

ENFORCEMENT DECREE OF THE AGRICULTURAL PRODUCTS QUALITY CONTROL ACT

Presidential Decree No.16444, Jun. 30, 1999
Amended by Presidential Decree No.17165, Mar. 27, 2001
Presidential Decree No.17230, May 29, 2001
Presidential Decree No.17242, Jun. 22, 2001
Presidential Decree No.17351, Sep. 1, 2001
Presidential Decree No.17674, Jul. 13, 2002
Presidential Decree No.18071, Jul. 29, 2003
Presidential Decree No.18312, Mar. 17, 2004
Presidential Decree No.18594, Dec. 3, 2004
Presidential Decree No.19279, Jan. 16, 2006
Presidential Decree No.20103, Jun. 26, 2007
Presidential Decree No.20257, Sep. 10, 2007
Presidential Decree No.20431, Dec. 6, 2007
Presidential Decree No.20677, Feb. 29, 2008
Presidential Decree No.20908, Jul. 7, 2008
Presidential Decree No.21087, Oct. 20, 2008
Presidential Decree No.21676, Aug. 6, 2009
Presidential Decree No.21805, Nov. 2, 2009
Presidential Decree No.21876, Dec. 14, 2009
Presidential Decree No.22003, Jan. 27, 2010

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Agricultural Products Quality Control Act and matters necessary for the enforcement thereof. *<Amended by Presidential Decree No. 17351, Sep. 1, 2001; Presidential Decree No. 19279, Jan. 16, 2006; Presidential Decree No. 20908, Jul. 7, 2008>*

Article 2 (Scope of Agricultural Products)

The term "others determined by Presidential Decree" prescribed in subparagraph 1 of [Article 2 of the Agricultural Products Quality Control Act](#) (hereinafter referred to as the "Act") means the meat, eggs and other by-products of raised wild animals.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 3 (Operation of Agricultural Products Quality Control Deliberation Committee)

(1) In order to handle the administrative affairs of the Agricultural Products Quality Control Deliberation Committee under

[Article 3 \(1\) of the Act](#) (hereinafter referred to as the "Deliberation Committee"), the Deliberation Committee shall have one secretary and one clerical staff.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall appoint the secretary and clerical staff under paragraph (1) among the public officials under his/her control.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 4 Deleted. *<by Presidential Decree No. 17351, Sep. 1, 2001>*

Article 5 (Duties of Chairperson)

(1) The chairperson of the Deliberation Committee (hereinafter referred to as the "chairperson") shall represent the Deliberation Committee and supervise its businesses.

(2) The vice-chairperson shall assist the chairperson and act on behalf of the chairperson when the chairperson is unable to conduct his/her duties due to unavoidable causes.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 6 (Meetings)

(1) The chairperson shall convene meetings of the Deliberation Committee and preside thereover.

(2) The Deliberation Committee shall be held with the presence of a majority of registered members, and make resolutions by the majority vote of members present.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 7 (Establishment of Subcommittees)

The indication certification subcommittee and safety subcommittee shall be established in the Deliberation Committee pursuant to

[Article 3 \(7\) of the Act](#).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 8 (Composition of Subcommittees)

(1) The subcommittee for deliberations on the registration of geographical indications under [Article 3 \(6\) of the Act](#) and the subcommittees under [Article 7](#) (hereinafter referred to as "subcommittees") shall be comprised of not less than ten and not more than 20 members, including one chairperson and one vice chairperson of subcommittee.

(2) The chairperson, vice chairperson and members of each subcommittee shall be designated by the chairperson from among the members of the Deliberation Committee in consideration of professional knowledge and experience.

(3) The chairperson and vice chairperson of each subcommittee shall represent the relevant subcommittee and supervise the businesses of the subcommittee.

(4) The vice chairperson of each subcommittee shall assist the chairperson of the relevant subcommittee and, when the chairperson of the subcommittee is unable to conduct his/her duties due to unavoidable causes, act on behalf of him/her.

(5) The provisions of [Article 3](#) shall apply *mutatis mutandis* to the secretaries and clerical staff of the subcommittee for deliberations on the registration of geographical indications under [Article 3 \(6\) of the Act](#) (hereinafter referred to as "subcommittee for deliberations on the registration of geographical indications").

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 9 (Meetings of Subcommittees)

(1) The chairperson of each subcommittee shall convene meetings of the relevant subcommittee and preside thereover.

(2) The meeting of each subcommittee shall be held with presence of a majority of registered subcommittee members, and make resolutions by the majority vote of subcommittee members present: *Provided*, That the subcommittee for deliberations on the registration of geographical indications shall pass resolutions by approval of 2/3 of subcommittee members present.

