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CONTROL OF LIVESTOCK AND FISH FEED ACT

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CONTROL OF LIVESTOCK AND FISH FEED ACT

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning the stabilization of supply and demand of feed and the quality control thereof, and the ensuring of safety, of feed to serve to develop the livestock industry through the stable production and quality improvements of feed.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "feed" means single-compound feed, assorted feed, and supplementary feed, all of which are used as nutritions for livestock specified in the Livestock Industry Act and animals, fish, etc. specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "animals"), and necessary for the maintenance of their health and growth: Provided, That any feed taken by animals, etc. as animal medicine shall be excluded herefrom;
2. The term "single-compound feed" means vegetable, animal or mineral substances specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs and used either directly as feed or as raw materials for making assorted feed;
3. The term "assorted feed" means feed made of single-compound feed and supplementary feed, etc. by mixing or processing them in proper proportions and specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs according to the purpose of use;
4. The term "supplementary feed" means feed added to any other feed to prevent the quality of feed from deteriorating or to upgrade the efficacy of feed and specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs;
5. The term "manufacturing business" means a business manufacturing (including mixing, assorting, combining, or processing feed; hereinafter the same shall apply) and selling or supplying feed;
6. The term "import business" means a business importing feed to sell (including cases where imported feed is simply repackaged; hereinafter the same shall apply);
7. The term "manufacturer" means a person who runs a feed-manufacturing business;
8. The term "importer" means a person who runs a feed-import business;
9. The term "distributor" means a person, other than a manufacturer or importer, who runs a business selling feed.

Article 3 (Formulation and Implementation of Feed Policy and Financial Assistance) (1)

The Minister of Agriculture, Food and Rural Affairs shall formulate and implement a feed policy necessary to adjust the supply and demand of feed, stabilize feed prices, upgrade the quality of feed, secure the safety of feed, and develop feed resources, etc.

(2) The Minister of Agriculture, Food and Rural Affairs may formulate and implement a supply and demand plan for the production, exportation, importation, and supply of feed, if he/she considers it necessary for the stabilization of supply and demand of feed.

(3) The government may grant a subsidy or lend a financial fund, within budgetary limits, to a manufacturer or an organization established for the stabilization of supply and demand of feed and improvements in quality and approved by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "feed-related organization") for the formulation and implementation of the policy and the supply and demand plan under paragraphs (1) and (2).

Article 4 (Exclusion from Application)

This Act shall not apply where a manufacturer produces feed specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs for export purposes.

CHAPTER II STABILIZATION OF SUPPLY AND DEMAND OF FEED

Article 5 (Support for Stabilization of Supply and Demand of Feed)

The Minister of Agriculture, Food and Rural Affairs may, if he/she considers it necessary to stabilize the supply and demand of feed, provide feed-related organizations with support necessary for exporting, importing, or supplying feed.

Article 6 (Recommendation for Importation of Feed, etc.) (1) Any person shall, if he/she intends to import feed at the tariff concession rate applicable to the quota for market access on the schedule of concessions and commitments of the Republic of Korea under the Marrakesh Agreement Establishing the World Trade Organization, obtain recommendation therefor from the Minister of Agriculture, Food and Rural Affairs.

(2) The Minister of Agriculture, Food and Rural Affairs may authorize the National Agricultural Cooperative Federation established pursuant to Article 121 of the Agricultural Cooperatives Act (including Nonghyup Agribusiness Group Inc.) or a feed-related organization to act as his/her agent in providing the recommendation service for importing feed under paragraph (1). In such cases, matters necessary for the items subject to recommendation, the recommendable quota on each item, the criteria for recommendation, etc. shall be prescribed by the Minister of Agriculture, Food and Rural Affairs.

