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FOOD SANITATION ACT

Wholly Amended by Act No. 9432, Feb. 6, 2009

Amended by Act No. 9692, May 21, 2009

Act No. 9932, Jan. 18, 2010

Act No. 10022, Feb. 4, 2010

Act No. 10191, Mar. 26, 2010

Act No. 10219, Mar. 31, 2010

Act No. 10310, May 25, 2010

Act No. 10787, Jun. 7, 2011

Act No. 11000, Aug. 4, 2011

Act No. 11048, Sep. 15, 2011

Act No. 11690, Mar. 23, 2013

Act No. 11819, May 22, 2013

Act No. 11873, Jun. 7, 2013

Act No. 11985, Jul. 30, 2013

Act No. 11986, Jul. 30, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12390, Jan. 28, 2014

Act No. 12496, Mar. 18, 2014

Act No. 12719, May 28, 2014

Act No. 13201, Feb. 3, 2015

Act No. 13277, Mar. 27, 2015

Act No. 13332, May 18, 2015

Act No. 14022, Feb. 3, 2016

Act No. 13983, Feb. 3, 2016

Act No. 14026, Feb. 3, 2016

Act No. 14262, May 29, 2016

Act No. 14355, Dec. 2, 2016

Act No. 14476, Dec. 27, 2016

Act No. 14835, Apr. 18, 2017

Act No. 15277, Dec. 19, 2017

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of public health by preventing sanitary risk caused by foods, promoting the qualitative improvement of food nutrition and giving accurate information on foods.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10787, Jun, 7, 2011; Act No. 11819, May 22, 2013; Act No. 11986, Jul. 30, 2013; Act No. 13201, Feb. 3, 2015; Act No. 14022, Feb. 3, 2016; Act No. 14835, Apr. 18, 2017>

1. The term "foods" means all types of foods and beverages (excluding food and beverage taken as medicine);
2. The term "food additives" means substances used in foods for the purpose of sweetening, coloring, bleaching or antioxidation in the process of manufacturing, processing, cooking or preserving foods. In such cases, the food additives shall include

- materials used in sterilizing or disinfecting apparatus, containers or packages, which may be transmitted to foods in an indirect manner;
3. The term "chemical synthetics" means materials obtained by chemical reactions, other than a degradation reaction to elements or compounds through chemical means;
 4. The term "apparatus" means machines or utensils which come into direct contact with foods or food additives, or other goods (excluding machines, utensils or other goods used for collecting foods in agriculture or fisheries, and hygiene supplies under subparagraph 1 of Article 2 of the Hygiene Products Control Act), and which fall under any of the following:
 - (a) Goods used for eating or packing foods;
 - (b) Goods used for collecting, manufacturing, processing, cooking, storing, subdividing (referring to dividing complete products and repackaging such products for distribution; hereinafter the same shall apply), transporting or displaying foods or food additives;
 5. The term "containers and packages" means goods used for packing or wrapping foods or food additives, which are delivered with foods and food additives;
 6. The term "risk" means harmful factors existing in foods, food additives, apparatus, containers or packages, which cause or are likely to cause risk on human bodies;
 7. The term "labels" means characters, figures or diagrams labelled on foods, food additives, apparatus, containers or packages;
 8. The term "nutrition labelling" means labelling of nutrition information, such as the quantity of nutrients contained in foods;
 9. The term "business" means collecting, manufacturing, processing, cooking, storing, subdividing, transporting or selling foods or food additives, or manufacturing, transporting or selling (excluding business of collecting foods belonging to the agriculture or fishery industry) apparatus, containers or packages;
 10. The term "business operator" means a person who has obtained a business license under Article 37 (1), who has filed business notification under Article 37 (4), or who has made business registration under paragraph 5 of the same Article;
 11. The term "food sanitation" means the sanitation related to foods, food additives, apparatus, containers or packages;
 12. The term "meal service facilities" means the facilities that provide meals to many and specified persons without seeking profits, which are cafeterias of the following facilities, and which are prescribed by Presidential Decree:
 - (a) Dormitories;
 - (b) Schools;
 - (c) Hospitals;
 - (d) Social welfare facilities under subparagraph 4 of Article 2 of the Social Welfare Services Act;
 - (e) Industrial enterprises;
 - (f) The State, local governments, and public institutions under Article 4 (1) of the Act on the Management of Public Institutions;
 - (g) Other welfare institutions, etc.;
 13. The term "food traceability" means following up foods that show safety issues and

managing such foods to investigate the causes of safety problems and take necessary measures by recording and managing information on foods at each stage of production, processing and distribution;

14. The term "food poisoning" means any infectious or toxic disease that breaks out or is deemed to have broken out by any microbe or toxic substance harmful to the human body as a consequence of taking in food;
15. The term "menu of a meal service facility" means a meal serving plan prepared in consideration of the names, ingredients, nutritional contents, preparation methods, preparation personnel of foods according to the nutrition standards for groups that will have the meals.

Article 3 (Handling Foods, etc.)

- (1) Any person shall collect, manufacture, process, use, cook, store, subdivide, transport or display foods or food additives for the purpose of sale (including offering such foods or food additives to many, unspecified persons for purposes, other than sale; hereinafter the same shall apply) in a clean and sanitary manner.
- (2) Apparatus, containers and packages used for business purpose shall be handled cleanly and sanitarily.
- (3) Criteria for sanitary handling of foods, food additives, apparatus, containers or packages (hereinafter referred to as "food, etc.") as referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

CHAPTER II FOODS AND FOOD ADDITIVES

Article 4 (Prohibition against Sale, etc. of Harmful Foods, etc.)

No one shall sell, collect, manufacture, import, process, use, cook, store, subdivide, transport or display any of the following foods, etc. for the purpose of sale: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13201, Feb. 3, 2015; Act No. 14022, Feb. 3, 2016>

1. Rotten, stale or unripe foods, which are likely to harm a human body;
2. Foods that contain or are likely to contain poisonous or harmful substances, or are smeared or are likely to be smeared with such substances: Provided, That foods that are deemed not to cause any harm to human body by the Minister of Food and Drug Safety are excluded herefrom;
3. Foods that are or may be contaminated with microbes causing diseases, which are likely to cause harm to a human body;
4. Foods that are likely to harm a human body due to their uncleanness, other substances mixed with or added to such foods or other grounds;
5. Foods which have failed to undergo safety examination, among agricultural, livestock or fishery products subject to safety examination under Article 18 or foods that are deemed to be inedible as a result of safety examination;
6. Foods, the import of which is prohibited, or foods imported without making an import declaration under Article 20 (1) of the Special Act on Imported Food Safety Control;
7. Foods that are manufactured, processed or subdivided by persons, other than business operators.

Article 5 (Prohibition against Sale, etc. of Meat, etc. Affected by Diseases)

No one shall sell, as food, meat, bones, milk, organs or blood of animals which have contracted or are likely to contract diseases prescribed by Ordinance of the Prime

Minister or animals which died of such diseases, or collect, import, process, use, cook, store, subdivide, transport or display them for the purpose of sale. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 6 (Prohibition against Sale, etc. of Chemical Synthetics, etc., Standards and Specifications which are not Prescribed)

No one shall engage in any of the following acts: Provided, That the same shall not apply to cases that are deemed not to cause any harm to a human body by the Minister of Food and Drug Safety through a deliberation by the Food Sanitation Deliberation Committee under Article 57 (hereinafter referred to as the "Deliberation Committee"): <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

1. Using additives that are chemical synthetics, standards and specifications of which are not prescribed pursuant to Article 7 (1) and (2), and substances containing such chemical synthetics as food additives;
2. Selling foods containing food additives under subparagraph 1 or manufacturing, importing, processing, using, cooking, storing, subdividing, transporting or displaying such foods for sale.

Article 7 (Standards and Specifications concerning Foods or Food Additives)

(1) The Minister of Food and Drug Safety shall determine and publicly announce the following matters concerning foods or food additives for sale, if necessary for public health: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

1. Standards for manufacturing, processing, using, cooking or storing foods or food additives;
2. Specifications for ingredients of foods or food additives.

(2) The Minister of Food and Drug Safety may require a person who intends to obtain approval of standards and specifications of foods or food additives the standards and specifications of which are not publicly announced pursuant to paragraph (1) to submit matters under each subparagraph of paragraph (1), and recognize such matters as the standards and specifications of such foods or food additives, until the standards and specifications under paragraph (1) are publicly announced, subject to the review by an institution specializing in food testing and inspection designated by the Minister of Food and Drug Safety pursuant to Article 6 (3) 1 of the Act on Testing and Inspection in the Food and Drug Industry or by a testing and inspection institution prescribed by Presidential Decree pursuant to the proviso to paragraph (4) of the aforementioned Article. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013; Act No. 14022, Feb. 3, 2016>

(3) Notwithstanding paragraphs (1) and (2), the standards and specifications for foods or food additives to be exported may follow the standards and specifications stipulated by importers.

(4) Foods or food additives, the standards and specifications for which are determined under paragraphs (1) and (2) shall be manufactured, imported, processed, used, cooked or preserved in accordance with such standards, and no one shall sell foods or food additives, which fail to meet such standards and specifications, or manufacture, import, process, use, cook, store, subdivide, transport, preserve or display such foods or food additives for sale.

Article 7-2 (Illustrations of Recommended Specifications, etc.)

- (1) Where the Minister of Food and Drug Safety deems that foods, etc. for sale, for which standards and specifications mentioned in Articles 7 and 9 have not been determined, might cause harm to the national health and thus require preventative measures, he/she may present specifications for recommending safe management of the allegedly harmful ingredients, etc. (hereinafter referred to as "recommended specifications") until the relevant standards and specifications are determined.
<Amended by Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Food and Drug Safety shall present recommended specifications pursuant to paragraph (1) in consideration of the specifications stipulated by the Codex Alimentarius Commission and other countries as well as similar ingredients, the specifications for which have already established in other foods, etc., subject to deliberation by the Deliberation Committee. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Food and Drug Safety may require business operators to comply with the recommended specifications under paragraph (1); where any business operator fails to comply therewith, he/she may disclose such fact. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 7-3 (Request, etc. for Establishment of Residue Limit Standards of Pesticides, etc.)

- (1) Any person who needs the establishment of residue limit standards of pesticides under the Pesticide Control Act that remain on or in food, or veterinary drugs under the Pharmaceutical Affairs Act shall file an application with the Minister of Food and Drug Safety.
- (2) Any person who intends to establish residue limit standards of pesticides on imported food and veterinary drugs may request the Minister of Food and Drug Safety to establish such standards by submitting related data.
- (3) Where the Minister of Food and Drug Safety establishes residue limit standards in accordance with a request under paragraph (1), he/she may request the heads of related administrative agencies to provide cooperation, such as the provision of data. In such cases, the heads of related administrative agencies who have received a request shall comply therewith unless extenuating circumstances exist.
- (4) Detailed matters concerning procedures and methods for filing an application, the scope of data to be submitted, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 11985, Jul. 30, 2013]

Article 7-4 (Management Plans, etc. of Standards and Specifications of Foods, etc.)

- (1) The Minister of Food and Drug Safety may formulate and promote a master plan for management of standards and specifications of foods, etc. (hereinafter referred to as "management plan") every five years, subject to consultations with the heads of related central administrative agencies and deliberation by the Deliberative Committee.
<Amended by Act No. 14022, Feb. 3, 2016>
- (2) A management plan shall include the following:
1. Basic objectives and directions for implementation of the management of standards and specifications of foods, etc.;
 - 2.

- Evaluation of the amount of exposure of foods, etc. to harmful substances;
3. A plan for appropriate management of the total amount of exposure of foods, etc. to harmful substances;
 4. Matters concerning reevaluation of standards and specifications of foods, etc.;
 5. Other necessary matters concerning the management of standards and specifications of foods, etc.
- (3) In order to implement a management plan, the Minister of Food and Drug Safety shall formulate an action plan for management of standards and specifications of foods, etc. (hereinafter referred to as "action plan") every year in consultation with the heads of related central administrative agencies.
- (4) When necessary to formulate and implement a management plan and an action plan, the Minister of Food and Drug Safety may request the heads of related central administrative agencies and local governments to provide cooperation. In such cases, the heads of related central administrative agencies, etc. that are requested to provide cooperation shall comply therewith unless extenuating circumstances exist.
- (5) The types of harmful substances subject to the evaluation and management of the amount of exposure included in a management plan, and matters necessary for the formulation, implementation, etc. of a management plan and an action plan shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 12719, May 28, 2014]

Article 7-5 (Reevaluation, etc. of Standards and Specifications of Foods, etc.)

- (1) The Minister of Food and Drug Safety shall reevaluate standards and specifications pertaining to foods, etc. in accordance with a management plan in a periodic manner.
- (2) Necessary matters concerning objects, methods of and procedures for reevaluation under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 12719, May 28, 2014]

CHAPTER III APPARATUS, CONTAINERS AND PACKAGES

Article 8 (Prohibition against Sale and Use of Poisonous Apparatus, etc.)

No one shall sell apparatus, containers or packages containing or tainted with poisonous or harmful materials, which are likely to cause harm to human bodies, or apparatus, containers or packages, which cause harm to human bodies when they are in contact with foods or food additives, or manufacture, import, store, transport, display such apparatus, containers or packages for sale or use them for business.

Article 9 (Standards and Specifications concerning Apparatus, Containers and Packages)

- (1) The Minister of Food and Drug Safety shall determine and publicly announce the following matters concerning apparatus, containers and packages sold or used for business, when necessary for public health: <Amended by Act No. 11690, Mar. 23, 2013>
 1. Standards for manufacturing methods;
 2. Specifications for apparatus, containers, packages and the raw materials thereof.
- (2) The Minister of Food and Drug Safety may require a person who intends to obtain approval of standards and specifications of apparatus, containers or packages, the standards and specifications of which are not publicly announced under paragraph (1), to submit matters falling under each subparagraph of paragraph (1), and recognize such matters as the standards and specifications for the relevant apparatus, containers

and packages, until the standards and specifications under paragraph (1) are publicly announced, subject to the review by an institution specializing in food testing and inspection designated by the Minister of Food and Drug Safety pursuant to Article 6 (3) 1 of the Act on Testing and Inspection in the Food and Drug Industry or by a testing and inspection institution prescribed by Presidential Decree pursuant to the proviso to paragraph (4) of the aforementioned Article. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013; Act No. 14022, Feb. 3, 2016>

- (3) Notwithstanding paragraphs (1) and (2), the standards and specifications for apparatus, containers and packages to be exported may follow the standards and specifications stipulated by importers.
- (4) Apparatus, containers and packages, the standards and specifications for which are determined under paragraphs (1) and (2), shall be manufactured, in accordance with such standards, and no one shall sell apparatus, containers and packages that fail to meet such standards and specifications, or manufacture, import, store, transport, display such apparatus, containers and packages for sale or use them for business.

