

OK !

**AGRICULTURAL AND FISHERY PRODUCTS QUALITY CONTROL  
ACT**

[Enforcement Date 19. Feb, 2021.] [Act No.17037, 18. Feb, 2020.,  
Amendment by Other Act]

( - )044 - 201 - 2278, 2279



가

[www.law.go.kr](http://www.law.go.kr)

2021.09.10

# AGRICULTURAL AND FISHERY PRODUCTS QUALITY CONTROL ACT

[Enforcement Date 19. Feb, 2021.] [Act No.17037, 18. Feb, 2020., Amendment by Other Act]

( ) 044 - 201 - 2278, 2279

( ) 044 - 200 - 5617, 5618

( ) 043 - 719 - 3204

## CHAPTER I GENERAL PROVISIONS

**Article 1 (Purpose)** The purpose of this Act is to contribute to increasing the income of farmers and fishermen and protecting consumers by securing the safety of agricultural and fishery products, improving the merchantable quality thereof, and facilitating fair and transparent trade through the appropriate quality control of agricultural and fishery products.

**Article 2 (Definitions)** (1) The terms used in this Act shall be defined as follows: [< Amended on Nov. 22, 2011; Mar. 23, 2013; Jun. 22, 2015; Dec. 2, 2016; Feb. 18, 2020 >](#)

1. The term "agricultural and fishery products" means the following agricultural products and fishery products:
  - (a) An agricultural product: Any agricultural product referred to in subparagraph 6 (a) of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry;
  - (b) A fishery product: Any fishery product referred to in subparagraph 1 (a) of Article 3 of the Framework Act on Fisheries and Fishing Villages Development (excluding salt referred to in subparagraph 1 of Article 2 of the Salt Industry Promotion Act);
2. The term "producers' organization" means a producers' organization referred to in subparagraph 4 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry or subparagraph 5 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development and other organizations prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries;
3. The term "logistics standardization" means methods for standardizing machinery and tools, containers, facilities, information, etc. used in each stage of logistics, such as the transport, storage, loading and unloading, and packaging of agricultural and fishery products, and facilitating the compatibility and interoperability thereof;
4. The term "Good Agricultural Practices" means methods for appropriately managing risk factors, such as agricultural chemicals, heavy metals, persistent organic pollutants or harmful organisms that

may remain in agricultural environments, such as farmland where crops are cultivated and agricultural water, and agricultural products in each stage of the production, management after harvest (including the storage, washing, drying, sorting, peeling, cutting, mixing and packaging of agricultural products), and distribution of agricultural products to ensure the safety of agricultural products (excluding livestock products; hereafter the same shall apply in this subparagraph) and preserve agricultural environments;

5. Deleted; <Jun. 1, 2012 >

6. Deleted; <Jun. 1, 2012 >

7. The term "traceability" means recording and managing information about agricultural and fishery products in each stage, from production to sales, where a problem related to the safety, etc. of agricultural and fishery products (excluding livestock products; hereafter the same shall apply in this subparagraph) arises, in order to trace the relevant agricultural and fishery products, establish the cause thereof and take necessary measures;

8. The term "geographical indication" means, where the reputation, quality and other distinctive features of agricultural and fishery products or processed agricultural and fishery products referred to in subparagraph 13 fundamentally result from the geographical characteristics of a specific region, an indication describing that the relevant agricultural and fishery products or processed agricultural and fishery products have been produced, made or processed in the specific region;

9. The term "homonymic geographical indication" means, in a geographical indication of the same item, a geographical indication which has the same pronunciation as that of another person's geographical indication but the region of which is different;

10. The term "protected geographical indication" means the intellectual property right to exclusively use a geographical indication registered under this Act (including homonymic geographical indications: hereinafter the same shall apply);

11. The term "genetically modified agricultural and fishery products" means agricultural and fishery products reinforced to have intended properties by artificially separating or recombining their genes;

12. The term "harmful substances" means substances prescribed by Ordinance of the Prime Minister, such as agricultural chemicals, heavy metals, antibiotics, persistent organic pollutants, pathogenic microorganisms, mycotoxins, radioactive substances, and toxic substances, which may do harm to humans by remaining in or contaminating food;

13. The term "processed agricultural and fishery products" means the following products:

- (a) A processed agricultural product: Any product processed with agricultural products as raw materials or materials;
- (b) A processed fishery product: Any product processed with fishery products according to the standards of the percentage of use or ingredient content of raw materials or materials prescribed by Presidential Decree;

14. Deleted. <Nov. 28, 2017 >

(2) The Framework Act on Agriculture, Rural Community and Food Industry and the Framework Act on Fisheries and Fishing Villages Development shall apply to terms not defined separately in this Act. <Amended on Jun. 22, 2015 >

### **Article 3 (Establishment of Council on Quality Control of Agricultural and Fishery**

**Products)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall establish the Council on the Quality Control of Agricultural and Fishery Products (hereinafter referred to as the "Council") under his/her jurisdiction to deliberate on matters concerning the quality control of agricultural and fishery products, processed fishery products, etc. under this Act. <Amended on Mar. 23, 2013 >

(2) The Council shall be comprised of not more than 60 members, including one chairperson and one vice chairperson.

(3) The chairperson shall be elected by the Council from among its members, and the person appointed by the chairperson from among its members shall be the chairperson.

(4) The following persons shall be members of the Council: <Amended on Mar. 23, 2013 >

1. Public officials who belong to and are appointed by the head of the Ministry of Education, the Ministry of Trade, Industry and Energy, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Food and Drug Safety, the Rural Development Administration, the Korea Forest Service, the Korean Intellectual Property Office, and the Korea Fair Trade Commission; public officials of the Ministry of Agriculture, Food and Rural Affairs who are appointed by the Minister of Agriculture, Food and Rural Affairs; or public officials of the Ministry of Oceans and Fisheries who are appointed by the Minister of Oceans and Fisheries;

2. Persons appointed by the heads of the following organizations and institutions from among executive officers and employees belonging thereto:

- (a) The National Agricultural Cooperative Federation under the Agricultural Cooperatives Act;
- (b) The National Forestry Cooperative Federation under the Forestry Cooperatives Act;

- (c) The National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act;
  - (d) The Korea Agro - Fisheries and Food Trade Corporation under the Korea Agro - Fisheries and Food Trade Corporation Act;
  - (e) The Korea Food Industry Association under the Food Sanitation Act;
  - (f) The Korea Rural Economic Institute under the Act on the Establishment, Operation and Fostering of Government - Funded Research Institutes, Etc.;
  - (g) The Korea Maritime Institute under the Act on the Establishment, Operation and Fostering of Government - Funded Research Institutes, Etc.;
  - (h) The Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government - Funded Science and Technology Research Institutes, Etc.;
  - (i) The Korea Health Industry Development Institute under the Korea Health Industry Development Institute Act;
  - (j) The Korea Consumer Agency under the Framework Act on Consumers;
3. Persons appointed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries from among persons recommended by civic groups (referring to non - profit, non - governmental organizations defined in Article 2 of the Assistance for Non - Profit, Non - Governmental Organizations Act);
4. Persons appointed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries from among persons with professional knowledge of and extensive experience in the fields of production, processing, distribution, or consumption of agricultural and fishery products.
- (5) The term of office of members referred to in paragraph (4) 3 and 4 shall be three years.
- (6) In order to deliberate on the registration of geographical indications of agricultural and fishery products and processed agricultural and fishery products, a subcommittee for deliberation on the registration of geographical indications shall be established in the Council.
- (7) In order to efficiently deliberate on matters in a specific field of the affairs of the Council, subcommittees for each field prescribed by Presidential Decree may be established in the Council.
- (8) Matters discussed by the subcommittee for deliberation on the registration of geographical indications referred to in paragraph (6) and subcommittees for each field referred to in paragraph (7) shall be deemed discussed by the Council.
- (9) The Council may have research fellows to perform investigation of and research on international trends in quality control of agricultural and fishery products. <Newly Inserted on Apr. 18, 2017 >
- (10) Except as otherwise expressly prescribed in paragraphs (1) through (9), matters necessary for the organization, operation, etc. of the Council and its subcommittees shall be prescribed by

Presidential Decree. <Amended on Apr. 18, 2017>

**Article 4 (Duties of Council)** The Council shall deliberate on the following matters: <Amended on Jun. 1, 2012; Mar. 23, 2013; Feb. 18, 2020>

1. Matters concerning standards and logistics standardization;
2. Matters concerning Good Agricultural Practices, quality certification for fishery products, and traceability;
3. Matters concerning geographical indications;
4. Matters concerning the labeling of genetically modified agricultural and fishery products;
5. Matters concerning the safety inspection of agricultural and fishery products (excluding livestock products) and measures for the results thereof;
6. Matters concerning the inspection of agricultural and fishery products (excluding livestock products) and processed fishery products;
7. Matters prescribed by Ordinance of the Prime Minister, Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or Ordinance of the Ministry of Oceans and Fisheries concerning providing information about the safety and quality control of agricultural and fishery products;
8. Matters concerning production or processing facilities of fishery products under Article 69 and sanitary control standards of sea areas;
9. Matters concerning the Hazard Analysis and Critical Control Points prescribed in Article 70 on fishery products and processed fishery products;
10. Matters concerning the designation of sea areas;
11. Matters prescribed by other statutes as matters to be discussed by the Council;
12. Other matters referred to discussion by the chairperson concerning the quality control of agricultural and fishery products and processed fishery products.

## CHAPTER II STANDARDS FOR AND QUALITY CONTROL OF AGRICULTURAL AND FISHERY PRODUCTS

### SECTION 1 Standards for Agricultural and Fishery Products

**Article 5 (Standards)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may determine packaging and grade standards (hereinafter referred to as "standards") for agricultural and fishery products to enhance the merchantable quality of agricultural and fishery products (excluding livestock products; hereafter the same shall apply in this Article),

improve the efficiency of the distribution thereof, and facilitate fair trade. <Amended on Mar. 23, 2013>

(2) A person who ships agricultural and fishery products meeting the standards (hereinafter referred to as "standardized products") may indicate "standardized products" on the surface of the packaging thereof.

(3) Matters necessary for criteria and procedures for the establishment of standards, methods of indication thereof, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 5 - 2 (Recommended Quality Labeling)** (1) The Minister of Agriculture, Food and Rural Affairs may separately formulate the guidelines for labeling quality (hereinafter referred to as "recommended quality labeling"), including the grade and sugar content, on the surface of the packages of agricultural products that do not bear the standardized product label described in Article 5 in order to improve the merchantability of agricultural products (excluding livestock products; hereafter the same shall apply in this Article) wrapped or packaged in the containers and to realize fair transactions.

(2) A distributor or seller of agricultural products may use recommended quality labeling on the surface of their packages if such agricultural products do not bear the standardized product label described in Article 5.

(3) Guidelines for recommended quality labeling, the labeling method, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

[This Article Newly Inserted on Feb. 21, 2018]

## SECTION 2 Good Agricultural Practices

**Article 6 (Certification of Good Agricultural Practices)** (1) The Minister of Agriculture, Food and Rural Affairs shall determine and announce standards for Good Agricultural Practices (hereinafter referred to as "standards for Good Practices"). <Amended on Mar. 23, 2013>

(2) A person who produces and manages agricultural products (excluding livestock products; hereafter the same shall apply in this Article) in accordance with the standards for Good Practices or a person who packages and distributes agricultural products produced and managed in accordance with the standards for Good Practices may obtain certification of Good Agricultural Practices (hereinafter referred to as "certification of Good Practices") from a Good Agricultural Practices

certification institution designated pursuant to Article 9 (hereinafter referred to as "Good Practices certification institution").

(3) A person who intends to obtain certification of Good Practices shall file an application for certification of Good Practices with a Good Practices certification institution: Provided, That none of the following persons shall file an application to obtain certification of Good Practices:

1. A person in whose case one year has not passed since the certification of Good Practices was cancelled pursuant to Article 8 (1);
2. A person in whose case one year has not passed since a fine or heavier punishment was determined, in violation of Article 119 or 120.

(4) Where a Good Practices certification institution receives an application for certification of Good Practices pursuant to paragraph (3), it shall examine whether the application meets the standards for Good Practices referred to in paragraph (7) and notify the applicant of the result thereof.

(5) Where a Good Practices certification institution has granted certification of Good Practices pursuant to paragraph (4), it shall examine or inspect whether a person who has obtained the certification of Good Practices observes the standards for Good Practices, and if necessary, it may request him/her to submit data.

(6) A person who has obtained certification of Good Practices may indicate the certification of Good Practices on the packaging, containers, invoices, statements of accounts, signboards, vehicles, etc. of agricultural products produced and managed in accordance with the standards for Good Practices (hereinafter referred to as "Good Practices - certified agricultural products").

(7) Detailed matters necessary for certification of Good Practices, such as the standards for certification of Good Practices, items eligible therefor, procedures therefor, and methods of indication thereof, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.  
<Amended on Mar. 23, 2013>

**Article 7 (Period of Validity, etc. of Good Practices Certification)** (1) The period of validity of Good Practices certification shall be two years from the date a person obtains the certification of Good Practices: Provided, That where it is necessary to apply a separate period of validity, according to the characteristics of an item, the separate period of validity may be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within ten years. <Amended on Mar. 23, 2013>

(2) Where a person who has obtained certification of Good Practices intends to keep the validity of the certification of Good Practices even after the period of validity expire, he/she shall renew the certification of Good Practices after undergoing an examination conducted by the relevant Good



Practices certification institution before the period of validity expires.

(3) Where the shipment of the relevant item is not completed within the period of validity referred to in paragraph (1), a person who has obtained certification of Good Practices may extend the period of validity of such Good Practices certification after undergoing an examination conducted by the relevant Good Practices certification institution.

(4) A person who intends to change an important matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as a production plan, before the period of validity of Good Practices certification referred to in paragraph (1) expires shall obtain approval from the relevant Good Practices certification institution by applying in advance to change the certification of Good Practices. <Amended on Mar. 23, 2013 >

(5) Detailed matters necessary for procedures for the renewal of certification of Good Practices, procedures for the extension of the period of validity, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013 >

**Article 8 (Cancellation, etc. of Certification of Good Practices)** (1) Where a Good Practices certification institution discovers the following matters in the process of examination, inspection, request for submission of data, etc. referred to in Article 6 (5) after it has granted certification of Good Practices, it may cancel the certification of Good Practices or order the suspension or the correction of the indication of such certification of Good Practices for a fixed period not exceeding three months: Provided, That it shall cancel the certification of Good Practices in cases falling under subparagraph 1 or 3: <Amended on Dec. 2, 2016; Feb. 18, 2020 >

1. Where a person has obtained the certification of Good Practices by fraud or other improper means;
2. Where a person who has obtained the certification of Good Practices fails to meet the standards for Good Practices;
3. Where it is deemed impracticable for a person who has obtained the certification of Good Practices to produce Good Practices - certified agricultural products due to the change of his/her occupation, the closure of business, etc.;
4. Where a person who has obtained the certification of Good Practices fails to comply with an examination, inspection, or request for submission of data under Article 6 (5) without justifiable grounds;
- 4 - 2. Where a person who has obtained the certification of Good Practices violates the methods of indication of certification of Good Practices under Article 6 (7);

5. Where a person who has obtained the certification of Good Practices changes an important matter without obtaining approval for change of the certification of Good Practices pursuant to Article 7 (4);

6. Where a person who has obtained the certification of Good Practices indicates the certification of Good Practices during the suspension of indication thereof.

(2) Where a Good Practices certification institution has cancelled the certification of Good Practices or suspended the indication thereof pursuant to paragraph (1), it shall notify a person who obtained the certification of Good Practices and the Minister of Agriculture, Food and Rural Affairs thereof without delay. <Amended on Mar. 23, 2013 >

(3) Detailed matters necessary for criteria, procedures for, methods, etc. of cancelling certification of Good Practices, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013 >

**Article 9 (Designation, etc. of Good Practices Certification Institutions)** (1) The Minister of Agriculture, Food and Rural Affairs may designate an entity equipped with human resources, facilities, etc. necessary for certifying Good Practices as a Good Practices certification institution and require such institution to fully or partially provide the following services: Provided, That in certifying Good Practices on imported agricultural products, the Minister of Agriculture, Food and Rural Affairs may also designate a foreign institution that meets the standards established by him/her as a Good Practices certification institution: <Amended on Mar. 23, 2013; Apr. 18, 2017 >

1. Good Practices certification;

2. Designation of facilities meeting Good Agricultural Practices under Article 11 (hereinafter referred to as "facilities meeting Good Practices").

(2) A person who intends to be designated as a Good Practices certification institution shall file an application for designation as a Good Practices certification institution with the Minister of Agriculture, Food and Rural Affairs and, where any important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs has been changed after he/she was designated as a Good Practices certification institution, he/she shall report such change: Provided, That he/she shall not be entitled to file an application until two years have passed since the designation as a Good Practices certification institution was cancelled pursuant to Article 10. <Amended on Mar. 23, 2013 >

(3) The Minister of Agriculture, Food and Rural Affairs shall notify a person who has filed such report of whether the report is accepted within 10 days from the date of receipt of the report on change under the main clause of paragraph (2). <Newly Inserted on Aug. 27, 2019 >

(4) Where the Minister of Agriculture, Food and Rural Affairs fails to notify a person who has filed such report of whether the report is accepted or the extension of the processing period under the statutes related to treatment of civil petitions within the period prescribed under paragraph (3), the report shall be deemed to have been accepted on the following day after the period (referring to the relevant processing period where the processing period is extended or re - extended pursuant to statutes related to treatment of civil petitions) is expired. <Newly Inserted on Aug. 27, 2019>

(5) The period of validity of the designation of a Good Practices certification institution shall be five years from the date of designation, and a Good Practices certification institution shall renew such designation before the period of validity expires if it intends to continuously conduct affairs of the certification of Good Practices or the designation of facilities meeting Good Practices. <Amended on Apr. 18, 2017; Aug. 27, 2019>

(6) The Minister of Agriculture, Food and Rural Affairs shall inform a person who obtained certification of Good Practices or the designation of facilities meeting Good Practices from a Good Practices certification institution, the designation of which has been cancelled pursuant to Article 10 of such cancellation so that such person may renew, extend the period of validity, or make a change pursuant to Article 7 with another Good Practices certification institution. <Amended on Mar. 23, 2013; Amended on Apr. 18, 2017; Aug. 27, 2019>

(7) Detailed matters necessary for standards and procedures for the designation of Good Practices certification institutions, methods of designation thereof, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Aug. 27, 2019>

**Article 9 - 2 (Matters to be Complied with by Good Practices Certification Institutions) A**

Good Practices certification institution shall comply with the following matters: <Amended on Apr. 18, 2017>

1. It shall not disclose or provide the information and materials obtained from the procedure of certification of Good Practices or designation of facilities meeting Good Practices without written consent of a person who applies for the certification of Good Practices or the designation of facilities meeting Good Practices: Provided, That it shall be excluded if disclosed or provided under this Act or other statute;
2. It shall keep materials related to application for, examination of and post management of the certification of Good Practices or the designation of facilities meeting Good Practices as prescribed by Ordinance of the Minister of Agriculture, Food and Rural Affairs;

3. It shall report the results of certification of Good Practices or designation of facilities meeting Good Practices and results of post management to the Minister of Agriculture, Food and Rural Affairs as prescribed by Ordinance of the Minister of Agriculture, Food and Rural Affairs.

