

# QUALITY CONTROL OF FISHERY PRODUCTS ACT

Act No. 6399, Jan. 29, 2001  
Amended by Act No. 6458, Mar. 28, 2001  
Act No. 6841, Dec. 30, 2002  
Act No. 6842, Dec. 30, 2002  
Act No. 7219, Sep. 23, 2004  
Act No. 7311, Dec. 31, 2004  
Act No. 7313, Dec. 31, 2004  
Act No. 7570, May 31, 2005  
Act No. 7678, Aug. 4, 2005  
Act No. 7988, Sep. 27, 2006  
Act No. 8010, Sep. 27, 2006  
Act No. 8260, Jan. 19, 2007  
Act No. 8299, Jan. 26, 2007  
Act No. 8352, Apr. 11, 2007  
Act No. 8365, Apr. 11, 2007  
Act No. 8370, Apr. 11, 2007  
Act No. 8377, Apr. 11, 2007  
Act No. 8624, Aug. 3, 2007  
Act No. 8789, Dec. 21, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 9009, Mar. 28, 2008  
Act No. 9401, Jan. 30, 2009  
Act No. 9932, Jan. 18, 2010  
Act No. 10022, Feb. 4, 2010  
Act No. 10023, Feb. 4, 2010  
Act No. 10310, May 25, 2010  
Act No. 10331, May 31, 2010  
Act No. 10932, Jul. 25, 2011

## Article 1 (Purpose)

The purpose of this Act is to contribute to the increase of fishermen's income and the protection of consumers by enhancing the marketability and stability of fishery products and fostering the processing industry of fishery products through the adequate quality control on fishery products.

## **Article 2 (Definitions)**

The definitions of terms used in this Act shall be as follows:

1. The term "fishery products" means the marine animals and plants, excluding the fishery products for transplant;
2. The term "fishery products for transplant" means the marine animals and plants regarding which approval for transplant has been granted pursuant to Article 77 (1) 4 of the Fisheries Act;
3. The term "genetically modified fishery products" means fishery products and those for transplant, which are made to carry the intended traits by artificially dividing or recompounding genes;
4. The term "processed fishery products" means fishery products that are processed pursuant to the criteria prescribed by Presidential Decree for the use ratio, ingredient contents, etc. of raw materials or materials;
5. The term "fishery specialties" means, among processed fishery products, products that are specifically produced or processed by using fishery products in the specific areas or those specifically produced as raw materials;
6. The term "traditional fishery foods" means foods that carry our inherent tastes, flavors and colors that have been transmitted from old times;
7. The term "fishery products traceability" means recording and managing information at each phase from production to sales of fishery products to ensure that, if a problem arises with the safety, etc. of the relevant fishery products, the relevant fishery products will be traced to reveal causes of the problem and necessary measures shall be taken;
8. The term "environmentally friendly fishery" means fishery industry that produces safe fishery products by not using chemical compounds, etc. that are harmful to the human body or by minimizing the use of animal drugs, etc., while maintaining and conserving the aquatic ecosystem and the environment;
9. The term "environmentally friendly fishery products" means fishery products produced while engaging in environmentally friendly fishery and the foods that are processed in a sanitary way by using the aforementioned fishery products as an ingredient;
10. The term "fishery product processing industry" means the business that manufactures or processes food, feeds, fertilizers, paste stuffs, cream or hides by using the fishery products as direct raw materials or materials;
11. The term "normal standards" means the packing standards and grading standards for fishery products;
12. The term "geographical marking" means, when the fame, quality or other peculiarity of the fishery products or processed fishery products are essentially attributable to the geographical features of

specific areas, the marking to the effect that the relevant fishery products or processed fishery products have been produced in the relevant areas;

13. Deleted; <by Act No. 10022, Feb. 4, 2010>

14. The term "hazardous substance" means heavy metals, radioactivity, antibiotic substances, pathogenic microbes, and toxic substances which might do harm to the human body;

15. The term "blight and insect pests" means pathogenic organisms, such as germs, viruses, or parasites, which might do harm to marine animals and plants or the human body;

16. The term "producers' organization" means the cooperatives and their National Federation under the Fisheries Cooperatives Act and other organizations determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

### **Article 3 (Relations to other Acts)**

Except as prescribed by this Act, the fishery products and processed fishery products shall be governed by the Food Sanitation Act and the Foreign Trade Act.

### **Article 4 (Establishment of Fishery Products Quality Control Deliberation Council)**

(1) The Fishery Products Quality Control Deliberation Council (hereinafter referred to as the "Deliberation Council") shall be established under the control of the Minister for Food, Agriculture, Forestry and Fisheries in order to deliberate on matters concerning the quality control, etc. of fishery products and processed fishery products under this Act. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Deliberation Council shall deliberate on the following matters: <Amended by Act No. 8299, Jan. 26, 2007; Act No. 8624, Aug. 3, 2007; Act No. 10022, Feb. 4, 2010>

1. Fosterage of processing industry, such as the designation of master of traditional fishery foods;
2. Normal standards;
3. Logistics standardization;
4. Quality certification;
- 4-2. Traceability of fishery products;
- 4-3. Certification of environmentally friendly fishery products;
5. Geographical markings;
6. Indication of place of origin under the Act on Origin Labeling of Agricultural and Fishery Products;
7. Marking of genetically modified fishery products;
8. Criteria for sanitary management of production or processing facilities of fishery products for exportation purposes, and of sea areas;
9. Inspection of fishery products and processed fishery products;
10. Quarantine of fishery products for transplant;
11. Safety survey on fishery products under Articles 42 and 43 and measures for the results thereof;
- 11-2. Provision of information regarding the safety and quality control of fishery products;
12. Other important matters on the inspection, quality control, etc. of fishery products and processed fishery products.

(3) The Deliberation Council shall consist of no more than 30 members including one chairperson and one vice-chairperson.

(4) The chairperson shall be elected from among the members, and the vice-chairperson shall be designated by the chairperson from among the members.

(5) The members shall be persons falling under any of the following subparagraphs: *<Amended by Act No. 7219, Sep. 23, 2004; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010; Act No. 10932, Jul. 25, 2011>*

1. Public officials nominated by the head of competent agency from among the officials belonging to the Ministry of Knowledge Economy, the Ministry of Health and Welfare, the Ministry of Environment, the Intellectual Property Office, and the Food and Drug Administration, and public officials appointed by the Minister for Food, Agriculture, Forestry and Fisheries from among the officials belonging to the Ministry for Food, Agriculture, Forestry and Fisheries;

2. Persons nominated by the heads of organizations and institutions falling under any of the following from among the officers and employees belonging to them:

(a) National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act;

(b) Korea Agro-Fisheries and Food Trade Corporation under the Korea Agro-Fisheries and Food Trade Corporation Act;

(c) Korea Food Industry Association under the Food Sanitation Act;

(d) Korea Maritime Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions and the Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government Funded Science and Technology Research Institutions;

(e) Korea Health Industry Development Institute under the Korea Health Industry Development Institute Act;

3. Persons commissioned by the Minister for Food, Agriculture, Forestry and Fisheries from among the persons of professional knowledge and rich experiences in the field of production, processing, distribution, and consumption of fishery products.

(6) The term of office of the members shall be three years, and they may be reappointed.

(7) Matters necessary for the composition, operation, etc. of the Deliberation Council shall be prescribed by Presidential Decree.

#### **Article 5 (Normal Standardization)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may set forth the normal standards for fishery products in order to elevate the marketability of fishery products, to enhance the distribution efficiency, and to realize fair transactions.

(2) Persons who ship fishery products that meet the normal standards under paragraph (1) (hereinafter referred to as "normal standard goods"), may mark the indication of normal standard goods on the surface of their packings.

(3) Matters necessary for the establishment procedure, criteria, marking methods, etc. of the normal standards shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 6 (Quality Certification)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall conduct the quality certification systems in order to elevate the quality of fishery products, fishery specialties and traditional fishery foods, and to protect consumers.

(2) Any person who intends to obtain the quality certification under paragraph (1) shall make an application to the Minister for Food, Agriculture, Forestry and Fisheries, as determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) A mark of quality-certified goods may be put on fishery products, fishery specialties, and traditional fishery foods (hereinafter referred to as "quality-certified goods") which have obtained the quality certification under paragraph (1), as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(4) The criteria, procedures, marking methods, selection of target items, etc. of the quality certification under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 7 (Term of Validity of Quality Certification and Its Extension)**

(1) The term of validity of quality certification for fishery products and fishery specialties provided for in Article 6 (1) shall be two years from the date on which the quality certification is granted.

(2) Anyone who intends to have the term of validity of quality certification referred to in paragraph (1) extended shall file an application with the Minister for Food, Agriculture, Forestry and Fisheries or the head of any quality certification agency that is designated pursuant to Article 8 (1) (hereinafter referred to as the "head of a quality certification agency") for extending the term of validity thereof, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) The Minister for Food, Agriculture, Forestry and Fisheries or the head of any quality certification agency may, upon receiving the application filed under paragraph (2) for extending the term of validity, extend the term of validity within the scope of not more than two years when such application is deemed in conformity with the quality certification standards provided for in Article 6 (4).

#### **Article 8 (Designation, etc. of Quality Certification Agencies)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may have any corporation or any organization that performs the work of examining and certifying the production conditions, quality and safety of fishery products, which is each designated by the Minister for Food, Agriculture, Forestry and Fisheries (hereinafter referred to as "quality certification agency") to perform the quality certification provided for in Article 6 (1) by proxy.