(3) The deliberations and resolutions of each subcommittee on matters entrusted by the Deliberation Committee shall be deemed the deliberations and resolutions of the Deliberation Committee.

(4) Every subcommittee may, when deemed necessary, have interested persons, experts in relevant areas, etc. attend to listen to their opinions.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 10 Deleted. <by Presidential Decree No. 21876, Dec. 14, 2009>

Article 11 (Allowances for Members, etc.)

Allowances and travelling expenses may be paid to the members who attend the Deliberation Committee and subcommittees within budgetary limits: *Provided*, That the same shall not apply to cases where public officials attend in connection with their business.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 12 (Rules for Operation)

Besides the matters provided for in [Articles 3](#) through [11](#), matters necessary for the operation of the Deliberation Committee and subcommittees shall be determined by the chairperson and chairpersons of subcommittees by the resolution of the Deliberation Committee and subcommittees, respectively.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 13 (Persons Exempt from Obligation to Observe Traceability Standards)

The term "peddlers, street vendors and those determined by Presidential Decree" prescribed in the proviso to

[Article 7-5 \(3\) of the Act](#) means street vendors and peddlers who fall under

[Article 57 \(1\) 1 of the Enforcement Decree of the Value-Added Tax Act](#).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 14 (Range of Areas Subject to Indication of Geographical Indication)

The range of areas subject to the indication of geographical indications for the registration of geographical indications under

[Article 8 \(1\) of the Act](#) shall be demarcated by administrative districts, mountains, rivers, the sea, etc. which have geographical characteristics identical to those that have influence on the characteristics of relevant items: *Provided*, That such range shall be Korea in cases of the ginseng under the [Ginseng Industry Act](#).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Articles 14-2 through 14-4 Deleted. <by Presidential Decree No. 21876, Dec. 14, 2009>

Article 15 (Qualification for Applying for Registration of Geographical Indications)

The qualification to apply for the registration of geographical indications prescribed in [Article 8 \(2\) of the Act](#) shall be limited to organizations (only a juristic person may be applicable) comprised of the producers and processors of agricultural products or processed agricultural products featuring the geographical characteristics of specific areas: *Provided*, That the same shall not apply to cases where an individual produces or processes agricultural products or processed agricultural products featuring geographical characteristics.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 16 (Deliberations on and Publication and Public Inspection of Geographical Indications and Procedures for Raising Objections to Geographical Indications)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when he/she receives an application for registration of a geographical indication or application for change of registration pursuant to

[Article 8 \(2\) of the Act](#), request the subcommittee for deliberations on the registration of geographical indications for a deliberation thereon within 15 days from the date on which he/she received such application.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, when the subcommittee for deliberations on the registration of geographical indications passes a resolution to the effect that the registration of a geographical indication and the registration of change thereof is unsuitable, inform the applicant thereof without delay, clarifying the grounds thereof in detail: *Provided*, That he/she may, when it is deemed possible to supplement unsuitable matters, have the applicant supplement such matters, by fixing a period.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, when the subcommittee for deliberations on the registration of geographical indications passes a resolution to the effect that an application for registration is suitable, make a determination to publish application for registration of geographical indications pursuant to

[Article 8 \(3\) of the Act](#) and make a publication, including the matters in each of the following subparagraphs pursuant to paragraph (4) of the same Article:

1. Name, address and telephone number of the applicant;
2. Items for the registration of geographical indications and appellation for registration;
3. Range of areas subject to the indication of geographical indications;
4. Connections between reputation, quality and other characteristics, and geographical factors;
5. Applicant's quality standards and quality control plan;
6. Place of the public inspection under paragraph (4).

(4) The application documents for registration and their annexed documents under

[Article 8 \(4\) of the Act](#) shall be submitted for public inspection at places designated by the Minister for Food, Agriculture, Forestry and Fisheries.

(5) With respect to objections raised pursuant to

[Article 8 \(5\) of the Act](#), the Minister for Food, Agriculture, Forestry and Fisheries shall undergo deliberation by the subcommittee for deliberations on the registration of geographical indications and inform the persons who raised objections of the results thereof.