Article 7 (Prohibition against Sale of Feed for Unauthorized Purpose of Use) (1) No one shall sell imported feed for any purpose other than raw materials for other feed, feed for animals, and the purpose of use specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) The Minister of Agriculture, Food and Rural Affairs shall prescribe and publicly notify matters necessary for follow-up management, etc. of imported feed so as to prevent imported feed from being used for any purpose other than authorized purposes of use.

CHAPTER III QUALITY CONTROL OF FEED, ETC.

Article 8 (Registration of Manufacturing Business, etc.) (1) Any person who intends to run a manufacturing business shall file for registration of the business with the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That registration may not be filed, where a person who is engaged in agricultural activities, grain processing, or food manufacturing produces, sells, or supplies feed in an amount not exceeding that prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, using the by-products prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, which are generated in the course of such activities, processing or manufacturing (limited to by-products that constitute single-compound feed or supplementary feed).

(2) Any person who intends to file for registration of a manufacturing business in accordance with the main sentence of paragraph (1) shall have manufacturing facilities in conformity with standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That the foregoing shall not apply where a manufacturer of medicine for animals under Articles 31 and 85 of the Pharmaceutical Affairs Act, a manufacturer of food or food additives under Article 36 of the Food Sanitation Act, or a manufacturer of health functional food under Article 4 of the Health Functional Foods Act intends to file for registration of the manufacturing business in order to produce and sell or supply feed as part of products directly manufactured.

(3) A person who completed the registration of a manufacturing business in accordance with the main sentence of paragraph (1) with manufacturing facilities under the main sentence of paragraph (2) shall, if he/she intends to alter any of the manufacturing facilities specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, report his/her intended alteration to the competent Mayor/Do Governor.

(4) A person who completed the registration of a manufacturing business in accordance with the main sentence of paragraph (1) shall, if he/she intends to temporarily shut down or permanently close down the business or resume the business after temporary shutdown, report it to the competent Mayor/Do Governor as specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9 (Succession to Manufacturing Business) (1) If a manufacturer transfers his/her manufacturing business or dies, or if merger of corporations occurs, the transferee, the heir, or the surviving corporation after the merger or the corporation established as a consequence of the merger (hereinafter referred to as "transferee, etc.") shall succeed to the manufacturer's status.

(2) A person who acquires manufacturing facilities entirely through an auction under the Civil Execution Act, realization proceedings under the Debtor Rehabilitation and Bankruptcy Act, a sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act, or any other similar proceedings shall succeed to the manufacturer's status.

(3) A person who succeeds to the manufacturer's status pursuant to paragraph (1) or (2) shall report it to the competent Mayor/Do Governor within 30 days, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Article 25 shall apply mutatis mutandis to a person who succeeds to the manufacturer's status pursuant to paragraphs (1) and (2).

Article 10 (Feed Safety Managers) (1) Each manufacturer who manufactures feed specified by Presidential Decree, such as trace minerals, shall employ a feed safety manager to have him/her manage the safety of feed.

(2) A feed safety manager under paragraph (1) shall guide and supervise persons engaged in the manufacture of feed to secure the quality control and the safety of feed, and manage raw materials, products, and facilities.

(3) A feed safety manager shall, when he/she discovers a violation of this Act or an order issued or disposition made pursuant to this Act in the course of guidance, supervision, and management under paragraph (2), notify the manufacturer of his/her discovery, requesting the manufacturer to correct such a violation, and shall without delay report it to the competent Mayor/Do Governor. In such cases, the Mayor/Do Governor may order the manufacturer to take necessary measures after he/she makes sure whether the manufacturer has taken corrective measures.

(4) A manufacturer who employs a feed safety manager under paragraph (1) shall not interfere with the work of the feed safety manager under paragraph (2) and shall, if he/she receives a request necessary for performing his/her duties from the feed safety manager, comply with such a request, unless an extraordinary circumstance exists.