(2) The Government may provide financial support to any production organization of fishery products (only referring to the organizations of fishery business operators) which is designated as a quality certification agency pursuant to paragraph (1) or any corporation (only referring to any corporation provided for in Article 32 of the Civil Act) involved in the processing of fishery products, in order to help

fishery business operators improve the quality of fishery products and systematically control their quality on their own.

(3) Anyone who intends to be designated as a quality certification agency shall file an application with the Minister for Food, Agriculture, Forestry and Fisheries after securing facilities and manpower needed to perform the quality certification provided for in Article 6 (1).

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, when any quality certification agency falls under any of the following subparagraphs, revoke its designation or order the whole or partial suspension of its quality certification affairs for the fixed period of not more than six months: Provided, That when a quality certification agency falls under any of subparagraphs 1 through 4, the Minister for Food, Agriculture, Forestry and Fisheries shall revoke its designation:

1. When it is designated as a quality certification agency by deceit, falsehood or other fraudulent means;
2. When it is found to fall short of the designation standards referred to in paragraph (5) and fails to execute an corrective order within one month from the date on which such corrective order is given;
3. When it has been subject to a disposition taken to suspend its work not less than two times in the last three years;
4. When it performs the quality certification work during the period in which it is ordered to suspend its quality certification work;
5. When it performs the quality certification work in violation of the work scope referred to in paragraph (5);
6. When it has anyone to perform its quality certification work by using its name or its firm name or lends its written designation of the quality certification agency;
7. When it fails to faithfully perform the quality certification work, thereby inflicting harms to the public, or fabricates the results of any survey for the quality certification.

(5) Necessary matters concerning standards and procedures for designating facilities, manpower, etc. of quality certification agencies, guidance and oversight, the scope of the quality certification work, etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 8-2 (Fishery Products Traceability)**

(1) A person who intends to engage in traceability of fishery products among those engaged in producing, circulating, or selling fishery products may satisfy the criteria for registration therefor prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries and file a registration of the relevant fishery products with the Minister for Food, Agriculture, Forestry and Fisheries: Provided, That a person who produces, circulates, or sells fishery products prescribed by Presidential Decree, such as fishery products for which a major accident occurs in relation to food safety, shall file a registration of fishery products traceability with the Minister for Food, Agriculture, Forestry and Fisheries.

(2) A person who produces, circulates, or sells fishery products registered under paragraph (1) (hereinafter referred to "goods subject to traceability") shall comply with the criteria prescribed and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries regarding drawing up, keeping, managing,

etc. records necessary for fishery products traceability (hereinafter referred to as "criteria for fishery products traceability").

(3) Where any registered matter is changed, a person who obtains registration under paragraph (1) shall file a report thereon to the Minister for Food, Agriculture, Forestry and Fisheries within one month from the date on which any ground therefor occurs.

(4) An indication of fishery products traceability may be given to goods subject to traceability as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That an indication of fishery products traceability shall be given to fishery products registered under the proviso to paragraph (1).

(5) The term of validity of registration under the main sentence of paragraph (1) shall be three years from the date on which registration is made: Provided, That where it is necessary to differently apply the term of validity of registration in consideration of the characteristics of such a product, the term of validity may be extended or shortened as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(6) The Minister for Food, Agriculture, Forestry and Fisheries may subsidize funds necessary for fishery products traceability within budgetary limits to a person who obtains registration under paragraph (1).

(7) Product items subject to fishery products traceability, procedures for registration, matters to be registered, and other necessary matters regarding registration shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

### **Article 8-3 (Certification of Environmentally Friendly Fishery Products)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall enforce certification of environmentally friendly fishery products for the sake of nurturing of environmentally friendly fisheries and consumer protection.

(2) A person who intends to obtain certification of environmentally friendly fishery products under paragraph (1) shall file an application therefor with the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Environmentally friendly fishery products certified under paragraph (1) (hereinafter referred to as "goods certified as environmentally friendly") may carry an indication of environmentally friendly fishery products as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(4) The term of validity of certification of environmentally friendly fishery products under paragraph (1) shall be two years from the date on which certification of environmentally friendly fishery products is obtained: Provided, That if it is necessary to differently apply the term of validity in consideration of the characteristics of such product, the term of validity may be extended or shortened as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(5) Matters necessary for the criteria, procedures, and method of indication of certification of environmentally friendly fishery products, selection of product items subject to certification of environmentally friendly fishery products, etc. under paragraph (1) shall be prescribed by Ordinance of the

Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 9 (Registration of Geographical Markings)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall conduct the registration system for geographical markings in order to elevate the quality of excellent fishery products or processed fishery products carrying the geographical features, to foster them as the regional specialized industry, and to protect consumers.

(2) Any person who has made a registration of geographical markings under paragraph (1) may put the geographical markings on the relevant fishery products or processed fishery products (hereinafter referred to as the "goods with geographical markings") as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Matters necessary for product items and areas subject to registration of geographical marking, criteria and procedures for registration of geographical marking, qualifications of applicants for registration, etc. under paragraph (1) shall be prescribed by Presidential Decree.

**Article 10 Deleted.** <Amended by Act No. 10022, Feb. 4, 2010>

#### **Article 11 (Indication of Genetically Modified Fishery Products)**

(1) Any person who produces and ships genetically modified fishery products, or sells them or keeps or displays them for the purpose of selling, shall indicate on the fishery products a mark that they are genetically modified products.

(2) Matters necessary for the selection of items subject to indication, indication criteria, indication method, etc. of genetically modified fishery products under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 12 (Disposition of Suspending Indication, etc.)**

Where normal standard goods, quality-certified goods, goods subject to traceability, goods certified as environmentally friendly, and geographical markings goods become short of the indicated standards or their production is deemed to be difficult, the Minister for Food, Agriculture, Forestry and Fisheries may issue a corrective order, prohibit their sale, suspend such indications, or revoke the certification or registration as prescribed by Presidential Decree.

#### **Article 13 (Order to Correct Indication Methods)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may issue a corrective order to persons who have violated the indication method for the normal standard goods under Article 5, of the quality-certified goods under Article 6, of fishery products traceability under Article 8-2, of certification as environmentally friendly goods under Article 8-3, of the geographical markings under Article 9. <Amended by Act No. 8299, Jan. 26, 2007; Act No. 8624, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008>

(2) Matters necessary for procedures, etc. for issuing a corrective order under paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>



### **Article 13-2 (Disposition, etc. on Violation of Indication of Genetically Modified Fishery Products)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries, or a Special Metropolitan City Mayor, Metropolitan Mayors, Do Governors, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") may impose any of the following dispositions on a person who violates the provisions of Article 11 or 14 (2): *<Amended by Act No. 10022, Feb. 4, 2010>*

1. Corrective order stipulating the implementation, modification, deletion, etc. of indications;
2. Prevention of transactions, such as sales of fishery products or processed fishery products violating the provisions for indications.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or a Mayor/Do Governor may, where he/she has imposed a disposition under paragraph (1) on any person who violates the provisions of Article 14 (2), order the violator to make an announcement of the name of his/her business, the business owner's name, his/her address, the fact of being given a corrective order, etc.

(3) The Minister for Food, Agriculture, Forestry and Fisheries or a Mayor/Do Governor shall, where a decision has become definite on imposing a disposition under paragraph (1) on any person who violates the provisions of Article 14 (2), make an announcement of matters related to the disposition, such as the details of disposition, the names of the relevant business entity, the names of relevant fishery products or processed fishery products, etc. to the Internet homepage of the Ministry for Food, Agriculture, Forestry and Fisheries, the Special Metropolitan City, a Metropolitan City, a Do, or a Special Self-Governing Province as prescribed by Presidential Decree. *<Newly Inserted by Act No. 10023, Feb. 4, 2010>*

(4) Matters necessary for the disposition imposed under paragraph (1), criteria for issuing an announcement order and its methods under paragraph (2) shall be prescribed by Presidential Decree. *<Amended by Act No. 10023, Feb. 4, 2010>*

### **Article 14 (Prohibition of False Indications, etc.)**

(1) Nobody shall commit an offence falling under the following subparagraphs:

1. An act of making the indication of normal standards, of quality certification, of traceability, of certification of environmentally friendly fishery products, of geographical marking, or any indications similar to them, on the fishery products and processed fishery products which are not such goods as normal standards, quality certification, traceability, certification of environmentally friendly fishery products, or geographical marking;
2. An act of selling, or of keeping or displaying for the purpose of selling, such goods as normal standards, quality certification, traceability, certification of environmentally friendly fishery products, or geographical marking, and other fishery products and processed fishery products, by mixing them with those that are not such products.

(2) Any person who produces and ships fishery products to carry indications of genetically modified fishery products under Article 11, sells them, or stores or displays them for the purpose of selling, shall not commit an offence falling under the following subparagraphs: *<Amended by Act No. 10022, Feb. 4, 2010>*

1. An act of falsely indicating genetically modified fishery products, or of making an indication which may lead to a confusion of their identity;
2. An act of damaging or altering the indications of genetically modified fishery products for the purpose of causing confusion to people;
3. Deleted; <by Act No. 10022, Feb. 4, 2010>
4. An act of mixing fishery products carrying the indication of genetically modified fishery products with other fishery products.