(6) Besides the matters provided for in paragraphs (1) through (5), matters necessary for the

deliberation on, publication and public inspection of, and procedures for raising objections to geographical indications shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 17 (Detailed Criteria for Grounds for Rejecting Registration of Geographical Indications)

(1) Detailed criteria for the grounds of rejecting the registration of geographical indications under [Article 8 \(7\) 5 of the Act](#) shall be as follows:

1. Where a relevant item is neither an agricultural product produced only in the relevant area subject to the indication of a geographical indication nor an item produced by using such agricultural products as a main ingredient in the relevant area;
2. Where the distinguished quality of a relevant item is not known domestically or abroad;
3. Where a relevant item has no long history of production in the relevant area subject to the indication of a geographical indication;
4. Where the reputation, quality or other characteristics of a relevant item essentially is originated neither from production environments nor from human factors of the relevant specific area;
5. Others, such as cases where a relevant item is not in conformity with the criteria deemed necessary and determined by the Minister for Food, Agriculture, Forestry and Fisheries.

(2) With respect to the ginseng under the

[Ginseng Industry Act](#), in cases of fresh ginseng grown from ginseng seeds traditionally cultivated in Korea (*Panax ginseng* C.A. Meyer) or items manufactured in Korea by using such fresh ginseng as raw materials, no registration of the geographical indications thereof shall be rejected, notwithstanding paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 18 (Criteria for Imposition of Dispositions of Orders for Correction, etc.)

Criteria for the imposition of dispositions, such as an order for correction, prohibition of sale, suspension of indication, and cancellation of registration, etc. of geographical indication products and standard products under

[Articles 8-8 through 11 of the Act](#) are as shown in attached Table 1.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 19 (Composition of Geographical Indication Protection Judgment Committee)

(1) The members of the Geographical Indication Protection Judgment Committee under [Article 8-9 \(1\) of the Act](#) (hereinafter referred to as the "Judgment Committee") shall be appointed or commissioned by the Minister for Food, Agriculture, Forestry and Fisheries among those who fall under any of the following subparagraphs:

1. State public officials of Grade IV or above in general service belonging to the Ministry for Food, Agriculture, Forestry and Fisheries and Korea Forest Service, or public officials in general service belonging to the Senior Civil Service;
2. Persons who have worked as a judge for two years or more from among state public officials of Grade IV or above in general service belonging to the Korean Intellectual Property Office or public officials in general service belonging to the Senior Civil Service;

3. Persons qualified as an attorney-at-law or patent attorney;
 4. Persons with abundant knowledge and experience in the areas of intellectual property rights and protection of geographical indications.
- (2) The term of office of members shall be three years, and members may be reappointed.
- (3) The Judgment Committee shall have each one of secretary and clerical staff who are appointed by the Minister for Food, Agriculture, Forestry and Fisheries from among the public officials under his/her control.
- (4) The secretary and clerical staff of the Judgement Committee shall handle the administrative affairs of the Judgement Committee under the direction of the chairperson of the Judgment Committee.
- [This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]*

Article 20 (Operation of Judgment Committee)

- (1) The chairperson of the Judgment Committee shall, upon receipt of an application for adjudgment pursuant to [Article 8-13 of the Act](#), allocate it a trial number and designate member judges to the case pursuant to [Article 8-15 of the Act](#) and notify the person who applied for adjudgment of the trial number and the designation of member judges in writing. In such cases, no member judge who has participated in the deliberation on the case as a subcommittee member of the subcommittee for deliberations on the registration of geographical indications or has an interest in the application of adjudgment shall be designated as a member judge.
- (2) The Judgment Committee shall not, when making a trial decision, take into account any document submitted by parties concerned or advocates after the termination of trials is notified to the parties concerned and advocates, and such documents shall be returned to the parties concerned or advocates only when an application applies for returning thereof: *Provided*, That the same shall not apply to cases where a trial is resumed before returning such documents.
- (3) The Judgment Committee shall, in order to render a decision on a trial, prepare a written decision in which the matters in each of the following subparagraphs are entered and affix names and seals thereto:
1. Trial number;
 2. Name and address (in cases of a corporation, its name, name of representative, location of business site) of parties concerned and advocates (including applicants for intervention; hereafter the same shall apply in this Article);
 3. Name, and address or location of business site of parties concerned and advocates (limited to cases where there is an attorney);
 4. Indication of trial case;
 5. Conclusion of the decision and the grounds therefor;
 6. Date of decision.
- (4) Besides the matters provided for in paragraphs (1) through (3), detailed matters necessary for the operation of the Judgment Committee shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.
- [This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]*

Article 21 (Request for Risk Assessment of Agricultural Products, etc. and Announcement of Results thereof)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when the harmfulness of agricultural products, etc. is suspected even though it is not confirmed inside or outside Korea, determine whether they are risky or not by requesting the institutions under each subparagraph of paragraph (1) of [Article 14-6](#) to conduct the risk assessment under paragraph (1) of the same Article.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall announce the agricultural products that he/she deems likely to harm human health as results of a risk assessment under paragraph (1), or farmland, water, materials, etc. which are used for the production of agricultural products by putting them on the agricultural product safety information system and Internet homepage of the Ministry for Food, Agriculture, Forestry and Fisheries under

[Article 28-2 \(2\) of the Act](#).

