

INSPECTION OF FISHERY PRODUCTS ACT

Wholly Amended by Act No. 5806, Feb. 5, 1999

Article 1 (Purpose)

The purpose of this Act is to ensure the security of fishery products and contribute to the improvement of their quality by providing the matters necessary for the efficient sanitary management and inspection of fishery products.

Article 2 (Definitions)

For the purpose of this Act,

1. the term “fishery products” means marine animals and plants and products manufactured or processed of marine animals and plants as raw materials or materials;
2. the term “hazardous substance” means heavy metals, radioactivity, antibiotic substance, and toxic substance which might do harm to the human body;
3. the term “blight and insect pests” means germs, viruses, and parasites which might do harm to marine animals and plants or the human body; and
4. the term “facilities for production and processing” means facilities for the farming of marine animals and plants and all facilities and equipment necessary to treat and process fishery products on land or ships.

Article 3 (Relation to Other Acts)

Except as provided by this Act, the inspection of fishery products shall be governed by the Food Sanitation Act.

Article 4 (Fishery Products to be Inspected)

(1) The following fishery products shall undergo an inspection by the Minister of Maritime Affairs and Fisheries:

1. Marine animals and plants which are imported to raise in a nursery or facilities for farming of seedlings for the purposes of farming, production of seedlings, examination, research, learning, or enjoyment, and their fertilized eggs, eggs, and spores; and

2. Fishery products which are purchased and reserved by the Government or which are subject to inspection with a view to observing conventions concluded with foreign countries or meeting foreign special sanitary conditions determined by the Minister of Maritime Affairs and Fisheries (hereinafter referred to as “conventions”), as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.
- (2) If an application for inspection is filed with respect to fishery products other than those under paragraph (1), the Minister of Maritime Affairs and Fisheries may inspect them.
- (3) If it is deemed necessary to observe conventions, the Minister of Maritime Affairs and Fisheries may conduct an inspection on the production and processing of fishery products under the conditions as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 5 (Standards for Inspection of Fishery Products)

The inspection of fishery products under Article 4 shall be conducted on the quality, size, hazardous substance, and blight and insect pests, and whether sanitary control standards are satisfied under Article 6, and the standards for the inspection shall be determined and publicly announced by the Minister of Maritime Affairs and Fisheries.

Article 6 (Sanitary Control Standards)

The Minister of Maritime Affairs and Fisheries may, if necessary to observe conventions, set the standards for sanitary control (hereinafter referred to as the “sanitary control standards”) of the designated sea area and the production and processing facilities of fishery products under Article 7 in the Ministerial Decree of Maritime Affairs and Fisheries.

Article 7 (Designation of Sea Area and Registration of Facilities for Production and Processing)

- (1) The Minister of Maritime Affairs and Fisheries may, if necessary to observe conventions, designate and publicly announce a sea area to meet sanitary control standards.
- (2) A person who installs and operates facilities for the production and processing of fishery products to meet sanitary control standards may register the facilities with the Minister of Maritime Affairs and Fisheries.
- (3) A person who is registered pursuant to paragraph (2) shall, where he desires to change the matters as prescribed by the Presidential Decree, report to the Minister of Maritime Affairs and Fisheries.
- (4) Matters necessary concerning the determination of a designated sea area under paragraph (1) (hereinafter referred to as a “designated sea area”) and the registration of facilities for production and processing under paragraph (2) shall be prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 8 (Procedure and Method of Inspection)

(1) The Minister of Maritime Affairs and Fisheries may have the fishery products inspector under Article 10 gather or collect free of charge the minimum fishery products necessary to conduct the inspection under Article 4 as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries. In this case, the fishery products inspector shall produce a certificate indicating his authority to the person concerned.

(2) The method and procedure of inspection under Article 4 and other necessary matters concerning inspection shall be prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 9 (Designation as Fishery Products Inspection Agency)

(1) The Minister of Maritime Affairs and Fisheries may designate an agency equipped with facilities and manpower necessary to conduct the inspection under Article 4 as a fishery products inspection agency to perform the business of inspection under the conditions prescribed by the Presidential Decree.

(2) The business of inspection by a fishery-related organization or professional food sanitation-related research organization designated as a fishery products inspection agency under paragraph (1) may be directed and supervised by the Director of the National Fisheries Products Inspection Station, if necessary.

Article 10 (Fishery Products Inspector)

(1) The Minister of Maritime Affairs and Fisheries may appoint or commission a person to perform the business of inspection under Article 4 (hereinafter referred to as a “fishery products inspector”) from among the staff of an agency designated under Article 9 (hereinafter referred to as an “inspection agency”).