#### **Article 15 (Devising Policies for Fostering Fishery Product Processing Industry)**

The Minister for Food, Agriculture, Forestry and Fisheries shall devise policies on the following matters in order to foster and develop the fishery product processing industry:

1. Elevation of productivity of the fishery product processing industry;
2. Strengthening the competitiveness of the fishery product processing industry;
3. Laying the foundations for the fishery product processing industry;
4. Development and dissemination of the fishery product processing technology;
5. Investment or loans for fostering the fishery product processing industry;
6. Research, development and dissemination of the traditional fishery dine-out industry;
7. Other important matters on fostering the fishery product processing industry.

#### **Article 16 (Subsidization)**

The Minister for Food, Agriculture, Forestry and Fisheries may provide required funds with respect to persons who intend to operate business falling under any of the following subparagraphs:

1. Production, development or export promotion of processed fishery products, and establishment and operation of the specialized stores for processed fishery products;
2. Processing of traditional fishery foods or inheritance of skills thereon by a master of traditional fishery foods under Article 18 (2);
3. Development and dissemination of the traditional fishery dine-out industry;
4. Research, development, and industrialization of the fishery product processing technology, etc.;
5. Purchase of packing materials, facilities and automation equipment to facilitate quality elevation, normal standardization, and logistics standardization of fishery products and processed fishery products;
6. Other matters prescribed by Presidential Decree as necessary for fostering the fishery product processing industry.

#### **Article 17 (Establishment, etc. of Production Plants of Processed Fishery Products)**

(1) When any person subject to subsidization under Article 16 intends to establish a production plant of processed fishery products, he/she shall submit a business plan to the head of a Si (referring to the Governor of a Special Self-Governing Province in the case of a Special Self-Governing Province; hereinafter the same shall apply)/Gun/an autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu") having jurisdiction over the area in which the relevant plant is to be established, and obtain his/her approval as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) When the approval for business plan under paragraph (1) has been obtained, the following permission, authorization, or approval shall be deemed to have been obtained or cancelled, or the following report shall be deemed to have been made: *<Amended by Act No. 10331, May 31, 2010>*

1. Permission for deforestation, etc. under Article 14 of the Work against Land Erosion or Collapse Act, and cancellation of designation as erosion control land under Article 20 of the same Act;
2. Diversion permission of mountainous districts and diversion report of mountainous districts under Articles 14 and 15 of the Management of Mountainous Districts Act, permission for the temporary use of mountainous districts under Article 15-2 of the same Act, and permission and report of standing tree lumbering, etc. under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act;
3. Permission for any development act provided for in Article 56 of the National Land Planning and Utilization Act;
4. Permission for opening a private road under Article 4 of the Private Road Act;
5. Permission on diversion of the use of farmland under Article 34 (1) of the Farmland Act;
6. Authorization on the establishment of exclusive-use waterworks under Article 52 of the Water Supply and Waterworks Installation Act;
7. Permission or report for diversion of the use of grassland under Article 23 of the Grassland Act;
8. Approval for establishment, etc. of a factory under Article 13 of the Industrial Cluster Development and Factory Establishment Act.

(3) Where any matter falling under the subparagraphs of paragraph (2) is placed under the authority of another administrative agency, the head of a Si/Gun/Gu shall consult in advance with the head of relevant administrative agency or obtain his/her approval, when granting an approval under paragraph (1).

(4) Where the State leases the state-owned land created by a reclamation of oyster shell zone to the fishermen engaged in oyster breeding, or to the operators of oyster production or processing facilities registered to the Minister for Food, Agriculture, Forestry and Fisheries under Article 25 (hereafter referred to as "fishermen engaged in oyster breeding, etc." in this Article), it may grant a permit to build or improve a permanent structure for breaking oyster shells or for the processing or sanitary treatment of oysters on the relevant land, notwithstanding Article 18 of the State Property Act. In such cases, the period for such lease shall, notwithstanding Article 46 (1) of the State Property Act, be within the scope of 20 years, and any person who intends to build or improve the relevant structure may obtain a lease of such land under the conditions that he/she shall donate the structure to the State or return the land by restoring it to the original status upon the maturity of leasing period. *<Amended by Act No. 9401, Jan. 30, 2009; Act No. 10023, Feb. 4, 2010>*

(5) The State may, where deemed necessary for the nurturing and development of the oyster breeding and processing industry, sell the state-owned land under paragraph (4) to fishermen engaged in oyster breeding, etc. notwithstanding Article 43 of the State Property Act after entering into private contracts. In such cases, such land shall be sold according to the purposes of use prescribed by Presidential Decree. *<Newly Inserted by Act No. 10023, Feb. 4, 2010>*

### **Article 18 (Development, etc. of Traditional Fishery Foods)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, where deemed necessary for the sake of development, succession, and advancement of traditional fishery foods, support or foster them.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, for the succession and advancement of the traditional fishery foods and the honour of their processing technicians, execute the system of masters of traditional fishery foods, such as protection and fosterage of masters of traditional fishery foods by designating them.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may, where a person who has been designated as a master of traditional fishery foods under paragraph (2) falls under any of the following subparagraphs, cancel such designation through deliberation of the Deliberation Committee: Provided, That the Minister shall cancel such designation in cases falling under subparagraph 1:

1. Where the person has obtained a designation by falsity or other illegal means;
2. Where the person has transferred or leased to others a document verifying that the person was designated as a master of traditional fishery foods.

(4) Matters necessary for the execution of the system of masters of traditional fishery foods, such as the application, criteria and revocation of designation as the master of traditional fishery foods under paragraphs (2) and (3) shall be prescribed by Presidential Decree.

### **Article 19 (Registration, Report, etc. of Fishery Product Processing Business)**

(1) Any person who intends to operate a fishery product processing business shall, pursuant to the divisions prescribed by Presidential Decree, file a registration with the Minister for Food, Agriculture, Forestry and Fisheries, or the competent Mayor/Do Governor, or file a report with the head of a Si/Gun/Gu.

(2) When a person intends to change important matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries among registered or reported matters, he/she shall make a report thereon to the head of the administrative agency with which his/her business is registered or to which his/her report is made.

(3) Registration criteria under paragraph (1) shall be prescribed by Presidential Decree.

(4) Necessary matters concerning the matters required to be registered and to be reported and procedures and method for the registration and report referred to in paragraph (1) and procedures and method, etc. for making the report of change referred to in paragraph (2) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

### **Article 20 (Suspension or Revocation of Fishery Product Processing Business)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries or the Mayor/Do Governor may, where any person who has filed a registration of fishery product processing business falls under any of the following subparagraphs, restrict production items of the registered fishery product processing business, order the suspension of business for a fixed period within the scope of six months, or revoke such registration: Provided, That he/she shall revoke such registration when it falls under subparagraph 1 or 5:

1. Where he/she has made a registration of fishery product processing business by falsity or other illegal means;
2. Where he/she has processed or intended to process by making marine animals and plants as raw materials or materials, despite his/her knowledge that such plants and animals have been captured, collected, or cultured, in violation of any of the following:
  - (a) Article 8 (1), 29 (1) and (4), 32 (1), 33 (1), 34 (1), 35, 43 (1) through (3), 46 (1) and (4), 58, 58-2, 67 (2), 71, or 74 (2) of the Fisheries Act;
  - (b) Restrictions or conditions on the license for fishery business under Article 14 of the Fisheries Act, the effective period of fishery business license under Article 16 of the same Act, the effective period, etc. of the limited fishery business license under Article 17 (1) of the same Act, the period of suspension under Article 32 (2) of the same Act, restrictions on or suspension of licensed fishery business, or restrictions on a fishing vessel's mooring at, departure from or entry into, a port under Article 36 (1) of the same Act, the effective period of fishery business permit under Article 45 of the same Act, the effective period of a report under Article 46 (2) of the same Act, an order for coordination of fisheries under Article 53 (1) of the same Act, or an order for protection of resources under Article 77 (1) 1 through 3 and 8 of the same Act;
  - (c) Article 32 (1), 33 (1), or 34 (1) of the Fisheries Act where Article 48 (1) of the same Act shall apply *mutatis mutandis*;
  - (d) Restrictions or conditions on the license for fishery business permit under Article 14 of the Fisheries Act, where Article 48 (1) of the same Act shall apply *mutatis mutandis*, the effective period, etc. of the limited fishery business license under Article 17 (1) of the same Act, the period of suspension under Article 32 (2) of the same Act, restrictions on or suspension of licensed fishery business or restrictions on a fishing vessel's mooring at, departure from or entry into a port under Article 36 (1) of the same Act;
  - (e) Article 11 (2) and (3) of the Fishing Ground Management Act, and Article 6 (1), 9 (1), 11 (1) or 19 of the Inland Water Fisheries Act;
  - (f) Restrictions on operational areas, scale, methods, etc. of licensed fisheries under Article 9 (4) of the Inland Water Fisheries Act;
  - (g) Foreign Acts and subordinate statutes or treaties concluded with foreign countries in relation to fishery;
3. Where he/she has processed or intended to process by making marine animals and plants as raw materials or materials, despite his/her knowledge that such plants and animals have been captured, collected, or cultured by a person falling under any of the following items:
  - (a) A person who has obtained a license for fishery business under Article 8 of the Fisheries Act or obtained permission to fish under Article 43 of the same Act by falsity or other illegal means;
  - (b) A person who has obtained a license for fishery business under Article 8 of the Fisheries Act and falls under the category of a corporation or organization having a bona fide business purpose which is

practically irrelevant to fishery business;

4. Where he/she has violated the criteria for registration of fishery products processing industry under Article 19 (3);

5. Where he/she has engaged in business during the period of suspension after having been imposed a disposition of the suspension of business.