(3) The objects and methods of the risk assessment under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and other necessary detailed matters shall be determined and published by the Minister for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 22 Deleted. <by Presidential Decree No. 21876, Dec. 14, 2009>

Article 23 (Items Subject to Indication of Place of Origin)

(1) The items subject to the indication of place of origin under [Articles 15 \(3\) and 15-3 \(2\) of the Act](#) shall be determined and published by the Minister for Food, Agriculture, Forestry and Fisheries from among items of agricultural products, and processed agricultural products using such agricultural products as raw materials, which are deemed necessary for the establishment of distribution orders and appropriate decision-making of consumers: *Provided*, That in cases where such items are imported agricultural products and imported processed agricultural products (hereinafter referred to as "imported agricultural products, etc."), the items announced by the Minister for Knowledge Economy pursuant to [Article 33 of the Foreign Trade Act](#) shall become items subject to the indication of place of origin.

(2) With respect to standard products under [Article 4 of the Act](#) and items determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, the indication of place of origin may be omitted, notwithstanding paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 24 (Methods of Indication of Place of Origin)

(1) The methods of indication of place of origin under [Articles 15 \(3\) and 15-3 \(2\) of the Act](#) shall be as follows:

1. Domestic agricultural products: The term "home product" or "domestic product", or the names of Special Metropolitan City, Metropolitan Cities/Dos/Special Self-Governing Provinces (hereinafter referred to as "City/Do") or *Sis/Guns*/autonomous *Gus* (hereinafter referred to as "*Sil/Gun/Gu*") in which such agricultural products are produced are to be indicated;
2. Imported agricultural products, etc.: The places of origin are to be indicated according to the

methods determined by the

[Foreign Trade Act](#);

3. Domestic processed agricultural products (including imported processed agricultural products processed in Korea): The places of origin of raw materials are to be indicated in the order of the contained quantities of raw materials used in such processed agricultural products;
4. Agricultural products mixed with items identical thereto but with different places of origin: The mixing ratio by the places of origin is to be indicated.

(2) Detailed matters concerning the indication of places of origin of the domestic agricultural products, domestic processed agricultural products and agricultural products mixed with items identical but with different places of origin under paragraph (1) 1, 3 and 4 shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 25 (Criteria for Determining Places of Origin)

(1) The criteria for determining the places of origin of domestic agricultural products under [Articles 15 \(3\) and 15-3 \(2\) of the Act](#) shall be as follows: *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

1. Agricultural products to place an indication of the names of Cities/*Dos* or the names of *Sis/Guns/Gus* thereon: The Cities/*Dos* or *Sis/Guns/ Gus* in which relevant agricultural products are produced;
2. Wild animals or wild plants to place an indication of the names of Cities/*Dos* or the names of *Sis/Guns/Gus* thereon: The Cities/*Dos* or *Sis/Guns/Gus* in which relevant animals and plants are raised or collected.

(2) Determining the places of origin of imported agricultural products, etc. under [Articles 15 \(3\) and 15-3 \(2\) of the Act](#) shall follow the criteria for determining the places of origin under [Article 61 of the Foreign Trade Act](#): *Provided*, That in cases of processing imported agricultural products, etc. in Korea, the places of origin of relevant processed agricultural products shall be the places of origin of the imported agricultural products or imported processed agricultural products which are supplied for such processed agricultural products. *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

(3) The Minister for Food, Agriculture, Forestry and Fisheries may, when necessary for determining the places of origin, designate and publish institutions to examine samples. *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

(4) In cases where determining the places of origin of the agricultural products under paragraph (1) 1 is difficult due to transplantation, migration, etc., detailed criteria for determining shall be determined and published by the Minister for Food, Agriculture, Forestry and Fisheries. *<Newly Inserted by Presidential Decree No. 21805, Nov. 2, 2009> <<Enforcement Date: Jul. 1, 2010>>*

Article 25-2 (Business Operators subject to Indication of Place of Origin, etc.)