(5) Necessary matters concerning qualifications, duties, and the fixed number of a feed safety manager shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 11 (Manufacturing Process of Feed, etc.) (1) The Minister of Agriculture, Food and Rural Affairs may, if he/she considers it necessary to ensure the quality of feed and secure the safety thereof, establish, amend, or abolish standards for methods of manufacturing, using, and storage of feed and specifications of ingredients of feed (hereinafter referred to as "manufacturing process of feed"). In such cases, the Minister of Agriculture, Food and Rural Affairs shall give public notice thereon.

(2) Feed with its manufacturing process of feed established shall be manufactured, used, and stored in compliance with the manufacturing process of feed.

(3) The public notice of the manufacturing process of feed under paragraph (1) shall be enforceable 30 days after the date of public notice, unless there is a compelling reason not to do so.

(4) Matters concerning the procedures and met

hods for the establishment, amendment, or abolition of the manufacturing process of feed shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 12 (Registration of Feed Ingredients and Cancellation of Registration) (1) A manufacturer or importer shall register the types, ingredients, and contents of feed that he/she intends to manufacture or import, along with other matters specified by the Minister of Agriculture, Food and Rural Affairs, (hereinafter referred to as "registration of ingredients") with the competent Mayor/Do Governor: Provided, That the registration of ingredients may be waived for the feed specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (excluding the feed manufactured by a person who does not file for registration of manufacturing business under the proviso to Article 8 (1).

(2) Each Mayor/Do Governor shall, upon receiving an application for registration of ingredients, examine whether the application conforms to the relevant manufacturing process of feed and shall, if found appropriate, without delay issue a feed ingredient registration certificate to the applicant.

(3) Each Mayor/Do Governor shall, if a manufacturer or importer falls under any of the following subparagraphs, cancel registration of ingredients. In such cases, the manufacturer or importer shall return the feed ingredient registration certificate to the Mayor/Do Governor:

1. If a manufacturer or importer obtains registration by fraud or other improper means;
2. If a manufacturer or importer fails to manufacture or import feed, of which he/she registers ingredients, for one year or more without good cause;
3. If the registration of the manufacturing business is cancelled.

Article 13 (Labeling of Feed) (1) A manufacturer or importer who intends to manufacture or import feed shall put labels on containers or packages, indicating the fact that ingredients are registered, precautions for use, and other matters specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) No manufacturer or importer shall make a false representation or exaggeration in labeling under paragraph (1).

Article 14 (Prohibition against Manufacturing, Import, Sale, Use, etc.) (1) No manufacturer, importer, or distributor shall manufacture, import, or sell feed that falls under any of the following subparagraphs or use it as raw material of feed:

1. Feed that contains a toxic substance harmful to human bodies or animals or a persistent residue of such toxic substance beyond permissible limits;
2. Feed that contains a residue of animal medicine beyond permissible limits;
3. Feed contaminated by pathogens that cause a disease to human bodies or animals or considerably decomposed or deteriorated and thus unsuitable for use as feed;
4. Feed specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs as one which undermines the viability of livestock production by hindering animals from maintaining their health or growing, other than those specified in subparagraphs 1 through 3;
5. Feed manufactured or imported without filing for registration of ingredients;
6. Feed imported without filing an import declaration under Article 19 (1);
7. By-products of animals and food leftovers, specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs as those banned from being used as feed because such by-products and leftovers are likely to be a cause of such a disease of human bodies and animals specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

(2) No one shall use feed specified in paragraph (1) 7 as feed for animals.

(3) The scope of toxic substances and animal medicines under paragraph (1) 1 and 2 and

permissible standards therefor shall be prescribed and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

Article 15 (Restriction on Contents and Mixture of Feed) (1) The Minister of Agriculture, Food and Rural Affairs may place a restriction on contents of specific ingredients of feed to maintain the quality of feed and prevent environmental pollution.

(2) The Minister of Agriculture, Food and Rural Affairs may, if various kinds of feed are mixed, place a restriction on mixture of substances or feed that might degrade the quality of the relevant feed or make the relevant feed unidentifiable.