(2) Matters necessary for the standards, procedures, etc. for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 21 (Preferential Purchase)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, where necessary to make the distribution of fishery products and processed fishery products smooth and to elevate the quality, have the normal standard goods, quality-certified goods, and geographical marking goods listed preferentially in the fishery products wholesale markets or the fishery products joint wholesale markets under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products.

(2) The State, local governments, or public institutions under Article 4 of the Act on the Management of Public Institutions (hereinafter referred to as "public institutions") may, where they intend to purchase fishery products and processed fishery products, preferentially purchase the normal standards goods, quality-certified goods, and geographic markings goods.

#### **Article 22 (Criteria for Sanitary Management)**

The Minister for Food, Agriculture, Forestry and Fisheries shall, in order to enforce agreements with foreign countries or to have the specified criteria of foreign countries for sanitary management observed, set forth and publicly notify the criteria for sanitary management of the production or processing facilities of fishery products for exportation, and of the sea areas (hereinafter referred to as "criteria for sanitary management").

#### **Article 23 (Hazard Analysis and Critical Control Points)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, where the agreements with foreign countries stipulate or the partners of exports set forth and request, set forth and publicly notify the criteria for the Hazard Analysis and Critical Control Points, which are to make an intensive management of each phase, such as production, processing, etc., in order to prevent the adulteration or remaining of hazardous elements in fishery products and processed fishery products for exportation or the contamination of such fishery products and processed fishery products.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, for the elevation of quality of fishery products which are produced at home and their safe production and supply, set forth and give public notice of the criteria for the Hazard Analysis and Critical Control Points, which aim at preventing the adulteration or remaining of hazardous elements or the contamination of fishery products during such courses as production phase, storage phase (limited to the case of producers' storing; hereinafter the same shall apply) and the phase prior to shipping and trading.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may require an operator of production or processing facilities registered under Article 25 (1) to observe the Hazard Analysis and Critical Control Points under paragraphs (1) and (2).

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, to a person who observes the criteria for the Hazard Analysis and Critical Control Points under paragraphs (1) and (2), deliver a document verifying the relevant facts of observance, as determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(5) The Minister for Food, Agriculture, Forestry and Fisheries may, in order to facilitate the effective compliance with the criteria for the Hazard Analysis and Critical Control Points under paragraphs (1) and (2), provide technology or information services necessary for implementation of the criteria for the Hazard Analysis and Critical Control Points or carry out activities relating to education or training to a person registered under Article 25 (1) (including his/her employees) and a person intending to file registration under Article 25 (1) (including his/her employees).

#### **Article 24 (Designation of Designated Sea Areas)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may designate sea areas meeting the criteria for sanitary management as the designated sea areas, and give public notice thereof.

(2) Matters necessary for designation procedures, etc. for the designated sea areas under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 24-2 (Comprehensive Measures to Manage Sanitation in Designated Sea Areas)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall formulate and implement comprehensive measures to manage sanitation in designated sea areas (hereafter in this Article referred to as "comprehensive measures") in order to preserve and manage the designated sea areas.

(2) The comprehensive measures shall contain the following:

1. The basic direction for preserving and managing the designated sea areas (including matters concerning the prevention of pollution; hereafter in this Article the same shall apply);
2. Specific measures to facilitate the preservation and management of the designated sea areas;
3. Other matters that are deemed by the Minister for Food, Agriculture, Forestry and Fisheries as necessary to preserve and manage the designated sea areas.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may, if necessary to formulate the comprehensive measures, hear opinions of the following persons (hereinafter referred to as "heads of institutions concerned"). In such cases, the Minister for Food, Agriculture, Forestry and Fisheries may ask the heads of institutions concerned to furnish him/her with necessary materials:

1. Heads of agencies concerned under the jurisdiction of the Ministry for Food, Agriculture, Forestry and Fisheries;
2. Heads of local governments having jurisdiction over the designated sea areas;
3. Heads of fisheries cooperatives and the President of the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act.

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon completing the formulation of the comprehensive measures, notify the heads of institutions concerned of such comprehensive measures.

(5) The Minister for Food, Agriculture, Forestry and Fisheries may, if deemed necessary to implement the comprehensive measures that are notified pursuant to paragraph (4), ask the heads of institutions concerned to take necessary measures to implement the comprehensive measures. In such cases, the heads of institutions concerned shall comply with the request unless special grounds exist that make it impossible for them to do so.

#### **Article 24-3 (Restrictions or Prohibition in Designated Sea Areas and Their Surrounding Sea Areas)**

(1) No one shall perform the act falling under any of the following subparagraphs in the designated sea areas and other sea areas that surround the designated sea areas within the distance of not more than one kilometer (hereinafter referred to as "their surrounding sea areas"):

1. Releasing pollutants provided for in subparagraph 11 of Article 2 of the Marine Environment Management Act, notwithstanding Article 22 (1) 1 through 3 and (2) of the same Act;
2. Releasing pollutants provided for in subparagraph 11 of Article 2 of the Marine Environment Management Act in facilities of fish farms (hereinafter referred to as "fish farming facilities") that are installed to run the farming business for fish, etc. (hereinafter referred to as "fish farming business") provided for in Article 8 (1) 4 of the Fisheries Act;
3. Raising (including the case of leaving them alone; hereinafter the same shall apply) livestock (including cats and dogs; hereinafter the same shall apply) provided for in subparagraph 1 of Article 2 of the Act on the Management and Use of Livestock Excreta in fish farming facilities installed to run the fish farming business.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may restrict or prohibit the act of using animal drugs provided for in Article 85 of the Pharmaceutical Affairs Act in the fish farming facilities in the designated sea areas and their surrounding sea areas that are installed by fish farming right holders (including anyone who obtains the fishing right by means of transfer, division or change after obtaining an authorization thereon pursuant to Article 21 of the Fisheries Act and anyone who is in charge of managing fish farming facilities) in order to prevent fishery products produced in the designated sea areas from being polluted: Provided, That the same shall not apply to cases where animal drugs are used according to prescriptions by any certified fishery disease controller provided for in subparagraph 5 of Article 2 of the Fish Farming Development Act or any veterinarian provided for in subparagraph 1 of Article 2 of the Veterinarians Act following the outbreak of any fish disease or fish contagious disease in the designated sea areas and their surrounding sea areas.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, when intending to restrict or prohibit the act of using animal drugs pursuant to paragraph (2), determine and publish the period of the restricted and prohibited act by the designated sea area (including its surrounding sea area) within the scope of not exceeding three months, in consideration of the time when the massive shipment of fishery products produced in the designated sea area is made.



## **Article 25 (Registration of Facilities for Production, Processing, etc.)**

(1) Any person who operates production or processing facilities for fishery products meeting the criteria for sanitary management, and facilities observing the criteria for the Hazard Analysis and Critical Control Points under Article 23 (1) or (2) (hereinafter referred to as "production or processing facilities, etc.") may file a registration of the production or processing facilities, etc. with the Minister for Food, Agriculture, Forestry and Fisheries.

(2) Any person who has filed a registration under paragraph (1) (hereinafter referred to as "operator, etc. of production or processing business") may indicate the fact of meeting the criteria for sanitary management, or the fact of observing the criteria for production under Article 23 (1) and (2), on fishery products, processed fishery products which are produced, processed, or shipped at the production or processing facilities, etc. or their packages thereof, or may publicize such facts.

(3) Any operator of production or processing business shall, where intending to alter the matters prescribed by Presidential Decree, report thereon to the Minister for Food, Agriculture, Forestry and Fisheries.

(4) Matters necessary for registration procedures, registration methods, procedures for modified report, etc. of production or processing facilities, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

## **Article 26 (Investigation or Inspection)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall investigate or inspect whether the sea areas to be designated as the designated sea area under Article 24 (1) and those already designated as the designated sea areas meet the criteria for sanitary management.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall investigate or inspect whether production or processing facilities, etc. meet the criteria for sanitary management and the criteria for the Hazard Analysis and Critical Control Points under Article 23 (1) or (2). In such cases, the cycle of investigation or inspection shall be prescribed by Presidential Decree.

(3) Where production or processing facilities meet the following requirements, the Minister for Food, Agriculture, Forestry and Fisheries may request the heads of the relevant administrative agencies to conduct joint investigation or inspection upon receipt of a request from production or processing business operators: *<Amended by Act No. 10310, May 25, 2010>*

1. Where they are subject to investigation or inspection under food-related Acts and subordinate statutes, such as the Food Sanitation Act or the Processing of Livestock Products Act;
2. Where they are subject to investigation or inspection not less than two times within six months for similar purposes: Provided, That the case of investigating or inspecting whether matters subject to agreements with any foreign country or corrective measures are implemented and the case of investigating or inspecting on the receipt of a report or information regarding an alleged wrongdoing or based on any information obtained thereon shall be excluded.

(4) Matters necessary for procedures, methods, etc. of investigation or inspection under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and matters necessary for the method of requesting joint investigation or inspection, etc. under paragraph (3) shall be prescribed by Presidential Decree.