(1) The term "business and institutional food service facility determined by Presidential Decree" prescribed in

[Article 15-2 \(1\) of the Act](#) means those who conduct the resting restaurant business under

subparagraph 8 (a) of

[Article 21 of the Enforcement Decree of the Food Sanitation Act](#), general restaurant business under item (b) of the same subparagraph, or entrusted food service business under item (e) of the same subparagraph and those who install and operate the institutional food service facility under [Article 2](#) of the Enforcement Decree of the same Act.

(2) The term "person that conducts a business determined by Presidential Decree" prescribed in [Article 15-2 \(2\) of the Act](#) with exception of each subparagraph means those who operate the resting restaurant business under subparagraph 8 (a) of

[Article 21 of the Enforcement Decree of the Food Sanitation Act](#), general restaurant business under item (b) of the same subparagraph and entrusted food service business under item (e) of the same subparagraph.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 25-3 (Subjects of Indication of Place of Origin, etc.)

(1) The livestock products subject to the indication of place of origin, etc. pursuant to [Article 15-2 \(1\) of the Act](#) shall be as follows: *<Amended by Presidential Decree No. 21805, Nov. 2, 2009>*

1. Fresh, packed and processed beef products: Sale and supply (including cases of keeping and displaying for the purpose of sale and supply after cooking; hereinafter the same shall apply) after cooking for all purposes, such as roasting, making soup, smothering, frying and minced raw beef (in cases of minced raw beef, including cases of sale and supply without cooking);
2. Fresh, packed, and processed pork products (limited to spiced meat, processed ground meat products, processed rib products and processed meat extract products): Sale and supply after cooking for roasting, making soup, smothering or frying;
3. Fresh, packed and processed chicken products (limited to spiced meat, processed ground meat products, processed rib products and processed meat extract products): Sale and supply after cooking for roasting, making soup, smothering or frying.

(2) The term "those determined by Presidential Decree" prescribed in [Article 15-2 \(2\) 1 of the Act](#) means those replaced by boiled rice (excluding porridge, sweet drink made from fermented rice, rice cake and noodle).

(3) The term "those determined by Presidential Decree" prescribed in [Article 15-2 \(2\) 2 of the Act](#) means those supplied through the processes of salting and mixing with spices to be supplied as side dishes or those supplied as side dishes through the processes of fermentation or processing. *<Amended by Presidential Decree No. 21805, Nov. 2, 2009>*

[This Article Newly Inserted by Presidential Decree No. 20908, Jul. 7, 2008]

Article 26 (Items Subject to Indication of Genetically Modified Agricultural Product)

The items subject to the indication of genetically modified agricultural products under [Article 16 \(3\) of the Act](#) shall be those the Commissioner of the Korea Food & Drug Administration recognizes to be suitable for eating as a result of a safety assessment under [Article 18 of the Food Sanitation Act](#) and publishes (including their seed sprouts, such as bean sprouts and vegetable seed sprouts).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 27 (Criteria for Indication of Genetically Modified Agricultural Product, etc.)

(1) The criteria for the indication of genetically modified agricultural product under

Article 16 (3) of the Act shall be as follows:

1. Genetically modified agricultural products: To be marked "Genetically modified agricultural product (forest product or livestock product)";
2. Agricultural products containing genetically modified agricultural products: To be marked "Contains genetically modified agricultural products (forest products or livestock products)";
3. Agricultural products likely to contain genetically modified agricultural products: To be marked "Likely to contain genetically modified agricultural products (forestry products or livestock products)".

(2) With respect to the method of indication of genetically modified agricultural products under **Article 16 (3) of the Act**, the methods in each of the following subparagraphs shall be used to indicate such fact on the surface of the packing and containers of relevant agricultural products, at the places of sale of relevant agricultural products, etc.:

1. It is to be marked in block letters to be easily legible by the end users;
2. It is to be marked in a readily noticeable spot;
3. It is to be marked so as not to be easily erased or removed.

(3) Detailed matters for the criteria for and method of indication of genetically modified agricultural products under paragraphs (1) and (2) may be determined and published by the Minister for Food, Agriculture, Forestry and Fisheries.

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, if necessary for determining genetically modified agricultural products, designate and publish institutions to examine samples.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 27-2 (Inspection of Indications of Places of Origin, etc.)