[This Article Newly Inserted on Dec. 2, 2016]

#### **Article 10 (Cancellation, etc. of Designation of Good Practices Certification Institutions)**

(1) Where a Good Practices certification institution falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs may cancel the designation of the Good Practices certification institution or order it to suspend services of the certification of Good Practices or the designation of facilities meeting Good Practices for a fixed period not exceeding six months: Provided, That where it falls under any of the provisions of subparagraphs 1 through 3, he/she shall cancel the designation of a Good Practices certification institution: <Amended on Mar. 23, 2013; Dec. 2, 2016; Apr. 18, 2017; Aug. 27, 2019>

1. Where it is designated by fraud or other improper means;
2. Where it provides services of the certification of Good Practices or the designation of facilities meeting Good Practices during the suspension of services;
3. Where it is unable to provide services of the certification of Good Practices or the designation of facilities meeting Good Practices due to its dissolution or bankruptcy;
4. Where it continues to provide services of the certification of Good Practices or the designation of facilities meeting Good Practices without reporting any change to the important matters pursuant to the main sentence of Article 9 (2);
5. Where a fine or heavier punishment is imposed on an executive officer or employee of a Good Practices certification institution, including the head of such institution, in connection with services of the certification of Good Practices or the designation of facilities meeting Good Practices;
6. Where it fails to meet the standards for designation under Article 9 (7);
- 6 - 2. Where it fails to comply with the matters to be observed under Article 9 - 2;
7. Where it provides services of the certification of Good Practices or the designation of facilities meeting Good Practices falsely, such as the misapplication of standards for certification of Good Practices or designation of facilities meeting Good Practices;
8. Where it has no performance record on certification of Good Practices or the designation of facilities meeting Good Practices for at least one year without justifiable grounds;
9. Where it fails to comply with a request by the Minister of Agriculture, Food and Rural Affairs without justifiable grounds, in violation of Articles 13 - 2 (2) or 31 (3);

10. Deleted. <Aug. 27, 2019>

(2) Detailed standards for cancelling designation, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry for Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 11 (Designation, etc. of Facilities Meeting Good Agricultural Practices)** (1) The Minister of Agriculture, Food and Rural Affairs may require Good Practices certification institutions to designate facilities, the human resources and equipment of which meet the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among the following facilities, as facilities meeting Good Agricultural Practices for the post - harvest sanitation and safety control of agricultural products: <Amended on Mar. 23, 2013; Apr. 18, 2017>

1. Rice processing complexes prescribed in Article 22 of the Grain Management Act;
2. Local distribution centers for agricultural and fishery products prescribed in Article 51 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
3. Other facilities for the post - harvest management of agricultural products, determined and announced by the Minister of Agriculture, Food and Rural Affairs.

(2) A person who intends to obtain designation as facilities meeting Good Practices pursuant to paragraph (1) shall file an application for designation with a Good Practices certification institution after choosing items of agricultural products he/she intends to manage and, where an important matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs has been changed after his/her facilities were designated as facilities meeting Good Practices, he/she shall report such change to the Good Practices certification institution: Provided, That he/she shall not be entitled to file an application for designation until one year has passed after the designation of facilities meeting Good Practices was cancelled pursuant to Article 12. <Amended on Mar. 23, 2013; Apr. 18, 2017>

(3) Where a Good Practices certification institution receives an application for designation as facilities meeting Good Practices filed or a report on change made under the main clause of paragraph (2), it shall examine whether the applicant meets the standards for Good Practices referred to in paragraph (1) and shall notify the applicant of the result of the designation thereof and whether the report on change is accepted. In such cases, whether the report on change is accepted shall be notified within 10 days from the date of receipt of the report on change. <Newly Inserted on Apr. 18, 2017; Aug. 27, 2019>

(4) Where a Good Practices certification institution fails to notify a person who has filed such report of whether the report is accepted or the extension of the processing period under the statutes related to treatment of civil petitions within the period prescribed under the latter part of paragraph (3), the

report shall be deemed to have been accepted on the following day after the period (referring to the relevant processing period, where the processing period is extended or re - extended pursuant to statutes related to treatment of civil petitions) is expired. <Newly Inserted on Aug. 27, 2019 >

(5) Where a Good Practices certification institution has granted a designation of facilities meeting Good Practices pursuant to paragraph (1), it shall examine or inspect whether such person who obtained the designation of facilities meeting Good Practices observes the standards for facilities meeting Good Practices, and if necessary, it may request such person to submit data. <Newly Inserted on Apr. 18, 2017; Aug. 27, 2019 >

(6) A person who operates facilities meeting Good Practices shall manage agricultural products subject to certification of Good Practices or Good Practices - certified agricultural products in accordance with the standards for Good Practices. <Amended on Apr. 18, 2017; Aug. 27, 2019 >

(7) The period of validity of the designation of facilities meeting Good Practices shall be five years, and a person whose facilities have been designated as facilities meeting Good Practices shall renew such designation before the period of validity expires so that the designation of facilities meeting Good Agricultural Practices may remain in effect. <Amended on Apr. 18, 2017; Aug. 27, 2019 >

(8) Detailed matters necessary for standards, procedures, etc. for the designation of facilities meeting Good Practices shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Apr. 18, 2017; Aug. 27, 2019 >

**Article 12 (Cancelling Designation of Facilities Meeting Good Practices, etc.)** (1) Where

facilities meeting Good Practices fall under any of the following cases, a Good Practices certification institution may cancel the designation thereof or issue, to a person operating such facilities, an order to suspend the implementation of Good Agricultural Practices on agricultural products subject to certification of Good Practices, or a corrective order, for a fixed period not exceeding six months: Provided, That where such facilities fall under any of the provisions of subparagraphs 1 through 3, he/she shall cancel such designation: <Amended on Mar. 23, 2013; Apr. 18, 2017; Aug. 27, 2019; Feb. 18, 2020 >

1. Where facilities are designated as facilities meeting Good Practices by fraud or other improper means;
2. Where a person who operates facilities meeting Good Practices implements Good Agricultural Practices during the suspension of services;
3. Where a person who operates facilities meeting Good Practices is unable to implement Good Agricultural Practices due to dissolution or bankruptcy;

4. Where facilities fail to meet the standards for designation under Article 11 (1);
5. Where a person who operates facilities meeting Good Practices handles agricultural products subject to certification of Good Practices (including simple processing, such as washing, packaging, storage, trade and sale) without reporting any change to the important matters referred to in the main sentence of Article 11 (2);
6. Where a fine or heavier punishment has been imposed on an executive officer or employee, including the representative of facilities, in connection with affairs of Good Agricultural Practices;
7. Where a person who has obtained the designation of facilities meeting Good Practices fails to comply with an examination, inspection, or request for submission of date under Article 11 (5) without justifiable grounds;
8. Where a person who operates facilities meeting Good Practices fails to manage agricultural products subject to certification of Good Practices or Good Practices - certified agricultural products in accordance with the standards for Good Practices, in violation of Article 11 (6);
9. Deleted. <Aug. 27, 2019>  
(2) Detailed matters, such as criteria, procedures, etc. for the cancellation of designation and the suspension of services under paragraph (1), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 12 - 2 (Education, Publicity, etc. relating to Good Agricultural Practices)** To promote Good Agricultural Practices, the Minister of Agriculture, Food and Rural Affairs may perform projects, such as education, publicity, and consulting assistance, for consumers, persons who have obtained or intend to obtain certification of Good Practices, Good Practices certification institutions, etc.

[This Article Newly Inserted on Mar. 24, 2014]

**Article 13 (Reporting, Inspections, etc. Related to Good Agricultural Practices)** (1) If the Minister of Agriculture, Food and Rural Affairs deems it necessary for Good Agricultural Practices, he/she may require a Good Practices certification institution, a person operating facilities meeting Good Practices, or a person who has obtained certification of Good Practices to report matters (including where it or he/she reports matters utilizing the information and communications network prescribed in the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.; hereinafter the same shall apply) or submit data (including where it or he/she submits data utilizing the information and communications network prescribed in the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.;

hereinafter the same shall apply) concerning its or his/her affairs, or may order the relevant public officials to visit its or his/her office, etc. to inspect facilities, equipment, etc. or examine related books of account or documents. <Amended on Mar. 23, 2013>

(2) When the Minister of Agriculture, Food and Rural Affairs requires a Good Practices certification institution, a person operating facilities meeting Good Practices, or a person who has obtained certification of Good Practices to report matters or submit data, or orders the relevant public officials to inspect its or his/her facilities, equipment, etc. or examine related books of account or documents, it or he/she shall not refuse, hinder, or evade such reporting, submission of data, inspection, or examination without justifiable grounds.

(3) When the Minister of Agriculture, Food, and Rural Affairs conducts an inspection or examination pursuant to paragraph (1), he/she shall notify a person subject to inspection or examination of the date and time of inspection or examination, the purposes thereof, the subject matters thereof, etc. in advance: Provided, That this shall not apply in cases of emergency or where prior notice may defeat the purposes of such inspection or examination.

(4) The relevant public official who inspects facilities, equipment, etc. or examines related books of account or documents pursuant to paragraph (1) shall carry an identification card indicating his/her authority and produce it to persons concerned and produce a document stating his/her name, time, purposes of visit, etc. to persons concerned.

**Article 13 - 2 (Taking Measures according to Results of Examination, Inspection, etc. of Facilities Meeting Good Practices)**

(1) If facilities meeting Good Practices fall under any of the following cases specified in Article 12 (1) according to the results of examination, inspection, etc. of Article 13 (1), the Minister of Agriculture, Food and Rural Affairs shall request the relevant Good Practices certification institution to cancel the designation of such facilities meeting Good Practices or to issue an order to suspend or correct such facilities' affairs of Agricultural Good Practices in relation with agricultural products subject to certification of Good Practices.

(2) The Good Practices certification institution in receipt of such request under paragraph (1) shall comply with the request without delay, and after it issues a disposition, it shall report the details thereof to the Minister of Agriculture, Food and Rural Affairs.

(3) In cases falling under paragraph (1), where a new Good Practices certification institution has not yet been designated after the designation of the Good Practices certification institution was cancelled pursuant to Article 10 or where the relevant Good Practices certification institution is suspended from business, the Minister of Agriculture, Food and Rural Affairs may cancel the designation of such



facilities meeting Good Practices or order to suspend or correct the affairs of Good Agricultural Practices in relation to agricultural products subject to certification of Good Practices, specifying a period within six months.

[This Article Newly Inserted on Apr. 18, 2017]

### **SECTION 3 Quality Certification of Fishery Products, etc.**

- Article 14 (Quality Certification of Fishery Products, etc.)** (1) The Minister of Oceans and Fisheries shall implement a quality certification system to improve the quality of fishery products and to protect consumers. <Amended on Mar. 23, 2013; Nov. 28, 2017>
- (2) A person who intends to obtain quality certification (hereinafter referred to as "quality certification") pursuant to paragraph (1) shall file an application for quality certification with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That any of the following persons shall be disqualified from filing an application for quality certification: <Amended on Mar. 23, 2013; Feb. 18, 2020>
1. A person for whom one year has not passed after the quality certification was revoked pursuant to Article 16;
  2. A person in whose case one year has not passed since a fine or heavier punishment was determined, in violation of Article 119 or 120.
- (3) A person who has obtained quality certification may indicate quality - certified products on the packaging, containers, etc. of fishery products on which he/she has obtained quality certification (hereinafter referred to as "quality - certified products"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Nov. 28, 2017>
- (4) Criteria and procedures for quality certification and methods of the indication thereof, and matters necessary for the selection of items eligible for quality certification shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

[Title Amended on Nov 28, 2017]

- Article 15 (Period of Validity, etc. of Quality Certification)** (1) The period of validity of quality certification shall be two years from the date a person obtains quality certification: Provided, That where necessary to apply a separate period of validity according to the characteristics of an item, the separate period of validity may be prescribed by Ordinance of the Ministry of Oceans and Fisheries within four years. <Amended on Mar. 23, 2013>

(2) A person who intends to obtain an extension of the period of validity of quality certification shall file an application for the extension thereof with the Minister of Oceans and Fisheries before the period of validity expires, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(3) Where the Minister of Oceans and Fisheries receives an application filed pursuant to paragraph (2), if he/she deems that the application meets the criteria for quality certification under Article 14 (4), he/she may extend the period of validity within the period of validity referred to in paragraph (1). <Amended on Mar. 23, 2013>

**Article 16 (Cancellation of Quality Certification)** Where a person who has obtained quality certification falls under any of the following cases, the Minister of Oceans and Fisheries may cancel quality certification: Provided, That where he/she falls under subparagraph 1, the Minister of Oceans and Fisheries shall cancel quality certification: <Amended on Mar. 23, 2013; Feb. 18, 2020>

1. Where he/she obtains quality certification by fraud or other improper means;
2. Where he/she clearly fails to meet the criteria for quality certification under Article 14 (4);
3. Where he/she disobeys an order to correct the indication of quality - certified products, to prohibit sale of the relevant things, or to take measures for suspension of the indication thereof prescribed in Article 31 (1) without justifiable grounds;
4. Where it is deemed impracticable for him/her to produce quality - certified products due to the change of his/her occupation, the closure of business, etc.

**Article 17 (Designation, etc. of Quality Certification Institutions)** (1) The Minister of Oceans and Fisheries may entrust corporations or organizations designated by him/her to examine or certify the conditions of the production of fishery products and the quality and safety thereof (hereinafter referred to as "quality certification institution") with affairs pertaining to quality certification prescribed in Articles 14 through 16. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self - Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may subsidize the following organizations, etc. designated as a quality certification institution pursuant to paragraph (1) so that fishermen may improve the quality of fishery products and systematically implement quality control for themselves: <Amended on Mar. 23, 2013>

1. Organizations of fishery producers (referring to organizations of fishermen only);
2. Corporations related to business of producing processed fishery products (referring to corporations provided for only in Article 32 of the Civil Act).
- (3) A corporation or organization that intends to be designated as a quality certification institution shall file an application for designation with the Minister of Oceans and Fisheries after being equipped with facilities and human resources necessary to conduct affairs for quality certification, and when an important matter prescribed by Ordinance of the Ministry of Oceans and Fisheries has been changed after it was designated as a quality certification institution, it shall report such change: Provided, That it shall not be entitled to file an application for designation until two years have passed after the designation as a quality certification institution was cancelled pursuant to Article 18. <Amended on Mar. 23, 2013 >
- (4) The Minister of Oceans and Fisheries shall notify a person who has filed such report of whether the report is accepted within 10 days from the date of receipt of the report on change under the main clause of paragraph (3). <Newly Inserted on Feb. 18, 2020 >
- (5) Where the Minister of Oceans and Fisheries fails to notify a person who has filed such report of whether the report is accepted or the extension of the processing period under the statutes related to treatment of civil petitions within the period prescribed under paragraph (4), the report shall be deemed to have been accepted on the following day after the period (referring to the relevant processing period where the processing period is extended or re - extended pursuant to statutes related to treatment of civil petitions) is expired. <Newly Inserted on Feb. 18, 2020 >
- (6) Matters necessary for criteria and procedures for designation of quality certification institutions, the scope of services for quality certification, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013 >

**Article 18 (Cancellation, etc. of Designation of Quality Certification Institution)** (1) Where a quality certification institution falls under any of the following cases, the Minister of Oceans and Fisheries may cancel the designation thereof or order it to suspend all or part of the quality certification services for a fixed period not exceeding six months: Provided, That where it falls under any of subparagraphs 1 through 4 and 6, he/she shall cancel the designation thereof: <Amended on Mar. 23, 2013; Feb. 18, 2020 >

1. Where it is designated as a quality certification institution by fraud or other improper means;
2. Where it provides quality certification services during the suspension of services;

3. Where it is subject to disposition of the suspension of services on at least twice occasions during the last three years;
4. Where it is unable to provide quality certification services due to its closure of business, dissolution or bankruptcy;
5. Where it continues to provide quality certification services without reporting a change pursuant to the main sentence of Article 17 (3);
6. Where it fails to meet the standards for designation within one month after receipt of an order to meet such standards because it breaches the standards prescribed in Article 17 (6);
7. Where it provides quality certification services, in violation of the scope of services prescribed in Article 17 (6);
8. Where it allows another person to provide quality certification services using its name or trade name, or lends another person a written designation of quality certification institution;
9. Where it harms the public interest because it fails to conscientiously provides quality certification services, or fabricates the result of examination for quality certification;
10. Where it has no performance record on quality certification for at least one year without justifiable grounds.

(2) Detailed standards for the cancellation of designation and the suspension of services under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 19 (Reporting and Inspections, etc. Related to Quality Certification)** (1) If the Minister of Oceans and Fisheries deems it necessary for quality certification, he/she may request a quality certification institution or a person who has obtained quality certification to report matters or submit data concerning its or his/her affairs, and order the relevant public official to visit its or his/her office, etc. to inspect facilities, equipment, etc. and examine related books of account or documents. <Amended on Mar. 23, 2013>

(2) Article 13 (2) and (3) shall apply mutatis mutandis to inspections and examinations referred to in paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public official who conducts an inspection or examination pursuant to paragraph (1)

## **SECTION 4 Deleted.**

**Article 20** Deleted. <Jun. 1, 2012>

**Article 21** Deleted. <Jun. 1, 2012>

**Article 22** Deleted. <Jun. 1, 2012>

**Article 23** Deleted. <Jun. 1, 2012>

## **SECTION 5 Traceability**

**Article 24 (Traceability)** (1) Among the following persons, a person who intends to implement traceability shall register with the Minister of Agriculture, Food and Rural Affairs: <Amended on Mar. 23, 2013; Mar. 27, 2015>

1. A person who produces agricultural products (excluding livestock products; hereafter the same shall apply in this Section);
2. A person who distributes or sells agricultural products (excluding a person who distributes or sells agricultural and fishery products without changing indications or packaging; hereinafter the same shall apply).