**Article 27 (Restriction on Production in Designated Sea Areas and Revocation of Designation)**

The Minister for Food, Agriculture, Forestry and Fisheries may, where designated sea areas no longer meet the criteria for sanitary management, restrict the production of fishery products in the designated sea areas or revoke the designation as the designated sea areas as prescribed by Presidential Decree.

**Article 28 (Suspension, etc. of Production or Processing)**

The Minister for Food, Agriculture, Forestry and Fisheries may, where production or processing facilities, etc. or their operators fall under any of the following subparagraphs, order the correction, restriction or suspension of production, processing, shipping, or transportation, order the improvement or repair of the production or processing facilities, etc., or revoke the registration, as prescribed by Presidential Decree: Provided, That he/she shall revoke such registration if they fall under subparagraph 3:

1. Where they fail to meet the criteria for sanitary management;
2. Where they fail to observe the criteria for the Hazard Analysis and Critical Control Points under Article 23 (1) and (2), or unfaithfully observe the criteria;
3. Where they file a registration under Article 25 by falsity or other illegal means;
4. Where they refuse, obstruct or evade the investigation or inspection under Article 26 (2);
5. Where a hazardous substance is detected from the fishery products and processed fishery products which have been produced at the production or processing facilities;
6. Where they fail to comply with the orders when they receive the order of correction, restriction or suspension of the production, processing, shipping or transportation, or the order of improvement or repair of production or processing facilities, etc.

**Article 29 (Inspection of Fishery Products, etc.)**

(1) Fishery products and processed fishery products falling under any of the following subparagraphs shall undergo an inspection by the Minister for Food, Agriculture, Forestry and Fisheries with respect to whether they meet the quality and standards, and whether they have a mixing of hazardous substances:

*<Amended by Act No. 9009, Mar. 28, 2008>*

1. Fishery products and processed fishery products purchased and stored by the Government;
  2. Fishery products and processed fishery products which are stipulated and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries, where the inspection thereof is required by agreements with foreign countries or by request from partners of exports.
- (2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where any application for the inspection of fishery products and processed fishery products other than those under paragraph (1) is filed for, conduct the inspection, except for extenuating circumstances, such as the shortage of inspection manpower or inspection equipment, etc. *<Amended by Act No. 9009, Mar. 28, 2008>*

(3) Where a person intends to alter the packing or contents of the fishery products and processed fishery products which have undergone the inspection pursuant to paragraph (1) or (2), he/she shall re-undergo the inspection by the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 9009, Mar. 28, 2008>

(4) Deleted. <by Act No. 7313, Dec. 31, 2004>

(5) The Minister for Food, Agriculture, Forestry and Fisheries may, in any of the following cases, omit part of inspections, notwithstanding paragraphs (1) through (3): <Amended by Act No. 9009, Mar. 28, 2008>

1. Fishery products and processed fishery products which have been produced or processed, in conformity with the criteria for sanitary management, in the designated sea area;

2. Fishery products and processed fishery products which have been produced or processed, in conformity to the criteria for sanitary management or for the Hazard Analysis and Critical Control Points at the production or processing facilities registered under Article 25 (1);

3. Fishery products and processed fishery products which are directly exported on the spot, after captured or collected in the overseas water area by a fishing vessel falling under any of the following items (excluding cases where agreements with foreign countries shall be observed, or the specified criteria for sanitary management of foreign countries or for the Hazard Analysis and Critical Control Points shall be observed):

(a) A fishing vessel licensed for deep-sea fishery under Article 6 (1) of the Ocean Industry Development Act;

(b) A fishing vessel directly operated by any person licensed for engaging in the processing industry of fishery products (limited to the fishery product processing business aboard a vessel) under Article 19;

4. Other cases prescribed by Presidential Decree.

(6) Necessary matters concerning the kinds of the inspection, fishery products subject to the inspection and standards, procedures and methods for conducting the inspection under paragraphs (1) through (3), the procedures and methods for the case of omitting part of the inspection under paragraph (5), and other necessary matters for the inspection shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 9009, Mar. 28, 2008>

#### **Article 30 (Designation, etc. of Inspection Agencies)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may designate producers' organizations capable of conducting inspection affairs under Article 29, re-inspection affairs under Article 34, and investigation affairs on the safety of fishery products under Article 42 or institutions related to food sanitation established under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions, as a fishery products inspection agency (hereinafter referred to as "inspection agency"). <Amended by Act No. 10023, Feb. 4, 2010>

(2) Matters necessary for the criteria for the designation of an inspection agency, such as an organization, human resources, facilities, and equipment, and procedures for the designation of an inspection agency,

and the guidance, supervision, etc. on an inspection agency, shall be determined by Presidential Decree.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may, where an inspection agency falls under any of the following subparagraphs, revoke the relevant designation, or order the suspension of the whole or part of inspection affairs for a fixed period no longer than six months: Provided, That he/she shall revoke such designation if it falls under subparagraph 1:

1. Where it obtains the designation by falsity or other illegal means;
2. Where it becomes short of the designation criteria under paragraph (2);
3. Where it conducts an inspection falsely or unfaithfully.

#### **Article 30-2 (Qualifications of Inspectors)**

(1) Each person who is in charge of conducting inspection or re-inspection at an inspection agency (hereinafter referred to as "inspector") shall fall under each of the following subparagraphs and meet the qualification requirements prescribed by Presidential Decree:

1. Any public official who has been in charge of inspecting fishery products for not less than six months while working for the National Fisheries Products Quality Inspection Service;
2. Anyone who has been in charge of inspecting fishery products for not less than one year.

(2) When any inspector falls under any of the following subparagraphs, his/her qualifications may be revoked or he/she may be ordered to suspend exercising his/her qualifications for a fixed period of not more than six months:

1. When he/she performs the inspection provided for in Article 29 or the re-inspection provided for in Article 34 by deceit or other fraudulent means;
2. When he/she undermines the public confidence in the Government or inspection agencies on the grounds of his/her severely inappropriate inspection and re-inspection that are conducted in violation of this Act or an order given under this Act.

(3) The head of the National Fisheries Products Quality Inspection Service may train inspectors in order to upgrade their inspection techniques and qualities.

(4) Necessary matters concerning the qualification requirements of inspectors, the revocation and suspension of their qualifications, the training of inspectors, etc. shall be prescribed by Presidential Decree.

#### **Article 31 (Indication of Inspection Result)**

An inspection agency shall, where fishery products and processed fishery products fall under any of the following subparagraphs as a result of inspection under Article 29 or as a result of re-inspection under Article 34, indicate the results of inspections on such products: Provided, That this shall not apply where it is unable to indicate due to the natures of products, such as living fishery products:

1. Where there exists a request from an applicant for inspection (hereinafter referred to as "inspection applicant");
2. Fishery products and processed fishery products purchased and stored by the Government;

3. Where the Minister for Food, Agriculture, Forestry and Fisheries deems it necessary to indicate the results of inspections on such products;
4. Where such dispositions as destruction, sale prohibition, etc. are to be requested to the relevant agencies under Article 33 (2), for the fishery products and processed fishery products which have not passed the inspections.

**Article 32 (Delivery of Inspection Certificate)**

The Minister for Food, Agriculture, Forestry and Fisheries may deliver to an inspection applicant for fishery products and processed fishery products satisfying the inspection standards as a result of inspection under Article 29 and of re-inspection under Article 34, and for fishery products and processed fishery products falling under Article 29 (5), the certificates verifying such facts, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

**Article 33 (Destruction, Sale Prohibition, etc.)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall give notice of such fact to an inspection applicant for the fishery products and processed fishery products which has received a decision of incongruity at an inspection under Article 29 or a re-inspection under Article 34.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall request the head of competent Si/Gun/Gu, as prescribed by the Food Sanitation Act, to destruct, prohibit the sale, etc. fishery products and processed fishery products that received a decision of incongruity under paragraph (1) and deemed to do harm on human body as any hazardous substance has been detected.

**Article 34 (Re-inspection)**

(1) Any person who is dissatisfied with the result of an inspection under Article 29 may file an application for re-inspection with the Minister for Food, Agriculture, Forestry and Fisheries, within 14 days from the date of receiving a notice of such result.

(2) A re-inspection under paragraph (1) may be conducted only where any of the following cases occurs. In such cases, inspectors other than those who have done the initial inspection shall be in charge of such an inspection, except for extenuating circumstances such as the shortage of inspectors, etc.:

1. Where an inspection agency admits that collection of samples for inspection or method of inspection has been wrong;
2. Where a specialized agency (referring to a specialized agency related to the food sanitation determined and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries) inspects and furnishes the inspection results different from those of the inspection agency.

(3) With respect to the results of re-inspection under paragraph (1), an application for re-inspection on account of the same ground shall not be made once again.

**Article 35 (Cancellation of Inspection Decision)**

The Minister for Food, Agriculture, Forestry and Fisheries shall, where it is found that an inspection under Article 29 or a re-inspection under Article 34 has been undergone by falsity or other illegal means, cancel the decision of such inspection.

### **Article 36 (Quarantine of Fishery Products for Transplant)**

(1) Anyone who intends to import fishery products for transplant shall undergo the quarantine (including the inspection; hereafter the same shall apply) by the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) Anyone who intends to import fishery products for transplant may, when he/she produces a written quarantine certificate that is issued by the quarantine agency of any country that is prescribed and published by the Minister for Food, Agriculture, Forestry and Fisheries, be exempted, in whole or in part, from the required quarantine, notwithstanding paragraph (1).

