

INSECT INDUSTRY PROMOTION AND SUPPORT ACT

Act No. 10019, Feb. 4, 2010
Amended by Act No. 10931, Jul. 25, 2011
Act No. 11690, Mar. 23, 2013
Act No. 12050, Aug. 13, 2013
Act No. 13383, jun. 22, 2015
Act No. 13463, Aug. 11, 2015
Act No. 15067, Nov. 28, 2017
Act No. 15264, Dec. 19, 2017
Act No. 16116, Dec. 31, 2018
Act No. 16227, Jan. 15, 2019

Article 1 (Purpose)

The purpose of this Act is to contribute not only to the increase of the income of farming families and healthy development of the national economy but also to emotional cultivation of the people by fostering and supporting the insect industry, forming the basis of the development thereof, and supporting the promotion of understanding on the ecology of insects.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16116, Dec. 31, 2018>

1. The term "insect" means a stag beetle, rhinoceros beetle, firefly, pecticus tenebrifer, cetonia pilifera, bumblebee, and other animals prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. The term "insect industry" means any business of providing goods and services related to insects, which falls under the following:
 - (a) Insect farming business: Business of breeding insects or producing products or by-products of insects for sale;
 - (b) Insect processing business: Business of processing insects and products or by-products of insects which are directly used as raw materials or ingredients;

(c) Insect distributing business: Business of wholesaling or retailing insects and products or by-products of insects; business of storing, delivering and packing insects and products or by-products of insects for such wholesale or retail business; and business of providing information and services related thereto;

(d) Other business related to insects which is prescribed by Presidential Decree;

3. The term "insect farming family" means a farming family engaging in the insect industry.

Article 3 (Responsibility of the State and Local Governments)

The State and local governments shall formulate and implement policies necessary for building the foundation to foster and support the insect industry and strengthening the competitiveness thereof.

Article 4 (Relationship to Other Acts)

This Act shall apply to the fostering of and support for the insect industry, except as otherwise provided in other Acts.

Article 5 (Formulation, etc. of Comprehensive Plans)

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate a comprehensive plan for the fostering of and support for the insect industry (hereinafter referred to as "comprehensive plan") every five years in consultation with the heads of relevant central administrative agencies in order to foster and support the insect industry. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A comprehensive plan shall include the following:

1. The present status and prospects of the insect industry;
2. The direction and objectives of supporting the insect industry;
3. A medium- and long-term investment plan to foster and support the insect industry;
4. A plan for education on technology related to the insect industry and training experts related thereto;
5. A research and development project to stably increase the income of insect farming families;
6. A plan for education on the ecology of insects and for the promotion of understanding on the same;
7. A plan for support of local governments' projects related to insects;
8. Other matters prescribed by Presidential Decree for the development of the insect industry.

(3) The Minister of Agriculture, Food and Rural Affairs shall formulate and implement an action plan (hereinafter referred to as "action plan") every year after hearing the opinions of the heads of relevant central agencies, as prescribed by Presidential Decree, in order to promote a comprehensive plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Administrator of the Rural Development Administration and the Minister of the Korea Forest Service shall formulate and implement a detailed annual promotion plan for an action plan. *<Amended by Act No. 12050, Aug. 13, 2013; Act No. 15264, Dec. 19, 2017>*

(5) The Minister of Agriculture, Food and Rural Affairs shall evaluate the outcome of an action plan every year. <Newly Inserted by Act No. 15264, Dec. 19, 2017>

(6) The Administrator of the Rural Development Administration and the Minister of the Korea Forest Service shall evaluate the outcome of a detailed annual promotion plan for an action plan every year and shall submit the results thereof to the Minister of Agriculture, Food and Rural Affairs. <Newly Inserted by Act No. 15264, Dec. 19, 2017>

(7) Where it is deemed necessary for the formulation of a comprehensive plan and an action plan, the evaluation of the outcome of an action plan, and such, the Minister of Agriculture, Food and Rural Affairs may request the head of a related agency to submit the related materials. In such cases, the person requested to submit the materials shall comply with such request unless there is a compelling reason not to do so. <Newly Inserted by Act No. 15264, Dec. 19, 2017>