CHAPTER IV LABELING

Article 10 (Standards for Labeling)

- (1) The Minister of Food and Drug Safety may prescribe and publicly announce standards for the following labeling, if necessary for public health: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
1. Labeling of foods or food additives for sale;
 2. Labeling of apparatus, containers and packages, the standards and specifications for which are determined under Article 9 (1);
 3. Deleted. <by Act No. 10787, Jun. 7, 2011>
- (2) No one shall sell foods, etc., the labelling standards for which are determined under paragraph (1), or import, display or transport such foods, etc. for sale, or use them for business, when they fail to be labelled in accordance with such standards.
- (3) Standards for labeling under paragraph (1) 1 shall include the following: <Newly Inserted by Act No. 14022, Feb. 3, 2016>
1. Product name, net weight, the names of raw materials, the name and location of the place of business;
 2. Directions for the safety of consumers;
 3. Date of manufacture, shelf life or use by date;
 4. Other matters prescribed by Ordinance of the Prime Minister, which are matters required to be labeled to prevent mistake or confusion of consumers for foods or food additives.
- (4) Standards for labeling under paragraph (1) 2 shall include the following: <Newly Inserted by Act No. 14022, Feb. 3, 2016>
1. Quality of materials, the name and location of the place of business;
 2. Directions for the safety of consumers;
 3. Other matters prescribed by Ordinance of the Prime Minister, which are matters required to be labeled to prevent mistake or confusion of consumers for the relevant apparatus, containers or packaging.

Article 11 (Food Nutrition Labelling)

- (1)The Minister of Food and Drug Safety may determine and publicly announce standards for the nutrition labelling of foods prescribed by Ordinance of the Prime Minister.
<Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (2)When a person who engages in manufacturing, processing, subdividing or importing foods sells, imports, displays, transports or uses for business foods, he/she shall comply with standards for nutrition labelling determined under paragraph (1).
- (3)The Minister of Food and Drug Safety shall provide education and publicity to enable nationals to utilize nutrition labelling under paragraph (1) in their dietary life.
<Amended by Act No. 11690, Mar. 23, 2013>

Article 11-2 (Indication, etc. of Compared Sodium Content)

- (1)A business operator who manufactures or processes foods, or imports or sells foods pursuant to the Special Act on Imported Food Safety Control shall indicate sodium content in foods prescribed by Ordinance of the Prime Minister in comparison with sodium content in identical or similar foods using colors and shapes so that consumers may easily recognize sodium content.
- (2)The Minister of Food and Drug Safety shall prescribes and announces standards, methods, etc. for indicating compared sodium content under paragraph (1).

[This Article Newly Inserted by Act No. 13332, May 18, 2015]

Article 12 Deleted. <by Act No. 10022, Feb. 4, 2010>

Article 12-2 (Labelling of Genetically Modified Foods, etc.)

- (1)Foods or food additives that are manufactured or processed with agricultural products, livestock products, fishery products, etc. cultivated or bred by utilizing biological engineering technologies falling under any of the following as their raw materials (hereinafter referred to as "genetically modified foods, etc.") shall be labelled as genetically modified foods: Provided, That the foregoing shall be limited to genetically modified foods, etc. in which genetically engineered DNA (Deoxyribonucleic acid) or genetically engineered protein remains after the manufacturing or processing thereof:
<Amended by Act No. 14022, Feb. 3, 2016>

1. Technologies that artificially recombine genes or directly inject nucleic acids forming genes into cells or organelles within cells;
 2. Cell fusion technology beyond a family on the basis of taxonomy.
- (2)Genetically modified foods, etc. that are required to be labelled pursuant to paragraph (1) shall not be sold, or imported, displayed, transported or used for business for sale unless they have been labeled. <Amended by Act No. 14022, Feb. 3, 2016>
- (3)Matters necessary for persons that are obliged to label, objects and methods for labelling, etc. pursuant to paragraph (1) shall be determined by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 12-3 (Deliberation on Labels and Advertisements)

- (1)Any person who intends to place a label or advertisement on foods prescribed by Presidential Decree, such as infant foods and specially designed foods for weight control, shall undergo deliberation according to the criteria, methods and procedures for deliberation on food labels and advertisements as determined by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>
- (2)The Minister of Food and Drug Safety may entrust an institution or organization

prescribed by Presidential Decree with its duties concerning prior deliberation on food labels and advertisements pursuant to paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 12-4 (Filing Objections with Regard to Deliberations on Advertisements)

- (1) Any person dissatisfied with the results of deliberation under Article 12-3 (1) may file an objection to the Minister of Food and Drug Safety within one month of the date he/she is notified of the results of deliberation. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Upon receipt of an objection filed under paragraph (1), the Minister of Food and Drug Safety shall review the case at issue through consultations with the Deliberation Committee and notify the claimant of the results thereof. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Matters necessary for methods and procedures for, and operation of filing an objection pursuant to paragraphs (1) and (2) shall be determined by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 13 (Prohibition against False Labelling, etc.)

- (1) No one shall place any of the following false labels, exaggerated or slanderous advertisements with regard to the names, manufacturing methods, quality, nutrition facts of foods, etc., the labeling of genetically modified foods, etc. and food traceability or offer exaggerated packaging. The same shall also apply to the nutritional value, raw materials, ingredients or use of foods or food additives: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11000, Aug. 4, 2011; Act No. 14022, Feb. 3, 2016>
1. Labels or advertisements that may lead to misconception or confusion that such foods, etc. are valuable or effective in preventing or treating diseases or that such foods, etc. are medicine or functional foods for health;
 2. Labels or advertisements that are not true or exaggerated;
 3. Labels or advertisements that are likely to deceive or mislead consumers;
 4. Advertisements that slander other enterprises or their products;
 5. Labels or advertisements that have not undergone deliberation under Article 12-3 (1) or the details of which are different from those passed a deliberation.
- (2) The scope of false labels, exaggerated advertisements, slanderous advertisements and exaggerated packaging under paragraph (1) and other necessary matters shall be determined by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

CHAPTER V CODE OF FOODS, ETC.

Article 14 (Code of Foods, etc.)

The Minister of Food and Drug Safety shall formulate and distribute the code of foods, etc., including the following standards: <Amended by Act No. 11690, Mar. 23, 2013>

1. Standards and specifications of foods or food additives, which are determined under Article 7 (1);
2. Standards and specifications of apparatus, containers or packages, which are determined under Article 9 (1);
3. Labelling standards for foods, etc. which are determined under Article 10 (1).

CHAPTER VI INSPECTIONS, ETC.

Article 15 (Risk Assessment)

- (1) When foods, etc. that are likely to cause a risk and has been known to contain harmful materials in Korea and overseas, are suspected to fall under the category of foods, etc. under Article 4 or 8, the Minister of Food and Drug Safety shall swiftly assess the risk of such foods, etc. and determine whether such foods, etc. are harmful. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Food and Drug Safety may temporarily prohibit business operators from selling foods, etc., for which preventive measures are required for public health, or collecting, manufacturing, importing, processing, using, cooking, storing, subdividing, transporting or displaying such foods, etc. for sale until risk assessment under paragraph (1) is completed: Provided, That he/she shall take such prohibitive measures, when he/she deems that foods, etc. have caused or are likely to cause imminent harm to public health. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Where the Minister of Food and Drug Safety intends to take temporary prohibitive measures under paragraph (2), he/she shall undergo a prior deliberation and resolution by the Deliberation Committee: Provided, That in urgent need of prohibitive measures due to the probability of imminent harm to public health, he/she may take such prohibitive measures, and then undergo a deliberation and resolution by the Deliberation Committee. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) When the Deliberation Committee makes a deliberation under the main sentence of or proviso to paragraph (3), it shall consider the opinions of interested persons prescribed by Presidential Decree.
- (5) The Minister of Food and Drug Safety shall promptly cancel temporary prohibitive measures under paragraph (2) taken against foods, etc. deemed not to cause a risk to public health as a result of a risk assessment under paragraph (1) or ex post facto deliberation and resolution of the Deliberation Committee under the proviso to paragraph (3). <Amended by Act No. 11690, Mar. 23, 2013>
- (6) The scope, methods or procedures for a risk assessment under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 15-2 (Publication of Outcomes, etc. of Risk Assessment)

- (1) The Minister of Food and Drug Safety may publish matters concerning the results of a risk assessment under Article 15. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Where certain foods are suspected of causing a risk or publication of a risk-related fact is scheduled and thus a risk assessment under Article 15 is required, the head of a central administrative agency, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor"), the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply), or the head of a public institution prescribed by Presidential Decree shall inform in advance the Minister of Food and Drug Safety of the fact and consult with him/her thereon. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (3) Matters necessary for publication under paragraph (1), such as methods for

publication, shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 16 (Request for Sanitary Inspection, etc. by Consumers, etc.)

(1) Where more than a specified number of consumers or consumer organizations prescribed by Presidential Decree or testing and inspection institutions prescribed by Ordinance of the Prime Minister among those under Article 6 of the Act on Testing and Inspection in the Food and Drug Industry request the Minister of Food and Drug Safety (including the head of an agency under his/her authority prescribed by Presidential Decree; hereafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu to have access to, conduct an inspection, perform collection, etc. (hereinafter referred to as "sanitary inspection, etc." in this Article) of foods, etc. or business facilities pursuant to Article 22, he/she shall comply with such request: Provided, That the foregoing shall not apply to any of the following cases: <Amended by Act No. 11690, Mar. 23, 2013; Act Nos. 11985 & 11986, Jul. 30, 2013>

1. Where the same consumer, consumer organization or testing and inspection institution repeatedly requests the same sanitary inspection, etc. for the purpose of obstructing the business operation of a specific business operator;
2. Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu deems that it is impossible to conduct a sanitary inspection, etc., due to technology, facilities, financial resources or other grounds.

(2) Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu complies with a request for sanitary inspection, etc. pursuant to paragraph (1), he/she shall conduct a sanitary inspection, etc. within 14 days and notify the consumer, consumer organization or testing and inspection institution that has filed such request of the outcomes of the sanitary inspection, etc., as prescribed by Presidential Decree, and post the said outcomes on the Internet. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act Nos. 11985 & 11986, Jul. 30, 2013>

(3) Requirements or procedures for requests for sanitary inspections, etc. and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Urgent Measures against Harmful Foods, etc.)

(1) When foods, etc. sold or foods, etc. collected, manufactured, imported, processed, cooked, stored, subdivided or transported (hereinafter referred to as "manufacturing, sale, etc." in this Article) for sale fall under any of the following subparagraphs, the Minister of Food and Drug Safety shall take urgent measures against such foods, etc. and necessary measures: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

1. When the probability of risks to foods, etc. is raised in Korea or overseas, on the basis of scientific grounds prescribed by Ordinance of the Prime Minister;
2. When foods, etc. have caused or are likely to cause serious risks to public health, as prescribed by Presidential Decree.

(2) The details of urgent measures under paragraph (1) shall include the following matters:

1. Types of the relevant foods, etc.;

- 2.Types and levels of risks to human health by the relevant foods, etc.;
 - 3.Matters concerning prohibitions against manufacturing, sale, etc. under paragraph (3), when such prohibitions are needed;
 - 4.Matters concerning education or publicity for consumers, including taking urgent measures;
 - 5.Other matters necessary for preventing a risk to foods, etc. or stopping the spread thereof.
- (3)The Minister of Food and Drug Safety shall prohibit manufacturing, sale, etc. of foods, etc., which are deemed to require urgent measures under paragraph (1), until he/she confirms whether such foods, etc. are harmful. <Amended by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>
- (4)No business operator shall manufacture or sell foods, etc. under paragraph (3).
- (5)When the Minister of Food and Drug Safety intends to prohibit manufacturing, sale, etc. under paragraph (3), he/she shall consider the opinions of interested persons prescribed by Presidential Decree in advance. <Amended by Act No. 11690, Mar. 23, 2013>
- (6)Any business operator may request the Minister of Food and Drug Safety to cancel, fully or partially, the relevant prohibition measures, as prescribed by Presidential Decree, when he/she files an objection against prohibition measures under paragraph (3). <Amended by Act No. 11690, Mar. 23, 2013>
- (7)The Minister of Food and Drug Safety shall cancel, fully or partially, prohibition measures under paragraph (3), when he/she deems that foods, etc. have not caused or are not likely to cause a risk to public health. <Amended by Act No. 11690, Mar. 23, 2013>
- (8)Where information concerning foods deemed to cause or be likely to cause imminent harm to public health shall be promptly notified to the public, and when it falls under any of the requirements prescribed by Presidential Decree, the Minister of Food and Drug Safety may request a broadcasting business operator prescribed by Presidential Decree, who falls under subparagraph 3 of Article 2 of the Broadcasting Act, to quickly broadcast such information or request a key telecommunications business operator prescribed by Presidential Decree, who falls under Article 5 of the Telecommunications Business Act, to promptly send a text or voice message that states such information to nationals. <Amended by Act No. 11690, Mar. 23, 2013>
- (9)Upon receipt of a request under paragraph (8), a broadcasting business operator or a key telecommunications business operator shall comply with such request unless extenuating circumstances exist to the contrary.

Article 18 (Safety Examination, etc. of Genetically Modified Foods, etc.)