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon receiving an application filed by anyone who intends to export fishery products for transplant, have the fishery products for transplant quarantined, except for extenuating circumstances such as the lack of quarantine manpower or quarantine equipment, etc.

(4) Necessary matters concerning the kinds of the quarantine, those subject to the quarantines, and standards, procedures, methods, etc. for conducting the quarantine shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

### **Article 36-2 (Qualifications of Quarantine Officers)**

(1) The quarantine falling under the following subparagraphs shall be performed by public officials in charge of fishery affairs, fishery research and environment who belong to the Ministry for Food, Agriculture, Forestry and Fisheries and hold the qualifications that are prescribed by Presidential Decree (hereinafter referred to as "quarantine officers"):

1. Quarantine under Article 36;
2. Dispatched quarantine under Article 37;
3. Re-quarantine under Article 40.

(2) Where any quarantine officer referred to in paragraph (1) performs his/her quarantine in an illegal manner and falls under other grounds that are prescribed by Presidential Decree, his/her qualification may be revoked or an order may be issued to suspend his/her qualification for a fixed period of not more than six months.

(3) Necessary matters concerning the requirements of qualifications for quarantine officers, the revocation and suspension of their qualifications, etc. shall be prescribed by Presidential Decree.

### **Article 37 (Dispatched Quarantine)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, in any of the following cases, conduct quarantine by dispatching quarantine officers to the relevant countries:

1. Where an importer of fishery products for transplant makes a request for quarantine in an exporting country before importing such fishery products;
2. Where an exporting country of fishery products for transplant makes a request for quarantine before exporting fishery products for transplant of the relevant country.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may, where quarantine is conducted in an exporting country pursuant to paragraph (1), have an applicant for such quarantine or the relevant country requesting such quarantine bear the expenses required for it.

(3) Where quarantine has been conducted under paragraph (1), part of the quarantine under Article 36 may be exempted.

(4) Matters necessary for the procedures, etc. of quarantine in an exporting country under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 38 (Quarantine Certificates)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, where quarantine standards are satisfied as a result of quarantine under Article 36 or of re-quarantine under Article 40, deliver a quarantine certificate to an applicant for quarantine (hereinafter referred to as "quarantine applicant"), and where quarantine standards are not satisfied, he/she shall notify the quarantine applicant and the Administrator of the Korea Customs Service of such facts.

(2) Matters necessary for the procedures, methods, etc. of delivery of the quarantine certificates under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 39 (Order for Destruction, etc. of Fishery Products for Transplant)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may order a quarantine applicant, owner or his/her agent to destruct or return the fishery products for transplant which have been found as unsatisfying the quarantine standards under Article 36 (4) as a result of quarantine under Article 36 or re-quarantine under Article 40.

(2) In any of the following cases, the Minister for Food, Agriculture, Forestry and Fisheries may destruct the relevant fishery products for transplant by himself/herself:

1. Where a quarantine applicant, owner or his/her agent in receipt of the order under paragraph (1) fails to comply with the order by the deadline determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries;
2. Where a quarantine applicant, owner or his/her agent is ambiguous or his/her whereabouts is unknown and thus the order under paragraph (1) cannot be issued.

(3) Matters necessary for destruction or return under paragraph (1), and procedures, etc. for destruction under paragraph (2) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 40 (Re-Quarantine)**

(1) Any person who is dissatisfied with a result of quarantine under Article 36 may file an application for a re-quarantine with the Minister for Food, Agriculture, Forestry and Fisheries, within 14 days from the date when the result is notified.

(2) An application for a re-quarantine under paragraph (1) may be filed only where any of the following cases occur. In such cases, inspectors other than those who have done the initial quarantine shall be in

charge of such a re-quarantine inspection, except for extenuating circumstances such as the shortage of inspectors, etc.:

1. Where a quarantine agency admits that the collection of samples for quarantine or the method of quarantine has been wrong;
  2. Where a specialized research institute (referring to a specialized research institute related to quarantine determined and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries) has quarantined and furnishes the quarantine results different from those of the Minister for Food, Agriculture, Forestry and Fisheries.
- (3) With respect to the results of re-quarantine under paragraph (1), an application for re-quarantine on account of the same ground shall not be filed once again.

#### **Article 41 (Cancellation of Quarantine Decision)**

The Minister for Food, Agriculture, Forestry and Fisheries shall, where it is found that a quarantine under Article 36, a dispatched quarantine under Article 37, or a re-quarantine under Article 40 has been conducted by falsity or other illegal means, cancel the decision of such quarantine.

#### **Article 42 (Safety Test of Fishery Products)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, in order to elevate the quality of fishery products and to secure their safety, conduct the survey on whether heavy metals, shellfish toxins, food poisoning fungi, antibiotics, and other hazardous substances determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries which remain in the materials and fishery products in the following, exceed the allowable amounts determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries with respect to fishery products in the production phase, and the allowable residual amounts under the related Acts and subordinate statutes, such as the Food Sanitation Act with respect to fishery products in the storage phase and the phase prior to shipping and trading (hereinafter referred to as "safety test"), respectively:

1. Water, fishing grounds, materials, etc. used or utilized for production of fishery products;
  2. Fishery products in the production phase, the storage phase, and the phase prior to shipping and trading.
- (2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where setting forth the allowable amount under paragraph (1), consult with the head of the related central administrative agency.
- (3) Matters necessary for selection, procedures, etc. of the subject areas and items subject to safety tests shall be prescribed by Presidential Decree.

#### **Article 43 (Measures for Results of Safety Tests)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, where remaining heavy metals, shellfish toxins, food poisoning fungi, antibiotics, and other hazardous substances determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries exceed the allowable amounts or the allowable residual amounts under Article 42 (1) as a result of safety test, take measures, in writing, under any of the following subparagraphs against persons who produce, store, or ship: Provided, That the



measures under subparagraph 2 shall be taken only in regard to the production phase:

1. Notification of the facts of exceeding the allowable amounts or the allowable residual amounts;
2. Orders for improvement of water, fishing grounds, materials, etc., and prohibition of use or utilization;
3. Orders for postponement of shipping, diversion of use, or destruction of the relevant fishery products, and designation of disposal methods.

(2) A producer of fishery products against whom the measures under paragraph (1) have been taken shall, in accordance with the contents of such measures, conduct the improvement of water, fishing grounds, materials, etc., the suspension of the relevant use or utilization, or the postponement of shipping, diversion of use or destruction, etc.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, where a storer or shipper of fishery products against whom the measures under paragraph (1) have been taken fails to conduct postponement of shipping, diversion of use, or destruction of the relevant fishery products, in accordance with the contents of such notification, notify the head of the related administrative agency thereof and request him/her to take necessary measures under the related Acts and subordinate statutes.

#### **Article 44 (Official Examination)**

(1) Any person who intends to receive an official examination as to quality, standard, ingredients, or residual substance of fishery products, or as to whether diseases and insect pests reside in fishery products for transplant may file an application therefor with the Minister for Food, Agriculture, Forestry and Fisheries.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she has received an application for an official examination, conduct the examination except for extenuating circumstances such as the shortage of manpower or equipment for examination, and notify the relevant applicant of its results.

(3) Any person who has received a notification of results under paragraph (2) shall not make the false or exaggerated publicity of such facts.

(4) Matters necessary for the items, procedures, method, etc. of official examination shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

#### **Article 44-2 (Provision of Information Pertaining to Safety and Quality Control of Fishery Products)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall endeavor to provide people with the information which is deemed necessary for them to become aware of among the information pertaining to the safety and quality of fishery products, including the safety inspection of fishery products, quality certification for fishery products, certification of environmentally friendly fishery products, etc. to the extent permitted by the Official Information Disclosure Act. *<Amended by Act No. 8624, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10022, Feb. 4, 2010>*

(2) The provision of information pursuant to paragraph (1) shall undergo deliberation by the Deliberation Council under Article 4 with regard to the safety of fishery products prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Newly Inserted by Act No. 8299, Jan. 26, 2007; Act No.*

8852, Feb. 29, 2008>

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, when intending to provide people with the information pursuant to paragraph (1), build and operate an information system by which the information pertaining to the safety and quality of fishery products is collected and managed (hereinafter referred to as "fishery information system"). <Amended by Act No. 8299, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(4) Necessary matters concerning the building and operation of the fishery information system shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8299, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

#### **Article 45 (Fees)**

Any person intending to file an application falling under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That fees may be reduced or exempted for any case with a ground determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as fishery products, processed fishery products, etc. which are purchased by the Government:

1. Quality certification under Article 6 (2);
2. Registration of the traceability of fishery products under the main sentence of Article 8-2 (1);
3. Certification of environmentally friendly fishery products under Article 8-3 (2);
4. Registration of geographical markings under Article 9 (2);
5. Registration of fishery product processing business under Article 19 (1);
6. Registration of production or processing facilities, etc. under Article 25 (1);
7. Inspection under Article 29 (1) through (3), and re-inspection under Article 34 (1);
8. Quarantine under Article 36 (1) and (3), dispatched quarantine under Article 37, and re-quarantine under Article 40 (1);
9. Official examination under Article 44 (1).