(1) The regular collection or examination of agricultural products or processed agricultural products subject to the indication of place of origin, etc., or livestock products, rice and gimchi under the main sentence of

Article 18 (1) of the Act shall be conducted once a year for business establishments meeting the criteria set by the Minister for Food, Agriculture, Forestry and Fisheries, or Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or Governors of Special Self-Governing Provinces (hereinafter referred to as "Mayor/Do Governor") in consideration of the type and size of business, items and type of trade, etc. *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

(2) The regular collection or examination of agricultural products subject to the indication of genetically modified agricultural product under the main sentence of

Article 18 (2) of the Act shall be conducted once a year for business establishments meeting the criteria set by the Minister for Food, Agriculture, Forestry and Fisheries in consideration of the type and size of business, items and type of trade, etc. *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

(3) *Deleted. <by Presidential Decree No. 19279, Jan. 16, 2006>*

(4) Matters necessary for the method, time, etc. of the regular collection and examination under paragraph (1) or (2) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 21876, Dec. 14, 2009>

[This Article Wholly Amended by Presidential Decree No. 17674, Jul. 13, 2002]

Article 27-3 (Criteria, Methods, etc. of Orders for Announcement)

(1) Cases subject to orders for announcement under

[Article 18-2 \(2\) of the Act](#) shall be those subject to a disposition pursuant to paragraph (1) of the same Article and falling under any of the following subparagraphs:

1. Quantity in violation of indication: Not less than 100 tons;
2. Amount obtained by converting the sale price of quantity in violation of indication: Not less than one billion won (in cases of processed agricultural products, not less than two billion won);
3. Number of times subject to dispositions for the recent one year from the date of being found in contravention: Not less than twice.

(2) Any person that is subject to an order for announcement pursuant to

[Article 18-2 \(2\) of the Act](#) shall, without delay, put an announcement including the matters in each of the following subparagraphs on not less than one general daily newspapers registered under

[Article 9 \(1\) of the Act](#) on the Promotion of Newspapers, etc. and distributed nationwide: <Amended by Presidential Decree No. 22003, Jan. 27, 2010>

1. Name, name of owner and address of enterprise;
2. Names of agricultural products in violation;
3. Details of violation;
4. Details of disposition.

(3) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall, without delay, display the matters in each of the following subparagraphs on the Internet homepage of the Ministry for Food, Agriculture, Forestry and Fisheries or relevant Cities/Dos pursuant to

[Article 18-2 \(3\) of the Act](#):

1. The headline "Announcement of the Fact of Violating the [Agricultural Products Quality Control Act](#)";
2. Kind of business;
3. Name and address of place of business;
4. Names of agricultural products in violation;
5. Details of violation;
6. Person holding authority to impose relevant dispositions, date and details of imposition of disposition.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 28 (Agricultural Products Subject to Inspection, etc.)

(1) The agricultural products subject to inspection under

[Article 19 \(1\) of the Act](#) are as mentioned in each of the following subparagraphs:

1. Agricultural products that the government purchases, or the public institutions under [Article 4 of the Act on the Management of Public Institutions](#) or agriculture-related corporations,

etc. (hereinafter referred to as "producers' organizations, etc.") purchase on behalf of the government;

2. Agricultural products that the government exports or imports or producers' organizations, etc. export or import on behalf of the government;

3. Agricultural products that the government purchases or imports for processing;

4. Other agricultural products that the Minister for Food, Agriculture, Forestry and Fisheries deems necessary for the smooth distribution of agricultural products and publishes.

(2) The items of agricultural products subject to inspection under paragraph (1) 1 through 3 by kind are as shown in attached Table 2.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 29 (Qualification of Inspectors, etc.)

(1) The qualification of the inspectors under

[Article 20 \(1\) of the Act](#) (hereinafter referred to as "inspector") shall be granted according to the categories of grain, special products and general products, fruits, vegetables, seeds, silk yarn, etc.

(2) Any person that falls under any of the following subparagraphs and passes a screening test given by the director of the National Agricultural Products Quality Management Service (in cases of inspectors of silkworm eggs and cocoons, referring to Mayors/Do Governors; hereafter the same shall apply in this Article) shall become an inspector:

1. A public official who has engaged in businesses related to the inspection of agricultural products for not less than six months;

2. A person who has engaged in business related to the inspection of agricultural products in producers' organizations, etc. for not less than one year.

(3) The director of the National Agricultural Products Quality Management Service may, when an inspector falls into any of the following grounds, cancel the qualification of the inspector concerned, or order the suspension of qualification, by fixing a period not longer than one year. In such cases, no person whose qualification is cancelled shall apply for the screening test under paragraph (2) unless one year passes from the date of cancellation:

1. Where the inspector conducted extremely improper inspections to impair public confidence in inspections;

2. Where the inspector conducted illegal acts in connection with inspections.

(4) The director of the National Agricultural Products Quality Management Service may implement education for the inspection skills and improvement of quality of inspectors.

(5) Allowances may be paid to examiners participating in screening tests for the qualification of inspectors within budgetary limits.