(2) The standards for qualification and the procedures of appointment and commission of a fishery products inspector under paragraph (1) shall be prescribed by the Presidential Decree.

(3) In applying Articles 129 through 132 of the Criminal Act, a fishery products inspector, though he is not a public official, shall be considered as such.

Article 11 (Marking of Inspection Result)

With respect to fishery products which have passed an inspection under Article 4 (1) or (2) (hereinafter referred to as “products successful in inspection”), an inspection agency may, upon the request of the applicant for the inspection (hereinafter referred to as the “applicant”), mark the result of such inspection: Provided, That the fishery products as determined by the Minister of Maritime Affairs and Fisheries such as fishery products purchased and reserved by the Government shall be subject to the marking of the inspection result.

Article 12 (Prohibition of Import of Products Unsuccessful in Inspection)

Fishery products which have failed in an inspection under Article 4 (1) (hereinafter referred to as “products unsuccessful in inspection”) shall not be imported.

Article 13 (Exemption from Inspection and Issue of Certificate of Success in Inspection)

(1) The Minister of Maritime Affairs and Fisheries may exempt the fishery products falling under any of the following subparagraphs from the inspection under Article 4 (1) as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries:

1. Fishery products produced and processed in a designated sea area or facilities for production and processing registered under Article 7 (2) in conformity with sanitary control standards; and
2. Fishery products captured or gathered in a foreign sea area by a fishing boat which is operated by a person permitted for the deep-sea fishery under Article 41 (1) 2 of the Fisheries Act and the fisheries processing industry under Article 49 of the same Act, which are directly exported on the spot.

(2) With respect to products successful in inspection (including fishery products which have passed the reinspection under Article 16; hereinafter, the same shall apply) and fishery products falling under any subparagraph of paragraph (1), the Minister of Maritime Affairs and Fisheries may issue a certificate of succession in inspection to the applicant as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 14 (Measures for Products Unsuccessful in Inspection)

(1) The Minister of Maritime Affairs and Fisheries shall inform an applicant for products unsuccessful in inspection of the fact of the rejection.

(2) The Minister of Maritime Affairs and Fisheries may, where deeming that products unsuccessful in inspection might do harm to the human body, request that the competent head of Si/Gun/autonomous Gu take a measure to abandon, or prohibit the sale of, the fishery products concerned as prescribed by the Food Sanitation Act.

(3) Where the fishery products falling under Article 4 (1) 1 are infected with blight and insect pests, the Minister of Maritime Affairs and Fisheries shall inform the Commissioner of the Korea Customs Service under the conditions as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 15 (Cancellation of Successful Inspection)

If fishery products successful in inspection fall under any of the following subparagraphs, the Minister of Maritime Affairs and Fisheries shall cancel the successful inspection:

1. Where they underwent an inspection by an unlawful way; and
2. Where it is turned out that the marking of inspection result on products successful in inspection was falsified.

Article 16 (Reinspection)

(1) A person who is dissatisfied with the results of inspection under Article 4 may make an application for reinspection to the Minister of Maritime Affairs and Fisheries within fourteen days after he is informed of

the results.

(2) The reinspection under paragraph (1) may be conducted only in the following cases:

1. Where an inspection agency deems that there is an error in the collection of samples necessary to conduct inspection or the method of inspection; and
2. Where a professional sanitation-related agency submits the results of inspection conducted in accordance with the method of inspection as the Minister of Maritime Affairs and Fisheries deems.

(3) No application for reinspection shall be made again for the same reason with respect to the results of reinspection under paragraph (1).

(4) The provisions of Article 9 shall apply mutatis mutandis to the reinspection under paragraph (1).

Article 17 (Investigation and Examination)

(1) Where the Minister of Maritime Affairs and Fisheries deems it necessary to conduct an inspection under Article 4 or to confirm the satisfaction of the sanitary control standards under Article 6, he may have a fishery products inspector enter a designated sea area, facilities for the production and processing of fishery products, warehouses, or vessels to investigate into or examine the books, facilities, or producing process concerned.

(2) A fishery products inspector conducting an investigation or examination under paragraph (1) shall present a certificate indicating his authority to the concerned persons.

Article 18 (Order for Suspension of Producing, Manufacturing, and Processing)

The Minister of Maritime Affairs and Fisheries may, after conducting the inspection of producing process under Article 4 (3) or the investigation or examination under Article 17 (1), order a person producing, manufacturing, processing, or transporting fishery products against sanitary control standards to restrict or suspend the production, manufacturing, processing, or transport of the fishery products, or to correct it or improve or repair the facilities concerned within a fixed period, under the conditions as prescribed by the Presidential Decree.