(2) Notwithstanding paragraph (1), a person who produces, distributes, or sells agricultural products prescribed by Presidential Decree shall register his/her traceability system with the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Mar. 27, 2015>

(3) A person whose traceability system has been registered pursuant to paragraph (1) or (2) shall report the change of the registered matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the Minister of Agriculture, Food and Rural Affairs within one month from the date a ground for such change arises. <Amended on Mar. 23, 2013; Mar. 27, 2015>

(4) The Minister of Agriculture, Food and Rural Affairs shall notify a person who has filed such report of whether the report is accepted within 10 days from the date of receipt of the report on change under paragraph (3). <Newly Inserted on Mar. 27, 2019>

(5) Where the Minister of Agriculture, Food and Rural Affairs fails to notify a person who has filed such report of whether the report is accepted or the extension of the processing period under the statutes related to treatment of civil petitions within the period prescribed under paragraph (4), the report shall be deemed to have been accepted on the following day after the period (referring to the relevant processing period where the processing period is extended or re - extended pursuant to

statutes related to treatment of civil petitions) is expired. <Newly Inserted on Aug. 27, 2019>

(6) A person whose traceability system has been registered pursuant to paragraph (1) may affix a traceability label to the relevant agricultural products, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and a person whose traceability system has been registered pursuant to paragraph (2) shall affix a traceability label to the relevant agricultural products. <Amended on Mar. 23, 2013; Mar. 27, 2015; Aug. 27, 2019>

(7) A person who produces, distributes, or sells agricultural products registered pursuant to paragraph (1) and agricultural products under paragraph (2) (hereinafter referred to as "traceable agricultural products") shall meet the standards determined and announced by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "standards for traceability"), such as recording and keeping the details of warehousing, delivery from a warehouse, and management necessary for traceability: Provided, That this shall not apply to a person prescribed by Presidential Decree who distributes or sells traceable agricultural products, such as peddlers and stall holders. <Amended on Mar. 23, 2013; Mar. 27, 2015; Aug. 27, 2019>

(8) The Minister of Agriculture, Food and Rural Affairs may fully or partially subsidize expenses incurred in managing the traceability system by a person whose traceability system has been registered pursuant to paragraph (1) or (2). <Newly Inserted on May 20, 2014; Mar. 27, 2015; Aug. 27, 2019>

(9) Items subject to traceability, procedures for registration, matters to be registered, and other detailed matters necessary for registration shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; May 20, 2014; Mar. 27, 2015; Aug. 27, 2019>

**Article 25 (Period of Validity, etc. of Traceability Registration)** (1) The period of validity of traceability registration under Article 24 (1) and (2) shall be three years from the date the relevant traceability system is registered: Provided, That where necessary to apply a separate period of validity according to characteristics of an item, the separate period of validity may be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within ten years. <Amended on Mar. 23, 2013; Mar. 27, 2015>

(2) A person who falls under any of the following cases shall renew traceability registration before the period of validity of traceability registration expires: <Amended on Mar. 27, 2015>

1. A person who has registered his/her traceability system pursuant to Article 24 (1) and intends to continuously implement traceability on the relevant agricultural products even after the period of

validity expires;

2. A person who has registered his/her traceability system pursuant to Article 24 (2) and intends to continuously produce, distribute, or sell the relevant agricultural products even after the period of validity expires.

(3) Where a person who has registered his/her traceability system pursuant to Article 24 (1) and (2) fails to complete the shipment of the relevant products within the period of validity referred to in paragraph (1), he/she may extend the period of validity of traceability registration after passing the examination conducted by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Mar. 27, 2015>

(4) Detailed matters necessary for procedures, etc. for renewing traceability registration and extending the period of validity thereof shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Mar. 27, 2015>

**Article 26 (Submission, etc. of Data for Traceability)** (1) The Minister of Agriculture, Food and Rural Affairs may request persons who produce or distribute traceable agricultural products to submit data necessary for the production, warehousing, delivery of agricultural products, and other data necessary for traceability. <Amended on Mar. 23, 2013; Mar. 27, 2015>

(2) A person who produces, distributes, or sells traceable agricultural products, upon receipt of a request to submit data under paragraph (1), shall comply with such request unless there exists any justifiable ground. <Amended on Mar. 27, 2015>

(3) Matters necessary for the scope of data submitted, the method thereof, the procedure therefor, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Mar. 27, 2015>

**Article 27 (Cancellation, etc. of Traceability Registration)** (1) Where a person who has registered his/her traceability system pursuant to Article 24 falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs may cancel such registration, or order him/her to suspend or correct the indication of traceability for a fixed period not exceeding six months: Provided, That where he/she falls under subparagraph 1, 2, or 7, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall cancel registration: <Amended on Mar. 23, 2013; Mar. 27, 2015; Dec. 2, 2016; Aug. 27, 2019; Feb, 18, 2020>

1. Where he/she has registered his/her traceability system, by fraud or other improper means;

2. Where he/she continues to indicate traceability, in violation of an order to suspend the indication of traceability;

3. Where he/she fails to report a change in traceability registration pursuant to Article 24 (3);
4. Where he/she fails to implement a method of indicating traceability pursuant to Article 24 (6);
5. Where he/she fails to meet the standards for traceability;
6. Where he/she refuses to submit data without justifiable grounds, in violation of Article 26 (2);
7. Where it is deemed impracticable for him/her to produce, distribute, or sell traceable agricultural products due to the change of his/her occupation, the closure of business, etc.

(2) Detailed matters, such as criteria, procedures, etc. for the cancellation of registration, the suspension of indication and the order of correction under paragraph (1), shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Mar. 27, 2015; Dec. 2, 2016>

## **SECTION 6 Post Management, etc.**

**Article 28 (Succession to Position, etc.)** (1) Where a person who has rights and duties arising from any of the following grounds dies or transfers such rights and duties to another person or two corporations merge, a successor, transferee thereof, or any corporation surviving merger or any corporation established in the course of merger may succeed to his, her, its, or their status:

1. Designation of Good Practices certification institutions pursuant to Article 9;
2. Designation of facilities meeting Good Practices pursuant to Article 11;
3. Designation of quality certification institutions pursuant to Article 17.

(2) A person who intends to succeed to the status pursuant to paragraph (1) shall report to each institution that has made the designation, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, within one month from the date a ground for succession arises. <Amended on Mar. 23, 2013>

**Article 28 - 2 (Succession to Effects of Dispositions of Administrative Sanctions)** Where a person succeeds to the status of the previous Good Practices certification institutions, facilities meeting Good Practices or quality certification institutions pursuant to Article 28, the effect of a disposition of administrative sanction imposed on him/her shall be succeeded to the successor and shall remain in force against the successor one year from the date such disposition took place; and where a proceeding for a disposition of administrative sanction is pending, the proceeding may be continued against the successor: Provided, That the foregoing shall not apply where the successor proves his/her total ignorance to such disposition or violation at the time of his/her succession to the



status.

[This Article Newly Inserted on Aug. 27, 2019]

**Article 29 (Prohibition of False Indication, etc.)** (1) No person shall do any of the following acts:

<Amended on Mar. 24, 1014; Mar. 27, 2015>

1. Affixing a label indicating standardized products, Good Practices - certified agricultural products, quality - certified products, or traceable agricultural products (hereinafter referred to as "products labeled good") or any similar label to agricultural and fishery products (including agricultural products not approved pursuant to Article 7 (4), in cases of agricultural products not bearing Good Practices certification) or processed agricultural and fishery products, though they are not products to be labeled good;
2. Advertizing agricultural and fishery products (including agricultural products not approved pursuant to Article 7 (4), in cases of agricultural products not bearing Good Practices certification) or processed agricultural and fishery products as products labeled good, though they are not products labeled good, or advertizing such products to be misled as products labeled good.

(2) No person shall do any of the following acts: <Amended on Mar. 24, 1014; Mar. 27, 2015; Nov. 28, 2017; Aug. 27, 2019>

1. Selling agricultural and fishery products labeled as standardized products pursuant to Article 5 (2) mixed with agricultural and fishery products or processed agricultural and fishery products not standardized, or storing or displaying such products for sale, mixed with agricultural and fishery products labeled as standardized products;
2. Selling agricultural products labeled as Good Practices - certified products pursuant to Article 6 (6) mixed with agricultural products (including agricultural products not approved under Article 7 (4)) or processed agricultural products not certified, or storing or displaying such products for sale, mixed with agricultural products labeled as Good Practices - certified products;
3. Selling fishery products or indigenous fishery products labeled as quality - certified products pursuant to Article 14 (3) mixed with fishery products not certified, or storing or displaying such products for sale, mixed with fishery products labeled as quality - certified products;
4. Deleted; <Jun. 1, 2012>
5. Selling agricultural products labeled as traceable products pursuant to Article 24 (6) mixed with agricultural products or processed agricultural products for which traceability has not been registered, or storing or displaying such products for sale, mixed with agricultural products labeled as traceable products.

**Article 30 (Post Management of Products Labeled Good)** (1) If necessary for maintaining the quality of products labeled good and for protecting consumers, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may require the relevant public official to conduct the following inspection, etc.: <Amended on Jun. 1, 2012; Mar. 23, 2013; Mar. 24, 2014>

1. Examining whether the products labeled good meet the standards and quality indicated on the relevant label or criteria for the relevant certification or registration;
2. Inspecting the related books of account or documents of a person who has affixed the relevant label;
3. Collecting samples of the products labeled good.

(2) Article 13 (2) and (3) shall apply mutatis mutandis to the examination, inspection, or collection of samples under paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who engage in the examination, inspection, or collection of samples under paragraph (1).

[Title Amended on Mar. 24, 2014]

**Article 30 - 2 (Post Management of Recommended Quality Labeling)** (1) If it is necessary to have the recommended quality labeling in place and to establish sound distribution practices, the Minister of Agriculture, Food and Rural Affairs may require an appropriate public official to conduct the following inspection duties:

1. To inspect whether an agricultural product bearing the recommended quality labeling complies with the guidelines for recommending quality labeling;
2. To collect the sample of an agricultural product bearing the recommended quality labeling.

(2) Article 13 (3) and (4) shall mutatis mutandis with respect to the inspections or collection of samples prescribed in paragraph (1).

(3) If it is found by an inspection conducted under paragraph (1) that an agricultural product bearing the recommended quality labeling has failed to comply with the guidelines for recommending quality labeling, the Minister of Agriculture, Food and Rural Affairs may recommend that noncompliance with the guidelines should be corrected.

(4) The Minister of Agriculture, Food and Rural Affairs may provide assistance necessary for encouraging the recommended quality labeling.

[This Article Newly Inserted on Feb. 21, 2018]

**Article 31 (Corrective Measures for Products Labeled Good)** (1) Where standardized products or quality - certified products fall under any of the following cases, the Minister of Agriculture, Food

and Rural Affairs or the Minister of Oceans and Fisheries may order a person who produces, distributes, or sells such products to take corrective measures, or may take measures to prohibit sale of the relevant products or to suspend the indication thereof, as prescribed by Presidential Decree:

<Amended on Jun. 1, 2012; Mar. 23, 2013; Mar. 27, 2015; Dec. 2, 2016; Feb. 18, 2020>

1. Where such products fail to meet the standards indicated on the relevant label or criteria for the relevant certification or registration;
2. Where it is deemed impracticable for him/her to produce the relevant products due to the change of occupation, the closure of business, etc.;
3. Where he/she violates the relevant method of indication.

(2) If Good Practices - certified agricultural products fail to meet the standards for Good Practices or violate methods of indication under Article 6 (7) as a result of inspection, etc. conducted pursuant to Article 30, the Minister of Agriculture, Food and Rural Affairs may order distributors of Good Practices - certified agricultural products to take measures to remove or change the indication of certification of Good Practices of the relevant products or to prohibit sale thereof, and if such products fall under any subparagraph of Article 8 (1), the Minister of Agriculture, Food and Rural Affairs shall request the relevant Good Practices certification institution to take measures falling under any of the following pursuant to Article 8: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. Cancellation of the certification of Good Practices;
2. Suspension of the indication of certification of Good Practices;
3. Order of correction.

(3) Upon receipt of a request referred to in paragraph (2), a Good Practices certification institution shall comply therewith and report the results thereof to the Minister of Agriculture, Food and Rural Affairs without delay. <Amended on Mar. 23, 2013>

(4) In cases falling under paragraph (2), where a new Good Practices certification institution is not designated pursuant to Article 9 (1) or the relevant Good Practices certification institution is suspended from its business after the designation of a Good Practices certification institution was cancelled pursuant to Article 10, the Minister of Agriculture, Food and Rural Affairs may take measures provided for in each of the subparagraphs of Article 2. <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

[Title Amended on Mar. 24, 2014]

## CHAPTER III GEOGRAPHICAL INDICATIONS

### SECTION 1 Registration

**Article 32 (Registration of Geographical Indications)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall implement a geographical indication registration system to improve the quality of agricultural and fishery products or processed agricultural and fishery products having geographical characteristics, to foster regional specialty industries, and to protect consumers. <Amended on Mar. 23, 2013>

(2) Only a corporation comprised of persons who produce, manufacture, or process agricultural and fishery products or processed agricultural and fishery products having geographical characteristics in a specific region may apply for registration of a geographical indication under paragraph (1): Provided, That if only one person produces or processes a specific agricultural or fishery product or processed agricultural or fishery product having geographical characteristics, such person may solely apply for registration thereof.

(3) A person who falls under paragraph (2) and intends to register a geographical indication under paragraph (1) shall file an application for registration to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries in the form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, along with annexed documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. The same shall apply where he/she intends to change important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries among registered matters. <Amended on Mar. 23, 2013>

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, in receipt of an application for registration pursuant to paragraph (3), shall determine to make an official announcement of an application for registration of a geographical indication (hereinafter referred to as "determination to make an official announcement") where no grounds exist for the rejection of registration following deliberation by the subcommittee for deliberation on the registration of geographical indications under Article 3 (6). In such cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall hear the opinion of the Commissioner of the Korean Intellectual Property Office in advance as to whether a geographical indication which is the subject matter of application for registration conflicts with another person's trademark (including a collective mark of geographical indication; hereinafter the same shall apply) under the Trademark Act.

<Amended on Mar. 23, 2013>

(5) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries determines to make an official announcement, he/she shall give public notice of the details of such determination in the Official Gazette and put them on the website, and make an application for registration of a geographical indication and documents annexed thereto available for public inspection for two months from the date of the official announcement. <Amended on Mar. 23, 2013>

(6) Any person may file a formal objection with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries along with a document stating grounds for the formal objection and evidence within two months from the date of an official announcement made under paragraph (5). <Amended on Mar. 23, 2013>

(7) In the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall determine to register a geographical indication and notify an applicant of such determination: <Amended on Mar. 23, 2013>

1. When he/she receives a formal objection filed under paragraph (6), where he/she determines, following deliberation by the subcommittee for deliberation on the registration of geographical indications under Article 3 (6), that no justifiable grounds exist for the rejection of registration;
2. Where no formal objection is filed within the period under paragraph (6).

(8) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries has accepted the registration of a geographical indication, he/she shall issue a certificate of registration of the geographical indication to a person entitled to the geographical indication. <Amended on Mar. 23, 2013>

(9) If an application for registration of a geographical indication filed under paragraph (3) falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall determine the rejection of registration and notify the applicant thereof: <Amended on Mar. 23, 2013>

1. Where another application for registration has already been filed pursuant to paragraph (3) or a geographical indication which is the subject matter of application for registration is identical or similar to a third person's geographical indication registered pursuant to paragraph (7);
2. Where a geographical indication which is the subject matter of application for registration is identical or similar to a third person's trademark for which an application has already been filed or registered in accordance with the Trademark Act;
3. Where a geographical indication which is the subject matter of application for registration is identical or similar to a third person's trademark or geographical indication widely known in the

Republic of Korea;

4. Where a geographical indication which is the subject matter of application for registration falls under a general term (referring to the names of agricultural and fishery products or processed agricultural and fishery products which have become a common noun because their names have been used for a long time even though such names are originally related to a place of production or place of sale);
5. Where a geographical indication which is the subject matter of application for registration does not fit in the definition of the geographical indication under Article 2 (1) 8 or homonymic geographical indication under subparagraph 9 of the same paragraph;
6. Where an applicant for registration of a geographical indication prohibits persons who produce, manufacture or process agricultural and fishery products or processed agricultural and fishery products eligible for such geographical indication for business purposes, from becoming members of an organization or does not substantially allow them to become members of the organization by stipulating the strict membership conditions.

(10) Matters necessary for items eligible for registration of geographical indications, eligible regions, qualifications for application, procedures for deliberation or public announcement, procedures for filing formal objections, detailed criteria for grounds for rejecting registrations, etc. pursuant to paragraphs (1) through (9) shall be prescribed by Presidential Decree.

**Article 33 (Original Register of Geographical Indications)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall record matters concerning the establishment, transfer, change, extinguishment, and reinstatement of a right to use a geographical indication in the original register of geographical indications and keep it. <Amended on Mar. 23, 2013>

(2) The Minister of Agriculture, Food, and Rural Affairs and Fisheries may create and manage all or part of the original register of geographical indications referred to in paragraph (1) in an electric form.

(3) Detailed matters necessary for registration, keeping, creation, and management of the original register of geographical indications under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 34 (Rights to Use Geographical Indications)** (1) A person who has registered a geographical indication (hereinafter referred to as "person entitled to a geographical indication") pursuant to Article 32 (7) shall be entitled to use a geographical indication on the items that he/she

has registered.

(2) Where a right to use a geographical indication falls under any of the following subparagraphs, it shall not take effect among the interested parties related to the following subparagraphs: <Amended on Jun. 1, 2012>

1. A homonymic geographical indication: Provided, That this shall not apply where it causes consumers to mistake a region different from the place of origin of the relevant goods for the place of origin because they firmly believe that the relevant geographical indication identifies goods of a specific region;
2. A trademark registered or trademark, an application for which is being examined in accordance with the Trademark Act before an application for registration of a geographical indication is filed;
3. The name of a variety registered or the name of a variety an application for which is being examined in accordance with the Seed Industry Act and the Act on the Protection of New Varieties of Plants before an application for registration of a geographical indication is filed;
4. A geographical appellation used for items identical to agricultural and fishery products or processed agricultural and fishery products for which a geographical indication is registered pursuant to Article 32 (7) (hereinafter referred to as "products bearing a geographical indication") and also used for agricultural and fishery products or processed agricultural and fishery products produced in the region covered by such registration.

(3) A person entitled to use a geographical indication may label a geographical indication on products bearing the geographical indication, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries: Provided, That in cases of ginseng products under the Ginseng Industry Act among the products bearing geographical indications, he/she may label a geographical indication including the word "Korea," such as "Korean ginseng," "Korean fresh ginseng," "Korean red ginseng," "Korean taegeuk ginseng," or "Korean white ginseng" on ginseng products and their containers, packaging, etc. in addition to the method of labeling prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 35 (Transfer and Inheritance of Rights to Use Geographical Indications)** No person entitled to use a geographical indication shall transfer or inherit the right to use the geographical indication to a third person: Provided, That where a person entitled to use a geographical indication falls under any of the following cases, he/she may transfer or inherit the right to use the geographical indication with prior approval from the Minister of Agriculture, Food and Rural Affairs or the Minister

of Oceans and Fisheries: <Amended on Mar. 23, 2013>

1. Where a person entitled to use a geographical indication who has registered his/her corporate capacity changes the name of the corporation or merges with another corporation;
2. Where a person entitled to use a geographical indication who has registered his/her individual capacity dies.