- (1)In cases prescribed by Presidential Decree, in which cases a person who imports, develops or manufactures genetically modified foods, etc. for the purpose of eating imports genetically modified food, etc. for the first time, he/she shall undergo a safety examination of the relevant foods, etc. by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (2)The Minister of Food and Drug Safety shall establish the Safety Examination Committee (hereinafter referred to as the "Safety Examination Committee") at the

Ministry of Food and Drug Safety, so as to examine the safety of genetically modified foods, etc. under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

(3) Necessary matters concerning the organization, functions or operation of the Safety Examination Committee shall be prescribed by Presidential Decree. <Amended by Act No. 14022, Feb. 3, 2016>

(4) Foods, etc. subject to safety examination under paragraph (1), the scope of data submitted for safety examination and procedures for examination, etc. shall be determined and publicly announced by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

Articles 19 through 19-3 Deleted. <by Act No. 13201, Feb. 3, 2015>

Article 19-4 (Inspection Orders, etc.)

(1) The Minister of Food and Drug Safety may order business operators that gather, manufacture, process, use, cook, store, subdivide, transport or display any of the following foods, etc. to undergo inspections conducted by an institution specializing in food testing and inspection under Article 6 (3) 1 of the Act on Testing and Inspection in the Food and Drug Industry or an overseas testing and inspection institution under Article 8 of the aforementioned Act (hereinafter referred to as "inspection order"): Provided, That any related data, etc. may be substituted for such inspection where the Minister of Food and Drug Safety acknowledges that hazardous ingredients cannot be detected through an inspection: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013; Act No. 13201, Feb. 3, 2015>

1. Foods, etc. from which hazardous substances are detected at home and abroad;

2. Deleted; <by Act No. 13201, Feb. 3, 2015>

3. Other foods, etc. over which concern that such foods, etc. might cause harm is or was raised at home and abroad.

(2) Business operators in receipt of an inspection order shall undergo an inspection within the inspection period determined by Ordinance of the Prime Minister, or submit related data, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Detailed matters pursuant to paragraphs (1) and (2), such as the extent of foods, etc. subject to an inspection order and related data shall be determined and publicly announced by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10787, Jun. 7, 2011]

Article 20 Deleted. <by Act No. 13201, Feb. 3, 2015>

Article 21 (Prohibition against Import, Sale, etc. of Specific Foods, etc.)

(1) Where foods, etc. that are collected, manufactured, processed, used, cooked or stored in a specific nation or region are found to or are likely to be harmful in such nation or region, the Minister of Food and Drug Safety may prohibit importing or selling such foods, etc. or manufacturing, processing, using, cooking, storing, subdividing, transporting or displaying such foods, etc. for sale. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where poisonous or harmful materials prescribed in subparagraph 2 of Article 4 are detected in foods, etc. after hazard evaluations under Article 15 (1) or inspections

under Article 21 (1) of the Special Act on Imported Food Safety Control, the Minister of Food and Drug Safety shall prohibit importing such foods, etc.: Provided, That the same shall not apply where the Minister of Food and Drug Safety deems that foods, etc. do not cause any harm to human body. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13201, Feb. 3, 2015>

- (3)Where the Minister of Food and Drug Safety intends to take prohibitive measures under paragraphs (1) and (2), he/she shall consider the opinions of the heads of the relevant central administrative agencies in advance, and undergo a deliberation and resolution by the Deliberation Committee: Provided, That in urgent need of prohibitive measures due to the probability of imminent harm to public health, he/she may take such prohibitive measures, and then undergo a deliberation and resolution by the Deliberation Committee. <Amended by Act No. 11690, Mar. 23, 2013>
- (4)Where the Deliberation Committee makes a deliberation under the main body of and proviso to paragraph (3), interested persons prescribed by Presidential Decree may attend a meeting of the Deliberation Committee to state their opinions or present their written opinions.
- (5)Where foods, etc., the import or sale of which is prohibited under paragraphs (1) and (2) are recognized to cause no harm to a human body, the Minister of Food and Drug Safety may cancel all or some of prohibitive measures under paragraphs (1) and (2), either ex officio or upon requests of an interested nation or a business operator who has imported such foods, etc., after undergoing a deliberation and resolution by the Deliberation Committee. <Amended by Act No. 11690, Mar. 23, 2013>
- (6)Where the Minister of Food and Drug Safety takes prohibitive measures under paragraphs (1) and (2) or cancels such measures under paragraph (5), he/she shall publicly announce such fact. <Amended by Act No. 11690, Mar. 23, 2013>
- (7)Where a business that manufactures foods, etc., the import or sale of which is prohibited under paragraphs (1) and (2), an interested nation or a business operator who has imported such foods, etc. ascertain the causes of harm or suggest improvement measures, the Minister of Food and Drug Safety may cancel all or some of prohibitive measures under paragraphs (1) and (2). In such cases, he/she may conduct a field investigation, where necessary for checking whether such improvement measures are taken. <Amended by Act No. 11690, Mar. 23, 2013>

Article 22 (Visits, Inspections, Collection, etc.)

- (1)The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may take the following measures, where necessary for preventing harm caused by foods, etc., managing sanitation or maintaining business order: <Amended by Act No. 9692, May 21, 2009; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013>

1. Requesting a business operator or other related persons to submit necessary documents or data;
2. Ordering the relevant public officials to take any of the following measures, such as visit, inspections or collection:
 - (a) Inspecting foods, etc. for sale or business, or business facilities, etc. by visiting places

- of business (including offices, warehouses, factories, storage places, selling places or other places similar thereto);
- (b)Collecting the minimum amounts of foods, etc. necessary for inspections under item (a) without any consideration;
- (c)Inspecting books or documents related to business.
- (2)Where it is necessary for a Mayor/Do Governor or the head of a Si/Gun/Gu to effectively prevent sanitation-related harm caused by foods, etc., while conducting the visit, inspection, collection, etc. under paragraph (1), the Minister of Food and Drug Safety may request the heads of the relevant administrative agencies, other Mayors/Do Governors or the heads of Sis/Guns/Gus to assist the performance of administrative duties. In such cases, upon receipt of a request for assistance, the heads of the relevant administrative agencies, Mayors/Do Governors or the heads of Sis/Guns/Gus shall comply with such request, unless extenuating circumstances exist to the contrary. <Amended by Act No. 11690, Mar. 23, 2013>
- (3)In cases under paragraphs (1) and (2), a public official who intends to have access, conduct inspections, perform collection or perusal shall carry a certificate indicating his/her authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to related persons. <Amended by Act No. 14022, Feb. 3, 2016>
- (4)Procedures for assistance to perform administrative duties under paragraph (2), methods of sharing expenses and other necessary matters shall be prescribed by Presidential Decree.

Article 22-2 Deleted. <by Act No. 13201, Feb. 3, 2015>

Article 23 (Reinspection of Foods, etc.)

- (1)Where, in the course of inspection of food, etc. pursuant to Article 22 or Article 21 or 25 of the Special Act on Imported Food Safety Control, the relevant food, etc. fails to meet standards or specifications for food, etc. under Article 7 or 9, the Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu shall notify the relevant business operator of the outcomes of such inspection, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13201, Feb. 3, 2015>
- (2)Where a business operator who has received a notification under paragraph (1) raises an objection against the outcome of an inspection, he/she may request the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu to reinspect foods, etc., along with a written inspection outcome or inspection certificate issued by a domestic or overseas inspection institution recognized by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (3)Upon receipt of a request for reinspection under paragraph (2), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall determine as to whether he/she will conduct a reinspection, as prescribed by Presidential Decree, and notify the relevant business operator of the outcome thereof. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>

(4) Deleted. <by Act No. 12719, May 28, 2014>

Articles 24 through 30 Deleted. <by Act No. 11985, Jul. 30, 2013>

Article 31 (Obligation of Self-Quality Inspection)

- (1) Any business operator who manufactures or processes foods, etc. shall inspect whether foods, etc. that have been manufactured or processed meet the standards and specifications under Article 7 or 9, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (2) Where it is inappropriate that a person who conducts the relevant business directly conducts an inspection under paragraph (1), the Minister of Food and Drug Safety or a Mayor/Do Governor may require a testing and inspection institution under Article 6 (3) 2 of the Act on Testing and Inspection in the Food and Drug Industry to conduct a self-quality inspection by entrusting it with such inspection. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013>
- (3) Where it is found through an inspection under paragraph (1) that the relevant foods, etc. violate Articles 4 through 6, Article 7 (4), 8 or 9 (4) and thus cause or are likely to cause harm to the national health, a business operator that directly conducts an inspection under paragraph (1) shall report to the Minister of Food and Drug Safety without delay. <Newly Inserted by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013>
- (4) The items and procedures for inspections under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 1873, Jun. 7, 2013; Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013>

Article 31-2 (Exemption from Obligations to Conduct Self-Quality Inspection)

Where a food service establishment adopting food safety management certification standards falls under the following subparagraphs under Article 48 (3), notwithstanding Article 31 (1), the Minister of Food and Drug Safety or each Mayor/Do Governor may exempt such food service establishment from self-quality inspection:

1. Where the food service establishment adopting food safety management certification standards under Article 48 (3) meets food safety management certification standards including inspection under Article 31 (1);
2. As a result of examination and evaluation under Article 48 (8), where the Minister of Food and Drug Safety deems the result thereof excellent, as prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 14022, Feb. 3, 2016]

Article 32 (Food Sanitation Supervisors)

- (1) Food sanitation supervisors shall be assigned to the Ministry of Food and Drug Safety (including affiliated organizations prescribed by Presidential Decree), the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, a Special Self-Governing Province (hereinafter referred to as "City/Do") or a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) to provide instruction concerning the duties of the relevant public officials under Article 22 (1) and food sanitation. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (2) Qualification, appointment, and the scope of duties of food sanitation supervisors

under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 33 (Customer Food Sanitation Supervisors)

- (1) The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may appoint, as customer food sanitation supervisors, persons recommended by the heads of the relevant organizations or persons with expertise about food sanitation, from among executives or employees of customer organizations registered under Article 29 of the Framework Act on Consumers. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The duties of customer food sanitation supervisors appointed under paragraph (1) (hereinafter referred to as "customer food sanitation supervisor") shall be as follows:
1. Checking the sanitation management of persons engaged in food service business (hereinafter referred to as "food service business operators") under Article 36 (1) 3;
 2. Submitting a report or providing related data to the competent administrative agency, where foods, etc. in circulation fail to meet labelling standards or violate the provisions concerning prohibition against false labelling or exaggerated advertisements;
 3. Supporting the collection and inspection of foods, etc. by food sanitation supervisors under Article 32;
 4. Other matters concerning food sanitation, prescribed by Presidential Decree.
- (3) No customer food sanitation supervisor shall abuse his/her authority, when performing his/her duties under each subparagraph of paragraph (2).
- (4) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu who has appointed customer food sanitation supervisors under paragraph (1), shall provide education necessary for the performance of duties to customer food sanitation supervisors. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Where customer food sanitation supervisors fall under any of the following subparagraphs, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall dismiss the relevant customer food sanitation supervisors: <Amended by Act No. 11690, Mar. 23, 2013>
1. Where they retire from or are dismissed by customer organizations that have recommended them;
 2. Where they commit unlawful acts or abuse their authority, with regard to duties under each subparagraph of paragraph (2);
 3. Where they are unable to perform their duties due to diseases or injuries.
- (6) Where a customer food sanitation supervisor intends to solely visit a food service business operator's place of business to perform duties under paragraph (2) 1, he/she shall obtain prior approval from the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu. <Amended by Act No. 11690, Mar. 23, 2013>
- (7) Where a customer food sanitation supervisor solely has access to a food service establishment of a food service operator after obtaining approval under paragraph (6), he/she shall carry with him/her a written statement of approval and a certificate proving his/her identity, and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of

inspection, and related Acts and subordinate statutes, and produce them to the relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>

(8)Qualification, the scope of duties or education of customer food sanitation supervisors and other necessary matters shall be prescribed by Presidential Decree.

Article 34 Deleted. <by Act No. 13277, Mar. 27, 2015>

Article 35 (Participation, etc. in Sanitary Inspection by Customers)

(1)Any business operators prescribed by Presidential Decree may undergo a sanitary inspection conducted by persons with expertise on food sanitation or persons recommended by the head of a consumer organization registered under Article 29 of the Framework Act on Consumers and determined by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>

(2)Where the findings of an inspection under paragraph (1) indicate that business operators meet the criteria prescribed by the Minister of Food and Drug Safety and pass the inspection, they may label or advertise such fact on foods, etc. that have been manufactured and processed at the relevant place of business, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

(3)The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection and collection under Article 22 at a place of business that has been inspected pursuant to paragraph (1) and is rated excellent by the Minister of Food and Drug Safety, for a specific period prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

(4)The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may have consumers who wish to participate in access, inspection, collection, etc. under Article 22 (1) participate therein and inspect sanitary conditions. <Newly Inserted by Act No. 11986, Jul. 30, 2013; Act No. 14022, Feb. 3, 2016>

(5)The timing, etc. of sanitary inspections under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 11986, Jul. 30, 2013>

CHAPTER VII BUSINESS

Article 36 (Criteria for Facilities)

(1)Any person who intends to engage in business falling under any of the following subparagraphs shall be equipped with facilities which meet the criteria for facilities prescribed by Ordinance of the Prime Minister: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

- 1.Manufacturing, processing, transporting, selling and preserving foods or food additives;
- 2.Manufacturing apparatus, containers or packages;
- 3.Providing food services.

(2)The detailed types and scope of business under each subparagraph of paragraph (1) shall be determined by Presidential Decree.

Article 37 (Business Licenses, etc.)

- (1) Any person who intends to engage in business prescribed by Presidential Decree, which falls under any of the subparagraphs of Article 36 (1), shall obtain a license from the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, by type of business or each place of business, as prescribed by Presidential Decree. The same shall apply to revisions to important matters prescribed by Presidential Decree in the license. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (2) The Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may attach necessary conditions to permission, when he/she grants a business license under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (3) Where any person who has obtained a business license under paragraph (1) discontinues business or revises insignificant matters, other than important matters under the latter part of paragraph (1) in a license, he/she shall submit a report to the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (4) Any person who intends to engage in business prescribed by Presidential Decree, which falls under any subparagraph of Article 36 (1), shall file a notification thereof with the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, by type of business or place of business. The same shall apply to revisions to important matters notified as prescribed by Presidential Decree, or to business closure. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (5) Any person who intends to engage in business prescribed by Presidential Decree, which falls under any of the subparagraphs of Article 36 (1), shall file business registration, by type of business or a place of business, with the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Presidential Decree, which shall also apply to revisions to important matters registered as prescribed by Presidential Decree: Provided, That business closure or revisions to insignificant matters excepting important matters as prescribed by Presidential Decree shall be notified to the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu. <Newly Inserted by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (6) Where any person who has obtained a business license or filed notification or registration to manufacture or process foods or food additives under paragraph (1), (4) or (5) manufactures or processes foods or food additives, he/she shall report such fact to the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister. The same shall apply to revisions to important matters notified as prescribed by Ordinance of the Prime Minister.