Article 19 (Dissolution of Designation of Sea Area and Cancellation of Registration of Facilities for Production and Processing)

(1) The Minister of Maritime Affairs and Fisheries may dissolve the designation of a sea area if it ceases to meet the sanitary control standards.

(2) Where a person whose facilities for production and processing are registered pursuant to Article 7 (2) falls under any of the following subparagraphs, the Minister of Maritime Affairs and Fisheries may cancel the registration:

1. Where he refuses, disrupts, or evades the investigation or examination under Article 17; and
2. Where he does not obey the order under Article 18.

Article 20 (Report of Matters on Sanitary Control)

The Minister of Maritime Affairs and Fisheries may have a person whose facilities for production and processing are registered under Article 7 (2), the director of an inspection agency, and the head of an agency entrusted with the authority under Article 23 report on the following matters as prescribed by the Ministerial Decree of Maritime Affairs and Fisheries:

1. Matters concerning sanitary control over a designated sea area;
2. Matters concerning sanitary control over facilities for production and processing; and
3. Matters concerning the conduction of inspection.

Article 21 (Fees)

The Minister of Maritime Affairs and Fisheries may have an applicant for inspection under Article 4 pay the fees as determined by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 22 (Hearing)

The Minister of Maritime Affairs and Fisheries may hold a hearing where he desires to take the following dispositions:

1. Cancellation of the success in inspection under Article 15;
2. Cancellation of registration of facilities for production and processing under Article 19 (2).

Article 23 (Delegation of Authority)

Part of authority of the Minister of Maritime Affairs and Fisheries under this Act may be delegated to the Director of the National Fisheries Research and Development Institute, the Director of the National Fisheries Products Inspection Station, a Metropolitan City Mayor, or Do governor as prescribed by the Presidential Decree.

Article 24 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not to exceed twenty million won:

1. A person who undergoes an inspection of fishery products falling under any subparagraph of Article 4 (1) by false or other unlawful ways;
2. A person who fails to undergo an inspection in violation of Article 4 (1)
3. A person who puts the marks of success in inspection on fishery products other than those successful in inspection; and
4. A person who falsifies and puts a mark of inspection results on products successful in inspection.

Article 25 (Penal Provisions)

A person who does not obey an order made under Article 18 shall be punished by imprisonment for not more than one year or a fine not to exceed ten million won:

Article 26 (Joint Penal Provisions)

If a representative of a juristic person, or an agent, servant or any other employee of a juristic person or individual commits an offense as prescribed in Article 24 or 25 in connection with the business of such a juristic person or individual, the fine as prescribed in the respective Articles shall be imposed on the juristic person or individual, in addition to the punishment of the actual offender.

Article 27 (Fine for Negligence)

(1) A person whose facilities for production and processing are registered under Article 7 (2) and who does not make a report under subparagraph 2 of Article 20 or makes a false report shall be punished by a fine for negligence not to exceed one million won.

(2) The fine for negligence under paragraph (1) shall be imposed and collected by the Minister of Maritime Affairs and Fisheries as prescribed by the Presidential Decree.

(3) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (2) may raise an objection to the Minister of Maritime Affairs and Fisheries within 30 days after the notification of that disposition is received.

(4) Where a person who is subject to the disposition of a fine for negligence under paragraph (2) raises an objection under paragraph (3), the Minister of Maritime Affairs and Fisheries shall forthwith notify the competent court, which shall bring the case to the trial of a fine for negligence according to the Non-Contentious Case Litigation Procedure Act.

(5) If no objection is made and no fine for negligence is paid within the period of time under paragraph (3), the fine shall be collected according to the example of disposition of the national tax in arrears.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 1999.

(2) (Transitional Measures concerning Inspection) An inspection of fishery products conducted pursuant to the previous provisions prior to the entry into force of this Act shall be considered to have been conducted pursuant to the amended provisions of Article 4.

(3) (Transitional Measures concerning Application of Penal Provisions) In the application of penal provisions to an act committed before the entry into force of this Act, the previous provisions shall apply.

(4) (Relation to Other Acts and Subordinate Statutes) Where the Inspection of Fishery Products Act or its provisions are cited by other Acts and subordinate statutes at the time of the entry into force of this Act, this Act or the corresponding provisions of this Act, if any, shall be considered to be cited.

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