#### **Article 46 (Entry, Investigation, Collection of Samples, etc.)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, where necessary for verification, investigation, examination, inspection, re-inspection, quarantine, or re-quarantine of matters falling under any of the following subparagraphs, have the competent public officials enter the relevant business places, offices, warehouses, aircraft, ships, marine facilities, fish farming facilities or other similar places and conduct the verification, investigation, examination, inspection, re-inspection, quarantine, or re-quarantine of fishery products, processed fishery products, materials, facilities, pollutants, animal drugs, etc., or gratuitously collect or gather necessary minimum amount of sample and may have them peruse the books or documents relating to business (hereinafter referred to as "entry, etc."):

1. Verification on the conformity with standards for the normal standard goods, quality certification criteria for the quality certification goods, registration criteria for fishery products traceability, certification criteria for the environmentally friendly fishery products, or registration criteria for the

goods with geographical markings;

2. Deleted; <by Act No. 10022, Feb. 4, 2010>

3. Verification on whether the genetically modified fishery products are indicated, and on the propriety of indicated matters and methods of indication under Article 11 (1);

4. The confirmation and the check of the conformity with the registration standards provided for in Article 19 (3);

5. The confirmation and investigation on the act of releasing pollutants, raising livestock and using animal drugs provided for in Article 24-3;

6. Investigation and examination of sea areas under Article 26 (1), and of production or processing facilities, etc. under paragraph (2) of the same Article;

7. Inspection under Article 29 or re-inspection under Article 34;

8. Quarantine under Article 36 or re-quarantine under Article 40;

9. Safety test under Article 42.

(2) When any related public official makes the entry, etc. under paragraph (1), a producer, processor, owner, occupier, seller, manager, etc. of fishery products, processed fishery products, materials, facilities, pollutants, animal drugs, etc. shall not refuse, obstruct or evade it without any justifiable grounds.

(3) Any related public official who makes the entry, etc. under paragraph (1) shall carry a voucher indicating his/her authority, and present it to the relevant persons.

#### **Article 47 (Honorary Supervisors)**

(1) In order to establish a fair distribution order for normal standard goods, quality-certified goods, goods subject to traceability, environmentally friendly fishery product certification goods, and goods with geographical markings under this Act, fishery products carrying indications of genetically modified products under Article 11, and goods subject to safety inspection under Article 42 (hereafter referred to as "distributed fishery products" in this Article), the Minister for Food, Agriculture, Forestry and Fisheries may commission a person falling under any of the following subparagraphs as honorary supervisor of fishery products, and require him/her to conduct guidance, publicity, or awareness-raising activities and to report any offense with respect to distributed fishery products: <Amended by Act No. 10022, Feb. 4, 2010>:

1. Members or employees of any consumers' organization or producers' organization under subparagraph 3 of Article 2 of the Framework Act on Consumers;

2. Officers or employees of each market under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products, and indigenous markets for fishery products;

3. Volunteers.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may provide honorary supervisors of fishery products with the expenses required for their supervisory activities.

(3) Matters necessary for qualifications, commissioning methods, duties, etc. of honorary supervisors of fishery products under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

**Article 48 Deleted.** <by Act No. 10022, Feb. 4, 2010>

**Article 49 (Report on Matters, etc. regarding Sanitary Management)**

(1) The Minister for Food, Agriculture, Forestry and Fisheries may have persons who have filed a registration of production or processing facilities, etc. report on the sanitary management of production or processing facilities, etc.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may have the head of an agency to which the authority is delegated or entrusted under Article 51 report on the matters on the sanitary management of designated sea area and the matters on the conduct of inspection and quarantine.

(3) Matters necessary for the procedures, etc. of reports under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

**Article 50 (Hearings)**

The Minister for Food, Agriculture, Forestry and Fisheries shall hold a hearing where intending to take any of the following dispositions:

1. Cancellation of the designation of quality certification agency or the suspension of quality certification affairs under Article 8 (4);
2. Prohibition of sale, suspension of markings, or cancellation of certification or registration under Article 12;
3. Cancellation of the designation of masters of traditional fishery foods under Article 18 (3);
4. Restrictions on product items, the suspension of business or the revocation of the registration of fishery product processing business under Article 20 (1);
5. Orders given to production or processing facilities, etc. or producers, processors, etc. for the correction, restriction or suspension of the production, processing, shipping or transportation, orders for the improvement or repair of production or processing facilities, etc., or revocation of the registration under Article 28;
6. Revocation of the designation of inspection agency or the suspension of inspection affairs under Article 30 (3);
7. Cancellation of the inspection decision under Article 35;
8. Cancellation of the quarantine decision under Article 41.

**Article 51 (Delegation or Entrustment of Authority)**

(1) Part of the authority of the Minister for Food, Agriculture, Forestry and Fisheries under this Act may be delegated to the head of agency under his/her control, the Mayor/Do Governor, or the head of a Si/Gun/Gu as prescribed by Presidential Decree.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may, as prescribed by Presidential Decree, entrust the affairs of official examination under Article 44 to a person falling under any of the following subparagraphs:

1. Producers' organizations;

2. Public institutions;
3. Government-funded institutions;
4. Fishery-related corporations under Article 10 of the Fisheries Act, such as the fishery partnership corporation, etc.

**Article 52 (Legal Fiction as Public Official in Application of Penal Provisions)**

The officers and employees who are not public officials among those falling under any of the following subparagraphs shall be construed as public officials in applying Articles 129 through 132 of the Criminal Act:

1. Officers and employees of a producers' organization engaged in the quality certification affairs under Article 8 (1);
2. Officers and employees of an inspection agency designated under Article 30 (1);
3. Officers and employees of producers' organizations, public institutions, government-funded institutions, or fishery-related corporations under Article 10 of the Fisheries Act, such as the fishery partnership corporation, etc, which are engaged in the affairs entrusted under Article 51 (2).

**Article 53 (Penal Provisions)**

A person who conduct markings of genetically modified fishery products, etc. in violation of Article 14 (2) shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 100 million won. In such cases, imprisonment and a fine may be concurrently imposed.

*<Amended by Act No. 10022, Feb. 4, 2010>*

**Article 53-2 (Penal Provisions)**

A person who discharges petroleum among pollutants in violation of Article 24-3 (1) 1 and 2 shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 50 million won.

**Article 53-3 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be punished by imprisonment of not more than three years or by a fine not more than 30 million won:

1. A person who is given false indications, etc. in violation of Article 14 (1);
2. A person who operates a fishery product processing business without filing a registration of fishery product processing business under Article 19 (1);
3. A person who files a registration of fishery product processing business under Article 19 (1) by falsity or other illegal means;
4. A person who discharges hazardous liquid substances, hazardous substances in packaging or waste among pollutants in violation of Article 24-3 (1) 1 and 2;
5. A person who fails to undergo the inspection of fishery products and processed fishery products in contravention of Article 29 (1);
6. A person who undergoes an inspection under Article 29 or reinspection under Article 34 by falsity or other illegal means;

7. A person who forges or falsifies the indication of inspection results under Article 31;
8. A person who imports fishery products for transplant without undergoing the quarantine in contravention of Article 36 (1);
9. A person who conducts a quarantine under Article 36, a dispatched quarantine under Article 37, or a re-quarantine under Article 40 by falsity or other illegal means;
10. A person who fails to comply with the orders for destruction or return under Article 39 (1).

#### **Article 54 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be punished by imprisonment of not more than one year or a fine not more than ten million won: <Amended by Act No. 7313, Dec. 31, 2004; Act No. 8299, Jan. 26, 2007; Act No. 8624, Aug. 3, 2007>

1. A person who fails to file a registration in violation of the proviso to Article 8-2 (1);
- 1-2. A person who fails to comply with the corrective order, prohibition of sale, or disposition of marking suspension under Article 12;
- 1-3. A person who fails to implement a disposition in violation of Article 13-2 (1) or fails to carry out the order of making the announcement in violation of Article 13-2 (2);
- 1-4. A person who uses animal drugs in violation of Article 24-3 (2);
2. A person who fails to comply with the measures of restrictions on production of fishery products in the designated sea areas under Article 27;
3. A person who violates the orders for correction, restriction or suspension of production, processing, shipping or transportation, or fails to comply with the orders for improvement or repair of production or processing facilities, etc. under Article 28;
4. A person who alters the packing or contents of the fishery products or processed fishery products which have undergone an inspection and fails to undergo an inspection thereafter in contravention of Article 29 (3);
5. A person who fails to conduct the improvement of water, fishing grounds, materials, etc., the suspension of use or utilization thereof, or the postponement of shipping, diversion of use, destruction, etc., of fishery products in contravention of Article 43 (2).

#### **Article 54-2 (Negligent Criminals)**

Anyone who has committed a crime provided for in Article 53-2 by negligence shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won.

#### **Article 55 (Joint Penal Provisions)**

(1) If the representative, an agent, employee or other servant of a juristic person commits such an offence prescribed by Article 53, 53-2, 53-3, 54 or 54-2 in connection with the affairs of the juristic person, not only shall such an offender be punished accordingly, but the juristic person shall be punished by a fine under the relevant Article: Provided, That this shall not apply where the juristic person has not neglected to pay due attention and supervision in connection with the relevant affairs in order to prevent such violation.