(8) Other matters necessary for the formulation and implementation of a comprehensive plan and an action plan and the evaluation of the outcome of such plans shall be prescribed by Presidential Decree. <Amended by Act No. 15264, Dec. 19, 2017>

Article 6 (Fact-Finding Investigations, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall conduct fact-finding investigations into the current status, etc. of the insect industry for the efficient formulation and promotion of a comprehensive plan and an action plan. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where necessary for the fact-finding investigations under paragraph (1), the Minister of Agriculture, Food and Rural Affairs may request the relevant research institutes, organizations, etc. to submit materials or present opinions. <Amended by Act No. 11690, Mar. 23, 2013>

(3) A research institute, organization, etc. requested to submit materials or present opinions pursuant to paragraph (2) shall cooperate unless there is a compelling reason not to do so.

(4) The extent and methods of the fact-finding investigations under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 7 (Training of Experts)

(1) The State and a local government shall train experts necessary to foster and support the insect industry.

(2) In order to train experts pursuant to paragraph (1), the State and a local government may designate a university under Article 2 of the Higher Education Act, or a research institute, agency, or organization established for the purpose of research on insects, etc. as an expert training institution and may require such institution to provide necessary education and training.

(3) The State and a local government may fully or partially subsidize expenses incurred by an expert training institution designated pursuant to paragraph (2) in education and training, as prescribed by Presidential Decree.

(4) The State and a local government may cancel the designation of any expert training institution, if such institution no longer meets the requirements for designation. <Newly Inserted by Act No. 10931, Jul. 25, 2011>

(5) Necessary matters concerning the standards for designation and the cancellation of designation of an expert training institution shall be prescribed by Presidential Decree. <Amended by Act No. 10931, Jul. 25, 2011>

Article 7-2 (Day of Insects)

(1) September 7 of every year shall be designated as the Day of Insects to raise awareness of environmental and nutritional values of insects and of the importance of the insect industry.

(2) The State and a local government shall endeavor to conduct an event, education and publicity that serve the purpose of the Day of Insects.

Article 8 (Promotion of Technological Development Related to Insect Industry)

(1) The State and a local government shall promote the following in order to facilitate the development of technology related to the insect industry:

1. Research on the trend and demand of technology related to the insect industry;
2. Research and development of technology related to the insect industry;
3. Securing of the right to the technology developed and the practical use thereof;
4. Collaboration on and exchange of information on technology related to the insect industry;
5. Other matters necessary for research and development of technology related to the insect industry.

(2) The Minister of Agriculture, Food and Rural Affairs may subsidize a person who conducts research and development for, or industrializes, technology related to, the insect industry, for necessary expenses in order to promote the development of technology related to the insect industry under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Promotion of International Collaboration and Advancing into Overseas Markets)

(1) The State and a local government shall monitor international trends in the insect industry and promote international collaboration.

(2) The State and a local government may conduct projects, such as international exchange of technology and human resources related to the insect industry and international joint research, in order to promote international collaboration on the insect industry and advancing into overseas markets.

Article 10 (Assessment of Potential Harm Caused by Insects, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall assess potential harm caused by relevant insects in order to prevent harm to the lives and bodies of human beings and to the ecological environment that is likely to occur in the process of mass breeding and distribution of insects. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs deems, based on the result of assessment of harm under paragraph (1), that prompt measures are necessary to prevent harm to the lives and bodies of human beings and to the ecological environment in the process of breeding and distribution of insects, he/she may restrict the breeding and distribution of such insects or issue an order to discard them.

<Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Agriculture, Food and Rural Affairs may compensate a person for the loss he/she has suffered as a result of an order issued under paragraph (2), based on the real sale prices, discarded number, etc. of the lost insects, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>*

(4) Necessary matters concerning the subject matter of, standard for, method of, timing, etc. of the assessment of harm under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 11 (Standards and Specifications, etc. for Breeding of Insects)

(1) Deleted. *<by Act No. 13463, Aug. 11, 2015>*

(2) The Minister of Agriculture, Food and Rural Affairs may determine the types of insects that can be distributed or sold as natural enemy insects, pollen vectors, environment purification insects, edible or medicinal insects, educational or pet insects, etc. and the standards for breeding and specifications, as prescribed by Presidential Decree, and may require the public to comply with them. *<Amended by Act No. 13463, Aug. 11, 2015>*

(3) Deleted. *<by Act No. 13463, Aug. 11, 2015>*

Article 12 (Reports, etc. by Persons in Insect Industry)

(1) A person who intends to engage in insect farming business, insect processing business, or insect distributing business shall file a report with the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) who has jurisdiction over the relevant place of business: Provided, That where food manufacturing business or food processing business is registered under the Food Sanitation Act, a report on insect processing business shall be deemed filed under this Act. *<Amended by Act No. 13463, Aug. 11, 2015; Act No. 16116, Dec. 31, 2018>*

(2) A person seeking to modify matters reported pursuant to paragraph (1) shall file a report on modification with the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of the Si/Gun/Gu who has jurisdiction over the relevant place of business: Provided, That this shall not apply to any modification of minor matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Newly Inserted by Act No. 10931, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>*

(3) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the reporting person of whether the report is accepted within five days from the date such report is filed under the main sentence of paragraph (1) or (2). <Newly Inserted by Act No. 16116, Dec. 31, 2018>

(4) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu fails to notify the reporting person of whether the report is accepted within the period prescribed in paragraph (3) or of an extension of the period to handle such report under statutes and regulations related to civil petitions, the report shall be deemed accepted on the date following the date such period (where the period to handle the report is extended or re-extended under statutes and regulations related to civil petitions, referring to such extended or re-extended period) expires. <Newly Inserted by Act No. 16116, Dec. 31, 2018>

(5) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may request a person who files a report under paragraph (1) to take measures to prevent damage to human lives and bodies and to the ecological environment due to unapproved release and escape of insects. <Amended by Act No. 10931, Jul. 25, 2011; Act No. 13463, Aug. 11, 2015; Act No. 16116, Dec. 31, 2018>

(6) Matters necessary for the reports under paragraph (1), reports on modification under paragraph (2), preventive measures under paragraph (5) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 10931, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013; Act No. 16116, Dec. 31, 2018>

Article 12-2 (Succession to Business)

(1) Any of the following persons shall succeed to the status of a person who has filed a report under Article 12 (1) (hereinafter referred to as the "business operator" in this Article):

1. An heir where the business operator is deceased;
2. A transferee where the business operator has transferred his/her business;
3. A corporation that survives a merger or is established after a merger where the business operator who is a corporation entity is merged.

(2) A person who succeeded to the status of the business operator under paragraph (1) shall file a report on such fact with the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Minister of Agriculture, Food and Rural Affairs.

Article 13 (Performance of Projects by Local Governments for Insect Industry)

(1) The Minister of Agriculture, Food and Rural Affairs may require the head of a local government to perform the following projects in order to nurture and support the insect industry and build the foundation for the development thereof: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

1. Distribution of technology, and collection of information, related to the insect industry;
2. Performance of educational and hands-on experience projects related to insects;
3. Establishment and operation of support facilities for research and education related to the insect industry;
4. Implementation of projects to support improvement of management, including education and consulting related to the insect industry;
5. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs.

(2) The Minister of Agriculture, Food and Rural Affairs may subsidize the head of a local government for necessary expenses within the budget for the efficient performance of projects referred to in paragraph (1).

<Amended by Act No. 11690, Mar. 23, 2013>

(3) A local government may prescribe matters necessary to nurture and support the insect industry by ordinance of the local government. *<Newly Inserted by Act No. 13463, Aug. 11, 2015>*

Article 13-2 (Establishment and Operation of Regional Insect Resources Industrialization Support Centers)

(1) The head of a local government may establish and operate a regional insect resources industrialization support center based on regional characteristics (hereinafter referred to as “center”), in order to perform projects referred to in the subparagraphs of Article 13 (1) in an effective manner.

