

ENFORCEMENT DECREE OF THE INSPECTION OF FISHERY PRODUCTS ACT

Wholly Amended by Presidential Decree No. 16392, Jun. 8, 1999

Amended by Presidential Decree No. 16843, Jun. 19, 2000

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Inspection of Fishery Products Act and necessary matters to implement the delegated matters.

Article 2 (Place for Inspection)

(1) The inspection under the provisions of Article 4 of the Inspection of Fishery Products Act (hereinafter referred to as the “Act”) shall be conducted at a place where the fishery products concerned are produced, manufactured, processed or stored: Provided, That such inspection may be carried out at a place designated by the Minister of Maritime Affairs and Fisheries or the head of a fishery products inspection agency under the provisions of Article 9 of the Act (hereinafter referred to as the “inspection agency”) in the case falling under each of the following subparagraphs:

1. Where a small volume of fishery products is inspected;
2. Where special equipment is required for physical, chemical or microbiological inspection; and
3. Where an inspection is required to be conducted in facilities necessary for the prevention of damages caused by diseases and insect pests.

(2) The Minister of Maritime Affairs and Fisheries or the head of the inspection agency, when he designates an inspection place pursuant to the proviso of paragraph (1), shall publish such designation.

Article 3 (Matters to be Registered for Fishery Products Production and Processing Facilities)

(1) Any person who intends to register his facilities for production and processing of fishery products under the provisions of Article 7 (2) of the Act shall register matters falling under each of the following subparagraphs:

1. Name and location of such facilities;
2. Name and address of the representative of such facilities;
3. Structure and equipment of such facilities;

4. Items of fishery products produced and processed in such facilities; and
 5. Cold-storage capacity and freezing capacity of such facilities and other matters prescribed by the Ministerial Decree of Maritime Affairs and Fisheries.
- (2) The term “matters prescribed by the Presidential Decree” in Article 7 (3) of the Act means the matters of paragraphs (1) 1 through 3.

Article 4 (Designation of Inspection Agency)

- (1) The Minister of Maritime Affairs and Fisheries shall designate the agency falling under each of the following subparagraphs as an inspection agency in accordance with the provisions of Article 9 of the Act:
1. The National Fisheries Research and Development Institute; and
 2. The National Fishery Products Inspection Station.
- (2) The Minister of Maritime Affairs and Fisheries may designate the agency meeting requirements falling under each of the following subparagraphs as an inspection agency in accordance with the provisions of Article 9 of the Act:
1. A laboratory capable of experimenting with and analyzing elements and pollutants contained in fishery products or processing water;
 2. Experimenting devices and equipment capable of making physical, chemical or microbiological experiment and analysis; and
 3. Not less than two fishery products inspectors.
- (3) Matters necessary for the designation procedures of inspection agencies under paragraph (2) shall be determined by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 5 (Qualification Standards for Fishery Products Inspectors)

- (1) Any fishery products inspectors under the provisions of the Article 10 of the Act shall meet qualifications falling under each of the following subparagraphs: *<Amended by Presidential Decree No. 16843, Jun. 19, 2000>*
1. Any fishery products inspector working for the National Fisheries Research and Development Institute or the National Fishery Products Inspection Station shall have served as a civil servant in charge of fishery affairs or fishery research for not less than one year and shall fall under each of the following items: and
 - (a) A person who holds qualifications equal to or higher than a certified fish-disease technician, a certified fishery manufacture technician, a certified water-quality environment technician or a certified foodscience technician under the provisions of the National Technical Qualifications Act; and
 - (b) A person who has majored in the science of marine products processing, marine products manufacturing, food processing, food manufacturing, food chemistry, microbiology, environmental engineering, fish disease or marine biology in school under the provisions of subparagraphs 1 through

6 of Article 2 of the Higher Education Act and graduated from such school or holds an academic attainment equal to or higher than the graduate of such school;

2. Any fishery products inspector of the inspection agency which is designated by the head of the National Fishery Products Inspection Station (hereinafter referred to as the “head of the Inspection Station”) under the provisions of Article 7 (3) 3 and falls under each of the following items:

(a) A person falling under the provisions of subparagraph 1; and

(b) A person with the record of having served at the inspection agency concerned for not less than one year who falls under each of the items of subparagraph 1 or has passed a qualification examination conducted by the head of the Inspection Station.

(2) Necessary matters concerning the appointment or commission of any fishery products inspector under paragraph (1) and a qualification examination under the provisions of paragraph (1) 2 (b) shall be determined by the Ministerial Decree of Maritime Affairs and Fisheries.

Article 6 (Orders Given to Suspend Production, Manufacture, Processing and Transportation, etc.)

With respect to orders given to restrict, suspend or correct the production, manufacture, processing and transportation of fishery products or renovate and repair facilities under the provisions of Article 18 of the Act, the provisions of Article 21 of the Administrative Procedures Act shall apply.

Article 7 (Delegation of Authority)

(1) The Minister of Maritime Affairs and Fisheries shall, in accordance with the provisions of Article 23 of the Act, delegate his authorities falling under each of the following subparagraphs to the Director General of the National Fisheries Research and Development Institute: *<Added by Presidential Decree No. 16843, Jun. 19, 2000>*

1. Appointment or commission of a fishery products inspector under the provisions of Article 10 (1) of the Act; and

2. Entry into such designated sea areas as prescribed by Article 7 (1) of the Act (hereinafter referred to as “designated sea areas”) to inspect them or check them up under the provisions of Article 17 (1) of the Act.