<Amended by Act No. 9932, Jan. 18, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

- (7) Where a business operator (limited to a person who has notified business under paragraph (4) or registered business under paragraph (5)) notifies business closure to the head of the competent tax office under Article 8 of the Value-Added Tax Act, or the head of the competent tax office cancels the registration of a business operator, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may cancel notified matters ex officio. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11873, Jun. 7, 2013; Act No. 14022, Feb. 3, 2016>
- (8) No person who closes his/her business pursuant to paragraphs (3) through (5) may file notification of business closure during the period of an administrative disciplinary measure under Articles 71 through 76, such as business suspension. <Newly Inserted by Act No. 10787, Jun. 7, 2011>
- (9) Where necessary for cancellation of registration on his/her own authority pursuant to paragraph (7), the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may request the head of the competent tax office to provide him/her with information about whether a business operator has closed his/her business. In such cases, the head of the competent tax office requested shall provide him/her with information about whether the business operator has closed his/her business pursuant to Article 39 of the Electronic Government Act. <Newly Inserted by Act No. 13277, Mar. 27, 2015; Act No. 14022, Feb. 3, 2016>
- Article 38 (Restrictions on Business Licenses, etc.)
- (1) In any of the following cases, no business license under Article 37 (1) shall be granted: <Amended by Act No. 12496, Mar. 18, 2014>
1. Where the relevant business facilities fail to meet the criteria for facilities under Article 36;
 2. Where a business operator intends to engage in the same type of business in the same place before six months have elapsed since the business license was canceled under Article 75 (1) or (2) (excluding cases where a business license was canceled due to a violation of Article 44 (2) 1 or a business license was canceled under Article 75 (1) 18): Provided, That the same shall not apply where a business license is canceled after all of business facilities are removed;
 3. Where a business operator intends to engage in a food service business under Article 36 (1) 3 in the same place before two years have elapsed since a business license was canceled due to a violation of Article 44 (2) 1 or a business license was canceled under Article 75 (1) 18;
 4. Where the same business operator (in cases of a corporation, including the representative thereof) intends to engage in the same type of business before two years have elapsed since the business license was canceled under Article 75 (1) or (2) (excluding cases where a business license was canceled due to a violation of Articles 4 through 6, 8 or 44 (2) 1 and a business license was canceled under Article 75 (1) 18);
 5. Where the same business operator (in case of a corporation, including the

- representative thereof) intends to engage in a food service business under Article 36 (1) 3 before three years have elapsed since a business license was canceled due to violation of Article 44 (2) 1 or a business license was canceled under Article 75 (1) 18;
6. Where the same business operator (in case of a corporation, including the representative thereof) intends to engage in the same type of business before five years have elapsed since a business license was canceled due to violation of Articles 4 through 6 or 8;
 7. Where it is deemed necessary to restrict a license of food service business under Article 36 (1) 3 that the Mayor/Do Governor designates and publicly announces for the purpose of public health;
 8. Where any person who intends to obtain a business license is an adult placed under the protection of a legal guardian, or was declared bankrupt and has not yet been reinstated;
- (2) In any of the following cases, no business notification under Article 37 (4) or business registration under Article 37 (5) shall be filed: <Amended by Act No. 10787, Jun. 7, 2011>
1. Where a business operator intends to engage in the same type of business in the same place before six months have elapsed since his/her registration was cancelled or an order to close down his/her place of business was issued under Article 75 (1) or (2) (excluding cases where an order to close down his/her place of business was issued due to a violation of Article 44 (2) 1, and such order was issued under Article 75 (1) 18): Provided, That the same shall not apply where his/her business is cancelled or an order to close down his/her place of business is issued after all of business facilities are removed;
 2. Where a business operator intends to engage in food service business under Article 36 (1) 3 in the same place before one year has elapsed since an order to close down his/her place of business was issued due to violation of Article 44 (2) 1, or such order was issued under Article 75 (1) 18;
 3. When the same business operator (in case of a corporation, including the representative thereof) intends to engage in the same type of business with the business subject to cancellation of registration or an order to close down his/her place of business, before two years have elapsed since his/her registration was cancelled or an order to close down his/her place of business was issued under Article 75 (1) or (2) (excluding cases where his/her registration was cancelled or an order to close down his/her place of business was issued due to a violation of Articles 4 through 6, Article 8 or 44 (2) 1 and such order was issued under Article 75 (1) 18);
 4. Where the same business operator (in case of a corporation, including the representative thereof) intends to engage in food service business under Article 36 (1) 3 before two years have elapsed since an order to close down his/her place of business was issued due to violation of Article 44 (2) 1 or such order was issued under Article 75 (1) 18;
 5. Where a business operator (in case of a corporation, including the representative thereof), for whom five years have not elapsed since his/her registration was cancelled or an order to close down his/her place of business was issued due to a violation of

Articles 4 through 6 or 8, intends to engage in the same type of business with the business subject to the cancellation of registration or the order to close down his/her place of business.

Article 39 (Succession to Business)

- (1) When a business operator transfers his/her business or dies, or the merger of corporations is carried out, the transferee, successor, a corporation surviving such merger or a corporation established after such merger shall succeed to the status of the relevant business operator.
- (2) A person who has acquired all of business facilities in accordance with procedures falling under any of the following shall succeed to the status of the relevant business operator. In such cases, the business license, registration, or notification granted or filed by the former business operator shall lose their effect: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 14022, Feb. 3, 2016>
 1. An auction under the Civil Execution Act;
 2. Realization under the Debtor Rehabilitation and Bankruptcy Act;
 3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
 4. Other procedures corresponding to procedures under subparagraphs 1 through 3.
- (3) A person who has succeeded to the status of the relevant business operator under paragraph (1) or (2) shall notify such fact to the Minister of Food and Drug Safety, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu within one month, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (4) With respect to succession under paragraphs (1) and (2), Article 38 shall apply mutatis mutandis: Provided, That the same shall not apply for three months since the date of succession, when any successor falls under Article 38 (1) 8.

Article 40 (Medical Examination)

- (1) A business operator and his/her employees prescribed by Ordinance of the Prime Minister shall undergo medical examination: Provided, That where they undergo the same medical examination as that prescribed by other Acts and subordinate statutes, they shall be deemed to have undergone medical examination under this Act. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (2) No person, who is recognized to have a disease likely to cause harm to third persons as a result of medical examination under paragraph (1), shall be engaged in the relevant business.
- (3) No business operator may order persons, who have failed to undergo medical examination, in violation of paragraph (1), or who have a disease likely to cause harm to third persons as a result of medical examination under paragraph (2), to work in the relevant business.
- (4) Methods of conducting medical examination under paragraph (1) and the types of diseases likely to cause harm to third persons under paragraphs (2) and (3) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 41 (Education on Food Sanitation)

- (1) Any person employed by a business operator prescribed by Presidential Decree or by a food service business operator who may employ entertainment workers shall receive education concerning food sanitation (hereinafter referred to as "education on food sanitation") each year.
- (2) Any person who intends to engage in business under any of the subparagraphs of Article 36 (1) shall receive education on food sanitation in advance: Provided, That when he/she is unable to receive such education in advance due to inevitable grounds, he/she may receive such education, as prescribed by the Minister of Food and Drug Safety, after starting business. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (3) When any person who shall receive education under paragraphs (1) and (2), does not directly engage in business or engages in business at not less than two places, a person in charge of food sanitation may be designated, from among employees, and receive education on behalf of a business operator: Provided, That where any cook or dietician (referring to a licensed dietician pursuant to Article 15 of the National Nutrition Management Act; hereinafter the same shall apply) working for meal service facilities is designated as a person in charge of food sanitation and receives education under the proviso to Article 56 (1), he/she shall be deemed to have received education on food sanitation of the relevant year under paragraphs (1) and (2). <Amended by Act No. 10191, Mar. 26, 2010>
- (4) Where any person who has obtained a license falling under any of the following intends to engage in food service business under Article 36 (1) 3, he/she need not receive education on food sanitation, notwithstanding paragraph (2): <Amended by Act No. 13277, Mar. 27, 2015; Act No. 13983, Feb. 3, 2016>
1. Cooking license under Article 53;
 2. Dietitian's license under Article 15 of the National Nutrition Management Act;
 3. Sanitarian's license under Article 6 (2) of the Public Health Control Act.
- (5) No business operator shall allow persons, who fail to receive education on food sanitation, to engage in the relevant business, unless extenuating circumstances exist to the contrary.
- (6) Necessary matters concerning the details or expenses of education and an institution providing education under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 42 (Reporting of Output)

- (1) Deleted. <by Act No. 14022, Feb. 3, 2016>
- (2) Any business operator who manufactures or processes foods or food additives shall report the output, etc. of foods or food additives manufactured to the Minister of Food and Drug Safety or a Mayor/D^o Governor, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

Article 43 (Restrictions on Business Operations)

- (1) Any Mayor/D^o Governor may restrict business hours or activities of food service business operators and their employees, when necessary for maintaining business

order and good custom.

(2) Details of restrictions under paragraph (1) shall be prescribed by Municipal Ordinance of the relevant City/Do, within the scope prescribed by Presidential Decree.

Article 44 (Matters to be Observed by Business Operators, etc.)

(1) Among persons who conduct business under any subparagraph of Article 36 (1), business operators prescribed by Presidential Decree and their employees shall comply with the following matters in accordance with types of business so as to control the sanitation of business, maintain order and improve the health and sanitation of the people: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016; Act No. 15277, Dec. 19, 2017>

1. No business operator shall transport, keep, display or sell livestock products which have not undergone inspection under Article 12 of the Livestock Products Sanitary Control Act or animals used for experiments, etc., or use such livestock products or animals for manufacturing or processing foods;

2. No business operator shall use or sell wildlife captured or gathered, in violation of the Wildlife Protection and Management Act, for manufacturing or processing foods;

3. No business operator shall subdivide, transport, display or keep products, foods or the raw materials thereof whose shelf life has expired for cooking or selling purposes, sell, or use such products, foods or materials for manufacturing or processing foods;

4. Where a business operator uses ground water, etc. which is not tap water as drinking water or for cooking foods, washing, etc., he/she shall use water recognized as fit for drinking after tested by a drinking water quality testing institution under Article 43 of the Drinking Water Management Act, as prescribed by Ordinance of the Prime Minister: Provided, That where two or more food service establishments use the same water source in the same building, the result of testing on one food service establishment may take the place of testing on the other food service establishments;

5. No business operator shall manufacture, process, sell, import, use and transport foods, etc. which have been temporarily prohibited until a risk assessment is completed pursuant to Article 15 (2);

6. Where food poisoning occurs, no business operator shall damage the site by discarding or disinfecting foods being kept or used until an epidemiological investigation is completed, and he/she shall preserve such foods in the original condition and shall not interfere with any act to investigate the cause of food poisoning;

7. No business operator shall tempt and solicit customers;

8. Other matters prescribed by Ordinance of the Prime Minister for the management of raw materials for business, manufacturing process, sanitary control, the maintenance of order, the promotion of health and hygiene of people, etc.

(2) No food service business operator shall commit any of the following acts against juveniles under Article 2 of the Juvenile Protection Act (hereinafter referred to as "juveniles" in this paragraph): <Amended by Act No. 11048, Sep. 15, 2011>

1. Having juveniles provide entertainment services by employing them as entertainment workers;

2. Employing juveniles in or giving them access to business establishments banned from employing juveniles or giving them access under subparagraph 5 (a) (iii) of Article 2 of

- the Juvenile Protection Act;
3. Employing juveniles in business establishments banned from employing juveniles under subparagraph 5 (b) (iii) of Article 2 of the Juvenile Protection Act;
 4. Providing alcoholic beverages to juveniles.
- (3) No person shall drink alcoholic beverages with customers, provide entertainment services (excluding performance by singers, musicians, dancers, chorus girls, etc.) which add to pleasure with songs or dance, or request a third person to provide such services at a place providing food services under Article 36 (1) 3 (excluding a place of business which may employ entertainment workers pursuant to Presidential Decree) for business purpose.
- (4) No food service business operator under paragraph (3) shall employ entertainment workers, help them find a job or solicit business.
- (5) Deleted. <by Act No. 13201, Feb. 3, 2015>
Article 45 (Recall of Harmful Foods, etc.)
- (1) Any business operator who has manufactured, processed, subdivided, imported or sold food, etc. for sale (including an importer or dealer of imported food registered pursuant to Article 15 of the Special Act on Imported Food Safety Control; hereinafter the same shall apply in this Article) shall recall the relevant foods, etc. in circulation without delay or take measures necessary for recalling such foods, etc., when he/she become aware that the relevant foods, etc. violate Articles 4 through 6, Article 7 (4), 8, 9 (4), 10 (2), 12-2 (2) or 13 (excluding violations not related to harmful foods, etc.). In such cases, such business operator shall report a plan for such recall to the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu in advance, and the Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receipt of reports on the outcomes of such recall, report such outcomes to the Minister of Food and Drug Safety, without delay: Provided, That where the relevant food, etc. is food, etc. imported pursuant to the Special Act on Imported Food Safety Control, and a person liable to make a report is an importer of the relevant food, etc., he/she shall report to the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13201, Feb. 3, 2015; Act No. 14022, Feb. 3, 2016>
- (2) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may exempt a business operator, who faithfully implement measures necessary for recall under paragraph (1), from administrative disposition under Article 75 or 76 due to the relevant foods, etc., as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Necessary matters concerning foods, etc. subject to recall under paragraph (1), plans or procedures for recall and reports on the outcomes of recall, etc. shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- Article 46 (Reporting on Detection of Foreign Substances in Foods, etc.)
- (1) Where a business operator who has manufactured, processed, subdivided, imported or sold foods, etc. for sale receives a notification from consumers on the detection of substances (hereinafter referred to as "foreign substances"), other than raw materials or ingredients normally used in the process of manufacturing, processing, cooking or

distributing foods, which are likely to cause harm to sanitation in the process of ingestion, or which are not suitable for ingestion, report such fact to the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu, without delay. <Amended by Act No. 11690, Mar. 23, 2013>