(3) Specific ingredients, contents of which may be restricted pursuant to paragraph (1), and the criteria for such restriction, and substances and feed, the mixture of which may be restricted pursuant to paragraph (2), and the criteria for such restriction shall be prescribed and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

Article 16 (Standards for Intensive Control of Hazardous Elements) (1) The Minister of Agriculture, Food and Rural Affairs may prescribe and publicly notify procedures for the management of manufacturing facilities and process for each type of feed or standards for the intensive control of hazardous elements in each process (hereinafter referred to as "standards for intensive control of hazardous elements") in conformity with standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in order to prevent hazardous substances from mixing with feed or to protect feed from being contaminated by such hazardous substances in the course of the management of raw materials and manufacturing and distribution of feed.

(2) The Minister of Agriculture, Food and Rural Affairs may, when he/she establishes standards for the intensive control of hazardous elements, require manufacturers of such feed to comply with the standards, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) The Minister of Agriculture, Food and Rural Affairs may designate feed factories of a manufacturer who is willing to comply with standards for the intensive control of hazardous elements, among manufacturers, as feed factories conforming to standards for the intensive control of hazardous elements.

(4) The Minister of Agriculture, Food and Rural Affairs shall issue a document certifying designation to the manufacturer whose feed factory is designated as one conforming to standards for the intensive control of hazardous elements pursuant to paragraph (3), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(5) The Minister of Agriculture, Food and Rural Affairs may provide manufacturers (including their employees) who desire to obtain or obtained designation as feed factories conforming to standards for the intensive control of hazardous elements with technology and information necessary for the intensive control of hazardous elements or conduct educational and training programs for them for the efficient enforcement of standards for the intensive control of hazardous elements.

(6) The Minister of Agriculture, Food and Rural Affairs may entrust an institution specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with the conduct of educational and training programs under paragraph (5).

(7) The Minister of Agriculture, Food and Rural Affairs may, if a feed factory conforming to standards for the intensive control of hazardous elements falls under any of the following subparagraphs, cancel the designation or order it to take corrective measures, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That if it falls under subparagraph 1 or 4, the designation shall be cancelled:

1. If a feed factory obtains the designation by fraud or other improper means;
2. If a feed factory fails to comply with an order of correction without good cause;
3. If a feed factory fails to comply with standards for the intensive control of hazardous elements;
4. If a feed factory falling under Article 25 (1) 8, 9, 12 through 14, 16, 18, or 19 is ordered to suspend its business completely for two months or more;

5. If any event specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs occurs among events similar to those under subparagraphs 2 and 3.
- (8) No manufacturer shall use the title "feed factory conforming to standards for the intensive control of hazardous elements," if he/she fails to have his/her feed factory designated as one so conforming to standards for the intensive control of hazardous elements under paragraph (3).
- (9) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may provide manufacturers whose feed factories are designated as those conforming to standards for the intensive control of hazardous elements with preferential support, such as loans for the improvement of manufacturing facilities.
- (10) Each feed factory conforming to standards for the intensive control of hazardous elements shall undergo examinations on whether it complies with standards for the intensive control of hazardous elements, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.
- (11) Matters necessary for the qualification requirements and the procedure for the designation of a feed factory conforming to standards for the intensive control of hazardous elements under paragraph (3), details of educational and training programs under paragraph (5), and the method and procedure for examinations under paragraph (10) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 17 (Support of Institution Responsible for Feed Factories' Intensive Control of Hazardous Elements)

- (1) The Minister of Agriculture, Food and Rural Affairs may designate an institution to take charge of feed factories' intensive control of hazardous elements and subsidize expenses incurred in its operation in order to efficiently carry out business affairs, such as the establishment of standards for the intensive control of hazardous elements and the enforcement of the standards to feed factories.
- (2) Matters necessary for the standards for the designation of the institution responsible for feed factories' intensive control of hazardous elements under paragraph (1) and the enforcement of the standards shall be prescribed by Presidential Decree.

