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Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters mandated by the Kimchi Industry Promotion Act and those necessary for the enforcement thereof.

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Article 2 (Kimchi Industry)

"An industry ... which is prescribed by Presidential Decree" in subparagraph 4 of Article 2 of the Kimchi Industry Promotion Act (hereinafter referred to as the "Act") means any of the following industries:

1. An industry of producing, processing, manufacturing, or cooking kimchi;
2. An industry of packing, keeping, transporting or selling kimchi produced, processed, manufactured, or cooked under subparagraph 1.

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Article 3 (Formulation of Comprehensive Plan)

(1) "Matters prescribed by Presidential Decree" in Article 4 (2) 10 of the Act means the following matters:

<Amended on Mar. 23, 2013>

1. Matters regarding the holding of a kimchi fair under Article 15 of the Act;
2. Matters regarding the operation of a self-help fund for kimchi under Article 19 of the Act;
3. Matters regarding the development of varieties of raw material crops for the manufacture of kimchi;
4. Other matters recognized by the Minister of Agriculture, Food and Rural Affairs as necessary for the kimchi industry.

(2) "Any minor matter prescribed by Presidential Decree" in the proviso of Article 4 (3) of the Act means matters other than the following, among the matters referred to in Article 4 (2) 1 through 9 of the Act and in the subparagraphs of Article 3 (1) of this Decree:

1. Matters falling under Article 4 (2) (1), (3), (4), (7) or (8) of the Act;
2. Matters falling under Article 3 (1) 1.

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Article 4 (Persons Eligible for Support for Management Improvement)

(1) A person eligible for support for management improvement under Article 6 (1) of the Act shall be any of the following persons: <Amended on Mar. 23, 2013>

1. A kimchi business entity manufacturing kimchi, which has been selected as a representative product at a kimchi fair under Article 15 of the Act;
2. A kimchi business entity manufacturing kimchi by using good kimchi ingredients listed in the subparagraphs of Article 24 of the Act;
3. A kimchi business entity recognized by the Minister of Agriculture, Food and Rural Affairs as requiring support for management improvement.

(2) The Minister of Agriculture, Food and Rural Affairs may provide those eligible for support under paragraph (1) with a subsidy to cover all or part of the expenses necessary for promoting the following matters: *<Amended on Mar. 23, 2013>*

1. Securing materials necessary for the manufacture of kimchi;
2. Making improvements to kimchi manufacturing and storage facilities;
3. Developing markets for kimchi and conducting PR activities;
4. Providing professional consultation on management improvement;
5. Other matters deemed by the Minister of Agriculture, Food and Rural Affairs to require support to revitalize the manufacture and distribution of kimchi.

(3) Except as provided in paragraphs (1) and (2), the Minister of Agriculture, Food and Rural Affairs shall determine and publicly notify details necessary for providing kimchi business entities with support in management improvement. <Amended on Mar. 23, 2013>

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Article 5 (Designation and Operation of Education and Training Institution)

(1) A person who intends to be designated as an education and training institution under Article 11 (2) of the Act shall file with the Minister of Agriculture, Food and Rural Affairs an application for designation prescribed by Ministerial Decree of Agriculture, Food and Rural Affairs, accompanied by the following documents: <Amended on Mar. 23, 2013>

1. Current status of educational facilities and equipment in place;
2. Current status of available human resources, including instructors;
3. An operational plan including educational courses and contents;
4. A funding plan for operational expenses.

(2) Upon receipt of an application for designation pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall take into account the following matters, the demand for education by region, and other factors in designating an education and training institution: <Amended on Mar. 23, 2013>

1. Adequacy of educational facilities and equipment in place;
2. Adequacy of available human resources, including instructors;
3. Appropriateness of the educational curriculum and contents for the target audience;
4. Feasibility of a funding plan for operational expenses.