**Article 36 (Claims, etc. for Prohibition of Infringement on Right)** (1) A person entitled to use a geographical indication may claim for prohibition or prevention of infringement on his/her right by persons who have infringed or are likely to infringe on his/her right.

(2) Any of the following acts shall be deemed an infringement on a right to use a geographical indication:

1. Affixing a label identical or similar to a registered geographical indication label (in cases of a homonymic geographical indication, limited to the geographical indication that causes consumers to confuse a region different from the place of origin of the relevant goods with the place of origin because they are clearly aware that the relevant geographical indication identifies goods of a specific region) by a person not entitled to use the geographical indication to the products, packaging, containers, advertising materials, or related documents of an item identical or similar to the item registered;
2. Forging or imitating a registered geographical indication label;
3. Delivering, selling, or carrying products for the purposes of forging, or imitating a registered geographical indication label;
4. Directly or indirectly utilizing items identical or similar to the products bearing a registered geographical indication for the commercial purpose impairing the reputation of the geographical indication.

**Article 37 (Claims for Damages, etc.)** (1) A person entitled to use a geographical indication may claim damages from a person who infringes on his/her right to use the geographical indication intentionally or by negligence. In such cases, the person who has infringed on the right to use the geographical indication shall be presumed that he/she was already aware of that such geographical indication has been already registered.

(2) Articles 110 and 114 of the Trademark Act shall apply mutatis mutandis to the estimation, etc. of the amount of loss referred to in paragraph (1). <Amended on Feb. 29, 2016>



**Article 38 (Prohibition of False Labelling, etc.)** (1) No person shall label a geographical indication or similar thereto on the packaging, containers, advertising materials, and related documents of agricultural and fishery products or processed agricultural and fishery products not bearing the geographical indication.

(2) No person shall sell products bearing a geographical indication by mixing them with agricultural and fishery products or processed agricultural and fishery products not bearing the geographical indication, or store or display such products for sale, mixed with products bearing the geographical indication.

**Article 39 (Post - Management of Products Bearing Geographical Indications)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may instruct the relevant public officials to do the following acts in order to maintain the quality level of products bearing geographical indications and to protect consumers: <Amended on Mar. 23, 2013>

1. Examining whether products meet criteria for registration of products bearing a geographical indication;
2. Inspecting related books of account or documents of the owners, occupants, managers, etc. of products bearing a geographical indication;
3. Collecting samples of products bearing a geographical indication for inspection or entrusting a test to a specialized testing institution, etc.

(2) Article 13 (2) and (3) shall apply mutatis mutandis to examination, inspection, or collection of samples referred to in paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who engage in the examination, inspection or sample collection referred to in paragraph (1).

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may implement the following projects to activate the registration system for geographical indications: <Newly Inserted on Dec. 2, 2016>

1. Matters concerning promotion of the registration system for geographical indications and support on marketing products bearing geographical indications;
2. Matters concerning education and training necessary for operation of the registration system for geographical indications;
3. Matters concerning survey for geographical indications.

**Article 40 (Correction, etc. of Geographical Indication Labels)** If products bearing a geographical indication fall under any of the following subparagraphs, the Minister of Agriculture, Food

and Rural Affairs or the Minister of Oceans and Fisheries may order persons who produce, distribute, or sell such products to take corrective measures, prohibit them from selling such products, suspend to label such geographical indication, or cancel the registration thereof, as prescribed by Presidential Decree: <Amended on Mar. 23, 2013>

1. Where products bearing a geographical indication fail to meet the criteria for registration under Article 32;
2. Where products bearing a geographical indication violate the method of labeling under Article 34 (3);
3. Where it is deemed impracticable to implement a plan for the production of products bearing a geographical indication due to a sharp decrease in the production of products bearing the relevant geographical indication.

**Article 41 (Application Mutatis Mutandis of the Patent Act)** (1) Articles 3 through 5, 6 (limited to subparagraphs 1 (excluding withdrawal of a patent application) 5, 7, and 8), 7, 7 - 2, 8, 9, 10 (excluding paragraph (3)), 11 (excluding paragraph (1) 1 through 3, 5, and 6), 12 through 15, 16 (excluding the proviso to paragraph (1)), 17 through 26, 28 (excluding the proviso to paragraph (2)), 28 - 2 through 28 - 5, and 46 of the Patent Act shall apply mutatis mutandis to geographical indications. <Amended on Jun. 11, 2014>

(2) For the purposes of paragraph (1), "Article 139 - 17" in subparagraph 7 of Article 6 and Article 15 (1) of the Patent Act shall be construed as "Article 45 of the Agricultural and Fishery Products Quality Control Act," "Article 139 - 17" in subparagraph 1 of Article 17 of the Patent Act shall be construed as "Article 45 of the Agricultural and Fishery Products Quality Control Act," "Article 180 (1)" in subparagraph 2 of Article 17 of the Patent Act shall be construed as "Article 180 (1) of the Patent Act applied mutatis mutandis pursuant to Article 55 of the Agricultural and Fishery Products Quality Control Act," and "Article 82" in Article 46 (3) of the Patent Act shall be construed as "subparagraphs 8 and 9 of Article 113 of the Agricultural and Fishery Products Quality Control Act," respectively. <Amended on Jun. 11, 2014; Feb. 29, 2016>

(3) For the purposes of paragraph (1), "patent" shall be construed as "geographical indication," "application" shall be construed as "application for registration," "patent right" shall be construed as "right to use a geographical indication," "Korean Intellectual Property Office," "Commissioner of Korean Intellectual Property Office," and "juror" shall be construed as "Minister of Agriculture, Food and Rural Affairs or Minister of Oceans and Fisheries," "Korean Intellectual Property Tribunal" shall be construed as "Adjudication Committee on Geographical Indications," "Chief Judge" shall be

construed as "Chairperson of the Adjudication Committee on Geographical Indications," "judge" shall be construed as "member of the Adjudication Committee," and "Ordinance of the Ministry of Trade, Industry and Energy" shall be construed as "Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries," respectively. <Amended on Mar. 23, 2013>

## SECTION 2 Adjudication on Geographical Indications

**Article 42 (Adjudication Committee on Geographical Indications)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall establish the Adjudication Committee on Geographical Indications (hereinafter referred to as "Adjudication Committee") under his/her jurisdiction to adjudicate on the following matters: <Amended on Mar. 23, 2013>

1. Adjudication and review on geographical indications;
2. Adjudication and review on an appeal against the rejection of an application for geographical indication registration pursuant to Article 32 (9), or the cancellation of registration pursuant to Article 40;
3. Other matters prescribed by Presidential Decree among other matters concerning geographical indications.

(2) The Adjudication Committee shall be comprised of not more than ten members (hereinafter referred to as "member of the Adjudication Committee"), including one chairperson.

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall appoint the chairperson of the Adjudication Committee from among its members. <Amended on Mar. 23, 2013>

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall appoint members of the Adjudication Committee from among the relevant public officials and those who have abundant knowledge of and extensive experience in the field of intellectual property rights or geographical indications. <Amended on Mar. 23, 2013>

(5) The term of office of members of the Adjudication Committee shall be three years, renewable for only one further term.

(6) Matters regarding the organization and operation of the Adjudication Committee and other necessary matters shall be prescribed by Presidential Decree.

**Article 43 (Adjudication to Nullify Geographical Indications)** (1) If a geographical indication falls under any of the following subparagraphs, a stakeholder in the geographical indication or the subcommittee for deliberation on registration of geographical indications referred to in Article 3 (6) may file for adjudication to nullify it: <Amended on Feb. 18, 2020 >

1. Where a geographical indication has been registered even though it falls under the grounds for the rejection of registration prescribed in Article 32 (9);
2. Where a geographical indication was registered pursuant to Article 32, but the protection of such geographical indication is suspended or such geographical indication is not in use in the country of origin.

(2) Adjudication under paragraph (1) may be requested whenever a request has merits.

(3) If a decision to nullify a geographical indication becomes final and conclusive pursuant to paragraph (1) 1, the right to use such geographical indication shall be deemed nonexistent from the beginning, and if a decision to nullify a geographical indication becomes final and conclusive pursuant to paragraph (1) 2, the right to use such geographical indication shall be deemed nonexistent from the time such geographical indication falls under paragraph (1) 2.

(4) Where adjudication under paragraph (1) is requested, the chairperson of the Adjudication Committee shall notify a person entitled to use the relevant geographical indication of the purport thereof.

**Article 44 (Adjudication to Cancel Geographical Indications)** (1) Where a geographical indication falls under any of the following subparagraphs, adjudication to cancel such geographical indication may be requested:

1. Where, after a geographical indication is registered, a person who has registered the geographical indication prohibits persons who produce, manufacture, or process agricultural and fishery products or processed agricultural and fishery products eligible for such geographical indication for business purpose from becoming members of an organization or does not practically allow them to become members of the organization by stipulating the strict membership conditions, etc., or where he/she allows persons not entitled to use such geographical indication to become members of the registered organization;
2. Where an organization that has registered a geographical indication or its member causes consumers to overestimate the quality of goods or to confuse a geographical origin by misusing such geographical indication.

(2) No adjudication for cancellation under paragraph (1) shall be requested after three years have passed from the date a fact giving rise to cancellation ceases to exist.

(3) Where adjudication for cancellation is requested pursuant to paragraph (1), a fact giving rise to a request for such adjudication that ceases to exist after the request therefor shall not have an effect on the grounds for cancellation.

(4) Any person may request adjudication for cancellation under paragraph (1).

(5) When a decision to cancel the registration of a geographical indication becomes final and conclusive, the right to use such geographical indication shall become extinct thereafter.

(6) Article 43 (4) shall apply mutatis mutandis to a request for adjudication under paragraph (1).

#### **Article 45 (Adjudication on Appeals against Rejection, etc. of Application for**

**Registration)** If a person notified of the rejection of an application for geographical indication registration pursuant to Article 32 (9) or a person whose registration is cancelled pursuant to Article 40 has an objection thereto, he/she may request adjudication on an appeal within 30 days after being notified of such rejection or such cancellation.

#### **Article 46 (Methods of Request for Adjudication)** (1) A person who intends to request

adjudication to nullify or cancel a geographical indication, or adjudication to cancel registration of a geographical indication shall file an application for adjudication in which the following matters are stated to the chairperson of the Adjudication Committee, along with application materials:

1. The name and address of the person concerned (in cases of a corporation, its name, the name of its representative, and the location of its place of business);
2. When he/she has an agent, the name and address of such agent, or the location of his/her place of business (where the agent is a corporation, its name, the name of its representative, and the location of its place of business);
3. The appellation of the geographical indication;
4. The date of registration of the geographical indication and the registration number;
5. The date on which a decision to cancel registration becomes final and conclusive (limited to a request for adjudication to cancel registration);
6. The purport of a request for adjudication and the grounds therefor.

(2) A person who intends to request adjudication on an appeal against the rejection of an application for geographical indication registration shall submit an application for adjudication in which the following matters are stated to the chairperson of the Adjudication Committee, along with application materials:

1. The name and address of the person concerned (in cases of a corporation, its name, the name of its representative, and the location of its place of business);
2. Where he/she has an agent, the name and address of such agent, or the location of his/her place of business (where the agent is a corporation, its name, the name of its representative, and the location of its place of business);
3. The date on which the application for registration is filed;
4. The date on which a decision to reject the application for registration becomes final and conclusive;
5. The purport of the appeal and the grounds therefor.

(3) Where a person revises an application filed pursuant to paragraphs (1) and (2), he/she shall not change the purport thereof: Provided, That the grounds for a request for adjudication referred to in paragraphs (1) 6 and (2) 5 may be changed.

(4) Where matters concerning a formal objection against a geographical indication are included in an application for adjudication filed pursuant to paragraph (1) or (2), the chairperson of the Adjudication Committee shall notify a claimant of the geographical indication of such purport.

**Article 47 (Methods, etc. of Adjudication)** (1) Where adjudication is requested pursuant to Article 46 (1) or (2), the chairperson of the Adjudication Committee shall have the adjudication conducted pursuant to Article 49.

(2) As a matter of duty, each member of the Adjudication Committee shall adjudicate independently.

**Article 48 (Designation, etc. of Members of Adjudication Committee)** (1) The chairperson of the Adjudication Committee shall designate members of the Adjudication Committee to constitute a collegiate body pursuant to Article 49 on a case - by - case basis and have them adjudicate.

(2) Where a collegiate body member referred to in paragraph (1) is apt to impair the fairness of adjudication, the chairperson of the Adjudication Committee may have another member of the Adjudication Committee adjudicate.

(3) The chairperson of the Adjudication Committee shall designate one person from among members of the Adjudication Committee designated pursuant to paragraph (1) as the chief adjudicator.

(4) The chief adjudicator designated pursuant to paragraph (3) shall preside over the affairs concerning the case of adjudication designated by the chairperson of the Adjudication Committee.

**Article 49 (Collegiate Body for Adjudication)** (1) Adjudication shall be conducted by a collegiate body comprised of three members of the Adjudication Committee.

(2) The collegiate body referred to in paragraph (1) shall make its decisions by a majority vote.

(3) The consultations of the collegiate body shall not be open to the public.

**Article 50 (Application Mutatis Mutandis of the Patent Act)** (1) Articles 139, 141 (paragraph (1) 2 (a) shall be limited to matters which apply mutatis mutandis in this Act; hereinafter the same shall apply), 142, 147 through 153, 153 - 2, 154 through 166, 171, 172, and 176 of the Patent Act shall apply mutatis mutandis to adjudication.

(2) For the purposes of paragraph (1), "invalidation trial referred to in Articles 133 (1), 134 (1) and (2), or 137 (1) and (2) or a trial to confirm the scope of a patent right referred to in Article 135 (1)" in Article 139 (1) of the Patent Act shall be construed as "adjudication to nullify a geographical indication referred to in Article 43 (1) of the Agricultural and Fishery Products Quality Control Act, adjudication to cancel a geographical indication referred to in Article 44 (1) of the same Act, and adjudication on the appeal against the rejection of an application for registration referred to in Article 45 of the same Act," "Article 140 (1), (3) through (5), or 140 - 2 (1)" in Article 141 (1) 1 of the Patent Act shall be construed as "Article 46 (1) or (2) of the Agricultural and Fishery Products Quality Control Act," "Article 82" in Article 141 (1) 2 (b) of the Patent Act shall be construed as "Article 113 of the Agricultural and Fishery Products Quality Control Act," "invalidation trial referred to in Article 133 (1) or a trial to confirm the scope of a patent right referred to in Article 135" in Article 161 (2) of the Patent Act shall be construed as "adjudication to nullify a geographical indication referred to in Article 43 (1) of the Agricultural and Fishery Products Quality Control Act," "Articles 133 (1), 134 (1) and (2), 135, and 137 (1)" in Article 165 (1) of the Patent Act shall be construed as "Articles 43 (1) and 44 (1) of the Agricultural and Fishery Products Quality Control Act," "Article 132 - 17, 136, or 138" in Article 165 (3) of the Patent Act shall be construed as "Article 45 of the Agricultural and Fishery Products Quality Control Act," and "Article 132 - 17" in Article 176 (1) of the Patent Act shall be construed as "Article 45 of the Agricultural and Fishery Products Quality Control Act," respectively. <Amended on Feb. 29, 2016; Feb. 18, 2020 >

(3) For the purposes of paragraph (1), the terminology shall be as defined in Article 41 (3), "Chief Administrative Patent Judge of the Korean Intellectual Property Tribunal" shall be construed as "Chairperson of the Adjudication Committee on Geographical Indications," and "patent attorney" shall be construed as "agent," respectively.

### SECTION 3 Reexamination and Litigation

**Article 51 (Request for Re - examination)** (1) Where a party to adjudication has an objection to a decision made by the Adjudication Committee, he/she may request a re - examination.

(2) Articles 451 and 453 (1) of the Civil Procedure Act shall apply mutatis mutandis to a request for re - examination referred to in paragraph (1).

**Article 52 (Request for Appeal against Decision on Fraudulent Acts)** (1) Where the parties to adjudication have caused a decision to be made in conspiracy for the purpose of infringing upon the rights or interests of a third party, such third party may request a re - examination on such decision.

(2) In cases of a request for reexamination under paragraph (1), the parties to adjudication shall be joint respondents.

**Article 53 (Restrictions on Effect of Rights to Use Geographical Indications Recovered by Reexamination)** In any of the following cases, a right to use a geographical indication shall not bind any acts done in good faith before the registration of a request for re - examination after the relevant decision becomes final and conclusive:

1. Where the right to use a geographical indication has been reinstated by reexamination after such right was nullified;
2. Where the establishment of the right to a geographical indication has been registered by reexamination on the registration of a geographical indication on which a decision was made to the effect that a request for adjudication on the appeal against the rejection of the registration application was rejected.

**Article 54 (Lawsuits against Decisions, etc.)** (1) The Patent Court of Korea shall have exclusive jurisdiction over lawsuits against decisions.

(2) Only the parties to a lawsuit, interveners, or persons who applied for intervention in the relevant adjudication or re - examination but whose application has been rejected may bring a lawsuit referred to in paragraph (1).

(3) A lawsuit referred to in paragraph (1) shall be brought within 60 days from the date a certified copy of written adjudication or decision is received.

(4) The period referred to in paragraph (3) shall be unchangeable.

(5) No lawsuit against matters on which adjudication may be requested shall be brought unless it pertains to a decision.



(6) An appeal against a decision of the Patent Court of Korea may be filed with the Supreme Court.

**Article 55 (Application Mutatis Mutandis of Patent Act, etc.)** (1) Articles 180 and 184 of the Patent Act and Article 459 (1) of the Civil Procedure Act shall apply mutatis mutandis to procedures for reexamination on geographical indications and a request for reexamination thereon.

(2) Articles 187, 188, and 189 of the Patent Act shall apply mutatis mutandis to a lawsuit against a geographical indication. In such cases, the terminology shall be as defined in Articles 41 (3) and 50 (3), and "where an action is filed under Article 186 (1)" in the main body of Article 187 of the Patent Act shall be construed as "where a lawsuit is filed under Article 54 of the Agricultural and Fishery Products Quality Control Act," "Articles 133 (1), 134 (1) and (2), 135 (1) and (2), 137 (1), or 138 (1) and (3)" in the proviso to Article 187 of the Patent Act shall be construed as "Articles 43 (1) or 44 (1) of the Agricultural and Fishery Products Quality Control Act," and "Article 186 (1)" in Article 189 (1) of the Patent Act shall be construed as "Article 54 (1) of the Agricultural and Fishery Products Quality Control Act," respectively. <Amended on Jun. 11, 2014; Feb. 29, 2016 >

## CHAPTER IV LABELING OF GENETICALLY - MODIFIED AGRICULTURAL AND FISHERY PRODUCTS

**Article 56 (Labeling of Genetically Modified Agricultural and Fishery Products)** (1) A person who produces and ships genetically modified agricultural and fishery products, a person who sells such products, or a person who stores or displays such products for sale shall affix a label of genetically modified agricultural and fishery products to the relevant agricultural and fishery products, as prescribed by Presidential Decree.