Article 18 (Preparation and Distribution of Feed Processing Manual)

The Minister of Agriculture, Food and Rural Affairs shall prepare and distribute a feed processing manual that includes matters related to the manufacturing process of feed, the labeling of feed under Article 13 (1), and restrictions on contents and mixture of feed under Article 15.

CHAPTER IV FEED INSPECTION, ETC.

Article 19 (Importation Declaration of Feed, etc.)

- (1) A feed importer shall, when he/she intends to import feed specified and publicly notified by the Minister of Agriculture, Food and Rural Affairs, file an import declaration thereof with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.
- (2) The Minister of Agriculture, Food and Rural Affairs shall, if he/she has a good cause specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as securing the safety of feed and stabilizing supply and demand of feed, assign competent public officials to test the feed of which a declaration has been filed pursuant to paragraph (1), before the completion of customs clearance, as necessary.
- (3) An importer who files a declaration under paragraph (1) may, if he/she has successfully passed a test conducted by an authorized feed testing institution under Article 20 (2) or a feed testing institution under Article 22 and submits the test certificate, substitute such test for the test under paragraph (2) or undergo the test with testing items adjusted, as specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.
- (4) Matters necessary for the items and method of, and the procedure for, the testing under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural

Affairs.

Article 20 (Quality Self-Inspection) (1) Each manufacturer or importer shall be equipped with facilities specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs and inspect feed manufactured or imported by him/her for the following matters for the quality control of the feed and the assurance of safety of the feed. In such cases, a manufacturer or importer may install such facilities jointly with another manufacturer or importer:

1. Whether the feed conforms to the manufacturing process of feed;
2. Whether any discrepancy exists between actual and registered ingredients;
3. Whether the feed falls under any provision of Article 14 (1) 1 through 4.

(2) A manufacturer or importer may request a person authorized by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "authorized feed testing institution") to conduct a test in substitution for the inspection under paragraph (1).

(3) An authorized feed testing institution shall, when it conducts a test pursuant to paragraph (2), issue a feed test certificate to the manufacturer or importer, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) A manufacturer or importer who conducted a quality self-inspection pursuant to paragraph (1) shall preserve records of the quality inspection for two years.

(5) Matters necessary for standards and procedure for the inspection under paragraph (1) and the procedure and criteria for the authorization of an authorized feed testing institution shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 21 (Feed Inspection) (1) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may conduct an inspection on feed, if he/she considers it necessary to secure the safety of feed and control the quality of feed or if he/she is requested by a consumer of feed to conduct an inspection on the matters under the subparagraphs of Article 20 (1).

(2) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may, when he/she conducts a feed inspection pursuant to paragraph (1), assign a competent public official or a person designated by the Minister of Agriculture, Food and Rural Affairs (hereinafter referred to as "feed inspector") to inspect the feed manufactured, imported, or sold by a manufacturer, an importer, or a distributor, or to collect feed, as sample free of charge, in the minimum quantity necessary for the inspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) Matters necessary for the qualification and the scope of duties of feed inspectors shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 22 (Designation of Feed Testing Institutions, etc.) (1) The Minister of Agriculture, Food and Rural Affairs may designate an institution fully equipped with the following facilities as a feed testing institution to authorize the institution to test feed collected pursuant to Article 21:

1. Facilities for analyzing general coarse ingredients;
2. Facilities for microscopic examinations on feed;
3. Facilities for analyzing hazardous substances;
4. Facilities for analyzing calories, amino acids, vitamins, and minerals;
5. Facilities for testing or determining whether a microorganism, a poisonous substance, or improper matter is included;
6. Facilities for analyzing organic acids, enzymes, etc.;
7. Facilities for analyzing persistent agricultural chemicals and animal medicines.