(2) Each center shall perform the following duties:

1. Establishment and operation of supporting facilities for developing the insect industry;
2. Collection and provision of information on insect breeding;
3. Consulting for persons engaging in the insect industry;
4. Support for marketing and export to promote the distribution and sales of insects;
5. Other matters necessary for developing the insect industry.

(3) Other matters necessary for the establishment and operation of a center shall be prescribed by ordinance of the relevant local government.

Article 14 (Financial and Technical Support, etc.)

(1) To build the foundation and innovate technology for the insect industry, the Minister of Agriculture, Food and Rural Affairs may give financial support for the following: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Installation of equipment and materials and facilities necessary for breeding, producing, processing, and distributing insects by insect farming families and companies in the insect industry;
2. Performance of public services related to insects.

(2) An insect farming family seeking to receive support under paragraph (1) shall register information related to agricultural management under Article 40 of the Framework Act on Agriculture, Rural Community and Food Industry. *<Amended by Act No. 13383, Jun. 22, 2015>*

Article 14-2 (Insect Seeds Supply Center)

(1) The head of a local government may establish and manage an insect seeds supply center to enhance the competitiveness of the insect industry through the development and supply of excellent insect breeds.

(2) An insect seeds supply center under paragraph (1) shall perform the following duties:

1. Selecting and systematizing excellent insect resources;
2. Developing and supplying excellent insect seeds;
3. Managing the production and history of insect seeds and sources of feeds;
4. Establishing a system to manage diseases related to insect seeds;
5. Developing and consulting on technology for improving an insect breeding environment;
6. Other duties necessary for the development and supply of insect seeds.

(3) The Minister of Agriculture, Food and Rural Affairs may partially subsidize the establishment and operation of an insect seeds supply center referred to in paragraph (1) within budgetary limits.

(4) Other matters necessary to establish and operate an insect seeds supply center shall be prescribed by ordinance of the relevant local government.

Article 15 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority vested under this Act to the Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, a Do Governor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may entrust part of his/her authority vested under this Act to an organization related to the insect industry, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

Article 15-2 (Legal Fiction as Public Officials in Application of Penalty Provisions)

Executive officers and employees of an organization engaging in business affairs entrusted by the Minister of Agriculture, Food and Rural Affairs pursuant to Article 15 (2) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

Article 16 (Penalty Provisions)

(1) Any of the following persons shall be punished by a fine not exceeding five million won:

1. A person who fails to comply with a restriction or an order to discard insects under Article 10 (2);
2. A person who distributes or sells wild insects in violation of Article 11 (2).

(2) A person who fails to comply with a request for preventive measures under Article 12 (5) shall be punished by a fine not exceeding one million won. <Amended by Act No. 10931, Jul. 25, 2011; Act No. 16116, Dec. 31, 2018>

Article 17 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding three hundred thousand won: <Amended by Act No. 10931, Jul. 25, 2011; Act No. 13463, Aug. 11, 2015>

1. A person who produces, processes, or distributes insects or the products or by-products of insects without reporting, in violation of Article 12 (1);

2. A person who fails to file a report on modification required under Article 12 (2).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 13463, Aug. 11, 2015>

ADDENDUM

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 10931, Jul. 25, 2011>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12050, Aug. 13, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13383, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13463, Aug. 11, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Succession to Business)

The amended provisions of Article 12-2 shall apply, beginning with a person who succeeds to the status of a business operator after this Act enters into force.

ADDENDUM <Act No. 15067, Nov. 28, 2017>

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

ADDENDUM <Act No. 15264, Dec. 19, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 16116, Dec. 31, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Report Filed by Person Engaging in Insect Industry)

The amended provisions of Article 12 (3) and (4) shall begin to apply to cases where a report on insect farming business, insect processing business, or insect distributing business or a report on modifications is filed after this Act enters into force.

ADDENDUM <Act No. 16227, Jan. 15, 2019>

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

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