken legal measurement in a false mean.

Article 48 (Penal Provisions)

Any person falling under any one of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding 5 million won, or may be punished by concurrent imposition of such penalties:

1. A manufacturer or an importer who has manufactured or imported any measuring instruments or goods marked with nonlegal measuring units in contravention of the provisions of the main sentence of Article 5 (2);

2. A person who has run the business of measurement and certification without registering his/her business in contravention of the provisions of the former part of Article 6 (1) with the exception of its subparagraphs;

3. A person who has transferred or leased 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 contravention of the provisions of subparagraph 5 of Article 9;

4. A person who has indicated any type approval number or other similar ones in contravention of the provisions of Article 17 (2);

5. A person who has sold any goods measured in excess of the permissible error with respect to the actual quantity while selling them in containers or packages in contravention of the provisions of Article 25 (1); and
6. A person who has failed to execute orders given to correct under the provisions of Article 35.

Article 49 (Attempted Criminal)
Any person who has attempted to commit any crime as prescribed in the provisions of 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 the representative of a corporation or the agent, the employed or other employee of a corporation or an individual commits the act of violating Articles 46 through 49 in relation to the business of the corporation or the individual, such corporation or such individual shall be fined according to each relevant Article in addition to the punishment of the actor.

Article 51 (Fine for Negligence)
(1) Any person falling under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding 3 million won:
1. A person who has transferred or leased any measuring instruments marked with nonlegal measuring units in contravention of the provisions of the main sentence of subparagraph 1 of Article 9;
2. A person who has failed to mark the actual quantity or to affix the trade name or his/her name on the containers or packages of goods in contravention of the provisions of Article 25 (2);
3. A person who has marked the self-declaration of conformity on any actual quantity-indicated goods for which the self-declaration of conformity was not made in contravention of the provisions of Article 29 (2);
4. A person who has failed to remove the mark of the self-declaration of conformity in contravention of the provisions of Article 30 or 31 (2); and
5. A person who has failed to get his/her measuring instruments to undergo the regular inspection in contravention of the provisions of Article 32 (2).

(2) Any person falling under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:
1. A person who has used any nonlegal measuring units to measure or advertise in contravention of the provisions of Article 5 (1);
2. A person who has failed to report any altered matters of registration in contravention of the provisions of the latter part of Article 6 (1) with the exception of its subparagraphs;
3. A person who has measured in excess of the permissible error in contravention of the provisions of Article 11 (1);
4. A person who has failed to get his/her measuring instruments tested or his/her standard measuring instruments inspected, the valid period of which has expired, in violation of the provisions of Article 20 (4) or 24 (3);
5. A person who has rejected, obstructed or dodged the filing of reports, furnishing of data or occasional inspection as prescribed in the provisions of Article 34 (1); and
6. A person who has not complied with a request to move his/her measuring instruments or goods in contravention of the provisions of Article 34 (3).

(3) The fine for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Commerce, Industry and Energy or the Mayor/Do governor under the conditions as prescribed by the Presidential Decree.

(4) Any person who is dissatisfied with a disposition taken to impose a fine for negligence against him/her under the provisions of paragraph (3) may raise an objection to the Minister of Commerce, Industry and Energy or the Mayor/Do governor within 30 days from the date on which a notice with respect to such disposition was served on him/her.

(5) When any person who is subjected to a disposition taken to impose a fine for negligence against him/her under the provisions of paragraph (3) raises an objection in accordance with
paragraph (4), the Minister of Commerce, Industry and Energy or the Mayor/Do governor shall notify without delay the competent court of the fact and the competent court shall, upon receiving such notice, put the case on trial in accordance with the Non-Contentious Case Litigation Procedure Act.

(6) When no objection is raised and the fine for negligence imposed is not paid within a period as prescribed in paragraph (4), such fine for negligence shall be collected according to the example of a disposition taken to collect national or local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the provisions of Articles 12 (3), 14, 15, 26 (2), 27, 28 and 41 shall take effect one year after the date of its promulgation; and the provisions of 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 that 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 that this Act enters into force shall be deemed designated as a type approval institution or a test institution under the provisions of Articles 14 and 21.

Article 4 (Transitional Measures concerning Penal Provisions)

The application of the penal provisions to any act committed prior to the enforcement of this Act shall be governed by the previous provisions.

Article 5 (Relationship with Other Acts)

In case where the provisions of the former Measures Act are cited in any other Acts at the time of enforcement of this Act, 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.