(2) Matters necessary for the method of designating a feed testing institution and the method of testing feed under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) The Minister of Agriculture, Food and Rural Affairs may, if a feed testing institution designated pursuant to paragraph (1) falls under any of the following subparagraphs, cancel the

designation or order it to suspect the testing business or take corrective measures therefor within a given period not exceeding six months: Provided, That if the institution falls under subparagraph 1 or 2, the designation shall be cancelled:

1. If it obtains the designation by fraud or other improper means;
2. If it continues the testing business during the suspension period of the testing business;
3. If it fails to meet the requirements for the designation under paragraph (1);
4. If it fails to comply with an order of correction;
5. If it tests feed in violation of the method of testing feed under paragraph (2).

Article 23 (Reinspection of Feed) (1) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall, if it is found as a result of an inspection on feed under Article 21 that the feed is in violation of the manufacturing process of feed or falls under any subparagraph of Article 24, notify the manufacturer or importer of the results of the inspection.

(2) A manufacturer or importer may, if he/she has an objection to the results of an inspection upon receiving a notice under paragraph (1), request the Minister of Agriculture, Food and Rural Affairs or the competent Mayor/Do Governor to conduct a reinspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall, upon receiving a request for reinspection under paragraph (2), make a decision on whether to conduct the reinspection as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall notify the results thereof to the manufacturer or importer.

(4) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall, if he/she has decided to reinspect the feed in question pursuant to paragraph (3), without delay ask the feed testing institution under paragraph 22 to conduct the re-testing and then shall notify the manufacturer or importer of the results thereof. In such cases, fees and charges for the re-testing and a bonded warehouse and expenses incurred in reinspection shall be borne by the manufacturer or importer who requested the reinspection.

Article 24 (Scrapping and Other Countermeasures)

The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may, if it is found, as a result of an inspection on feed under Article 21 or a reinspection on feed under Article 23, that the feed falls under any of the following subparagraphs, assign a competent public official to take measures necessary for imposing a ban on manufacturing, importing, selling, or supplying the feed or may order the manufacturer, importer, or distributor of the feed to recover or scrap the feed or to take other measures necessary for eliminating hazards in the quality and safety of the feed in compliance with the purpose of use and the processing method prescribed by the Minister of Agriculture, Food and Rural Affairs or the Mayor/Do Governor:

1. If there is a discrepancy between ingredients of the feed in question and the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. If the feed in question falls under any subparagraph of Article 14 (1).

Article 25 (Cancellation of Registration of Manufacturing Business) (1) Each Mayor/Do Governor may, if a manufacturer or importer falls under any of the following subparagraphs, cancel the registration or order him/her to suspend the business completely or partially for a given period not exceeding six months: Provided, That if a manufacturer or importer falls under subparagraph 1 or 2, the registration shall be cancelled:

1. If he/she registers the business by fraud or other improper means;
2. If he/she continues business in violation of a business suspension order;
3. If he/she sells feed imported in violation of Article 7 (1);
4. If he/she ceases to satisfy standards for the registration under Article 8 (2);
5. If he/she alters a manufacturing facility without reporting it, in violation of Article 8 (3);
6. If he/she fails to employ a feed safety manager, in violation of Article 10 (1);