(6) Matters necessary for the categories and method of screening tests for the qualification of the inspectors under paragraph (2), determination of successful candidates, education of inspectors under paragraph (4), etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 30 (Objects of Confirmation, Examination, Checking, etc.)

The term "agricultural products determined by Presidential Decree, such as agricultural products purchased or imported by the government" prescribed in

Article 25 (1) of the Act means those in each of the following subparagraphs:

1. Agricultural products that the government purchases or imports;
2. Agricultural products that producers' organizations, etc. purchase or import on behalf of the government;
3. Agricultural products that the government purchases or imports for processing.

Article 30-2 (Implementation Plan for Qualification Examination, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall formulate an implementation plan for the agricultural product quality controller qualification examination under

Article 29-4 (1) of the Act (hereinafter referred to as "qualification examination").

(2) The qualification examination shall be conducted once a year, on condition that when the Minister for Food, Agriculture, Forestry and Fisheries deems necessary for the supply and demand of agricultural product quality controllers, it may be implemented every two years.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 30-3 (Method of Qualification Examination, Examination Subjects and Criteria for Successful Candidates)

(1) The qualification examination shall be implemented in two levels: Level 1 multiple-choice written examination and Level 2 practical skill examination.

(2) The examination subjects of Level 1 multiple-choice written examination shall be those in each of the following subparagraphs, and those who attain 40 points or above in each examination subject out of a perfect score of 100 points and reach 60 points or above when averaging the points of all examination subjects shall become successful candidates:

1. Agricultural Products Quality Control Act and its subordinate statutes, and Acts and subordinate statutes which pertain to the distribution and price stabilization of agricultural and fishery products;
2. Introduction to horticulture science (including theories of quality control after harvest);
3. Theories of agricultural products distribution.

(2) The examination subjects of Level 1 multiple-choice written examination shall be those in each of the following subparagraphs, and those who attain 40 points or above in each examination subject out of a perfect score of 100 points and reach 60 points or above when averaging the points of all examination subjects shall become successful candidates: <<Enforcement Date: Jan. 1, 2011>>

1. Agricultural Products Quality Control Act and its subordinate statutes, and Acts and subordinate statutes which pertain to the distribution and price stabilization of agricultural and fishery products;
2. Horticultural science;
3. Theories of agricultural products distribution;
4. Theories of quality control after harvest.

(3) Level 2 practical skill examination shall be implemented for the successful candidates of Level 1 multiple-choice written examination with the examination subject of business practice necessary to conduct duties of agricultural product quality controllers, and those who attain 60 points or above out of the perfect score of 100 points shall become successful candidates. In such cases, those who fail

the Level 2 practical skill examination shall be exempted from the Level 1 multiple-choice written examination only in the immediately following examination.

(4) With respect to an applicant who conducted illegal acts in connection with a qualification examination, the Minister for Food, Agriculture, Forestry and Fisheries shall nullify the results of qualification examination concerned and suspend the applicant's qualification for applying for qualification examinations for two years from the date on which the qualification examination was held.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Articles 30-4 and 30-5 Deleted. *<by Presidential Decree No. 21087, Oct. 20, 2008>*

Article 30-6 (Publication of Qualification Examination, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when implementing a qualification examination, publish necessary matters, such as qualifications for application, examination subjects, method of examination, criteria for successful candidates, time and date of examination, place of examination, etc. in not less than two general daily newspapers which have registered the whole country as their distribution areas pursuant to

[Article 9 \(1\) of the Act](#) on the Promotion of Newspapers, etc. 60 days prior to the date of examination.
<Amended by Presidential Decree No. 22003, Jan. 27, 2010>

(2) Any person that intends to apply for a qualification examination shall submit an application form determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries to the Minister for Food, Agriculture, Forestry and Fisheries, and any person that submits an application form shall pay fees as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Except as otherwise provided for by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, the fees under paragraph (2) shall not be returned even when the payer concerned does not take a qualification examination.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 30-7 (Announcement of Successful Candidates, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall determine those who have passed the Level 2 practical skill examination under [Article 30-3 \(3\)](#) as the final successful candidates of qualification examinations and announce a list of their names through information and communications networks within 40 days from the implementation of qualification examinations.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall issue agricultural product quality controller's licenses to the final successful candidates under paragraph (1), as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 31 (Payment of Rewards)

(1) The rewards under

[Article 30 of the Act](#) shall be paid to those who report or inform offenses in violation of the indication of place of origin, etc. under

[Article 15, 15-2, 16 or 17 of the Act](#) to competent governmental offices or investigative agencies, or arrest or render assistance in arresting the offenders thereof within the scope not exceeding two million won.