(2) Matters necessary for items subject to labeling, standards for labeling, methods of labeling, etc. of genetically modified agricultural and fishery products pursuant to paragraph (1) shall be prescribed by Presidential Decree.

**Article 57 (Prohibition of False Labeling, etc.)** No person who is obliged to label genetically modified agricultural and fishery products pursuant to Article 56 (1) (hereinafter referred to as "person obliged to label genetically modified agricultural and fishery products") shall do any of the following acts:

1. Falsely labeling genetically modified agricultural and fishery products or labeling that may cause people to confuse such products with non - genetically modified agricultural and fishery products;

2. Damaging or changing the labels of genetically modified agricultural and fishery products to cause people to confuse genetically modified agricultural and fishery products with non - genetically modified products;
3. Selling agricultural and fishery products bearing the labeling of genetically modified agricultural and fishery products mixed with other agricultural and fishery products, or storing or displaying such products for sale, mixed with agricultural and fishery products bearing the labeling of genetically modified agricultural and fishery products.

#### **Article 58 (Inspection of Labeling of Genetically Modified Agricultural and Fishery**

**Products)** (1) The Minister of Food and Drug Safety shall have the relevant public officials collect or inspect agricultural and fishery products subject to labeling of genetically modified agricultural and fishery products in order to ascertain whether genetically modified agricultural and fishery products are labeled, details and methods of labeling are appropriate, and any violation is committed, as prescribed by Presidential Decree: Provided, That at any time when necessary, such as an occasion that the volume of distribution of agricultural and fishery products is increased, he/she may have them collect or inspect such products. <Amended on Mar. 23, 2013 >

(2) Article 13 (2) and (3) shall apply mutatis mutandis to collection or inspection referred to in paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who engage in collection or inspection referred to in paragraph (1).

#### **Article 59 (Dispositions on Violations of Rules for Labeling of Genetically Modified**

**Agricultural and Fishery Products)** (1) The Minister of Food and Drug Safety may impose any of the following dispositions on those who have violated Article 56 or 57: <Amended on Mar. 23, 2013 >

1. An order to take corrective measures, such as the implementation, change, or deletion of labelling of genetically modified agricultural and fishery products;
2. Prohibition of trade practices, such as sale of agricultural and fishery products that have violated the rules for labeling of genetically modified agricultural and fishery products.

(2) Where the Minister of Food and Drug Safety has imposed a disposition referred to in paragraph (1) on a person who violated Article 57, he/she may order the person who has received such disposition to publish such fact. <Amended on Mar. 23, 2013 >

(3) Where a disposition referred to in paragraph (1) is imposed on a person obliged to label genetically modified agricultural and fishery products due to his/her violation of Article 57, the Minister of Food and Drug Safety shall post matters related to the disposition, such as the details of

the disposition, the relevant place of business, and the names of the agricultural and fishery products, on the website, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(4) Matters necessary for dispositions referred to in paragraph (1), an order to publish matters related to dispositions referred to in paragraph (2), and standards for and methods of posting them on website pursuant to paragraph (3) shall be prescribed by Presidential Decree.

## CHAPTER V SAFETY INSPECTION OF AGRICULTURAL AND FISHERY PRODUCTS

**Article 60 (Safety Management Plans)** (1) The Minister of Food and Drug Safety shall formulate and implement a safety management plan each year to improve the quality of agricultural and fishery products (excluding livestock products; hereafter the same shall apply in this Chapter) and to produce and supply safe agricultural and fishery products. <Amended on Mar. 23, 2013>

(2) A Mayor/Do Governor, and the head of a Si/Gun/Gu shall formulate and implement a detailed action plan to secure the safety of agricultural and fishery products produced and distributed in the area under his/her jurisdiction.

(3) A safety management plan referred to in paragraph (1) and detailed action plan referred to in paragraph (2) shall include a safety inspection provided for in Article 61, a risk assessment and examination of residues of harmful substances provided for in Article 68, education of farmers and fishermen, and other matters prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013>

(4) Deleted. <Mar. 23, 2013>

(5) The Minister of Food and Drug Safety may have a Mayor/Do Governor and the head of a Si/Gun/Gu report a detailed action plan provided for in paragraph (2) and the results of the implementation thereof. <Amended on Mar. 23, 2013>

**Article 61 (Safety Inspections)** (1) The Minister of Food and Drug Safety or a Mayor/Do Governor shall conduct the following inspections (hereinafter referred to as "safety inspection") on agricultural and fishery products or farmland, fishing grounds, water, materials, etc. utilized or used for the production of agricultural and fishery products for the safety management of agricultural and fishery products: <Amended on Mar. 23, 2013>

1. Agricultural Products:

(a) Production stage: Whether the products meet the safety standards prescribed by Ordinance of the Prime Minister;

(b) Distribution and sales stages: Whether the products exceed the permissible levels of harmful residues, etc. under related statutes, such as the Food Sanitation Act:

2. Fishery Products:

(a) Production stage: Whether the products meet the safety standards prescribed by Ordinance of the Prime Minister;

(b) Storing stage and stage of shipment and prior to trade: Whether the products exceed the permissible levels of harmful residues, etc. under related statutes, such as the Food Sanitation Act.

(2) When the Minister of Food and Drug Safety establishes safety standards for the production stage under paragraph (1) 1 (a) and 2 (a), he/she shall consult with the heads of the relevant central administrative agencies. <Amended on Mar. 23, 2013>

(3) Detailed matters necessary for the selection of items subject to safety inspections, areas subject thereto, procedures therefor, etc. shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013>

**Article 62 (Collection, etc. of Samples)** (1) If necessary for conducting a safety inspection, a risk assessment referred to in Article 68 (1), or the examination of harmful residues referred to in paragraph (3) of the same Article, the Minister of Food and Drug Safety or a Mayor/Do Governor may have the relevant public officials collect and examine samples, etc., as follows. In such cases, he/she may have them collect samples without compensation: <Amended on Mar. 23, 2013>

1. Collecting and examining samples of agricultural and fishery products, and soil, water, materials, etc. utilized or used for the production of agricultural and fishery products;
2. Inspecting related books of account or documents of those who produce, store, transport or sell the relevant agricultural and fishery products.

(2) Article 13 (2) and (3) shall apply mutatis mutandis to the collection and examination of samples or the inspection of related books of account or documents under paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who collect and examine samples or inspect related books of account or documents under paragraph (1).

**Article 63 (Safety Inspections and Follow - Up Actions)** (1) Where the Minister of Food and Drug Safety or a Mayor/Do Governor discovers any violation of the safety standard at a production stage, as a result of a safety inspection on agricultural and fishery products at a stage of production or farmland, fishing grounds, water, materials, etc. utilized or used for the production of agricultural and fishery products, he/she may order a person who produced or owns the relevant agricultural and

fishery products to take the following measures: <Amended on Mar. 23, 2013>

1. The disuse, conversion of uses, postponement of shipment, etc. of the relevant agricultural and fishery products;
2. The prohibition of improvement, or utilization or use of farmland, fishing grounds, water, materials, etc. utilized or used for the production of the relevant agricultural and fishery products;
3. Other measures prescribed by Ordinance of the Prime Minister.

(2) Where the Minister of Food and Drug Safety or a Mayor/Do Governor discovers, as a result of a safety inspection of agricultural products in market or on sale and fishery products in storage or prior to trade after shipment, any violation of the permissible levels of harmful residues, etc. provided for in the Food Sanitation Act, etc., he/she shall notify the relevant administrative agencies thereof so that they may take appropriate measures. <Amended on Mar. 23, 2013>

**Article 64 (Designation of Safety Inspection Institutions)** (1) To professionally and efficiently conduct part of a safety inspection, and testing and analysis, the Minister of Food and Drug Safety may designate safety inspection institutions and have them conduct such safety inspection, and testing and analysis on his/her behalf. <Amended on Mar. 23, 2013>

(2) A person who intends to be designated as a safety inspection institution pursuant to paragraph (1) shall file an application with the Minister of Food and Drug Safety after being equipped with facilities and human resources necessary for safety inspections, and testing and analysis: Provided, That he/she shall not be entitled to file an application until two years have passed after the designation of a safety inspection institution was cancelled pursuant to Article 65. <Amended on Mar. 23, 2013>

(3) A safety inspection institution designated under paragraph (1) shall obtain prior approval from the Minister of Food and Drug Safety if the safety inspection institution intends to modify important matters prescribed by Ordinance of the Prime Minister with respect to the requirements for designation, including any modification in the scope of its duties: Provided, That such institution shall file a report with the Minister of Food and Drug Safety within one month from the date any modification is made, in order to modify minor matters prescribed by Ordinance of the Prime Minister. <Newly Inserted on Jun. 12, 2018>

(4) Designation of a safety inspection institution prescribed in paragraph (1) shall be valid for a period of three years from the date of the designation: Provided, That the Minister of Food and Drug Safety may extend the validity period of each designation for not more than one year only once. <Newly Inserted on Jun. 12, 2018>

(5) A person who intends to have the validity period of his/her designation extended under the proviso to paragraph (4) shall apply for extension with the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister. <Newly Inserted on Jun. 12, 2018 >

(6) A person designated as a safety inspection institution shall be re - designated under paragraph (1) before the validity period of his/her designation prescribed in paragraphs (4) and (5) expires in order to continue to perform duties after the expiration of such validity period. <Newly Inserted on Jun. 12, 2018 >

(7) The criteria and procedures for the designation of safety inspection institutions and the scope of duties prescribed in paragraphs (1) and (2), the procedures for modifications prescribed in paragraph (3), the criteria and procedures for re - designation prescribed in paragraph (6), and other necessary matters shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013; Jun. 12, 2018 >

[Title Amended on Jun. 12, 2018]

**Article 65 (Cancellation, etc. of Designation of Safety Inspection Institutions)** (1) Where a safety inspection institution referred to in Article 64 (1) falls under any of the following subparagraphs, the Minister of Food and Drug Safety may cancel its designation, or order it to suspend its services for a fixed period not exceeding six months: Provided, That where it falls under subparagraph 1 or 2, he/she shall cancel its designation: <Amended on Mar. 23, 2013 >

1. Where it has been designated by fraud or other improper means;
2. Where it has conducted a safety inspection, and performed testing and analysis continuously, in violation of an order to suspend services;
3. Where it has issued a false test report;
4. Where it has violated the regulations concerning safety inspections prescribed by Ordinance of the Prime Minister.

(2) Detailed criteria for the cancellation of designation, etc. referred to in paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013 >

**Article 66 (Education, etc. on Safety of Agricultural and Fishery Products)** (1) The Minister of Food and Drug Safety or a Mayor/Do Governor shall educate or publicize matters necessary for the production of safe agricultural and fishery products and healthy consumption activities for producers, persons engaged in distribution, consumers, the relevant public officials, etc. <Amended on Mar. 23, 2013 >

(2) The Minister of Food and Drug Safety may entrust education and publicity for producers, persons engaged in distribution, and consumers, to organizations and institutions referred to in Article 3 (4) 2 and civic groups (limited to civic groups related to the production of safe agricultural and fishery products and healthy consumption activities) referred to in subparagraph 3 of the same paragraph. In such cases, he/she may grant subsidies for expenses incurred in education and publicity within budgetary limits. <Amended on Mar. 23, 2013 >

**Article 67 (Research and Development and Dissemination of Techniques, such as**

**Methods of Analysis)** The Minister of Food and Drug Safety or a Mayor/Do Governor shall formulate policies on research and development, and dissemination of techniques, such as methods of safety analysis, for improvement of the safety management of agricultural and fishery products and prompt safety inspection of harmful substances known to be contained in agricultural and fishery products within Korea and overseas. <Amended on Mar. 23, 2013 >

**Article 68 (Risk Assessment of Agricultural and Fishery Products)** (1) To manage the safety

of agricultural and fishery products efficiently, the Minister of Food and Drug Safety may request the following food safety - related institutions to assess the risks of harmful residues in agricultural and fishery products, or farmland, fishing grounds, water, materials, etc. utilized or used for the production of agricultural and fishery products: <Amended on Mar. 23, 2013; Jun. 12, 2018 >

1. Rural Development Administration;
2. The Korea Forest Service;
3. National Institute of Fisheries Science;
4. Korea Food Research Institute prescribed in the Act on the Establishment, Operation and Fostering of Government - Funded Science and Technology Research Institutes, Etc.;
5. Korea Health Industry Development Institute prescribed in the Korea Health Industry Development Institute Act;
6. Research institutes in universities;
7. Other research institutions deemed necessary by the Minister of Food and Drug Safety.

(2) The Minister of Food and Drug Safety shall publish the fact that he/she has requested food safety - related institutions to assess risks pursuant to paragraph (1) and the results of such assessment. <Amended on Mar. 23, 2013 >

(3) The Minister of Food and Drug Safety may survey harmful residues in agricultural and fishery products (hereinafter referred to as "survey of residues") for scientific safety management of agricultural and fishery products. <Amended on Mar. 23, 2013; Jun. 12, 2018 >

(4) Matters necessary for a request for risk assessment and the publication of the results thereof referred to in paragraph (2) shall be prescribed by Presidential Decree, and detailed matters necessary for survey of residues, such as methods of surveying residues, procedures therefor, etc. shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013 >

[Title Amended on Jun. 12, 2018]

## CHAPTER VI DESIGNATION OF SPECIFIC SEA AREAS AND REGISTRATION AND MANAGEMENT OF PRODUCTION OR PROCESSING FACILITIES

**Article 69 (Sanitary Control Standards)** In order to implement agreements with foreign countries or meet certain sanitary standards of foreign countries, the Minister of Oceans and Fisheries shall determine and announce sanitary control standards for facilities where fishery products for export are produced or processed and sea areas where fishery products are produced. <Amended on Mar. 23, 2013; Feb. 18, 2020 >

(2) The Minister of Oceans and Fisheries shall determine and announce sanitary control standards for facilities where fishery products are produced or processed and sea areas where fishery products are produced (excluding facilities subject to permission, report, or registration under the Food Sanitation Act or the Food Industry Promotion Act) in order to elevate the quality of fishery products produced and consumed in the Republic of Korea and secure safety thereof <Newly Inserted on Feb. 18, 2020 >

(3) The Minister of Oceans and Fisheries, the Mayor/Do Governor, or the head of a Si/Gun/Gu may recommend persons operating facilities where fishery products are produced or processed to comply with the sanitary control standards under paragraph (2). <Newly Inserted on Feb. 18, 2020 >

**Article 70 (Hazard Analysis and Critical Control Points)** (1) Where the rules for Hazard Analysis and Critical Control Points are stipulated in agreements with foreign countries, or export trading partners stipulate the rules for Hazard Analysis and Critical Control Points and request Korean exporters to observe them, the Minister of Oceans and Fisheries shall determine and announce the rules for Hazard Analysis and Critical Control Points that intensively manage each stage, such as production and processing, to prevent harmful substances from being mixed or remaining in fishery products and processed fishery products for export or to prevent such fishery products and processed fishery products from being contaminated. <Amended on Mar. 23, 2013 >

(2) The Minister of Oceans and Fisheries shall determine and announce the rules for Hazard Analysis and Critical Control Points for the purpose of preventing harmful substances from being mixed or



remaining in fishery products or preventing fishery products from being contaminated in the production stage, storage stage (only applicable where producers store fishery products; hereinafter the same shall apply), and the stage after shipment and prior to being traded, for improvement of the quality of fishery products produced in the Republic of Korea, and the safe production and supply thereof. <Amended on Mar. 23, 2013 >

(3) The Minister of Oceans and Fisheries may have those operating production facilities or processing facilities registered pursuant to Article 74 (1) observe the rules for Hazard Analysis and Critical Control Points referred to in paragraphs (1) and (2). <Amended on Mar. 23, 2013 >

(4) The Minister of Oceans and Fisheries may issue a document certifying the observance of the rules for Hazard Analysis and Critical Control Points to those who observe the rules for Hazard Analysis and Critical Control Points referred to in paragraphs (1) and (2), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013 >

(5) The Minister of Oceans and Fisheries may provide technology or information, or education and training necessary for the observance of the rules for Hazard Analysis and Critical Control Points to those (including their employees) who have registered pursuant to Article 74 (1) and those (including their employees) who intend to register pursuant to the same paragraph so that the rules for Hazard Analysis and Critical Control Points referred to in paragraphs (1) and (2) may be observed effectively. <Amended on Mar. 23, 2013 >

**Article 71 (Designation of Specific Sea Areas)** (1) The Minister of Oceans and Fisheries may designate and announce a sea area meeting sanitary control standards under Article 69 (1) (hereinafter referred to as "sanitary control standards"). <Amended on Mar. 23, 2013; Feb. 18, 2020 >

(2) Matters necessary for procedures for designation, etc. of sea areas (hereinafter referred to as "designated sea area") under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013 >

**Article 72 (Comprehensive Measures for Sanitary Control of Designated Sea Areas)** (1)

The Minister of Oceans and Fisheries shall formulate and implement a comprehensive plan for sanitary control of designated sea areas (hereinafter referred to as "comprehensive plan") for the preservation and management thereof. <Amended on Mar. 23, 2013 >

(2) A comprehensive plan shall include the following matters: <Amended on Mar. 23, 2013 >

1. Basic direction - setting for the preservation and management of designated sea areas (including matters for the prevention of contamination; hereafter the same shall apply in this Article);

2. A specific implementation plan for the preservation and management of designated sea areas;
3. Other matters deemed necessary by the Minister of Oceans and Fisheries for the preservation and management of designated sea areas.

(3) If necessary for formulating a comprehensive plan, the Minister of Oceans and Fisheries may consider opinions of the following persons (hereinafter referred to as "heads of the relevant agencies"). In such cases, the Minister of Oceans and Fisheries may request the heads of the relevant agencies to submit necessary data: <Amended on Mar. 23, 2013>

1. The heads of agencies affiliated with the Ministry of Oceans and Fisheries;
2. The head of a local government having jurisdiction over a designated sea area;
3. The heads of cooperatives and the chairperson of the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act.