7. If he/she interferes with a feed safety manager's work, in violation of Article 10 (4), or fails to comply with a request of a feed safety manager without good cause;
 8. If he/she fails to follow the manufacturing process of feed in manufacturing, using, or storing the feed, in violation of Article 11 (2);
 9. If he/she manufactures or imports feed without filing for registration of ingredients, in violation of Article 12 (1);
 10. If he/she sells feed manufactured or imported without mandatory labeling, in violation of Article 13 (1);
 11. If he/she makes a false or exaggerated representation in labeling, in violation of Article 13 (2);
 12. If he/she manufactures, imports, or sells feed that falls under any subparagraph of Article 14 (1) or uses such feed as a raw material for feed;
 13. A person who violates a restriction on contents of specific ingredients under Article 15 (1);
 14. A person who violates a restriction on mixture of substances or feed under Article 15 (2);
 15. If he/she imports feed without reporting it in violation of Article 19 (1);
 16. If he/she undergoes neither an inspection under Article 20 (1) nor a test under paragraph (2) of the same Article;
 17. If he/she fails to preserve records of inspections prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs pursuant to Article 20 (4);
 18. If he/she fails to comply with an order to take measures under Article 24;
 19. If he/she fails to comply with an order to take measures under Article 27 (3).
- (2) Matters necessary for the criteria and procedure for the administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 26 (Disposition of Penalty Surcharge) (1) Each Mayor/Do Governor may, if a manufacturer or importer falls under any provision of Article 25 (1) 3 through 19, impose a penalty surcharge not exceeding 10 million won in lieu of the disposition of suspending his/her business: Provided, That the foregoing shall not apply where a person violates Article 14 (1) 1 on three or more occasions or violates subparagraph 3 or 7 of the same paragraph, and thus falls under Article 25 (1) 12.

(2) The amount of a penalty surcharge that may be imposed depending upon the type and degree of each violation subject to the imposition of a penalty surcharge under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(3) Each Mayor/Do Governor shall, if a person who is obligated to pay a penalty surcharge under paragraph (1) fails to pay it by the payment deadline, collect it under the Act on the Collection, etc. of Local Non-Tax Revenue.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 27 (Supervision) (1) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may, if he/she considers it necessary to adjust the supply and demand of feed and control the quality of feed, require a manufacturer, an importer, or any other interested party to make a report as necessary or assign competent public officials to enter an office, a factory, a warehouse of a manufacturer, an importer, a distributor, an authorized feed testing institution, or a feed testing institution to inspect books, documents, feed and other articles.

(2) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may, if deemed necessary to prevent feed under Article 14 (1) 7 from being fed to animals, assign competent public officials to enter a farmhouse or a similar place to inspect such feed.

(3) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor may, if deemed necessary as a result of the inspection conducted pursuant to paragraphs (1) and (2), order a manufacturer, an importer, an authorized feed testing institution, a feed testing institution,

or a farmhouse, to improve or upgrade facilities, machines, or equipment or take other measures specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 28 (Fees, etc.) (1) A person who falls under any of the following subparagraphs shall pay fees prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

1. A person who registers a manufacturing business in accordance with the main sentence of Article 8 (1);
2. A person who registers ingredients in accordance with Article 12 (1);
3. A person who obtains designation under Article 16 (3);
4. A person who attends an educational or training program under Article 16 (5);
5. A person who undergoes an examination under Article 16 (10).

(2) A person who falls under any of the following subparagraphs shall pay an inspection fee, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

1. A person who requests an inspection of feed in accordance with Article 20 (2);
2. A person who requests an inspection of feed in accordance with Article 21 (1);
3. A person who requests a reinspection of feed in accordance with Article 23 (2).

Article 29 (Production of Identification Certificates)

A person who carries out a test, an inspection, scrapping, or other measure under Article 19 (2), 21 (2), 24, or 27 (1) and (2) shall carry with him/her an identification certificate and shall produce it to the people concerned.

Article 30 (Hearings)

Each Mayor/Do Governor shall, where he/she intends to make a disposition cancelling the registration of a manufacturer pursuant to Article 25, hold a hearing.

Article 31 (Delegation and Entrustment of Authority) (1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority under this Act to the heads of affiliated agencies under his/her control or each Mayor/Do Governor, as prescribed by Presidential Decree.

(2) The Minister of Agriculture, Food and Rural Affairs may entrust a feed-related organization with work for receiving feed-import declarations and testing feed under Article 19, as prescribed by Presidential Decree.

(3) Each Mayor/Do Governor may entrust a feed-related organization with work for the registration of ingredients under Article 12 (1), as prescribed by Presidential Decree.