- (2)The Korea Consumer Agency and consumer organizations under the Framework Act on Consumers shall, upon receipt of a notification on the detection of foreign substances from consumers, report such fact to the Minister of Food and Drug Safety, without delay. <Amended by Act No. 11690, Mar. 23, 2013>
- (3)Any Mayor/Do Governor or the head of each Si/Gun/Gu shall, upon receipt of a notification on the detection of foreign substances from consumers, report such fact to the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>
- (4)The Minister of Food and Drug Safety shall, upon receipt of reports on the detection of foreign substances under paragraphs (1) through (3), take measures necessary to investigate the causes of including such foreign substances in foods, etc. <Amended by Act No. 11690, Mar. 23, 2013>
- (5)Necessary matters concerning the standards, subject matters, procedures, etc. for reporting foreign substances under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 47 (Sanitation Grade)

- (1)The Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may designate places of manufacturing or processing foods, etc., food service businesses or meal service facilities, which show excellent sanitation management, as excellent or exemplary businesses, in accordance with standards for sanitation grade prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (2)The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection or collection under Article 22 at excellent or exemplary businesses designated under paragraph (1) for a specific period prescribed by Ordinance of the Prime Minister, and the Mayor/Do Governor or the head of a Si/Gun/Gu may preferentially support loan projects for improving sanitation management facilities and the sanitation equipment and facilities of business operators under Article 89 (3) 1 and projects for improving food culture and providing good menus under Article 89 (3) 6. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (3)Where businesses designated as excellent or exemplary businesses under paragraph (1) fail to meet standards for designation or are subject to business suspension or heavier administrative disposition, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall revoke such designation without delay. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (4)Matters concerning the designation of excellent or exemplary businesses or the

revocation of such designation under paragraphs (1) and (3) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 47-2 (Designation, etc. of Sanitation Grade of Food Service Establishments)

- (1) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may evaluate the sanitary conditions of food service establishments and designate the sanitation grade thereof upon receiving requests from food service operators in order to improve standards for sanitation of food service establishments.
- (2) The Minister of Food and Drug Safety shall prescribe and publicly notify standards, methods, etc. necessary to evaluate the sanitary conditions and designate the sanitary grade of food service establishments under paragraph (1).
- (3) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may publish the result of designation of sanitation grades under paragraph (1).
- (4) A food service operator who receives the designation of a sanitation grade shall indicate such grade and may advertise it.
- (5) The period of validity of the sanitation grade shall be two years from the date on which a food service operator receives the designation of a sanitation grade: Provided, That the period of validity may be extended, as prescribed by Ordinance of the Prime Minister.
- (6) Where a food service operator who has received the designation of a sanitation grade pursuant to paragraph (1) falls under any of the following, the Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may revoke the designation thereof or order him/her to make corrections:
 1. Where he/she fails to meet standards for sanitation after he/she has received the designation of the sanitation grade;
 2. Where he/she fails to indicate the sanitation grade or make a false indication or advertisement;
 3. Where he/she is subject to administrative disposition higher than the suspension of business pursuant to Article 75;
 4. Where he/she fails to comply with matters prescribed by Ordinance of the Prime Minister, which are matters corresponding to subparagraphs 1 through 3.
- (7) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may provide technical assistance to food service operators who has received or intends to receive the designation of a sanitation grade.
- (8) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may choose not to require public officials under his/her jurisdiction to have access, conduct inspections, or perform collection under Article 22 regarding food service establishments whose sanitation grade has been designated pursuant to paragraph (1) during the period prescribed by Ordinance of the Prime Minister.
- (9) Each Mayor/Do Governor or the head of each Si/Gun/Gu may first provide funds from the Food Promotion Fund under Article 89 for financing for the improvement of sanitary management facilities and sanitary equipment and facilities of business operators under paragraph (3) 1 of the aforesaid Article and for the designation of

sanitation grades of food service establishments under subparagraph 7-2 of the aforesaid paragraph.

- (10)The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may entrust affairs concerning the designation of sanitation grades to related professional institutions or organizations prescribed by Presidential Decree. In such cases, he/she may allocate a necessary budget.
- (11)Necessary matters concerning sanitation grades and procedures for the designation thereof under paragraph (1), the publication of the result of the designation of sanitation grades under paragraph (3) and technical assistance, etc. under paragraph (7) shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 13332, May 18, 2015]

Article 48 (Food Safety Management Certification Standards)

- (1)The Minister of Food and Drug Safety may determine and publicly announce standards (hereinafter referred to as "food safety management certification standards") of each food for managing harmful elements in priority by checking and evaluating harmful elements at all stages of food production process, including management of raw materials, manufacturing, processing, cooking, subdividing or distribution, to ensure that harmful materials are not mixed with foods or foods are not contaminated in the whole process. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (2)Any Business operator who manufactures, processes, cooks, subdivides, or distributes foods prescribed by Ordinance of the Prime Minister shall observe food safety management certification standards of each food publicly announced by the Minister of Food and Drug Safety under paragraph (1). <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (3)The Minister of Food and Drug Safety may designate business operators obliged to observe food safety management certification standards under paragraph (2) and the places of business of business operators who intend to observe food safety management certification standards as businesses which adopt food safety management certification standards (hereinafter referred to as "businesses adopting food safety management certification standards") of each food. In such cases, where a business operator who has obtained certification as a business establishment adopting food safety management certification standards intends to modify matters prescribed by Ordinance of the Prime Minister among matters certified, he/she shall obtain certification of the modification thereof from the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014; Act No. 14022, Feb. 3, 2016>
- (4)The Minister of Food and Drug Safety shall issue documents that prove certification to business operators certified as businesses adopting food safety management certification standards, as prescribed by Ordinance of the Prime Minister. The foregoing shall also apply where business operators obtain certification of any modification pursuant to the latter part of paragraph (3). <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014; Act No. 14022, Feb. 3, 2016>

- (5) Any business operator and employee of businesses adopting food safety management certification standards shall receive education and training prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (6) The Minister of Food and Drug Safety may provide technological or economic support necessary for food safety management certification standards to business operators who are certified as or who intend to obtain certification as businesses adopting food safety management certification standards under paragraph (3). <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (7) Necessary matters concerning requirements or procedures for certification of businesses adopting food safety management certification standards, institutions providing education to business operators and employees, methods or procedures for providing education and training or expenses of education and training under paragraph (5) and technological or economic support under paragraph (6) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (8) The Minister of Food and Drug Safety may examine and evaluate whether the food safety management certification standards prescribed by Ordinance of the Prime Minister is observed, for the efficient operation of businesses adopting food safety management certification standards and, where such businesses fall under any of the following subparagraphs, as a result of examination or evaluation, he/she may revoke such certification or order them to take corrective measures: Provided, That where such businesses fall under subparagraphs 1-2 and 2, he/she shall revoke such certification: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014; Act No. 14022, Feb. 3, 2016>
1. Where they cease to meet food safety management certification standards;
 - 1-2. Where they obtain certification through deception or by other fraudulent means;
 2. Where they are subject to administrative disposition of business suspension under Article 75 for not less than two months;
 3. Where business operators and their employees fail to receive education and training under paragraph (5);
 4. Where they fail to comply with matters prescribed by Ordinance of the Prime Minister, corresponding to subparagraphs 1 through 3.
- (9) No operator of a business, other than businesses adopting food safety management certification standards, shall use the expression "business adopting food safety management certification standards" in his/her trade name. <Amended by Act No. 12719, May 28, 2014>
- (10) No operator of a business adopting food safety management certification standards shall manufacture or process certified foods by entrusting the manufacturing and processing thereof to other business establishments: Provided, That the same shall not apply to cases prescribed by Presidential Decree, where business operators entrust the manufacturing or processing of foods to businesses that are certified as businesses adopting food safety management certification standards for the same

foods as foods which they intend to entrust. <Amended by Act No. 12719, May 28, 2014>

- (11)The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection or collection under Article 22 at businesses adopting food safety management certification standards for a specific period prescribed by Ordinance of the Prime Minister; the Mayor/Do Governor or the head of a Si/Gun/Gu may preferentially support loan projects for improving sanitation management facilities and the sanitation equipment and facilities of business operators under Article 89 (3) 1. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>
- (12)The Minister of Food and Drug Safety may entrust the work of analysis of harmful elements in each process or item of businesses adopting food safety management certification standards or technological support, certification, etc. to institutions prescribed by Presidential Decree, such as the Korea Food Safety Management Certification Service under Act on the Establishment and Operation of the Korea Agency of HACCP Accreditation and Services. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014; Act No. 14026, Feb. 3, 2016>
- (13)The Minister of Food and Drug Safety may subsidize all or some of expenses for institutions entrusted with work under paragraph (12) within budgetary limits. <Amended by Act No. 11690, Mar. 23, 2013>
- (14)Necessary matters concerning the duties of institutions entrusted with work under paragraph (12) shall be prescribed by Presidential Decree.

Article 48-2 (Period of Validity of Certification)

- (1)The period of validity of certification under Article 48 (3) shall be three years from the date on which certification is obtained, and the period of validity of certification of any modification under the latter part of the aforesaid paragraph shall be the remainder of the period of validity of original certification.
- (2)A person who intends to extend the period of validity of certification under paragraph (1) shall file an application for extension with the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister.
- (3)Where the Minister of Food and Drug Safety receives an application for extension under paragraph (2), he/she may extend the period within three years when he/she deems the application therefor meeting safety management certification standards.

[This Article Newly Inserted by Act No. 14022, Feb. 3, 2016]

Article 48-3 (Inspection, Evaluation, etc. of Business Establishments Adopting Food Safety Management Certification Standards)

- (1)The Minister of Food and Drug Safety shall inspect and evaluate whether business establishments certified as business establishments adopting food safety management certification standards abide by food safety management certification standards and complete education and training under Article 48 (5) at least once a year.
- (2)The Minister of Food and Drug Safety may provide administrative and financial support, such as exemption from inspection and evaluation under paragraph (1), to business establishments adopting food safety management certification standards in

which cases the results of inspection and evaluation under paragraph (1) are excellent: Provided, That where a business establishment adopting food safety management certification standards receives administrative dispositions, such as the suspension of business or the revocation of permission, because it violates this Act within the period of validity of certification under Article 48-2 (1), the Minister of Food and Drug Safety shall not exempt it from inspection or evaluation under paragraph (1).

(3) Other necessary matters concerning methods, procedures, etc. for inspection and evaluation shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 14022, Feb. 3, 2016]

Article 49 (Standards for Registration of Food Traceability)

(1) Where a person who manufactures, processes or sells foods intends to implement food traceability, he/she may register the relevant foods with the Minister of Food and Drug Safety, satisfying the standards for registration prescribed by Ordinance of the Prime Minister: Provided That, persons prescribed by Ordinance of the Prime Minister, such as manufacturers and processors of baby food and food sellers with more than a certain amount of sales and more than a certain store space, shall register relevant foods with the Minister of Food and Drug Safety. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11986, Jul. 30, 2013; Act No. 13201, Feb. 3, 2015>

(2) Any person who manufactures, processes or sells foods registered under paragraph (1) shall comply with the standards determined and publicly announced by the Minister of Food and Drug Safety, with regard to preparing, retaining and managing records necessary for the food traceability (hereinafter referred to as "standards for food traceability"). <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11986, Jul. 30, 2013; Act No. 13201, Feb. 3, 2015>

(3) Where the matters that a person has registered under paragraph (1) are changed, such person shall notify the Minister of Food and Drug Safety of such change, within one month after the grounds for such change occur. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Food traceability may be labelled on foods registered under paragraph (1), as prescribed and publicly announced by the Minister of Food and Drug Safety. <Amended by Act No. 11690, Mar. 23, 2013>

(5) The Minister of Food and Drug Safety shall examine and evaluate every three years whether a person who manufactures, processes or sells foods registered pursuant to paragraph (1) complies with standards for food traceability and other matters: Provided, That the Minister of Food and Drug Safety shall examine and evaluate persons who manufacture, process or sell foods registered pursuant to the proviso to paragraph (1) every two years. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11819, May 22, 2013; Act No. 11986, Jul. 30, 2013; Act No. 13201, Feb. 3, 2015>

(6) The Minister of Food and Drug Safety may subsidize funds necessary for food traceability to persons who have obtained registration under paragraph (1), within budgetary limits. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

(7) Where any person who has obtained registration under paragraph (1) fails to meet the

standards for food traceability, the Minister of Food and Drug Safety may revoke such registration or issue an order to take corrective measures. <Amended by Act No. 11690, Mar. 23, 2013>

- (8) Procedures for registration of food traceability, particulars to be registered, criteria for revocation of registration, etc., examination and evaluation, and other necessary matters concerning registration shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11819, May 22, 2013; Act No. 11986, Jul. 30, 2013>

Article 49-2 (Recording, Storing, etc. of Food Traceability Information)

- (1) Any person who has registered food (hereinafter referred to as "registrant") pursuant to Article 49 (1) shall record and store food traceability information under food traceability standards, in an electronic recording device, as prescribed by Ordinance of the Prime Minister.
- (2) Any registrant shall store the recording of food traceability information under paragraph (1) for at least two years from the date on which the shelf life of the relevant product has expired.
- (3) Any registrant shall provide cooperation so that information recorded and stored pursuant to paragraph (1) may be connected with a food traceability system under Article 49-3 (1).

[This Article Newly Inserted by Act No. 12719, May 28, 2014]

Article 49-3 (Establishment, etc. of Food Traceability System)

- (1) The Minister of Food and Drug Safety shall establish and operate the food traceability system and ensure that the food traceability system is connected with food traceability information under Article 49-2 (1).
- (2) The Minister of Food and Drug Safety shall ensure that consumers, etc. easily check information prescribed by Ordinance of the Prime Minister among the information connected with the food traceability system pursuant to paragraph (1) via the Internet homepage.
- (3) Information under paragraph (2) shall be provided so that consumers, etc. can check such information for at least one year from the date on which the shelf life or the best-before date of the relevant product has expired.
- (4) No person shall use information that is connected pursuant to paragraph (1) for purposes other than food traceability.