(2) If an agent, employee or other servant of an individual commits such an offence prescribed by Article 53, 53-2, 53-3, 54 or 54-2 in connection with the affairs of the individual, not only shall such an offender be punished accordingly, but the individual shall be punished by a fine under the relevant Article: Provided, That this shall not apply where the individual has not neglected to pay due attention and supervision in connection with the relevant affairs in order to prevent such violation.

#### **Article 56 (Fines for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 10 million won: <Amended by Act No. 8299, Jan. 26, 2007; Act No. 8624, Aug. 3, 2007; Act No. 10022, Feb. 4, 2010>

1. A person who is registered pursuant to the proviso to Article 8-2 (1) and falls under any of the following:

- (a) A person who fails to comply with the criteria for traceability of fishery products in contravention of Article 8-2 (2);
- (b) A person who fails to file a report within one month in contravention of Article 8-2 (3);
- (c) A person who fails to indicate the traceability of fishery products in contravention of the proviso to Article 8-2 (4);

1-2. Deleted; <by Act No. 10022, Feb. 4, 2010>

1-3. A person who violates the prescribed method of marking genetically modified fishery products under Article 11 (2);

2. A person who produces and ships fishery products carrying no indications of genetically modified products in violation of Article 11 (1), sells them, or stores or displays them for sale purposes;

3. A person who fails to comply with the order for correction of marking methods under Article 13 (1);

4. A person who conducts false or exaggerated publicity of the results of official examination in contravention of Article 44 (3);

5. A person who refuses, obstructs, or evades the entry, etc. of the relevant public officials without any justifiable grounds in contravention of Article 46 (2).

(2) A person who operates a fishery product processing business without filing a report under Article 19 (1) shall be punished by a fine for negligence not exceeding five million won.

(3) Anyone falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 7313, Dec. 31, 2004>

1. A person who fails to report changed matters under Article 19 (2);

2. A person who raises livestock in fish farming facilities in violation of Article 24-3 (1) 3;

3. A person who registers his/her production and processing facilities, etc. pursuant to Article 25 (1) and fails to make a report required under Article 49 (1) or makes a false report.

(4) The fine for negligence under paragraphs (1) through (3) shall be imposed and collected by the Minister for Food, Agriculture, Forestry and Fisheries, or the head of a Si/Gun/Gu (hereinafter referred to as the "imposing authorities") as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29,

2008>

(5) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (4) may raise an objection to the imposing authorities within 30 days from the day on which he/she learned of such disposition.

(6) Where a person who received a disposition of a fine for negligence under paragraph (4) raises an objection under paragraph (5), the imposing authorities shall, without delay, notify the competent court, which in turn shall proceed to a trial on fines for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(7) If neither an objection is raised nor a fine for negligence paid within a period prescribed in paragraph (5), the aforementioned fine for negligence shall be collected in the same manner as delinquent national or local taxes are collected.

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force on September 1, 2001.

### **Article 2 (Repeal of other Acts)**

The Inspection of Fishery Products Act is hereby repealed.

### **Article 3 (Transitional Measures on Registration of and Report on Fishery Product Processing Business)**

The fishery product processing business registered or reported under Article 49 of the previous Fisheries Act at the time this Acts enters into force shall be considered to have been registered or reported under Article 19 (1).

### **Article 4 (Transitional Measures on Normal Standards, etc. of Fishery Products)**

(1) The normal standards under Article 4 of the previous Agricultural and Fishery Products Quality Control Act at the time this Acts enters into force shall be regarded as the normal standards under Article 5.

(2) The fishery products, fishery specialities, and fishery traditional foods which have received the quality certifications under Article 5 of the previous Agricultural and Fishery Products Quality Control Act and under Article 13 of the Fostering of Agricultural and Fishery Products Processing Industry Act at the time this Acts enters into force shall be considered to have received the quality certifications under Article 6, respectively.

(3) Any person who has been subject to such dispositions as the alteration or suspension of markings, prohibition of sale, revocation of certification or registration, etc. under Article 11 of the previous Agricultural and Fishery Products Quality Control Act at the time this Acts enters into force shall be considered to have received such dispositions as the corrective orders, prohibition of sale, suspension of marking, etc. or the revocation of certification or registration under Article 12.



#### **Article 5 (Transitional Measures on Inspection, etc.)**

(1) The designated sea areas and registered producing or processing facilities of fishery products under Article 7 of the previous Inspection of Fishery Products Act at the time this Acts enters into force shall be considered to have been designated or registered under Article 24 or 25.

(2) The fishery products inspected under Article 4 of the previous Inspection of Fishery Products Act at the time this Acts enters into force shall be considered to have undergone an inspection under Article 29, or an inspection or quarantine under Article 36.

(3) The inspectors of fishery products under Article 10 of the previous Inspection of Fishery Products Act at the time this Acts enters into force shall be considered to be qualified as the inspectors and quarantine officers until December 31, 2002.

(4) The indication of inspection results under Article 11 of the previous Inspection of Fishery Products Act and the certificate of passing inspections delivered under Article 13 of the same Act at the time this Acts enters into force shall be regarded as the indication of inspection results and the certificate of inspections under Articles 31 and 32, respectively.

#### **Article 6 (Transitional Measures on Other Dispositions, etc.)**

The dispositions and other acts of the administrative agency or the acts in relation to the administrative agency, such as various applications and others, under the previous Inspection of Fishery Products Act, the Agricultural and Fishery Products Quality Control Act, the Fosterage of Agricultural and Fishery Products Processing Industry Act, and the Fisheries Act with respect to fishery products, processed fishery products, fishery products for transplant, etc. other than the matters under Articles 3 through 5 of Addenda at the time of this Act enters into force, shall be regarded as the acts of the administrative agency or the acts in relation to the administrative agency under this Act, respectively corresponding to them.

#### **Article 7 (Transitional Measures on Penal Provisions and Fine for Negligence)**

In applying the penal provisions and the fine for negligence to the acts violating the previous Inspection of Fishery Products Act, the Agricultural and Fishery Products Quality Control Act, the Fosterage of Agricultural and Fishery Products Processing Industry Act, and the Fisheries Act before this Act enters into force, the previous provisions shall respectively govern.

#### **Article 8 Omitted.**

#### **Article 9 (Relations with other Acts and Subordinate Statutes)**

Where other Acts and subordinate statutes have quoted the previous Inspection of Fishery Products Act, the Agricultural and Fishery Products Quality Control Act, the Fosterage of Agricultural and Fishery Products Processing Industry Act, and the Fisheries Act, or their provisions respectively at the time this Act enters into force, this Act or the corresponding provisions of this Act, if any, shall be considered to have been quoted.

ADDENDUM <Act No. 6458, Mar. 28, 2001>

This Act shall enter into force on September 1, 2001.

ADDENDA <Act No. 6841, Dec. 30, 2002>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 6842, Dec. 30, 2002>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2003.

**Articles 2 through 8 Omitted.**

ADDENDA <Act No. 7219, Sep. 23, 2004>

**Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 7311, Dec. 31, 2004>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 7313, Dec. 31, 2004>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 24-3, subparagraph 2 of Article 53, subparagraph 1-2 of Article 54, Article 54-2, Article 55 (limited to cases where the provisions of subparagraph 2 of Article 53, subparagraph 1-2 of Article 54 and Article 54-2 are violated) and Article 56 (3) 2 shall enter into force one year after the date of its promulgation.

(2) (Applicability) The amended provisions of Article 7 (3) shall apply, starting with the case where the term of validity of the quality certification is first extended after this Act enters into force.

(3) (Transitional Measures) Anyone who has his/her fishery product processing business registered or makes a report thereon pursuant to the previous provisions of Article 19 (1) at the time this Act enters into force shall, when he/she changes important matters falling under the amended provisions of Article 19 (2), make a report on such change within three months after this Act enters into force.

ADDENDUM <Act No. 7570, May 31, 2005>

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

ADDENDA <Act No. 7678, Aug. 4, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 7988, Sep. 27, 2006>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 8010, Sep. 27, 2006>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 8260, Jan. 19, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 24 Omitted.**

ADDENDA <Act No. 8299, Jan. 26, 2007>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures concerning Penal Provisions) The previous provisions shall apply to the application of penal provisions to an offence committed before this Act enters into force.

ADDENDA <Act No. 8352, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 8365, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 22 Omitted.**

ADDENDA <Act No. 8370, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 20 Omitted.**

ADDENDA <Act No. 8377, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDUM <Act No. 8624, Aug. 3, 2007>

This Act shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 8789, Dec. 21, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That ...(Omitted.)...the portion which entered into force before this Act enters into force but was amended prior to the enforcement date among Acts amended under Article 6 of the Addenda shall enter into force from the enforcement date of respective relevant Acts.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 9009, Mar. 28, 2008>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 2, 8-2, 8-3, 10, 12, 14, 45 through 47 shall enter into force on August 4, 2008, and the amended provisions of Articles 9, 20, 26 (1), (2), and (4) (limited to Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries) shall enter into force six months after the date of its promulgation, and the amended provisions of Articles 23 (5) and 26 (3) and (4) (limited to Presidential Decree) shall enter into force one year after the date of its promulgation, respectively.

ADDENDA <Act No. 9401, Jan. 30, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 9932, Jan. 18, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10022, Feb. 4, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 10023, Feb. 4, 2010>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 30 (1) shall enter into force on the date of its promulgation.

ADDENDA <Act No. 10310, May 25, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10331, May 31, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 10932, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**