(4) Where the Minister of Oceans and Fisheries formulates a comprehensive plan, he/she shall notify the heads of the relevant agencies of the comprehensive plan. <Amended on Mar. 23, 2013>

(5) If the Minister of Oceans and Fisheries deems it necessary for implementing a comprehensive plan notified pursuant to paragraph (4), he/she may request the heads of the relevant agencies to take necessary measures. In such cases, the heads of the relevant agencies shall comply with such request unless there exists any special ground to the contrary. <Amended on Mar. 23, 2013>

### **Article 73 (Restrictions or Prohibitions in Designated Sea Areas and Adjacent Sea Areas)**

(1) No person shall do any of the following acts in a designated sea area or sea area within one kilometer from a designated sea area (hereinafter referred to as "adjacent sea areas"): <Amended on Aug. 27, 2019; Feb. 18, 2020>

1. Notwithstanding Article 22 (1) 1 through 3 and (2) of the Marine Environment Management Act, discharging any pollutant defined in subparagraph 11 of Article 2 of the same Act;
2. Discharging any pollutant defined in subparagraph 11 of Article 2 of the Marine Environment Management Act in a fish farm facility (hereinafter referred to as "aquaculture facility") installed to conduct pisciculture business defined in Article 10 (1) 3 of the Aquaculture Industry Development Act (hereinafter referred to as "aquaculture business");
3. Raising (or leaving unattended; hereinafter the same shall apply) domestic animals (including dogs and cats; hereinafter the same shall apply) defined in subparagraph 1 of Article 2 of the Act on the Management and Use of Livestock Excreta in an aquaculture facility installed for aquaculture business.

(2) The Minister of Oceans and Fisheries may restrict or prohibit an aquaculture business right holder (including a person to whom a fishery right has been transferred, lot out, or whose aquaculture business right has been changed with approval pursuant to Article 30 of the Aquaculture Industry Development Act and a person in charge of managing an aquaculture facility) from using veterinary drugs referred to in Article 85 of the Pharmaceutical Affairs Act in the relevant aquaculture facility within a designated sea area and adjacent sea areas to prevent the contamination of fishery products produced in designated sea areas: Provided, That this shall not apply where he/she uses veterinary drugs according to veterinary examination and treatment of an aquatic disease controller provided for in subparagraph 13 of Article 2 of the Aquatic Life Disease Control Act or a veterinarian provided for in subparagraph 1 of Article 2 of the Veterinarians Act because a disease or contagious disease of fishery products has occurred in a designated sea area and adjacent sea areas. <Amended on Mar. 23, 2013; Aug. 27, 2019>

(3) Where the Minister of Oceans and Fisheries intends to restrict or prohibit the use of veterinary drugs pursuant to paragraph (2), he/she shall determine a period for such restriction or prohibition for each designated sea area (including adjacent sea areas) within up to three months, considering a season during which the shipment of fishery products produced in the designated sea area is made intensively and announce the period so determined. <Amended on Mar. 23, 2013>

**Article 74 (Registration of Production or Processing Facilities)** (1) A person who operates production or processing facilities for fishery products meeting sanitary control standards and facilities observing the rules for Hazard Analysis and Critical Control Points referred to in Article 70 (1) or (2) (hereinafter referred to as "production or processing facilities, etc.") may register production or processing facilities, etc. with the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(2) A person registered pursuant to paragraph (1) (hereinafter referred to as "producer, processor, etc.") may indicate the fact that fishery products or processed fishery products produced, processed in, and shipped from such production or processing facilities, etc. meet sanitary control standards, or observe the rules for Hazard Analysis and Critical Control Points referred to in Article 70 (1) and (2) on such products or the packaging thereof, or announce such fact.

(3) Where a producer, processor, etc. intends to change matters prescribed by Presidential Decree, he/she shall file a report with the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(4) In filing a report prescribed in paragraph (3), if a reporting form and all required attachments are complete and formality requirements provided for in the relevant statute, etc. are met, the duty to file a report shall be deemed to be performed as at the time the reporting form arrives at the receiving agency. <Newly Inserted on Jan. 15, 2019>

(5) Matters necessary for procedures for and methods of registration of production or processing facilities, procedures for reporting of change, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Jan. 15, 2019>

**Article 75 (Reporting on Matters concerning Sanitary Control, etc.)** (1) The Minister of Oceans and Fisheries may have producers, processors, etc. report matters concerning the sanitary control of production or processing facilities, etc. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may have the heads of agencies to whom his/her authority is delegated or the heads of institutions to whom his/her authority is entrusted pursuant to Article 115 report on matters concerning the sanitary inspection of designated sea areas and matters concerning the implementation of examination. <Amended on Mar. 23, 2013>

(3) Matters necessary for procedures for reporting, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 76 (Examination or Inspection)** (1) The Minister of Oceans and Fisheries shall examine or inspect whether a sea area to be designated and a sea area designated meet sanitary control standards. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall examine or inspect whether production or processing facilities, etc. meet sanitary control standards and observe the rules for Hazard Analysis and Critical Control Points prescribed in Article 70 (1) or (2). In such cases, the frequencies of such examinations or inspections shall be prescribed by presidential Decree. <Amended on Mar. 23, 2013>

(3) If a producer, processor, etc. have reported business suspension or closure to the head of the competent tax office prescribed in Article 8 of the Value - Added Tax Act, the Minister of Oceans and Fisheries may exempt the producer, processor, etc. from the examination or inspection required under paragraph (2). In such cases, the Minister of Oceans and Fisheries may request the head of the competent tax office to submit information on the suspension or closure of the producer, processor, etc. Upon receipt of such request, the head of the competent tax office shall provide the Minister of Oceans and Fisheries with information on the suspension or closure of the producer, processor, etc. in accordance with Article 36 (1) of the Electronic Government Act. <Newly Inserted on Jan. 15, 2019>

(4) If necessary for conducting any of the following acts, the Minister of Oceans and Fisheries may have the relevant public officials visit the relevant place of business, office, warehouse, ship, aquaculture facilities, etc. to inspect related books of account or documents, examine facilities, equipment, etc., or collect the minimum quantity of samples necessary: <Amended on Mar. 23, 2013; Jan. 15, 2019>

1. Examination or inspection conducted under paragraphs (1) and (2);
2. Confirmation or examination about whether pollutants are discharged, domestic animals are raised, and veterinary drugs are used pursuant to Article 73.

(5) Article 13 (2) and (3) shall apply mutatis mutandis to inspection or collection referred to in paragraph (4). <Amended on Jan. 15, 2019>

(6) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who engage in inspection or collection referred to in paragraph (4). <Amended on Jan. 15, 2019>

(7) Where production or processing facilities, etc. meet the following requirements, the Minister of Oceans and Fisheries may request the heads of the relevant administrative agencies to jointly examine or inspect at the request of producers, processors, etc.: <Amended on Mar. 23, 2013; Jan. 15, 2019>

1. Where production or processing facilities, etc. are subject to examination or inspection under statutes related to food, such as the Food Sanitation Act and the Livestock Products Sanitary Control Act;
2. Where production or processing facilities, etc. are subject to examination or inspection at least two occasions within six months for similar purposes: Provided, That this shall not apply where the Minister of Agriculture, Food and Rural Affairs examines or inspects whether producers, processors, etc. observe matters on which an agreement is made with a foreign country or corrective measures, and examines or inspects after he/she has received a report or has been provided with information on illegal matters or has obtained information on such matters.

(8) Except as otherwise expressly prescribed in paragraphs (4) through (6), matters necessary for procedures for, methods of examination, inspection, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, and matters necessary for methods of requesting joint examination, inspection, etc. prescribed in paragraph (7) shall be prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jan. 15, 2019>

**Article 77 (Restrictions on Production in Designated Sea Areas and Cancellation of Designation)** Where a designated sea area fails to meet sanitary control standards, the Minister of

Oceans and Fisheries may restricts the production of fishery products in the designated sea area or cancel the designation of such designated sea area, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

**Article 78 (Suspension of Production or Processing)** (1) Where a production or processing facility, etc. or a producer, processor, etc. falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may order him/her to correct, restrict, or suspend the production, processing, shipment, or transport, or to improve or repair production or processing facilities, etc., or revoke his/her registration: Provided, That where he/she falls under subparagraph 1, the Minister of Oceans and Fisheries shall revoke his/her registration: <Amended on Mar. 23, 2013; Jan. 15, 2019>

1. Where he/she has made registration prescribed in Article 74 by fraud or other improper means;
2. Where he/she fails to meet sanitary control standards;
3. Where he/she fails to observe or unconscientiously observes the rules for Hazard Analysis and Critical Control Points prescribed in Article 70 (1) and (2);
4. Where he/she refuses, interferes with, or evades an examination, inspection, etc. referred to in Article 76 (2) and (4) 1 (limited to part falling under paragraph (2));
5. Where a harmful substance is detected in fishery products and processed fishery products produced in production or processing facilities, etc.;
6. Where he/she fails to obey an order to correct, restrict, or suspend production, processing, shipment, or transport, or an order to improve or repair production or processing facilities, etc. after receiving such order;
7. Where the producer, processor, etc. have reported business closure to the head of the competent tax office pursuant to Article 8 of the Value - Added Tax Act or the head of the competent tax office has cancelled the business registration of the producer, processor, etc.

(2) The Minister of Oceans and Fisheries may request the head of the competent tax office to provide information on the closure of a producer, processor, etc. or cancellation of business registration where necessary for revoking the registration of the producer, processor, etc. prescribed in paragraph (1). In such cases, upon receipt of such request, the head of the competent tax office shall provide the Minister of Oceans and Fisheries with information on the closure of the producer, processor, etc. or cancellation of business registration in accordance with Article 36 (1) of the Electronic Government Act. <Newly Inserted on Jan. 15, 2019>

## CHAPTER VII INSPECTION AND CERTIFICATION OF AGRICULTURAL AND FISHERY PRODUCTS, ETC.

### SECTION 1 Inspection of Agricultural Products

**Article 79 (Inspection of Agricultural Products)** (1) Agricultural products (excluding livestock products; hereafter the same shall apply in this Section) prescribed by Presidential Decree, such as agricultural products purchased, exported, or imported by the Government, shall undergo an inspection of the Minister of Agriculture, Food and Rural Affairs as to whether such agricultural products meet standards established by him/her to establish order for fair distribution and to protect consumers: Provided, That silkworm eggs and cocoons shall undergo an inspection of each Mayor/Do Governor. <Amended on Mar. 23, 2013>

(2) Where a person intends to change the packaging, container, or contents of an agricultural product inspected pursuant to paragraph (1), he/she shall have such product re - inspected by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(3) Matters necessary for items of an inspection of agricultural products, standards therefor, methods thereof, procedures for application therefor, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 80 (Designation, etc. of Institutions for Inspection of Agricultural Products)** (1)

The Minister of Agriculture, Food and Rural Affairs may designate organizations of agricultural products producers, public institutions provided for in Article 4 of the Act on the Management of Public Institutions (hereinafter referred to as "public institution"), or agriculture - related corporations, etc. as an institution for inspection of agricultural products and have them implement inspections under Article 79 (1) on his/her behalf. <Amended on Mar. 23, 2013>

(2) A person who intends to be designated as an institution for inspection of agricultural products pursuant to paragraph (1) shall file an application with the Minister of Agriculture, Food and Rural Affairs after being equipped with facilities and human resources necessary for inspection. <Amended on Mar. 23, 2013>

(3) Matters necessary for criteria for the designation of an institution for inspection of agricultural products, procedures for designation thereof, the scope of inspection services, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

## **Article 81 (Cancellation, etc. of Designation of Agricultural Product Inspection**

**Institutions)** (1) Where an institution for inspection of agricultural products referred to in Article 80 falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs may cancel its designation or order it to suspend all or part of inspection services for a fixed period not exceeding six months: Provided, That where it falls under subparagraph 1 or 2, he/she shall cancel its designation: <Amended on Mar. 23, 2013>

1. Where it has been designated by fraud or other improper means;
2. Where it provides inspection services during the suspension of services;
3. Where it ceases to meet criteria for designation under Article 80 (3);
4. Where it falsely or unconscientiously implements an inspection;
5. Where it fails to implement a designated inspection without justifiable grounds.

(2) Detailed criteria for the cancellation of designation, etc. pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the type of such violation, degree of violation, etc. <Amended on Mar. 23, 2013>

## **Article 82 (Qualifications, etc. for Agricultural Product Inspectors)**

(1) A person in charge of inspections under Article 79 or reinspections (including reinspections following a formal objection; hereinafter the same shall apply) under Article 85 (hereinafter referred to as "agricultural product inspector") shall be any of the following persons and pass a screening test conducted by the Director of the National Agricultural Products Quality Management Service (in cases of an agricultural product inspector in charge of silkworm eggs and cocoons, referring to a Mayor/Do Governor; hereafter the same shall apply in this Article and Articles 83 (1) and 114 (2)): Provided, That a person who has any qualification or academic degree related to agricultural product inspections prescribed by Presidential Decree may be fully or partially exempted from a screening test, as prescribed by Presidential Decree: <Amended on Aug. 27, 2019>

1. A public official who has performed affairs related to agricultural product inspections for at least six months;
2. A person who has performed affairs related to agricultural product inspections for at least one year.
3. A person qualified as an agricultural product quality controller under Article 105, who has performed duties as an agricultural product quality controller for at least one year after obtaining the relevant qualifications;

(2) Qualified agricultural product inspectors shall be classified by grain, special crop, pulse, fruit, vegetable, silk yarn, etc. <Amended on Mar. 24, 2014>



(3) No person whose qualification for agricultural product inspector was cancelled pursuant to Article 83 shall apply for a screening test referred to in paragraph (1) nor obtain any qualification to be an agricultural product inspector unless one year has passed from the date his/her qualification was so cancelled.

(4) The Director of the National Agricultural Products Quality Management Service may provide education to improve inspection techniques and the quality of agricultural product inspectors.

(5) The Director of the National Agricultural Products Quality Management Service may appoint or commission examiners for preparing questions for and the scoring of a screening test referred to in paragraph (1). In such cases, he/she may pay an allowance to examiners within budgetary limits.

(6) Detailed matters necessary for the classification and methods of conducting screening tests for agricultural product inspectors, determination of successful applicants, education of agricultural product inspectors, etc. under paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(7) No agricultural product inspector shall permit any third person to use his/her name or lend his/her certificate of qualification to any third person. <Newly Inserted on Dec. 10, 2019>

(8) No person shall use the name of an agricultural product inspector without obtaining qualifications for an agricultural product inspector or be lent a certificate of qualification and shall help the use of such name or the lending of such certificate of qualification. <Newly Inserted on Apr. 10, 2019>

**Article 83 (Cancellation, etc. of Qualification as Agricultural Product Inspectors, etc.) (1)**

Where any of the following reasons occurs to an agricultural product inspector, the Director of National Agricultural Products Quality Management Service may cancel his/her qualification or order the suspension of his/her qualification for a fixed period not exceeding six months: Provided, That the qualification shall be cancelled in cases falling under subparagraph 3 or 4: <Amended on Apr. 10, 2019>

1. Where he/she has conducted an inspection or reinspection by fraud or other improper means;
2. Where he/she has seriously impaired public confidence in the Government or the National Agricultural Products Quality Management Service because he/she conducted a clearly inadequate inspection or reinspection, in violation of this Act or an order issued under this Act.
3. Where he/she has permitted any third person to use his/her name or lend his/her certificate of qualification to any third person, in violation of Article 82 (7);
4. Where he/she help the use of such name or the lending of such certificate of qualification, in violation of Article 82 (8).

(2) Detailed matters necessary for the cancellation and suspension of qualification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 84 (Issuance, etc. of Inspection Certificates)** Where an agricultural inspector has conducted an inspection pursuant to Article 79 (1), he/she shall indicate the results of the inspection, such as the date of inspection and rating, on the packaging, containers, or labels of the relevant agricultural products, or issue an inspection certificate to a person whose agricultural products have undergone the inspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 85 (Reinspection, etc.)** (1) A person who has an objection to the result of an inspection of agricultural products under Article 79 (1) may request an agricultural product inspector who has conducted an on - site inspection to conduct a reinspection. In such cases, the agricultural product inspector shall conduct a reinspection immediately and notify the person of the result thereof.

(2) A person who has an objection to the result of a reinspection under paragraph (1) may file a formal objection with the head of an agricultural product inspection institution to which an agricultural product inspector belongs within seven days from the date of reinspection, and the head of the institution, upon receipt of a formal objection, shall conduct a reinspection within five days after receipt of such formal objection and notify a claimant of the result thereof.

(3) Where the result of a reinspection conducted under paragraph (1) or (2) is different from the result of an inspection conducted under Article 79 (1), the head of the institution shall change an inspection indicator or issue a new inspection certificate by applying Article 84 mutatis mutandis.

**Article 86 (Invalidation of Decisions on Inspection)** Where an agricultural product inspected pursuant to Article 79 (1) falls under any of the following subparagraphs, a decision on inspection shall cease to have effect: <Amended on Mar. 23, 2013>

1. Where the period of validity of an inspection prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs has expired;
2. Where an indication of an inspection under Article 84 ceases to exist or has become unclear.

**Article 87 (Cancellation of Inspection Decision)** Where an agricultural product inspected pursuant to Article 79 or reinspected pursuant to Article 85 falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs may cancel his/her inspection decision: Provided, That where an agricultural product falls under subparagraph 1, he/she shall cancel

his/her inspection decision: <Amended on Mar. 23, 2013>

1. Where it is confirmed that the agricultural product has undergone an inspection or reinspection by fraud or other improper means;
2. Where it is confirmed that an indication of the result of inspection or reinspection or an inspection certificate has been forged or altered;
3. Where it is confirmed that the packaging or contents of the agricultural product inspected or reinspected are changed.

## SECTION 2 Inspection of Fishery Products and Processed Fishery Products

**Article 88 (Inspection of Fishery Products, etc.)** (1) Any of the following fishery products or processed fishery products shall undergo an inspection by the Minister of Oceans and Fisheries as to whether such products meet the quality and standards and are mixed with harmful substances:

<Amended on Mar. 23, 2013>

1. Fishery products and processed fishery products purchased and stored by the Government;
2. Fishery products and processed fishery products requiring an inspection, by agreement with a foreign country or at the request of an export trading partner, determined and announced by the Minister of Oceans and Fisheries.