[This Article Newly Inserted by Act No. 12719, May 28, 2014]

Article 50 Deleted. <by Act No.13277, Mar. 27, 2015>

CHAPTER VIII COOKS, ETC.

Article 51 (Cooks)

- (1) The meal service facility operators and the food service business operators prescribed by Presidential Decree shall employ cooks: Provided, That they may choose not to employ cooks where any of the following is applicable: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11819, May 22, 2013>
1. Where a meal service facility operator or a food service business operator prepares food and drink in person as a cook;
 2. Where an industrial enterprise provides meals for less than 100 persons per mealtime;
 3. Where a dietician under Article 52 (1) has a cooking license.

(2)Cooks working for meal service facilities shall perform the following duties: <Newly Inserted by Act No. 10787, Jun. 7, 2011>

- 1.Culinary affairs according to menus of meal service facilities (referring to all stages of cooking, including pre-treatment of ingredients, cooking and distribution);
- 2.Assisting examination of purchased foods;
- 3.Practical matters for maintaining hygiene and safety of meal service equipment and utensils;
- 4.Other practical matters related to cooking.

Article 52 (Dieticians)

(1)Meal service facility operators shall employ dieticians: Provided, That they may choose not to employ dieticians where any of the following is applicable: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11819, May 22, 2013>

- 1.Where a meal service facility operator directly provides guidance on nutrition as a dietician;
- 2.Where an industrial enterprise provides meals for less than 100 persons per mealtime;
- 3.Where a cook under Article 51 (1) is licensed as a dietician.

(2)Dieticians working for meal service facilities shall perform the following duties: <Newly Inserted by Act No. 10787, Jun. 7, 2011>

- 1.Preparation and examination of meals, and management of food distribution at meal service facilities;
- 2.Examination and management of purchased foods;
- 3.Sanitary management of meal service facilities;
- 4.Drawing up logs for operating meal service facilities;
- 5.Nutritional guidance and food sanitation education for employees.

Article 53 (Cooking Licenses)

(1)Any person who intends to become a cook shall obtain a license from the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, after obtaining qualification in the relevant technical field under the National Technical Qualifications Act. <Amended by Act No. 14022, Feb. 3, 2016>

(2)Necessary matters concerning cooking licenses under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 10191, Mar. 26, 2010; Act No. 11690, Mar. 23, 2013>

(3)and (4) Deleted. <by Act No. 10191, Mar. 26, 2010>

Article 54 (Grounds for Disqualification)

None of the following persons shall obtain a cooking license: <Amended by Act No. 9847, Dec. 29, 2009; Act No. 10191, Mar. 26, 2010>

- 1.Any mental patient under subparagraph 1 of Article 3 of the Mental Health Act: Provided, That the same shall not apply to any person recognized to be suitable as a cook by a specialist;
- 2.Any patient with a communicable disease under subparagraph 13 of Article 2 of the Infectious Disease Control and Prevention Act: Provided, That patients with hepatitis B under subparagraph 3 (h) of the same Article shall be excluded herefrom;
- 3.Any narcotic or drug addict under subparagraph 2 of Article 2 of the Narcotics Control Act;

4. Any person for whom one year has not elapsed since his/her license was canceled.

Article 55 (Prohibition against Use of Titles)

No one, other than a cook shall use the title "cook." <Amended by Act No. 10191, Mar. 26, 2010>

Article 56 (Education)

- (1) The Minister of Food and Drug Safety may order cooks and dieticians to receive education (in cases of cooks, including continuing education: hereinafter the same shall apply in this Article), when necessary for improving the level of food sanitation and their job skills: Provided, That cooks and dieticians working for meal service facilities shall receive education every two years. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013>
- (2) Matters necessary for those eligible to receive education, institutions, details and methods of education under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Food and Drug Safety may entrust some of his/her duties, including education under paragraph (1), to the relevant specialized institutions or organizations, as prescribed by Presidential Decree. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

CHAPTER IX FOOD SANITATION DELIBERATION COMMITTEE

Article 57 (Establishment of Food Sanitation Deliberation Committee)

The Food Sanitation Deliberation Committee shall be established under the jurisdiction of the Ministry of Food and Drug Safety to investigate and deliberate on the following matters, in response to requests for consultation by the Minister of Food and Drug Safety: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

1. Matters concerning the prevention of food poisoning;
2. Matters concerning the maximum residue limits of toxic or harmful substances, such as agricultural pesticides or heavy metals;
3. Matters concerning the standards and specifications of foods, etc.;
4. Other important matters concerning food sanitation.

Article 58 (Organization and Operation of Deliberation Committee)

- (1) The Deliberation Committee shall be comprised of no more than 100 members, including one chairperson and two vice-chairpersons. <Newly Inserted by Act No. 11000, Aug. 4, 2011>
- (2) Members of the Deliberation Committee shall be appointed or commissioned from among the following persons by the Minister of Food and Drug Safety: Provided, That at least one third of all members shall be commissioned from among persons falling under subparagraph 3, and at least one third of all members shall be commissioned from among persons falling under both subparagraphs 2 and 4: <Newly Inserted by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>
 1. Public officials concerned with food sanitation;
 2. Persons that engage in business concerning foods, etc.;
 3. Persons recommended by civic groups;
 4. Persons recommended by the trade association under Article 59 or recommended by the Korea Food Industry Association (hereinafter referred to as the "Food Sanitation

- Organization") under Article 64;
5. Persons who have abundant knowledge and experience concerning food sanitation.
- (3) The term of office of members of the Deliberation Committee shall be two years, but a public official member shall be in office while he/she is in office in the position. Provided, That where a vacancy occurs, the term of office of the member appointed to fill such vacancy shall be the remaining period of his/her predecessor. <Newly Inserted by Act No. 11000, Aug. 4, 2011>
- (4) The Deliberation Committee may have research members who investigate and study the international standards and specifications of foods, etc. <Amended by Act No. 11000, Aug. 4, 2011>
- (5) Duties of research members mentioned in paragraph (4) shall be as follows: Provided, that relevant duties performed pursuant to other Acts and subordinate statutes shall be excluded herefrom: <Newly Inserted by Act No. 10787, Jun. 7, 2011; Act No. 11000, Aug. 4, 2011>
1. Examination and research of standards and specifications prescribed by the Codex Alimentarius Commission;
 2. Bilateral collaboration with foreign governments, related consumer organizations and international organizations as necessary for the investigation and research of international food standards;
 3. Examination and research of information and data concerning the foreign standards and specifications of foods;
 4. Other matters prescribed by Presidential Decree as equivalent to those falling under subparagraphs 1 through 3.
- (6) Except as otherwise expressly provided in this Act, matters necessary for the organization and operation of the Deliberation Committee shall be prescribed by Presidential Decree. <Amended by Act No. 10787, Jun. 7, 2011; No. 11000, Aug. 4, 2011>

CHAPTER X FOOD SANITATION ORGANIZATIONS. ETC.

SECTION 1 Trade Associations

Article 59 (Incorporation)

- (1) A business operator may incorporate a trade association (hereinafter referred to as "trade association") by type of business or foods determined by Presidential Decree, in order to contribute to the development of business and the improvement of the public health.
- (2) A trade association shall be a corporation.
- (3) In order to incorporate a trade association, at least ten percent (20 persons, in cases of more than 20 persons) of persons who are qualified for membership in the trade association, as promoters, shall prepare its articles of association and obtain authorization of the Minister of Food and Drug Safety for the incorporation. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (4) A trade association shall be duly formed on the date it obtains authorization for incorporation under paragraph (3).
- (5) A trade association may have organizations under its control, under its articles of association.

Article 60 (Projects of Trade Association)

Any trade association shall conduct the following projects: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

1. Projects for the sound development of business and the common interests of members;
2. Guidance on improving members' business facilities;
3. Guidance on management for members;
4. Education and training for members and their employees;
5. Projects for improving the welfare of members and their employees;
6. Research and study projects entrusted by the Minister of Food and Drug Safety;
7. Mutual aid projects to stabilize the livelihood and promote the welfare of members;
8. Projects incidental to those under subparagraphs 1 through 5.

Article 60-2 (Establishment and Operation of Mutual Aid Organization of Trade Associations)

- (1) Any trade association may perform mutual aid projects upon establishment of a mutual aid organization after obtaining authorization of the Minister of Food and Drug Safety, in order to contribute to the stabilization of livelihood and the promotion of welfare for members. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Members of a mutual aid organization (hereinafter referred to as "Mutual Aid Member") shall contribute the fund necessary for the mutual aid projects.
- (3) Matters necessary concerning procedures for granting authorization for establishment, operation, etc. of the mutual aid organization shall be prescribed by Presidential Decree:
- (4) Where a trade association intends to perform mutual aid projects under paragraph (1), it shall obtain authorization of the Minister of Food and Drug Safety by determining regulations concerning mutual aid, including matters necessary for the operation of a mutual aid conference, such as matters concerning mutual aid qualifications, standards for investment of money, methods of providing mutual aid, the reserve fund for liability for covering mutual aid projects and the reserve fund for emergency risk. The same shall also apply to any alteration to the regulations concerning mutual aid. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 11000, Aug. 4, 2011]

Article 60-2 (Establishment and Operation of Mutual Aid Organization of Trade Associations)

- (1) Any trade association may establish a mutual aid organization after obtaining approval from the Minister of Food and Drug Safety and perform mutual aid projects in order to contribute to the stabilization of livelihood and the promotion of welfare for members. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15277, Dec. 19, 2017>
- (2) Members of a mutual aid organization (hereinafter referred to as "Mutual Aid Member") shall contribute the fund necessary for mutual aid projects.
- (3) Necessary matters concerning procedures for authorizing the establishment of a mutual aid organization, the operation thereof, etc. shall be prescribed by Presidential Decree. <Amended by Act No. 15277, Dec. 19, 2017>
- (4) Where a trade association intends to establish a mutual aid organization in order to

perform mutual aid projects pursuant to paragraph (1), it shall prepare the articles of association of mutual aid including matters necessary for the operation of a mutual aid organization, such as qualifications of members of a mutual aid organization, standards for investment of capital, methods of providing mutual aid, a legal reserve, contingent reserve, etc. to appropriate for mutual aid projects and shall obtain approval of the articles of association of mutual aid from the Minister of Food and Drug Safety. The foregoing shall also apply where it intends to amend the articles of association of mutual aid. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15277, Dec. 19, 2017>

(5)A mutual aid organization shall be a corporation and be formed by obtaining registration of the incorporation thereof at the location of its head office. <Newly Inserted by Act No. 15277, Dec. 19, 2017>

[This Article Newly Inserted by Act No. 11000, Aug. 4, 2011]

<<Enforcement Date: Jun. 20, 2018>> Article 60-2

Article 60-3 (Details of Mutual Aid Projects)

A mutual aid organization shall perform the following projects:

- 1.Payment of the salary for mutual aid members;
- 2.Projects to improve the welfare benefits for mutual aid members;
- 3.Projects for raising fund;
- 4.Inspection, study or educational work to improve management of business operators engaged in food sanitation;
- 5.Contribution to juristic persons, including food sanitation organization, etc.;
- 6.Profit-making business prescribed by Presidential Decree necessary for achieving the purpose of a mutual aid association.

[This Article Newly Inserted by Act No. 11000, Aug. 4, 2011]

Article 60-4 (Supervision over Mutual Aid Organizations)

- (1)Where it is necessary for supervision over mutual aid projects, the Minister of Food and Drug Safety may receive a report on matters concerning business, order to submit data or have any affiliated public official inspect books, papers and other articles. <Amended by Act No. 11690, Mar. 23, 2013>
- (2)Public officials, etc. who conduct an inspection or examination pursuant to paragraph (1) shall carry a certificate indicating their authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to the relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>
- (3)Where the operation of mutual aid projects of a trade association is inadequate or poor asset condition is likely to harm the rights and interests of mutual aid members, the Minister of Food and Drug Safety may order the trade association to take necessary measures, such as changing methods of performing its duties, changing an institution to deposit assets, handling loss of assets deemed to be valueless, etc. <Amended by Act No. 11690, Mar. 23, 2013>
- (4)Where a trade association fails to comply with an order for improvement under paragraph (3), the Minister of Food and Drug Safety may request the dismissal or the

disciplinary action against the employees of the trade association. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 11000, Aug. 4, 2011]

Article 60-4 (Supervision over Mutual Aid Organizations)

- (1) Where it is necessary for supervision over mutual aid organizations, the Minister of Food and Drug Safety may require mutual aid organizations to report matters concerning their affairs or to submit data, or require any public official under his/her jurisdiction to inspect their books, papers and other articles. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15277, Dec. 19, 2017>
- (2) Public officials, etc. who conduct an inspection or examination pursuant to paragraph (1) shall carry a certificate indicating their authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related statutes, and produce them to the relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>
- (3) Where the Minister of Food and Drug Safety deems that the inadequate operation of a mutual aid organization or its poor asset condition is likely to harm the rights and interests of members of the mutual aid organization, he/she may order the mutual aid organization to take necessary measures, such as changing methods of performing its duties, changing an institution to deposit assets, handling loss of assets deemed to be valueless, etc. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15277, Dec. 19, 2017>
- (4) Where a mutual aid organization fails to comply with an order to make improvements under paragraph (3), the Minister of Food and Drug Safety may request the mutual aid organization to dismiss or take disciplinary action against its executive officers and employees. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15277, Dec. 19, 2017>

[This Article Newly Inserted by Act No. 11000, Aug. 4, 2011]

<<Enforcement Date: Jun. 20, 2018>> Article 60-4

Article 61 (Board of Representatives)

- (1) If a trade association has more than 500 members, it may have a board of representatives which may replace a general meeting, as prescribed by the articles of association.

- (2) Representatives shall be members of the relevant trade association.

Article 62 (Application Mutatis Mutandis of the Civil Act)

Except as otherwise expressly provided in this Act concerning trade associations, the provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to trade associations.