Article 32 (Legal Fiction as Public Official in Application of Penalty Provisions)

An executive or employee of an authorized feed testing institution, who engages in testing feed, an executive or employee of a feed testing institution, who engages in testing feed pursuant to Article 22, or an executive or employee of a feed-related organization, who engages in work entrusted pursuant to Article 31 (2) and (3), shall be deemed to be a public official in applying penalty provisions under Articles 129 through 132 of the Criminal Act.

CHAPTER VI PENALTY PROVISIONS

Article 33 (Penalty Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who manufactures, imports, or sells feed or uses it as a raw material for feed in violation of Article 14 (1);
2. A person who uses feed in violation of Article 14 (2).

Article 34 (Penalty Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won:

1. A person who sells imported feed, in violation of Article 7 (1);
2. A person who engages in a manufacturing business without filing for registration in violation of the main sentence of Article 8 (1) or registers a manufacturing business by fraud or other improper means;
3. A person who fails to employ a feed safety manager, in violation of Article 10 (1);
4. A person who interferes with a feed safety manager's performance of duties or fails to comply with a feed safety manager's request without good cause, in violation of Article 10 (4);
5. A person who fails to follow the manufacturing process of feed in violation of Article 11 (2) in manufacturing, using, or storing feed;
6. A person who manufactures or imports feed without filing for registration of ingredients in violation of Article 12 (1) or who files for registration of ingredients by fraud or other improper means;
7. A person who sells feed manufactured or imported without mandatory labeling, in violation of Article 13 (1);
8. A person who makes a false representation or an exaggeration in mandatory labeling, in violation of Article 13 (2);
9. A person who violates a restriction on contents of specific ingredients under Article 15 (1);
10. A person who violates a restriction on mixture of substances or feed under Article 15 (2);
11. A person who imports feed without filing a declaration in violation of Article 19 (1);
12. A person who fails to undergo an inspection under Article 20 (1) nor undergoes a test under paragraph (2) of the same Article;
13. A person who fails to comply with a order to take measures under Article 24;
14. A person who continues business, in violation of a business suspension order under Article 25;
15. A person who fails to comply with an order to take measures under Article 27 (3).

Article 35 (Joint Penalty Provisions) (1) If the representative, an agent, an employee, or a servant of a juristic person commits a violation under Article 33 or 34 in connection with the business of the juristic person, not only shall such offender be punished accordingly, but the juristic person shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the juristic person has not neglected to pay due attention and supervision concerning the business to prevent such violation.

(2) If an agent, an employee, or a servant of an individual commits a violation under Article 33 or 34 in connection with the business of the individual, not only shall such offender be punished accordingly, but the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the individual has not neglected to pay due attention and supervision concerning the business to prevent such violation.

Article 36 (Administrative Fines) (1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding five million won:

1. A person who fails to request a manufacturer to take corrective measures or who fails to make a report thereon to the competent Mayor/Do Governor, in violation of the former part of Article 10 (3);
2. A person who uses the title "feed factory conforming to standards for intensive control of hazardous elements", in violation of Article 16 (8);
3. A person who rejects, interferes with, or evades an inspection on feed under Article 21 (2);
4. A person who fails to report under Article 27 (1) or rejects, interferes with, or evades an inspection.

(2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor (hereinafter referred to as the "imposing authority"), as prescribed by Presidential Decree.

(3) Any person who is dissatisfied with the disposition of an administrative fine under paragraph

- (2) may raise an objection to the imposing authority within 30 days from the date on which he/she is notified of the disposition.
- (4) The imposing authority shall, upon receiving an objection under paragraph (3) from a person subject to the disposition of an administrative fine under paragraph (2), without delay notify the competent court, which, in turn, shall proceed to a trial on administrative fines pursuant to the Non-Contentious Case Procedure Act.
- (5) If neither an objection is filed nor the administrative fine paid within the period prescribed in paragraph (3), such administrative fine shall be collected in the same manner as delinquent national or local taxes are collected.