(2) Where the Minister of Oceans and Fisheries receives an application for inspection of fishery products and processed fishery products not described in paragraph (1), he/she shall inspect such products: Provided, That this shall not apply to cases prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as where no standards for inspection exist. <Amended on Mar. 23, 2013>

(3) Where a person who intends to change the packaging, containers, or contents of fishery products or processed fishery products inspected pursuant to paragraph (1) or (2), he/she shall have such products reinspected by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(4) Notwithstanding paragraphs (1) through (3), where fishery products or processed fishery products fall under any of the following subparagraphs, the Minister of Oceans and Fisheries may omit part of an inspection: <Amended on Mar. 23, 2013; Feb. 18, 2020>

1. Fishery products produced and processed in compliance with sanitary control standards in a designated sea area;
2. Fishery products produced and processed in compliance with sanitary control standards or the rules for Hazard Analysis and Critical Control Points in production or processing facilities, etc. registered pursuant to Article 74 (1);

3. Fishery products produced or processed with fishery caught or collected by the following fishing vessels in foreign waters, and directly exported from the relevant foreign country (excluding where an agreement with a foreign country shall be implemented or certain foreign sanitary control standards or the rules for Hazard Analysis and Critical Control Points shall be observed);
- (a) A fishing vessel that has a deep sea fishing license under Article 6 (1) of the Distant Water Fisheries Development Act;
  - (b) A fishing vessel being directly operated by a person who has reported fishery product processing business (limited to types of business prescribed by Presidential Decree) pursuant to Article 16 of the Seafood Industry Promotion and Support Act.
4. Cases prescribed by Presidential Decree, such as where the purpose of an inspection may be achieved by omitting part of the inspection.
- (5) Types and objects of inspections under paragraphs (1) through (3), standards, procedures for and methods of inspections, where part of an inspection is omitted pursuant to paragraph (4), procedures for and methods of such omission shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 89 (Designation, etc. of Fishery Product Inspection Institutions)** (1) The Minister of Oceans and Fisheries may designate an organization of producers that may conduct an inspection under Article 88 or reinspection under Article 96 or a food sanitary - related institution established under the Act on the Establishment, Operation and Fostering of Government - Funded Science and Technology Research Institutes, Etc. as a fishery product inspection institution, and have them conduct an inspection or reinspection on his/her behalf. <Amended on Mar. 23, 2013>

(2) A person who intends to be designated as a fishery product inspection institution pursuant to paragraph (1) shall file an application with the Minister of Oceans and Fisheries after being equipped with facilities and human resources necessary for inspections. <Amended on Mar. 23, 2013>

(3) Matters necessary for criteria and procedures for designation, the scope of affairs for inspection, etc. of a fishery product inspection institution under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 90 (Cancellation, etc. of Designation of Fishery Product Inspection Institutions)**

(1) Where a fishery product inspection institution referred to in Article 89 falls under any of the following subparagraphs, the Minister of Oceans and Fisheries shall cancel its designation or order it to suspend all or part of the inspection services for a fixed period not exceeding six months: Provided, That where it falls under subparagraph 1 or 2, he/she shall cancel its designation: <Amended on Mar.

23, 2013 >

1. Where it has been designated by fraud or other improper means;
2. Where it provides inspection services during the suspension of services;
3. Where it ceases to meet criteria for designation under Article 89 (3);
4. Where it falsely or unconscientiously implements an inspection;
5. Where it fails to implement a designated inspection without justifiable grounds.

(2) Detailed criteria for the cancellation of designation, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries in consideration of the type of a violation, degree of a violation, etc. <Amended on Mar. 23, 2013 >

**Article 91 (Qualification, etc. as Fishery Product Inspectors)** (1) A person in charge of inspection of fishery products under Article 88 or reinspection under Article 96 (hereinafter referred to as "fishery product inspector") shall fall under any of the following subparagraphs and pass a screening test conducted by the head of a national quarantine and inspection agency prescribed by Presidential Decree (hereinafter referred to as " national quarantine and inspection agency " ):  
Provided, That a person who has any qualification or an academic degree related to fishery product inspection prescribed by Presidential Decree may be exempted from all or part of a screening test, as prescribed by Presidential Decree: <Amended on Mar. 23, 2013 >

1. A public official who has been engaged in affairs related to inspection of fishery products in a national quarantine and inspection agency for at least six months;
2. A person who has been engaged in affairs related to inspection of fishery products for at least one year.

(2) No person whose qualification for fishery product inspector has been cancelled pursuant to Article 92 shall apply for a screening test nor obtain any qualification to be a fishery product inspector under paragraph (1) unless one year has passed from the date his/her qualifications were so cancelled.

(3) The head of a national quarantine and inspection agency may provide education to improve inspection techniques and the quality of fishery product inspectors. <Amended on Mar. 23, 2013 >

(4) The head of a national quarantine and inspection agency may appoint or commission examiners for preparing questions for and the rating of a screening test under paragraph (1). In such cases, he/she may pay an allowance to examiners within budgetary limits. <Amended on Mar. 23, 2013 >

(5) Detailed matters necessary for the classification and methods of conducting a screening test for fishery product inspectors, the determination of successful applicants, education of fishery product inspectors, etc. under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of

Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 92 (Cancellation, etc. of Qualification as Fishery Product Inspectors)** (1) Where a fishery product inspector falls under any of the following cases, the head of a national quarantine and inspection agency may cancel his/her qualification or order the suspension of his/her qualification for a fixed period not exceeding six months: <Amended on Mar. 23, 2013>

1. Where he/she has conducted an inspection or reinspection by fraud or other improper means;
2. Where he/she has seriously impaired public confidence in the Government or the fishery product inspection agency because he/she conducted a clearly inadequate inspection or reinspection, in violation of this Act or an order issued under this Act.

(2) Detailed matters necessary for the cancellation and suspension of qualification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 93 (Indication of Inspection Results)** If the results of inspection conducted under Article 88 or results of reinspection conducted under Article 96 shows the following cases, a fishery product inspector shall indicate the inspection results on the relevant fishery products and processed fishery products: Provided, That this shall not apply where it is impracticable to indicate the inspection results due to the nature of such products, such as living fishery products: <Amended on Mar. 23, 2013>

1. Where a person who applies for inspection (hereinafter referred to as "applicant for inspection") makes a request;
2. Where fishery products and processed fishery products are purchased and stored by the Government;
3. Where the Minister of Oceans and Fisheries deems it necessary to indicate the inspection results;
4. Where a fishery product inspector shall request the relevant agency to dispose of rejected fishery products and processed fishery products, such as the disuse or prohibition of sale, etc. pursuant to Article 95 (2).

**Article 94 (Issuance of Inspection Certificates)** Following an inspection conducted pursuant to Article 88 or reinspection conducted pursuant to Article 96, the Minister of Oceans and Fisheries may issue to the applicant an inspection certificate certifying that fishery products and processed fishery products meet standards for inspection or fall under Article 88 (4), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 95 (Disuse or Prohibition of Sale, etc.)** (1) The Minister of Oceans and Fisheries shall notify an applicant for inspection of the fact that fishery products and processed fishery products failed to pass an inspection under Article 88 or reinspection under Article 96. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall request the competent Special Self - Governing Province Governor or the head of the competent Si/Gun/Gu to disuse, or prohibit from selling, fishery products and processed fishery products declared failed pursuant to paragraph (1) and deemed harmful to humans due to detected harmful substances, etc., as prescribed by the Food Sanitation Act. <Amended on Mar. 23, 2013>

**Article 96 (Reinspection)** (1) A person dissatisfied with the result of an inspection conducted pursuant to Article 88 may file an application for reinspection with the Minister of Oceans and Fisheries within 14 days from the date after being notified of the results thereof. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may conduct a reinspection pursuant to paragraph (1) only in the following cases. In such cases, except in unavoidable circumstances, such as a lack of fishery product inspectors, he/she shall have a fishery product inspector, other than the fishery product inspector who conducted the first inspection, conduct an inspection: <Amended on Mar. 23, 2013>

1. Where a fishery product inspection institution concedes that it has made an error in collecting inspection specimens or in the method of inspection;
2. Where a specialized institution (referring to a specialized institution related to food sanitation determined and announced by the Minister of Oceans and Fisheries) has conducted an inspection and submit results of inspection differing from those of the fishery product inspection institution.

(3) No person shall apply for reinspection for the same reason on the results of reinspection under paragraph (1).

**Article 97 (Cancellation of Inspection Decision)** Where a fishery product or processed fishery product inspected under Article 88 or reinspected under Article 96 falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may cancel his/her inspection decision: Provided, That where fishery products or processed fishery products fall under subparagraph 1, he/she shall cancel his/her inspection decision: <Amended on Mar. 23, 2013>

1. Where it is confirmed that the fishery product or processed fishery product has undergone an inspection or reinspection by fraud or other improper means;

2. Where it is confirmed that an inspection indicator, reinspection indicator, or inspection certificate has been forged or altered;
3. Where it is confirmed that the packaging or contents of the fishery product or processed fishery product inspected or reinspected are changed.

### SECTION 3 Certification

**Article 98 (Certification)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may perform the following certification to facilitate trade, exportation, and importation of agricultural and fishery products and processed agricultural products: Provided, That the certification for seeds under subparagraph 1 of Article 2 of the Seed Industry Act shall be excluded: <Amended on Mar. 23, 2013; Dec. 27, 2016; Aug. 27, 2019>

1. The grade, varieties, ingredients, harmful substances, etc. of agricultural products and processed agricultural products;
2. The quality, standards, ingredients, residues, etc. of fishery products;
3. The grade, ingredients, harmful substances, etc. of farmland, fishing grounds, water, materials, etc. utilized or used for the production of agricultural and fishery products.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, upon receipt of an application for certification, shall conduct certification and notify an applicant of the results thereof unless it is impracticable for him/her to conduct certification, such as a lack of human resources and equipment required for certification. <Amended on Mar. 23, 2013>

(3) Matters necessary for items of, procedures for and methods of application for certification, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 98 - 2 (Measures according to Results of Certification)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall take measures, such as requiring the producer or owner of agricultural and fishery products and processed agricultural products deemed likely to harm the human body because a harmful substance was found as a result of certification performed pursuant to Article 98 (1) 1 and 2 to discard them or preventing him/her from selling such products.

(2) Where the producer or owner of such products fails to comply with the order issued under paragraph (1), or a hygiene hazard occurs in agricultural and fishery products and processed



agricultural products, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall make public the results of certification, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted on Aug. 13, 2013]

- Article 99 (Designation, etc. of Certification Institutions)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate institutions that have human resources and facilities required for certification (hereinafter referred to as "certification institution") and have them conduct certification under Article 98 on his/her behalf. <Amended on Mar. 23, 2013>
- (2) A person who intends to be designated as a certification institution shall file an application with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries after being equipped with human resources and facilities required for certification. When important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries have been changed after he/she was designated as a certification institution, he/she shall report such change, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>
- (3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall notify a person who has filed such report of whether the report is accepted within 20 days from the date of receipt of the report on change under the latter part of paragraph (2). <Newly Inserted on Aug. 27, 2019>
- (4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries fails to notify a person who has filed such report of whether the report is accepted or the extension of the processing period under the statutes related to treatment of civil petitions within the period prescribed under paragraph (3), the report shall be deemed to have been accepted on the following day after the period (referring to the relevant processing period where the processing period is extended or re - extended pursuant to statutes related to treatment of civil petitions) is expired. <Newly Inserted on Aug. 27, 2019>
- (5) The period of validity of the designation of a certification institution shall be four years from the date of designation, and a person who intends to continuously conduct certification services shall apply for the renewal to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries at least three months before the period of validity expires. <Newly Inserted on Dec. 10, 2019>

(6) No person shall apply for the designation of a certification institution unless one year has passed after the designation of a certification institution was cancelled pursuant to Article 100. <Amended on Aug. 27, 2019; Dec. 10, 2019>

(7) Matters necessary for criteria and procedures for designation and renewal, the scope of services of a certification institution, etc. under paragraphs (1), (2) and (5) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 27, 2019; Dec. 10, 2019>

**Article 100 (Cancellation, etc. of Designation of Certification Institutions)** (1) Where a certification institution falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may cancel its designation or order it to suspend the relevant certification services for a fixed period not exceeding six months: Provided, That where it falls under subparagraph 1 or 2, he/she shall cancel such designation: <Amended on Mar. 23, 2013; Aug. 27, 2019; Dec. 10, 2019>

1. Where it has been designated by fraud or other improper means;
2. Where it provides certification services during the suspension of services;
3. Where it issues the false results of certification;
4. Where it provides certification services without reporting a change referred to in the latter part of Article 99 (2);
5. Where it ceases to meet any of the criteria for designation under Article 99 (7);
6. Where it violates the regulations concerning certification prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

(2) Detailed criteria for the cancellation of designation and suspension under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

#### **SECTION 4 Prohibited Acts and Confirmation, Examination, Inspection, etc.**

**Article 101 (Prohibition, etc. of Unfair Practices)** No person shall do any of the following acts in connection with inspections, reinspections and certification under Articles 79, 85, 88, 96, and 98:

1. Having products inspected, reinspected or certified by fraud or other improper means;
2. Failing to have agricultural and fishery products and processed fishery products that should be inspected pursuant to Article 79 or 88 inspected;

3. Forging or altering an inspection indicator, certification, an inspection certificate and a certificate;
4. Selling or exporting agricultural and fishery products or processed fishery products that have not been inspected by changing their packaging, containers, contents, etc., or storing or displaying such products for the purpose of sale or exportation, in violation of Article 79 (2) or 88 (3);
5. Deceptive advertising or exaggerated advertising certification.

**Article 102 (Confirmation, Examination, Inspection, etc.)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have the relevant public officials visit warehouses storing agricultural and fishery products and processed fishery products prescribed by Presidential Decree, such as agricultural and fishery products and processed fishery products purchased or imported by the Government, processing facilities, airplanes, ships, and other necessary places to collect samples in the minimum quantity necessary for confirmation, examination, inspection, etc. without any compensation, or inspect related books of account or documents. <Amended on Mar. 23, 2013>

(2) Article 13 (2) and (3) shall apply mutatis mutandis to the collection of samples and inspection conducted pursuant to paragraph (1).

(3) Article 13 (4) shall apply mutatis mutandis to the relevant public officials who visit warehouses, etc. pursuant to paragraph (1).

## CHAPTER VIII SUPPLEMENTARY PROVISIONS

**Article 103 (Providing Information, etc.)** (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Minister of Food and Drug Safety shall provide people with information deemed necessary for people to know, among information related to the safety and quality of agricultural and fishery products, such as the safety inspection, to the extent permitted by the Official Information Disclosure Act. <Amended on Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Minister of Food and Drug Safety intends to provide people with information pursuant to paragraph (1), he/she shall establish and operate an information system for the collection and management of information related to the safety and quality of agricultural and fishery products (hereinafter referred to as "safety information system for agricultural and fishery products"). <Amended on Mar. 23, 2013>

(3) Matters necessary for the establishment and operation of a safety information system for agricultural and fishery products, providing information, etc. shall be prescribed by Ordinance of the Prime Minister, Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 104 (Honorary Monitors of Agricultural and Fishery Products)** (1) To establish order in the fair distribution of agricultural and fishery products, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may commission members, employees, etc. of the organizations of consumers or producers as honorary monitors of agricultural and fishery products to have them monitor, guide and instruct on order in the distribution of agricultural and fishery products. <Amended on Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may reimburse honorary monitors for expenses incurred in monitoring activities within budgetary limits. <Amended on Mar. 23, 2013>

(3) Matters necessary for qualification as honorary monitors of agricultural and fishery products, methods of commission, duties, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

**Article 105 (Agricultural Product Quality Controllers and Fishery Product Quality Controllers)** The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall operate an agricultural product quality controller and fishery product quality controller system to improve the quality of agricultural and fishery products and to promote the efficient distribution thereof. <Amended on Mar. 23, 2013; Aug. 13, 2013>

[Title Amended on Aug. 13, 2013]

**Article 106 (Duties of Agricultural Product Quality Controllers or Fishery Product Quality Controllers)** (1) Agricultural product quality controllers shall perform the following duties:

<Amended on Mar. 23, 2013; Aug. 13, 2013>

1. Deciding the rating of agricultural products;
2. Providing guidance on quality control techniques after the production and harvest of agricultural products;
3. Providing advice on adjusting the shipment timing of agricultural products and quality control techniques;

4. Other duties prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to improve the quality of agricultural products and efficiency in the distribution thereof.

(2) Fishery product quality controllers shall perform the following duties: <Newly Inserted on Aug. 13, 2013>

1. Deciding the rating of fishery products;
2. Providing guidance on quality control techniques after the production and harvest of fishery products;
3. Providing advice on adjusting the shipment timing of fishery products and quality control techniques;
4. Other duties prescribed by Ordinance of the Ministry of Oceans and Fisheries to improve the quality of fishery products and efficiency in the distribution thereof.

[Title Amended on Aug. 13, 2013]

**Article 107 (Examination, Qualification, etc. for Agricultural Product Quality Controllers or Fishery Product Quality Controllers)**

(1) A person who intends to be an agricultural product quality controller or a fishery product quality controller shall pass a qualifying examination for agricultural or fishery product quality controllers to be conducted by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 13, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall suspend or nullify a qualifying examination for agricultural product quality controllers or fishery product quality controllers, or revoke the determination of passing a qualifying examination for such persons, for the following persons: <Amended on Aug. 27, 2019>

1. Any person who takes an examination by unlawful means;
2. Any person who engages in cheating in examination.

(3) None of the following persons shall apply for a qualifying examination for agricultural or fishery product quality controllers for two years from the date on which such disposition is made: <Newly Inserted on Aug. 27, 2019>

1. Any person against whom the disposition for suspension or nullification of examination, or revocation of passing qualifying examination has been rendered pursuant to paragraph (2);
2. Any person whose qualification for agricultural product quality controllers or fishery product quality controllers has been revoked under Article 109.

(4) Matters necessary for an implementation plan of a qualifying examination for agricultural or fishery product quality controllers, eligibility to take a qualifying examination, subjects for examination, methods of examination, criteria for passing, issuance of a certificate of qualification, etc. shall be prescribed by Presidential Decree. <Amended on Aug. 13, 2013; Aug. 27, 2019>

[Title Amended on Aug. 13, 2013]

**Article 107 - 2 (Education for Agricultural Product Quality Controllers or Fishery Product Quality Controllers)**

(1) Every agricultural product quality controller or fishery product quality controller prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries shall undergo education necessary to improve his/her business ability and qualities.