Article 62 (Application Mutatis Mutandis of the Civil Act)

Except as otherwise expressly provided in this Act concerning trade associations and mutual aid organizations, the provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to trade associations and mutual aid organizations.

<Amended by Act No. 15277, Dec. 19, 2017>

<Enforcement Date: Jun. 20, 2018> Article 62

Article 63 (Voluntary Advisors)

- (1) Any trade association may have voluntary advisors to efficiently conduct projects for improving members' business facilities and guidance on management.

(2) Standards necessary for the management and operation of trade associations shall be prescribed by Presidential Decree.

SECTION 2 Korea Food Industry Association

Article 64 (Incorporation)

(1) The Korea Food Industry Association (hereinafter referred to as the "Association") shall be incorporated to develop the food industry and improve food sanitation. <Amended by Act No. 11000, Aug. 4, 2011>

(2) The Association incorporated under paragraph (1) shall be a juristic person.

(3) Persons eligible as the members of the Association shall be those who manufacture, process, transport, sell or preserve foods or food additives, and others who operate food-related industry from among business operators. <Amended by Act No. 11000, Aug. 4, 2011>

(4) Except as otherwise expressly provided in this Act concerning the Association, the provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to the Association.

Article 65 (Projects of Association)

The Association shall perform the following projects: <Amended by Act No. 11000, Aug. 4, 2011>

1. Research and study on the food industry;
2. Tests and inspections of foods, food additives and raw materials thereof;
3. Education concerning food sanitation;
4. Guidance concerning the improvement of business facilities of those who manufacture, process, transport, sell or preserve foods or food additives, among business operators;
5. Guidance on management for members;
6. Projects on food safety and promotion, support and nurture of the food industry;
7. Projects incidental to those under subsaragraphs 1 through 5.

Article 66 (Application Mutatis Mutandis)

Article 63 (1) shall apply mutatis mutandis to the Association. In such cases, "trade association" shall be construed as "Association", and "members of a trade association" shall be construed as "members of the Association."

SECTION 3 Korea Food Safety Information Service

Article 67 (Establishment of Korea Food Safety Information Service)

(1) The Korea Food Safety Information Service (hereinafter referred to as the "Information Service") shall be established to efficiently perform duties under the subparagraphs of Article 68 (1), among duties concerning food traceability and food safety under Article 49, upon the request of the Minister of Food and Drug Safety. <Amended by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Information Service shall be a corporation. <Amended by Act No. 11000, Aug. 4, 2011>

(3) Except as otherwise expressly provided in this Act concerning the Information Service, the provisions governing incorporated foundations in the Civil Act shall apply mutatis mutandis to the Information Service. <Amended by Act No. 11000, Aug. 4, 2011>

Article 68 (Projects of Information Service)

(1) The Information Service shall perform the following projects: <Amended by Act No.

11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

1. Collection, analysis or provision of information concerning food safety in Korea and overseas;
- 1-2. Surveys, research, etc. to support the formulation of food safety policy;
2. Establishment and operation of an information system for the collection and analysis of food safety information, food traceability, etc.;
3. Registration and management of food traceability;
4. Education and promotion concerning food traceability;
5. Swift investigations into the causes of accidents where food accidents have occurred and the provision of information for recall and discard of the relevant foods;
6. Establishment and operation of a cooperative network with institutions, organizations and consumer groups for common utilization of information on harmful foods and response thereto;
7. Support for guidance on, receipt of, consultation about reporting related to consumer food safety;
8. Other projects prescribed by the Minister of Food and Drug Safety, which are related to information on food safety and food traceability.

(2) The Minister of Food and Drug Safety may subsidize expenses incurred in establishing and operating the Information Service. <Amended by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

Article 69 (Submission of Project Plans, etc.)

(1) The Information Service shall submit project plans and budget bills to the Minister of Food and Drug Safety before the commencement of each business year, as prescribed by Ordinance of the Prime Minister, and obtain approval therefor from the Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Information Service shall submit to the Minister of Food and Drug Safety the written settlements of accounts concerning revenues and expenditures of each business year, which have been inspected by certified public accountants designated by the Minister of Food and Drug Safety, finalize such written settlements after obtaining approval and report the outcomes thereof to the National Assembly by no later than the end of May of the following business year. <Amended by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

Article 70 (Guidance, Supervision, etc.)

(1) The Minister of Food and Drug Safety may require the Information Service to report matters concerning its affairs or submit data, or issue other necessary orders, and order public officials under his/her jurisdiction to inspect books and documents by visiting offices, where necessary for supervision. <Amended by Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

(2) Public officials who have access to offices and conduct inspections pursuant to paragraph (1) shall carry a certificate indicating their authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to the relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>

(3)Matters necessary for guidance and supervision of the Information Service shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

SECTION 4 (Articles 70-2 through 70-6) Deleted.

SECTION 5 Management of Nutrients That May Be Harmful to Health

Article 70-7 (Management of Nutrients That May Be Harmful to Health)

- (1)The State and local governments shall endeavor to prevent public health hazards due to excessive intake of nutrients (hereinafter referred to as "nutrients that may be harmful to health"), such as sodium, sugars, and trans fats, in foods.
- (2)The Minister of Food and Drug Safety shall develop and disseminate technologies for the management of nutrients that may be harmful to health and conduct education, public relations, etc. on methods for practicing adequate intake in consultation with the heads of related central administrative agencies.
- (3)Types of nutrients that may be harmful to health shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14262, May 29, 2016]

Article 70-8 (Establishment and Designation of Institution in Charge of Management of Nutrients That may Be Harmful to Health)

- (1)The Minister of Food and Drug Safety may establish an institution that manages and conducts the following activities (hereinafter referred to as "institution in charge") or designate an institution, organization or corporation conducting activities related to the management of nutrients that may be harmful to health as an institution in charge in order to manage nutrients that may be harmful to health:
 - 1.Education, public relations on and inducement of people's participation in methods for practicing adequate intake of nutrients that may be harmful to health;
 - 2.Monitoring of and the provision of information on content of nutrients that may be harmful to health;
 - 3.Catering meals containing less nutrients that may be harmful to health, eating such meals in food service establishments, and the revitalization of the manufacturing and purchasing processed foods containing less nutrients that may be harmful to health;
 - 4.Support for the operation of business establishments practicing the management of nutrients that may be harmful to health;
 - 5.Other activities for the management of nutrients that may be harmful to health the Minister of Food and Drug Safety deems necessary.
- (2)The Minister of Food and Drug Safety may subsidize all or some expenses incurred in establishing and operating an institution in charge and conducting activities under the subparagraphs of paragraph (1) within the budgetary limits.
- (3)An institution in charge that is established pursuant to paragraph (1) shall be a corporation.
- (4)Except as provided in this Act, the provisions of the Civil Act concerning incorporated foundations shall apply mutatis mutandis to an institution in charge that is established pursuant to paragraph (1).
- (5)Where an institution in charge designated pursuant to paragraph (1) falls under any of the following, the Minister of Food and Drug Safety may revoke the designation

thereof: Provided, That where the institution in charge falls under subparagraph 1, he/she shall revoke the designation thereof:

1. Where the institution in charge is designated through deception or by other fraudulent means;
 2. Where the institution in charge fails to meet criteria for designation under paragraph (6).
- (6) Necessary matters concerning criteria, procedures, etc. for establishment, designation and revocation of designation of an institution in charge shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14262, May 29, 2016]

Article 70-9 (Submission of Business Plan, etc.)

An institution in charge shall prepare a report on the performance of business operations in the preceding year and a business plan for the relevant year, and submit the report and the business plan to the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister: Provided, That in case of an institution in charge designated pursuant to Article 70-8 (1), the foregoing shall be limited to matters related to the performance of activities under the subparagraphs of the aforesaid paragraph.

[This Article Newly Inserted by Act No. 14262, May 29, 2016]

Article 70-10 (Guidance, Supervision, etc.)

- (1) Where it is necessary for the supervision of an institution in charge, the Minister of Food and Drug Safety may require the institution in charge to report on matters concerning its affairs or submit data, or gives necessary orders to the institution in charge: Provided, That guidance to and supervision over the institution in charge designated pursuant to Article 70-8 (1) shall be limited to matters related to the performance of activities under the subparagraphs of the aforesaid paragraph.
- (2) Other necessary matters concerning guidance to and supervision over an institution in charge shall be prescribed by Ordinance of the Prime Minister.

[This Article Newly Inserted by Act No. 14262, May 29, 2016]

CHAPTER XI ADMINISTRATIVE SANCTIONS, INCLUDING CORRECTIVE ORDERS AND CANCELLATION OF LICENSES

Article 71 (Corrective Orders)

- (1) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall issue a corrective order to persons who fail to conduct business in accordance with standards concerning the sanitary handling of foods, etc. under Article 3 and persons who fail to comply with this Act. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) When the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu issues a corrective order under paragraph (1), he/she may notify the head of the administrative agency in charge of the relevant business thereof and request him/her to provide cooperation for such corrective order to be implemented. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Upon receipt of a request under paragraph (2), the head of the relevant administrative agency shall comply with such request unless extenuating circumstances exist to the contrary, and notify the head of the administrative agency that has made such request

of the results of the measures taken without delay. <Newly Inserted by Act No. 10787, Jun. 7, 2011>

Article 72 (Dispositions of Discard)

- (1) Where business operators (including an importer or dealer of imported food registered pursuant to Article 15 of the Special Act on Imported Food Safety Control; hereinafter the same shall apply in this Article) violate Articles 4 through 6, 7 (4), 8, 9 (4), 10 (2), 12-2 (2) or 13, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu shall have the relevant public officials seize or discard such foods, etc., or order business operators to take measures to eliminate any harm by determining the use or methods of processing such foods, etc. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13201, Feb. 3, 2015>
- (2) The Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the relevant public officials to seize or discard foods or food additives manufactured, processed or cooked without obtaining a license or filing a report or registration, in violation of Article 37 (1), (4) or (5), or apparatus, containers or packages used therefor. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013>
- (3) Where foods, etc. in circulation have caused or are likely to cause any harm to food sanitation, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the relevant business operator to recall and discard such foods, etc. or change the raw materials, manufacturing methods, ingredients or the mixing ratio of such foods, etc. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Any public official who seizes or discards foods, etc. under paragraphs (1) and (2) shall carry with him/her a certificate indicating his/her authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>
- (5) Necessary matters concerning seizure or discard under paragraphs (1) and (2), and standards for foods, etc. subject to recall and discard under paragraph (3) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
- (6) Where any person, who receives an order to discard foods, etc. under paragraph (1), fails to comply with such order, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may execute vicarious administration under the Administrative Vicarious Execution Act and collect expenses incurred in such execution from the violator. <Amended by Act No. 11690, Mar. 23, 2013>

Article 73 (Public Announcement of Harmful Foods, etc.)

- (1) In any of the following cases, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant business operator to publicly announce such fact: Provided, That where any harm has been caused to food sanitation, he/she shall order the relevant business operator to publicly announce such fact: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where it is deemed that any harm has been caused to food sanitation, in violation of Article 4 through 6, 7 (4), 8 or 9 (4);

2. Where a report on recall plans is submitted under Article 45 (1).

(2) Necessary matters concerning public announcement under paragraph (1), such as methods, shall be prescribed by Presidential Decree.

Article 74 (Order, etc. to Repair Facilities)

(1) Where business facilities fail to meet standards for facilities under Article 36, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant business operator to repair such facilities within a fixed period. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the owner of a building is not a business operator, etc., he/she shall fully cooperate with the business operator, etc. who receives an order to repair facilities under paragraph (1), in repairing such facilities.

Article 75 (Cancellation, etc. of License)

(1) Where business operators fall under any of the following subparagraphs, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may cancel his/her business license or registration, as prescribed by Presidential Decree, suspend all or some of the relevant business within the fixed period of up to six months or issue an order to close down his/her place of business (limited to business notified under Article 37 (4); hereinafter the same shall apply in this Article): <Amended by Act No. 10022, Feb. 4, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11986, Jul. 30, 2013; Act No. 12719, May 28, 2014; Act No. 13332, May 18, 2015; Act No. 14022, Feb. 3, 2016>

1. Where he/she violates Articles 4 through 6, Article 7 (4), 8, 9 (4), 10 (2), 11 (2), 11-2 or 12-2 (2);

2. Where he/she violates Article 13 (1);

3. Where he/she violates Article 17 (4);

4. and 4-2. Deleted; <by Act No. 13201, Feb. 3, 2015>

5. Where he/she violates Article 31 (1) and (3);

6. Where he/she violates Article 36;

7. Where he/she violates the latter part of Article 37 (1), (3), the latter part of (4) or (6), or any condition under Article 37 (2);

7- Where he/she fails to report on revisions under Article 37 (5) or violates the proviso to 2. the same paragraph;

8. Where he/she falls under Article 38 (1) 8;

9. Where he/she violates Article 40 (3);

10. Where he/she violates Article 41 (5);

11. Deleted; <by Act No. 14022, Feb. 3, 2016>

12. Where he/she violates restrictions on businesses under Article 43;

13. Where he/she violates Article 44 (1), (2) or (4);

14. Where he/she fails to take measures to recall foods, etc. under the former part of Article 45 (1);

14- Where he/she fails to report a plan for recall under the latter part of Article 45 (1), or 2. files a false report;

15. Where he/she fails to observe food safety management certification standards under

Article 48 (2);

- 15-2. Where he/she fails to register food traceability under the proviso to Article 49 (1);
16. Where he/she violates Article 51 (1);
17. Where he/she violates any order under Article 71 (1), 72 (1) or (3), 73 (1) or 74 (1) (including Article 71 (1), 72 (1) or (3) or 74 (1) applicable mutatis mutandis to Article 88);
18. Where he/she commits an offence under Article 4 of the Act on the Punishment of Arrangement of Commercial Sex Acts, Etc.
- (2) Where a business operator continues to conduct business, violating an order to suspend business operations under paragraph (1), the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may cancel his/her business license or registration, or issue an order to close down his/her place of business. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>
- (3) In any of the following cases, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may cancel a business license or registration, or issue an order to close down a place of business: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11873, Jun. 7, 2013; Act No. 14022, Feb. 3, 2016>
1. Where a business operator suspends business operations for not less than six months without any justifiable ground;
 2. Where a business operator (limited to those who have obtained a business license under Article 37 (1)) notifies the head of the competent tax office of the business closure under Article 8 of the Value-Added Tax Act after closing down business or the head of the competent tax office cancels his/her business registration.
- (4) Where necessary for revoking permission to conduct business for a reason under paragraph (3) 2, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may request the head of the competent tax office to provide him/her with information about whether a business operator has closed his/her business. In such cases, the head of the competent tax office requested shall provide him/her with information about whether the business operator has closed his/her business pursuant to Article 39 of the Electronic Government Act. <Newly Inserted by Act No. 13277, Mar. 27, 2015; Act No. 14022, Feb. 3, 2016>
- (5) Detailed standards for administrative dispositions under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types or degrees of violation. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 13277, Mar. 27, 2015>

Article 76 (Suspension, etc. of Manufacturing Products)

- (1) Where a business operator falls under any of the following subparagraphs, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may issue an order to suspend the manufacturing of the relevant products or kinds of products (referring to all products manufactured or processed in accordance with the same standards and specifications as those of foods, etc. determined under Article 7 or 9;

hereinafter the same shall apply) within a fixed period of up to six months, as prescribed by Presidential Decree: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

1. Where he/she violates Article 7 (4);
2. Where he/she violates Article 9 (4);
3. Where he/she violates Article 10 (2);
- 3-2. Where he/she violates Article 12-2 (2);
4. Where he/she violates Article 13 (1);
5. Where he/she violates Article 31 (1).