(4) Where the Minister of Agriculture, Food and Rural Affairs designates an education and training institution under paragraph (1), he or she shall issue a written designation prescribed by Ministerial Decree of Agriculture, Food and Rural Affairs and post the details on the website of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Apr. 20, 2015>

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Article 6 (Designation of Institutions for Training Professional Human Resources)

(1) The Minister of Agriculture, Food and Rural Affairs may designate any of the following institutions or organizations as an institution for training professional human resources pursuant to Article 12 (2) of the Act: <Amended on Mar. 23, 2013; Apr. 20, 2015; Feb. 17, 2022>

1. A school falling under each subparagraph of Article 2 of the Higher Education Act which opens and operates educational courses regarding the kimchi industry;
2. An affiliated research center, etc. established in a school under subparagraph 1 which conducts research on the kimchi industry;
3. A government-funded research institution, established pursuant to Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, which conducts research on the kimchi industry;
4. A public institution related to the kimchi industry, among public institutions under Article 4 of the Act on the Management of Public Institutions;
5. A non-profit corporation related to the kimchi industry, among non-profit corporations established pursuant to Article 32 of the Civil Act;
6. A vocational skills development training establishment related to the kimchi industry, among vocational skills development training establishments under subparagraph 3 of Article 2 of the Act on

the National Lifelong Vocational Skills Development Act;

7. A trade organization established for the purpose of promoting the kimchi industry pursuant to Article 18 of the Act.

(2) A person who intends to be designated as an institution for training professional human resources pursuant to paragraph (1) shall file with the Minister of Agriculture, Food and Rural Affairs an application for designation, accompanied by the following documents: *<Amended on Mar. 23, 2013; Jan. 5, 2021>*

1. Current status of educational facilities and equipment in place;
2. Current status of professional instructors in place;
3. An operational plan including educational courses and contents;
4. A funding plan for operational expenses.
5. Deleted. *<Jan. 5, 2021>*

(3) Criteria for the designation of an institution for training professional human resources under paragraph (1) shall be as specified in Appendix 1. *<Amended on Apr. 20, 2015>*

(4) Where the Minister of Agriculture, Food and Rural Affairs designates an institution for training professional human resources under paragraph (1), he or she shall issue a written designation prescribed by Ministerial Decree of Agriculture, Food and Rural Affairs and post the details on the website of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Apr. 20, 2015>*

(5) Criteria for the cancellation of designation of an institution for professional human resources and suspension of its business operations under Article 12 (4) of the Act shall be as specified in Appendix 2. *<Added on Apr. 20, 2015>*

(6) Where the Minister of Agriculture, Food and Rural Affairs cancels the designation of an institution for training professional human resources pursuant to Article 12 (4) of the Act, he or she shall post such fact on the website of the Ministry of Agriculture, Food and Rural Affairs. *<Added on Apr. 20, 2015>*

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Article 7 (Subsidization for Institutions for Training Professional Human Resources)

Pursuant to Article 12 (3) of the Act, the Minister of Agriculture, Food and Rural Affairs may subsidize all or part of the following expenses for an institution for training professional human resources: *<Amended on*

Mar. 23, 2013>

1. Expenses incurred in developing and distributing educational programs, such as developing and providing educational materials related to the kimchi industry;
2. Expenses incurred in operating educational programs, such as instructor salaries and allowances;
3. Expenses incurred in purchasing equipment, including equipment and materials for practice, and maintaining educational facilities;
4. Expenses incurred in conducting surveys and research to provide education for training professional human resources for the kimchi industry;
5. Other expenses deemed necessary by the Minister of Agriculture, Food and Rural Affairs to train professional human resources for the kimchi industry.

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Article 8 (Support for Kimchi Distribution Centers)

(1) The Minister of Agriculture, Food and Rural Affairs, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, Special Self-Governing Province Governors (hereinafter referred to as "Mayors/Do Governors") or the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus) may subsidize all or part of the expenses associated with the following projects for a person who establishes and operates a kimchi distribution center or specialized sales outlet under Article 14 of the Act: <Amended on Mar. 23, 2013>

1. Projects for packing improvement and standard shipping of kimchi;
2. Projects for improving the distribution structure of kimchi;
3. Projects related to the promotion and sales of kimchi;
4. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs for the efficient distribution of kimchi.