(2) Matters necessary for the methods, implementation institutions, etc. of education referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 108 (Matters to be Observed by Agricultural Product Quality Controllers or Fishery Product Quality Controllers)**

(1) Every agricultural product quality controller or fishery product quality controller shall perform his/her duties in good faith so that he/she may benefit both producers and consumers by improving the quality of agricultural and fishery products and efficiency in the distribution thereof. <Amended on Aug. 13, 2013>

(2) No agricultural product quality controller or fishery product quality controller shall permit any third person to use his/her name or lend his/her certificate of qualification to any third person. <Amended on Aug. 13, 2013>

(3) No person shall use the name of an agricultural product quality controller or fishery product quality controller without obtaining qualifications for an agricultural product quality controller or fishery product quality controller or be lent a certificate of qualification and shall help the use of such name or the lending of such certificate of qualification. <Newly Inserted on Dec. 10, 2019>

[Title Amended on Aug. 13, 2013]

**Article 109 (Cancellation of Qualification as Agricultural Product Quality Controllers or Fishery Product Quality Controllers)**

The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall cancel the qualification of an agricultural product quality controller or a fishery product quality controller in any of the following cases: <Amended on Mar. 23,

2013; Aug. 13, 2013; Dec. 10, 2019 >

1. Where he/she has obtained qualification as an agricultural product quality controller or a fishery product quality controller by fraud or other improper means;
2. Where he/she has permitted any third person to use his/her name as an agricultural product quality controller or a fishery product quality controller or lend his/her certificate of qualification to any third person, in violation of Article 108 (2).
3. Where he/she help the use of such name or the lending of such certificate of qualification, in violation of Article 108 (3);

[Title Amended on Aug. 13, 2013]

**Article 110 (Financial Support)** The Government may provide the following persons with funds necessary for purchasing packaging materials, facilities, and automation equipment, managing agricultural product quality controllers or fishery product quality controllers, etc., within budgetary limits, to improve the quality of agricultural and fishery products or to promote the standardization of agricultural and fishery products and logistics standardization, etc.: <Amended on Mar. 23, 2013; Aug. 13, 2013 >

1. Farmers and fishermen;
2. Producers ' organizations;
3. Those who have obtained certification of Good Practices, General Practices certification institutions, business operators of facilities for the sanitation, safety, and management of harvested agricultural products, or institutions or organizations providing education on certification of General Practices;
4. Those whose traceability systems or geographical indications are registered;
5. Business operators of distribution facilities in a producing area or consuming area who endeavor to improve the quality of agricultural and fishery products, by employing agricultural product quality controllers or fishery product quality controllers or other means;
6. Safety inspection institutions designated under Article 64 or risk assessment institutions designated under Article 68;
7. Agricultural and fishery product inspection and certification institutions designated under Articles 80, 89, and 99;
8. Other business operators or organizations related to the distribution of agricultural and fishery products prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

**Article 111 (Priority Purchasing)** (1) If necessary for facilitating the distribution of agricultural and fishery products and processed fishery products and for improving the quality thereof, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may allow Good Practices - certified agricultural products, products bearing a geographical indication, etc. to be preferentially listed or traded in a wholesale market or joint market for agricultural and fishery products under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products. <Amended on Mar. 23, 2013>

(2) When the State, a local government, or public institution purchases agricultural and fishery products or processed agricultural and fishery products, it may preferentially purchase Good Practices - certified agricultural products, products bearing a geographical indication, etc.

**Article 112 (Rewards)** The Minister of Food and Drug Safety may grant a reward to a person who reports or denounces a person who violates Article 56 or 57 to the competent authority or investigative agency, within budgetary limits, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

**Article 113 (Fees)** Any of the following persons shall pay fees, as prescribed by Ordinance of the Prime Minister, Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or Ordinance of the Ministry of Oceans and Fisheries: Provided, hat fees for agricultural and fishery products, etc. purchased, exported, or imported by the Government may be exempted or reduced, as prescribed by Ordinance of the Prime Minister, Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or Ordinance of the Ministry of Oceans and Fisheries: <Amended on Mar. 23, 2013; Dec. 2, 2016; Apr. 18, 2017; Aug. 27, 2019; Dec. 10, 2019>

1. A person who applies for certification of Good Practices pursuant to Article 6 (3), applies for examination for renewed certification of Good Practices pursuant to Article 7 (2), applies for examination for an extension of the period of validity pursuant to paragraph (3) of the same Article or applies for change of certification of Good Practices pursuant to paragraph (4) of the same Article;
2. A person who applies for designation of a Good Practices certification institution pursuant to Article 9 (2) or intends to renew such designation pursuant to paragraph (53) of the same Article;
3. A person who applies for designation as facilities meeting Good Practices pursuant to Article 11 (2) or applies for the renewal of such designation pursuant to paragraph (7) of the same Article;
4. A person who applies for quality certification pursuant to Article 14 (2) or applies for an extension of the period of validity of quality certification pursuant to Article 15 (2);



5. A person who applies for designation of a quality certification institution pursuant to Article 17 (3);
6. Deleted; <Jun. 1, 2012>
7. A person who applies for an extension of the period thereof under Article 15 of the Patent Act applied mutatis mutandis pursuant to Article 41 or applies for resumption under Article 22 of the same Act;
8. A person who applies for adjudication on the nullity of a geographical indication under Article 43 (1), applies for adjudication on the cancellation of a geographical indication under Article 44 (1), applies for adjudication on the rejection or cancellation of registration of a geographical indication under Article 45 or requests a reexamination under Article 51 (1);
9. A person who makes a correction pursuant to Article 46 (3), applies for exclusion or challenge under Article 151 of the Patent Act applied mutatis mutandis pursuant to Article 50, applies for intervention under Article 156 of the same Act, requests a determination on costs under Article 165 of the same Act, requests the granting of enforceable writs under Article 166 of the same Act. In such cases, an application, request, etc. in the reexamination under Article 184 of the Patent Act applied mutatis mutandis pursuant to Article 55 (1) shall be included;
10. A person who applies for designation of a safety inspection institution pursuant to Article 64 (2);
11. A person who applies for registration of production or processing facilities, etc. pursuant to Article 74 (1);
12. A person who applies for inspection of agricultural products under Article 79 or reinspection of such products under Article 85;
13. A person who applies for designation of an agricultural product inspection institution pursuant to Article 80 (2);
14. A person who applies for inspection of fishery products or processed fishery products under Article 88 (1) through (3) or reinspection of such products pursuant to Article 96 (1);
15. A person who applies for designation of a fishery product inspection institution pursuant to Article 89 (2);
16. A person who applies for certification under Article 98 (1);
17. A person who applies for designation of a certification institution pursuant to the former part of Article 99 (2) or applies for the renewal of such designation pursuant to paragraph 5 of the same Article;
18. A person who files an application for the qualifying examination for agricultural product quality controllers or fishery product quality controllers pursuant to Article 107 (1);

- Article 114 (Hearings, etc.)** (1) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Minister of Food and Drug Safety intends to impose any of the following disposition, he/she shall hold a hearing: <Amended on Jun. 1, 2012; Mar. 23, 2013; Aug. 13, 2013; Mar. 27, 2015; Dec. 2, 2016; Apr. 18, 2017 >
1. Cancellation of the designation of a Good Practices certification institution under Article 10;
  2. Cancellation of the designation of facilities meeting Good Practices under Article 13 - 2 (3);
  3. Cancellation of quality certification under Article 16;
  4. Cancellation of the designation of a quality certification institution or suspension of quality certification services under Article 18;
  5. Deleted; <Jun. 1, 2012 >
  6. Cancellation of registration for traceability under Article 27;
  7. Prohibition of the sale of standardized products, quality - certified products, or the suspension of the indication thereof under Article 31 (1), prohibition of the sale of Good Practices - certified agricultural products under paragraph (2) of the same Article, or cancellation of the certification of Good Practices or the suspension of the indication thereof under paragraph (4) of the same Article;
  8. Prohibition of the sale of products bearing a geographical indication, suspension of the indication thereof, or cancellation of registration thereof under Article 40;
  9. Cancellation of the designation of a safety inspection institution under Article 65;
  10. Ordering production or processing facilities, etc. or a producer or processor, etc. under Article 78 to correct, restrict, or suspend production, processing, shipment, or transport, to improve or repair production or processing facilities, etc., or cancellation of registration thereof;
  11. Cancellation of the designation of an agricultural product inspection institution under Article 81;
  12. Cancellation of a decision on inspection under Article 87;
  13. Cancellation of the designation as a fishery product inspection institution under Article 90 or the suspension of inspection services;
  14. Cancellation of a decision on inspection under Article 97;
  15. Cancellation of the designation of a certification institution under Article 100;
  16. Cancellation of qualification for an agricultural product quality controller or a fishery product quality controller under Article 109.
- (2) Where the Director of the National Agricultural Products Quality Management Service intends to cancel qualification for an agricultural product inspector pursuant to Article 83, he/she shall hold a hearing.

(3) Where the head of a national quarantine and inspection agency intends to cancel qualification for a fishery product inspector pursuant to Article 92, he/she shall hold a hearing. <Amended on Mar. 23, 2013>

(4) Where a Good Practices certification institution intends to cancel a certification of Good Practices pursuant to Article 8 (1), it shall provide an opportunity to submit opinions to a person who has obtained such certification.

(5) Where a Good Practices certification institution intends to cancel a designation of facilities meeting Good Practices pursuant to Article 12 (1), it shall provide an opportunity to submit opinions to the person who has obtained such designation. <Newly Inserted on Apr. 18, 2017>

(6) Where a quality certification institution intends to cancel a quality certification pursuant to Article 16, it shall provide an opportunity to submit opinions to a person who has obtained such quality certification.

(7) Articles 22 (4) through (6) and 27 of the Administrative Procedures Act shall apply mutatis mutandis to the submission of opinions under paragraphs (4) and (6). In such cases, "administrative agency" and "competent administrative agency" shall be construed as "Good Practices certification institution" or "quality certification institution," respectively. <Amended on Apr. 18, 2017>

**Article 115 (Delegation, Entrustment, etc. of Authority)** (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Minister of Food and Drug Safety may delegate part of his/her authority vested under this Act to the head of each agency under his/her jurisdiction, the Administrator of Rural Development Administration, the Minister of Korea Forest Service, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Minister of Food and Drug Safety may entrust some affairs assigned to him/her under this Act to the following entities: <Amended on Mar. 23, 2013>

1. An organization of producers;
2. A public institution under the Act on the Management of Public Institutions;
3. A government - funded research institution under the Act on the Establishment, Operation and Fostering of Government - Funded Research Institutes or a government - funded science and technology research institution under the Act on the Establishment, Operation and Fostering of Government - Funded Science and Technology Research Institutes, Etc.;

4. A corporation or organization related to agriculture and forestry or fisheries, such as a farming association corporation and fishery association corporation established pursuant to Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

**Article 116 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)** Any of the following persons shall be deemed a public official for the purposes of applying penalty provisions under Articles 127, 129 through 132 of the Criminal Act: <Amended on Apr. 18, 2017; Aug. 27, 2019>

1. A member of the Council who is not a public official, among the members of the Council established under Article 3;
2. An executive officer or employee of a Good Practices certification institution in charge of certification of Good Practices or designation of facilities meeting Good Practices pursuant to Article 9;
3. An executive officer or employee of a quality certification institution in charge of quality certification pursuant to Article 17 (1);
4. A member of the Adjudication Committee who is not a public official, among the members of the Adjudication Committee established under Article 42;
5. An executive officer or employee of a safety inspection institution in charge of safety inspection, testing and analysis pursuant to Article 64;
6. An executive officer or employee of an agricultural product inspection institution in charge of inspection and reinspection of agricultural products and formal objections pursuant to Articles 80 and 85;
7. An executive officer or employee of a fishery product inspection institution in charge of inspection and reinspection of fishery products pursuant to Articles 89 and 96;
8. An executive officer or employee of a certification institution in charge of certification services pursuant to Article 99;
9. An executive officer or employee of a producers' organization, etc. in charge of affairs entrusted pursuant to Article 115 (2).

## CHAPTER IX PENALTY PROVISIONS

**Article 117 (Penalty Provisions)** Any of the following persons shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 100 million won. In such cases,

he/she may be sentenced to both imprisonment with labor and a fine concurrently:

1. A person obliged to label genetically modified agricultural and fishery products who has falsely labeled them or has labeled them in a manner that might cause people to confuse them with non - genetically modified agricultural and fishery products, in violation of subparagraph 1 of Article 57;
2. A person obliged to label genetically modified agricultural and fishery products who has damaged or altered such label for the purpose of causing people to confuse them with non - genetically modified agricultural and fishery products, in violation of subparagraph 2 of Article 57;
3. A person obliged to label genetically modified agricultural and fishery products who has sold other agricultural and fishery products mixed with genetically modified agricultural and fishery products, or has stored or displayed such products for sale, mixed with genetically modified agricultural and fishery products, in violation of subparagraph (3) of Article 57.

**Article 118 (Penalty Provisions)** Any person who discharges oil defined in subparagraph 5 of Article 2 of the Marine Environment Management Act, in violation of Article 73 (1) 1 or 2, shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won.

**Article 119 (Penalty Provisions)** Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: [<Amended on Jun. 1, 2012; Mar. 24, 1014; Mar. 27, 2015; Nov. 28, 2017; Aug. 27, 2019>](#)

1. A person who affixes a label indicating products labeled good or a similar label to agricultural and fishery products (including agricultural products not approved under Article 7 (4), in cases of agricultural products not bearing Good Practices certification) or processed agricultural and fishery products though they are not labeled good, in violation of Article 29 (1) 1;
- 1 - 2. A person who advertises agricultural and fishery products (including agricultural products not approved under Article 7 (4), in cases of agricultural products not bearing Good Practices certification) or processed agricultural and fishery products as products labeled good, though they are not products labeled as good, or who advertises such products to be misled as products labeled good, in violation of Article 29 (1) 1;
2. A person who does any of the following acts, in violation of Article 29 (2):
  - (a) Selling agricultural and fishery products labeled as standardized products pursuant to Article 5 (2) mixed with non - standardized products, or storing or displaying such products for sale, mixed with agricultural and fishery products labeled as standardized products;
  - (b) Selling agricultural products labeled as Good Practices - certified products pursuant to Article 6 (6) mixed with non - certified products, or storing or displaying such products for sale, mixed

with agricultural products labeled as Good Practices - certified products;

(c) Selling fishery products labeled as quality - certified products pursuant to Article 14 (3) mixed with non - certified products, or storing or displaying such products for sale, mixed with fishery products labeled as quality - certified products;

(d) Deleted; <Jun. 1, 2012 >

(e) Selling agricultural products labeled as traceable products pursuant to Article 24 (6) mixed with non - registered agricultural products or processed agricultural products, or storing or displaying such products for sale, mixed with agricultural products labeled as traceable products;

3. A person who labels a geographical indication or similar indication on the packaging, containers, advertising materials, or related documents of agricultural and fishery products or processed agricultural and fishery products not bearing a geographical indication, in violation of Article 38 (1);
4. A person who sells products bearing a geographical indication mixed with agricultural and fishery products or processed agricultural and fishery products not bearing a geographical indication, or stores or displays such products for sale, mixed with products bearing a geographical indication, in violation of Article 38 (2);
5. A person who discharges wastes defined in subparagraph 4 of Article 2 of the Marine Environment Management Act, harmful liquid substances defined in subparagraph 7 of the same Article, or harmful packaging materials defined in subparagraph 8 of the same Article, in violation of Article 73 (1) 1 or 2;
6. A person who has agricultural products inspected pursuant to Article 79, agricultural products reinspected pursuant to Article 85, fishery products or processed fishery products inspected pursuant to Article 88, fishery products or processed fishery products reinspected pursuant to Article 96, or obtains certification pursuant to Article 98, by fraud or other improper means, in violation of subparagraph 1 of Article 101;
7. A person who fails to have fishery products and processed fishery products subject to inspection inspected, in violation of subparagraph 2 of Article 101;
8. A person who forges or alters an inspection indicator, certification, inspection certificate, or a certificate, in violation of subparagraph 3 of Article 101;
9. A person who falsely or extravagantly advertises the results of certification, in violation of subparagraph 5 of Article 101.

**Article 120 (Penalty Provisions)** Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: <Amended on Aug.

13, 2013; Dec. 2, 2016; Dec. 10, 2019 >

1. A person who fails to register traceability, in violation of Article 24 (2);
2. A person who disobeys an order to take corrective measures (excluding an order to take corrective measures on the method of indication issued under Article 31 (1) 3 or subparagraph 2 of Article 40), to prohibit the sale or to suspend the indication under Article 31 (1) or 40;
3. A person who disobeys an order to prohibit the sale under Article 31 (2);
4. A person who fails to comply with disposition under Article 59 (1);
5. A person who disobeys an order to make public announcement under Article 59 (2);
6. A person who fails to comply with measures under Article 63 (1);
7. A person who fails to comply with measures to restrict or prohibit the use of veterinary drugs under Article 73 (2);
8. A person who fails to comply with measures to restrict the production of fishery products in a designated sea area under Article 77;
9. A person who disobeys an order to correct, restrict, or suspend the production, processing, shipment, and transport, or an order to improve or repair production or processing facilities, etc. issued under Article 78;
- 9 - 2. A person who fails to comply with measures under Article 98 - 2 (1);
10. A person who fails to have agricultural products subject to inspection inspected, in violation of subparagraph 2 of Article 101;
11. A person who sells or exports agricultural and fishery products or processed fishery products, or stores or displays them for sale or export without having them inspected, in violation of subparagraph 4 of Article 101;
12. A person who permits any third person to use his/her name as an agricultural product inspector, agricultural product quality controller or a fishery product quality controller or lends his/her certificate of qualification to any third person, in violation of Article 82 (7) or 108 (2).
13. A person who uses the name of an agricultural product inspector, agricultural product quality controller or a fishery product quality controller or be lent a certificate of qualification, or helps the use of such name or the lending of such certificate of qualification, in violation of Article 82 (8) or 108 (3).

**Article 121 (Negligence Criminal)** Any person who commits a crime referred to in Article 118 by negligence shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won. <Amended on Feb. 18, 2020 >

**Article 122 (Joint Penalty Provisions)** Where the representative of a corporation, or an agent, employee, or other worker of the corporation or an individual commits an offence under Articles 117 through 121 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine referred to in the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

**Article 123 (Administrative Fines)** (1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended on Dec. 2, 2016; Jan. 15, 2019; Aug. 27, 2019>

1. A person who refuses, interferes with or evades collection, examination, inspection, etc. conducted under Articles 13 (1), 19 (1), 30 (1), 39 (1), 58 (1), 62 (1), 76 (4) and 102 (1);
2. A person who has registered his/her traceability system pursuant to Article 24 (2), but fails to report a change, in violation of paragraph (3) of the same Article;
3. A person who has registered his/her traceability system pursuant to Article 24 (2), but fails to affix a label of traceability, in violation of paragraph (6) of the same Article;
4. A person who has registered his/her traceability system pursuant to Article 24 (2), but fails to meet the standards for traceability, in violation of paragraph (7) of the same Article;
5. A person who fails to obey an order to correct the methods of indication issued under Article 31 (1) 3, or subparagraph 2 of Article 40;
6. A person who fails to label genetically modified agricultural and fishery products, in violation of Article 56 (1);
7. A person who violates the methods of indicating genetically modified agricultural and fishery products prescribed in Article 56 (2).

(2) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who raises livestock in aquaculture facilities, in violation of Article 73 (1) 3;
2. A producer, processor, etc. who fails to report pursuant to Article 75 (1), or files a false report.

(3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, and the Minister of Food and Drug Safety, or each Mayor/Do Governor shall impose and collect administrative fines prescribed in paragraphs (1) and (2), as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>



**ADDENDA** <No. 17037, 18. Feb, 2020>

**Article 1 (Enforcement Date)**

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

Articles 2 through 10 Omitted.