(2) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types or degrees of violation. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>
Article 77 (Request for Cancellation of Business Licenses, etc.)

(1) Where any person who has obtained a permit or a license under the Livestock Products Sanitary Control Act, the Fisheries Act or the Liquor Tax Act violates Articles 4 through 6 or Article 7 (4), the Minister of Food and Drug Safety may request the head of the central administrative agency in charge of the relevant permit or license to take any of the following measures: Provided, That alcoholic beverages shall be limited to cases falling under standards concerning harm, etc. under Article 8 of the Act on Special Measures for the Control of Public Health Crimes: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10310, May 25, 2010; Act No. 11690, Mar. 23, 2013>

1. Cancellation of full or some of a permit or a license;
2. Suspension of business operations during a specific period;
3. Other measures necessary for sanitation.

(2) Upon receipt of a request for cancellation of business license, etc. under paragraph (1), the head of the relevant central administrative agency shall comply with such request unless extenuating circumstances exist to the contrary, and notify the Minister of Food and Drug Safety of the outcomes of the measures taken without delay. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013>

Article 78 (Succession to Effects of Administrative Sanctions)

Where a business operator transfers his/her business to any other person or where corporations are merged, the effects of administrative sanctions on the previous business operator due to a violation of each subparagraph of Article 75 (1), (2) or each subparagraph of Article 76 (1), shall be succeeded to the relevant transferee or corporation surviving a merger for one year after the date on which the period for sanctions expires, and, when procedures for administrative sanctions remain in place, such procedures may remain in place for the relevant transferee or corporation surviving a merger: Provided, That the same shall not apply in cases where a transferee or corporation surviving a merger proves that he/she/it has been unaware of such sanction or violation at the time of the transfer or merger.

Article 79 (Measures for Closure, etc.)

(1) Where any person conducts business without obtaining a license or filing a notification or registration in violation of Article 37 (1), (4) or (5), or continues to conduct business after his/her license or registration is cancelled or he/she is issued an order to close

down his/her place of business under Article 75 (1) or (2), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to take any of the following measures to close down the relevant place of business: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013>

1. Removing or eliminating marking of the relevant place of business, such as signboards;
2. Posting a notice showing that the relevant place of business is an illegal place of business;
3. Sealing to make the relevant business facilities and apparatuses unavailable.

(2) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may eliminate a seal, where it is no longer necessary to maintain the seal after affixing it under paragraph (1) 3, when a person conducting the relevant business or his/her agent promises to close down the relevant place of business or when he/she requests the elimination of the seal with justifiable grounds. The same shall apply to a notice under paragraph (1) 2. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to take measures under paragraph (1), he/she may give prior written notice to a person conducting the relevant business or his/her agent: Provided, That the same shall not apply where urgent grounds exist. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Measures under paragraph (1) shall be limited to the minimum degree necessary to have a business operator discontinue the relevant business.

(5) In cases falling under paragraph (1), the relevant public official shall carry with him/her a certificate indicating his/her authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to the relevant persons. <Amended by Act No. 14022, Feb. 3, 2016>

Article 80 (Cancellation of Licenses, etc.)

(1) Where a cook falls under any of the following subparagraphs, the Minister of Food and Drug Safety, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may cancel his/her license or issue an order to suspend business operations within a fixed period of up to six months: Provided, That he/she shall cancel the relevant license, where a cook falls under subparagraph 1 or 5: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10191, Mar. 26, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

1. Where he/she falls under any subparagraph of Article 54;
2. Where he/she fails to receive education under Article 56;
3. Where he/she is responsible for food poisoning or a serious accident related to sanitation;
4. Where he/she lends his/her license to a third party;
5. Where he/she performs the duties of a cook during the period of business suspension.

(2) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types and degrees of violation. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

Article 81 (Hearings)

Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to take measures falling under any of the following, he/she shall hold hearings: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12719, May 28, 2014>

1.Deleted; <by Act No. 13201, Feb. 3, 2015>

1-2.Deleted; <by Act No. 11985, Jul. 30, 2013>

2.Revocation of the certification of a business establishment adopting food safety management certification standards under Article 48 (8);

3.Revocation of a business license or registration, or an order to close down a business under Article 75 (1) through (3);

4.Cancellation of a license under Article 80 (1).

Article 82 (Imposition of Penalty Surcharges in lieu of Business Suspension, etc.)

(1)Where a business operator falls under any subparagraph of Article 75 (1) or 76 (1), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may impose penalty surcharges not exceeding one billion won on the relevant business operator, instead of suspension of business, suspension of manufacturing products or suspension of manufacturing the kinds of products, as prescribed by Presidential Decree: Provided, That the same shall not apply where a business operator violates Article 6, falling under Article 75 (1), or violates Articles 4, 5, 7, 10, 12-2, 13, 37, 43 and 44, falling under Article 75 (1) or 76 (1), which are prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

(2)The amounts of penalty surcharges, depending on the types or degrees of violation subject to penalty surcharges under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3)The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may submit a written request that states the following information to the head of the competent tax office to receive taxation information, if necessary for imposing penalty surcharges: <Amended by Act No. 11690, Mar. 23, 2013>

1.Personal information of taxpayers;

2.Purpose of use;

3.Amounts of sales which become standards for the imposition of penalty surcharges.

(4)Where a business operator fails to pay a penalty surcharge under paragraph (1) by a deadline, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall revoke the imposition of the penalty surcharge under paragraph (1) as prescribed by Presidential Decree, and impose sanctions of the suspension of business or the suspension of manufacturing under Article 75 (1) or 76 (1), or collect such penalty surcharge in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection, etc. of Local Non-Tax Revenue: Provided, That in any of the following cases, penalty surcharges shall be collected in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection, etc. of Local Non-Tax Revenue: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11985, Jul. 30, 2013; Act No. 11998, Aug. 6, 2013>

- 1.Deleted; <by Act No. 11985, Jul. 30, 2013>
- 2.Where it is impracticable to suspend business operations or manufacturing under Article 75 (1) or 76 (1) due to business closure under Article 37 (3),(4) and (5).
- (5)Penalty surcharges collected and imposed by the Minister of Food and Drug Safety pursuant to paragraph (1) and the proviso to paragraph (4), shall be vested in the State, penalty surcharges collected and imposed by a Mayor/Do Governor shall be vested in the Food Promotion Fund (referring to the Food Promotion Fund under Article 89; hereafter the same shall apply in this paragraph) of the relevant City/Do and penalty surcharges collected and imposed by the head of a Si/Gun/Gu shall be vested in the Food Promotion Fund of the relevant City/Do or Si/Gun/Gu. In such cases, methods, etc. of vesting the penalty surcharges in Cities/Dos or Sis/Guns/Gus shall be prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (6)Where a Mayor/Do Governor entrusts the authority to collect and impose penalty surcharges under paragraph (1) to the head of a Si/Gun/Gu in accordance with Article 91, he/she may grant expenses incurred in the collection or imposition to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

Article 83 (Imposition of Penalty Surcharges due to Sale, etc. of Harmful Foods, etc.)

- (1)Where Articles 4 through 6, Article 8 or 13 concerning prohibition against sale of harmful foods, etc. is violated, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall impose penalty surcharges equivalent to the retail prices of the relevant foods, etc. sold on any of the following persons: <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11986, Jul. 30, 2013>
 - 1.A person who receives an order to suspend business operations for not less than two months, revoke a business license or registration or close down a business under Article 75, in violation of subparagraph 2 or 3 or subparagraphs 5 through 7 of Article 4;
 - 2.A person whose business license or registration is revoked, or who receives an order to close down a business under Article 75, in violation of Article 5, 6 or 8;
 - 3.A person who is subject to the order of the suspension of his/her business for at least two months, whose permission to conduct business and registration are revoked or who receives an order to close down his/her place of business pursuant to Article 75, in violation of Article 13 (1) 1.
- (2)The amount of penalty surcharges under paragraph (1) shall be determined and imposed, as prescribed by Presidential Decree.
- (3)Where a business operator fails to pay a penalty surcharge imposed under paragraph (2) by a deadline or close down a business under Article 37 (3), (4) and (5), such penalty surcharge shall be collected in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 10787, Jun. 7, 2011; Act No. 11998, Aug. 6, 2013>
- (4)Article 82 (3), (5) and (6) shall apply mutatis mutandis to the devolvement of penalty surcharges imposed under paragraph (2), the ratio of devolvement and procedures for collection of penalty surcharges.

Article 84 (Publication of Violations)

The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall publicize business information related to dispositions, such as details of dispositions imposed on business operators, for whom administrative dispositions are determined under Article 72, 75, 76, 79, 82 or 83, or the trade names of the relevant businesses and foods, etc., as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

CHAPTER XII SUPPLEMENTARY PROVISIONS

Article 85 (State Subsidies)

The Minister of Food and Drug Safety may subsidize all or some of the following expenses within budgetary limits: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11000, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013>

1. Expenses incurred in relation to collection under Article 22 (1) (including cases applicable mutatis mutandis under Article 88);
2. Deleted; <by Act No. 11985, Jul. 30, 2013>
3. Expenses incurred in providing education and training by a trade association;
4. Expenses incurred in employing food sanitation supervisors under Article 32 (1) and private food sanitation supervisors under Article 33;
5. Expenses incurred in establishing and operating the Information Service;
6. Expenses incurred in conducting investigations and research under subparagraph 6 of Article 60;
7. Expenses incurred in employing voluntary advisors of a trade association or the Association under Article 63 (1) (including cases applicable mutatis mutandis under Article 66);
8. Expenses incurred in discarding foods, etc. under Article 72 (including cases applicable mutatis mutandis under Article 88).

Article 86 (Investigations into and Reporting on Food Poisoning)

(1) Any of the following persons shall report to the head of the competent Si (including an administrative city under the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereafter the same shall apply in this Article)/Gun/Gu, without delay. In such cases, doctors or herb doctors shall take necessary measures to retain the blood or excreta of patients suffering from food poisoning or persons suspected of suffering from food poisoning, as prescribed by Presidential Decree: <Amended by Act No. 11819, May 22, 2013>

1. A doctor or herb doctor who has diagnosed patients suffering from food poisoning or persons suspected of suffering from food poisoning or conducted the examination of the dead bodies thereof;
2. A founder or operator of meal service facilities, who discovers patients suffering from food poisoning or persons showing symptoms suspected of food poisoning due to foods, etc. provided by such facilities.

(2) The head of a Si/Gun/Gu shall, upon receipt of a report under paragraph (1), report such fact to the Minister of Food and Drug Safety and the competent Mayor/Do Governor, without delay, and investigate the causes of food poisoning and report the results thereof, as prescribed by Presidential Decree. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11819, May 22, 2013>

(3)Where it is deemed that any matter reported under paragraph (2) is important in public health, the Minister of Food and Drug Safety may investigate the causes of food poisoning jointly with the competent Mayor/Do Governor or head of a Si/Gun/Gu.
<Newly Inserted by Act No. 11819, May 22, 2013>

(4)The Minister of Food and Drug Safety may determine the procedures for investigating facilities, where patients suspected of suffering from food poisoning are discovered, and necessary matters concerning the examination and inspection thereof, so as to find out the causes of food poisoning. <Amended by Act No. 11690, Mar. 23, 2013>
Article 87 (Establishment of Council on Food Poisoning Countermeasures)

(1)The Minister of Food and Drug Safety shall establish and operate the Council on Food Poisoning Countermeasures that consist of the Ministry of Education, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Oceans and Fisheries, the Ministry of Food and Drug Safety, and Cities/Dos, so as to efficiently prevent food poisoning and stop the spread thereof. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

(2)The organization of the Council on Food Poisoning Countermeasures under paragraph (1) and detailed matters on the operation thereof shall be prescribed by Presidential Decree.

Article 88 (Meal Service Facilities)

(1)Any person who intends to establish and operate meal service facilities shall notify the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14022, Feb. 3, 2016>

(2)Any person who establishes and operates meal service facilities shall observe the following matters, so as to manage meals in a sanitary manner, including the maintenance or management of meal service facilities: <Amended by Act No. 9932, Jan. 18, 2010; Act No. 11690, Mar. 23, 2013>

- 1.To thoroughly manage sanitation to ensure that no patients are suffering from food poisoning;
- 2.To preserve a serving of foods cooked and offered each time for not less than 144 hours, as prescribed by Ordinance of the Prime Minister;
- 3.Not to obstruct the duties of dieticians, if any;
- 4.To comply with a request made by dieticians, if any, for sanitation management of meal service facilities, unless an extenuating circumstance exists to the contrary;
- 5.To follow other matters prescribed by Ordinance of the Prime Minister for the sanitary management of foods, etc.

(3)Articles 3 through 6, 7 (4), 8, 9 (4), 10 (2), 22, 40, 41, 48, 71,