(2) Details necessary for support under paragraph (1) shall be determined by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

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Article 10 (Support for Globalization of Kimchi)

(1) The Minister of Agriculture, Food and Rural Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu may provide a subsidy to individuals or organizations promoting representative products of kimchi or developing overseas markets pursuant to Article 17 (1) of the Act so that they can cover all or part of the expenses associated with any of the following projects: <Amended on Mar. 23, 2013>

1. Projects for promoting the excellence of representative kimchi products selected pursuant to Article 15 of the Act;
2. Projects for education, advertisement, survey, and research for the globalization of kimchi;
3. Projects for establishing kimchi stores, experience centers, etc. overseas for the globalization of kimchi;
4. Projects for hosting and participating in food expo, sales exhibits and events at home and abroad;
5. Projects for building and managing information networks for the globalization of kimchi;
6. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs for the globalization of kimchi.

(2) Details necessary for support under paragraph (1) shall be determined by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

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Article 11 (Methods for Creating Self-Help Fund)

(1) A trade organization for kimchi that raises and operates a self-help fund pursuant to Article 19 (1) of the Act (hereinafter referred to as "self-help fund-raising organization") shall raise a self-help fund with the amount voluntarily contributed by its members.

(2) A self-help fund raised pursuant to paragraph (1) shall be used for the following projects:

1. Publicity projects for promoting consumption of kimchi;
2. Market development projects for expanding markets for kimchi;
3. Educational projects for the members of a self-help funding organization for the purpose of improving the quality of kimchi or voluntarily controlling the supply of and demand for kimchi;
4. Projects for the provision of distribution information on kimchi and the promotion of distribution informatization among the members of a self-help fund-raising organization;
5. Projects necessary for the autonomous control of the supply of and demand for kimchi and the stabilization of prices;
6. Projects necessary for strengthening linkage with agriculture and fisheries.

(3) Except as provided in paragraphs (1) and (2), the Minister of Agriculture, Food and Rural Affairs shall determine and publicly notify details necessary for the creation and operation of a self-help fund.

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Article 12 (Payment of Subsidies)

(1) A self-help fund-raising organization that intends to receive subsidies pursuant to Article 19 of the Act shall meet the following requirements: *<Amended on Mar. 23, 2013>*

1. To prepare regulations on methods of raising self-help funds and the management and operation of self-help funds. In such cases, the accounts of self-help funds shall be separated from other accounts and treated accordingly;
2. The volume of kimchi produced by members shall exceed the standard volume determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

(2) The subsidy under Article 19 of the Act shall not exceed the amount used for projects for the relevant year, from among the amount raised by a self-help fund-raising organization with its own funds (only the principal paid by the members of the organization) within the scope prescribed by the agreement on agriculture under Annex 1A of the Marrakech Agreement Establishing the World Trade Organization.

(3) The maximum amount of annual subsidies shall not exceed 10/1000 of the annual amount of kimchi produced by the member. In such cases, the standard for calculating the annual production amount shall be the amount of kimch produced by the kimchi business entity for the pre-preceding year, which is based on a survey conducted by Statistics Korea.

(4) In order to guide and supervise the operation of subsidies, the Minister of Agriculture, Food and Rural Affairs may require a self-help fund-raising organization to report on business affairs, accounting, property, etc. related to subsidies or to submit necessary data. *<Amended on Mar. 23, 2013>*

Article 13 (Use of Good Kimchi Ingredients)

"Products certified under the national certification system prescribed by Presidential Decree" in subparagraph 5 of Article 24 (1) of the Act means the following products: *<Amended on Jul. 20, 2012; May 31, 2013; Nov. 28, 2014; Feb. 19, 2021>*

1. Products produced at any plant which observes HACCP provided for in Article 48 of the Food Sanitation Act;
2. Products produced at a facility that observes the HACCP registered under Article 74 (1) and (2) of the Agricultural and Fishery Products Quality Control Act;
3. Food for which industrial standards certification has been obtained under Article 20 of the Food Industry Promotion Act;
4. Traditional food for which quality certification of traditional food has been obtained under Article 22 of the Food Industry Promotion Act;
5. Seafood for which industrial standards certification has been obtained under Article 27 of the Seafood Industry Promotion and Support Act;
5. Traditional seafood for which quality certification for traditional seafood has been obtained pursuant to Article 29 of the Seafood Industry Promotion and Support Act.