(2) The Minister of Maritime Affairs and Fisheries shall, in accordance with the provisions of Article 23 of the Act, delegate his authorities falling under each of the following subparagraphs (limited to the authorities related to the inspection of fishery products on damages caused by diseases and insect pests) to the Director General of the National Fisheries Research and Development Institute: *<Amended by Presidential Decree No. 16843, Jun. 19, 2000>*

1. Inspection under the provisions of Article 4 (1) and (2) of the Act;

2. Gathering or collection of fishery products under the provisions of Article 8 (1) of the Act;

3. Issuance of a successful inspection certificate under the provisions of Article 13 (2) of the Act;

4. Notice under the provisions of Article 14 (1) and (3) of the Act;
5. Cancellation of the successful inspection certificate under the provisions of Article 15 of the Act;
6. Reinspection under the provisions of Article 16 of the Act;
7. Collection of fees under the provisions of Article 21 of the Act; and
8. Hearing held under the provisions of Article 22 of the Act.

(3) The Minister of Maritime Affairs and Fisheries shall, in accordance with the provisions of Article 23 of the Act, delegate his authority falling under each of the following subparagraphs to the head of the Inspection Station: Provided, That the matters delegated to the Director General of the National Fisheries Research and Development Institute under the provisions of paragraph (2) shall be excluded: <Amended by Presidential Decree No. 16843, Jun. 19, 2000>

1. Inspection under the provisions of Article 4 of the Act;
2. Registration and report on alteration of such registration with respect to the facilities for production and processing of fishery products under the provisions of Article 7 (2) and (3) of the Act;
3. Gathering or collection of fishery products under the provisions of Article 8 (1) of the Act;
4. Designation of an inspection agency and inspection of fishery products on commission under the provisions of Article 9 of the Act: Provided, That the same shall apply only to the inspection of fishery products under the provisions of Article 4 (1) 2 of the Act;
5. Appointment or commission of a fishery products inspector under the provisions of Article 10 (1) of the Act;
6. Exemption from inspection under the provisions of Article 13 (1) of the Act and issuance of a successful inspection certificate under the provisions of Article 13 (2) of the Act;
7. Notice and request for a disposition under the provisions of Article 14 of the Act;
8. Cancellation of a successful inspection certificate under the provisions of Article 15 of the Act;
9. Reinspection under the provisions of Article 16 of the Act;
10. Entry and inspection or checkup (excluding the inspection of or checkup to the designated sea areas) under the provisions of Article 17 (1) of the Act;
11. Orders given to restrict, suspend or correct and improve the transport, manufacturing and processing of fishery products, or to renovate and repair the fishery facilities under the provisions of Article 18 of the Act;
12. Cancellation of the registration of facilities for the production and processing under the provisions of Article 19 (2) of the Act;
13. Orders given to file a report on matters concerning the sanitary control of production and processing facilities and receipt of such report under the provisions of Article 20 (2) of the Act;
14. Collection of fees under the provisions of Article 21 of the Act;
15. Hearing held under the provisions of Article 22 of the Act; and
16. Imposition and collection of fine for negligence under the provisions of Article 27 of the Act.

(4) The Minister of Maritime Affairs and Fisheries shall delegate his authority to order the restriction, suspension and correction of fishery products and the renovation and repair of the fishery facilities in the designated sea area under the provisions of Article 18 of the Act to the Metropolitan Mayor or Do Governor in accordance with the provisions of Article 23 of the Act.

Article 8 (Procedures for Imposing and Collecting Fine for Negligence)

(1) The Minister of Maritime Affairs and Fisheries shall, when he intends to impose a fine for negligence pursuant to the provisions of Article 27 of the Act, inspect and affirm the relevant act of violation and notify in writing a person subject to a disposition taken to impose such fine for negligence of the payment of such fine for negligence, expressly giving the fact of violation and the amount of such fine for negligence and other matters.

(2) The Minister of Maritime Affairs and Fisheries shall, when he intends to impose a fine for negligence pursuant to the provisions of paragraph (1), give a person subject to a disposition taken to impose such fine for negligence an opportunity to state his opinion within a fixed period of not less than 10 days. In this case, if he fails to state his opinion by the given date, he shall be deemed to have no opinion to state.

(3) In determining the amount of a fine for negligence pursuant to the provisions of paragraph (1), the Minister of Maritime Affairs and Fisheries shall take into account the motive for the relevant act of violation and its consequences.

(4) Procedures for collecting the fine for negligence shall be determined by the Ministerial Decree of Maritime Affairs and Fisheries.

ADDENDA

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

(2) (Transitional Measures concerning Qualifications for Fishery Products Inspector) Any person who has qualifications as a fishery products inspector under the previous provisions at the time when this Decree enters into force shall be deemed to have such qualifications as a fishery products inspector under the amended provisions of Article 5.

(3) (Term of Validity) The amended provisions of Article 4 (1) 1 and the proviso of Article 7 (1) and (2) shall be effective until June 30, 2000.

(4) Omitted.

ADDENDA <Presidential Decree No. 16843, Jun. 19, 2000>

(1) (Enforcement Date) This Decree shall enter into force on July 1, 2000.

(2) (Term of Validity) The amended provisions of Article 7 (2) and (3) (proviso) shall be effective until December 31, 2000.

(2) (Transitional Measures concerning Term of Validity) The inspection of fisheries, for which an inspection application is made to the Director General of the National Fisheries Research and Development Institute under this Decree before December 31, 2000 but such inspection is not completed within the term of validity under paragraph (2) of this Addenda, shall continue to be conducted by the Director General of the National Fisheries Research and Development Institute until it is completed, irrespective of the term of validity under paragraph (2) of this Addenda.

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