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Article 14 (Support for Users of Good Kimchi Ingredients)

(1) A person eligible for policy measures for encouraging the use of good kimchi ingredients under Article 24 (1) of the Act shall be any of the following persons:

1. A person who produces kimchi by using kimchi ingredients referred to in the subparagraphs of article 24 (1) of the Act and Article 13 of this Decree (hereinafter referred to as "good kimchi ingredients");
2. A person who sells kimchi produced under subparagraph 1;
3. A person who cooks and sells kimchi produced under subparagraph 1.

(2) Where a person falling under any subparagraph of paragraph (1) implements any of the following projects, the Minister of Agriculture, Food and Rural Affairs may fully or partially subsidize such project within budgetary limits: <Amended on Mar. 23, 2013>

1. Projects for purchasing good kimchi ingredients;
2. Projects for promoting kimchi produced by using good kimchi ingredients and for boosting sales thereof;
3. Projects for upgrading kimchi production facilities using good kimchi ingredients;
4. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs to encourage the use of good kimchi ingredients.

(3) Details regarding procedures and methods for support under paragraph (1) shall be determined by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

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Article 15 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs shall delegate the following authority to the Director General of the National Agricultural Products Quality Management Service pursuant to Article 27 (1) of the Act: <Amended on Mar. 23, 2013; Apr. 20, 2015>

1. Designation and management of an education and training institution under Article 11 of the Act;
2. Designation and management of an institution for training professional human resources, cancellation of designation thereof, suspension of its business operations, and hearings under Article 12 of the Act.

(2) The Director General of the National Agricultural Products Quality Management Service may re-delegate part of his or her authority delegated pursuant to paragraph (1) to the head of an affiliated agency, after obtaining approval from the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

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

(4) The Minister of Agriculture, Food and Rural Affairs shall entrust the Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes with the following business affairs pursuant to Article 27 (2) of the Act: <Amended on Mar. 23, 2013>

1. Standardization of kimchi to meet international standards under Article 17 (2) of the Act;
2. Development of technology necessary for facilitating the production of excellent kimchi under Article 22 (1) of the Act, and research and survey on the manufacturing process, etc. suitable to meet the standards of countries to which kimchi is exported.

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ADDENDA <Presidential Decree No. 23511, Jan. 13, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 22, 2012.

Article 2 (Transitional Measures regarding Enforcement Date)

"Article 24 (1) 6 of the Act" in the part other than the subparagraphs of Article 13 shall be deemed to be
"Article 24 (1) 7 of the Act" until July 21, 2012.

<23964, 2012. 7. 20.>

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ADDENDA <Presidential Decree No. 23964, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012.

Article 2 Omitted.

Article 3 Omitted.

Article 4 Omitted.

<24455, 2013. 3. 23.>

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ADDENDA <Presidential Decree No. 24455, Mar. 23, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

<24560, 2013. 5. 31.>

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ADDENDA <Presidential Decree No. 24560, May 31, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 2, 2013.

Article 2 Omitted.

Article 3 Omitted.

Article 4 Omitted.

<25792, 2014. 11. 28.>

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ADDENDA <Presidential Decree No. 25792, Nov. 28, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on November 29, 2014.

Article 2 Omitted.

<26204, 2015. 4. 20.>

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ADDENDUM <Presidential Decree No. 26204, Apr. 20, 2015>

This Decree shall enter into force on April 21, 2015.

<31379, 2021. 1. 5.>

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ADDENDA <Presidential Decree No. 31379, Jan. 5, 2021>

Article 1 (Enforcement Date)

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

Article 2 (General Applicability to Requirements for Designation or Entrustment)

This Decree shall apply beginning with the case where procedures for designation or entrustment commence for designation or entrustment pursuant to the statutes or regulations amended under this Decree after this Decree enters into force.

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ADDENDA <Presidential Decree No. 31472, Feb. 19, 2021>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 19, 2021.

Articles 2 through 5 Omitted.

<32447, 2022. 2. 17.>

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ADDENDA <Presidential Decree No. 32447, Feb. 17, 2022>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 18, 2022.

Article 2 Omitted.

Article 3 Omitted.

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