(2) Criteria, method, procedure, etc. of the payment of reward under paragraph (1) shall be determined and published by the Minister for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 32 (Delegation of Authority)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall delegate the authority in each of the following subparagraphs to the Director of the National Agricultural Products Quality Management Service pursuant to

Article 34 (1) of the Act: *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*

1. Operation of the subcommittee for deliberation on the registration of geographical indications under
[Article 3 \(6\) of the Act](#);
2. Enactment, revision or abolishment of standards for agricultural products (excluding forest products) under
[Article 4 \(1\) of the Act](#);
3. Dispositions, such as designation, cancellation of designation, and suspension of business of good agricultural practice-certifying institutions under
[Articles 6 and 6-2 of the Act](#);
4. Dispositions, such designation, cancellation of designation, and suspension of business of good agricultural practice facilities under
[Articles 7 and 7-2 of the Act](#);
5. Dispositions, such as registration, and cancellation of registration of agricultural traceability under
[Articles 7-5 and 7-6 of the Act](#);
6. Registration of geographical indications of agricultural products or processed agricultural products (excluding forest products) under
[Article 8 \(1\) of the Act](#);
7. Dispositions, such as post-management and correction of indication of geographical indication products, standard products, agricultural products with good agricultural practice certification, and agricultural traceability products of the agricultural products under
[Articles 8-7, 8-8, 10 and 11 of the Act](#): *Provided*, That dispositions, such as postmanagement, correction of indication, etc. of forest products and processed agricultural products shall be excluded;
8. Safety inspection (including collection of samples, etc. under
[Article 13 of the Act](#)) of agricultural products (excluding livestock products) and their production materials, etc. under
[Article 12-2 of the Act](#) and measures for the results of safety inspections under
[Article 14 of the Act](#);
9. Dispositions, such as designation, cancellation of designation, and suspension of business of safety inspection institutions under
[Articles 14-2 and 14-3 of the Act](#);
10. Examination of actual state of noxious substances that persist in agricultural products (excluding livestock products) under

- [Article 14-6 \(3\) of the Act](#);
11. Inspection of indication of places of origin of agricultural products, etc. and processed agricultural products and inspection of indication of genetically modified agricultural product under [Article 18 of the Act](#);
 12. Dispositions under paragraph (1) of [Article 18-2 of the Act](#), order for announcement under paragraph (2) of the same Article, and announcement under paragraph (3) of the same Article;
 13. Inspection of agricultural products under [Article 19-1 of the Act](#) (excluding inspections of agricultural products, silkworm seeds and silkworm cocoons inspected by inspection institutions designated pursuant to [Article 26 of the Act](#));
 14. Confirmation, examination, checking, etc. under [Article 25 of the Act](#);
 15. Dispositions, such as designation, cancellation of designation, and suspension of business of inspecting institutions under [Article 26](#);
 16. Examination of agricultural products and processed agricultural products under [Article 27 \(1\) of the Act](#);
 17. Dispositions, such as designation, cancellation of designation, and suspension of business of the examining institutions under [Articles 27 \(2\) and 27-2 \(1\) of the Act](#);
 18. Commissioning and operation of the honorary overseers of agricultural products under [Article 29 \(1\) and \(2\) of the Act](#): *Provided*, That forest products and processed forest products shall be excluded;
 19. Cancellation of qualification of agricultural product quality controllers under [Article 29-6 of the Act](#);
 20. Formulation of implementation plan of qualification examination under [Article 30-2 \(1\)](#);
 21. Issue of agricultural product qualify controller's license under [Article 30-7 \(2\)](#);
 22. Provisions of funds for the improvement of qualify, facilitation of standardization, etc. under [Article 31 \(1\) of the Act](#): *Provided*, That forest products and processed forest products shall be excluded;
 23. Imposition and collection of fines for negligence under [Article 38 \(2\) of the Act](#): *Provided*, That offenses under [Article 10 \(2\)](#) which relate to forest products and processed forest products shall be excluded.
- (2) The Minister for Food, Agriculture, Forestry and Fisheries shall delegate the authorities in each of the following subparagraphs to the Administrator of the Rural Development Administration under [Article 34 \(1\) of the Act](#): *<Amended by Presidential Decree No. 21876, Dec. 14, 2009>*
1. Publication of standards for good agricultural practices under [Article 5 \(1\) of the Act](#);
 2. Implementation of education on standards for good agricultural practices under [Article 5 \(1\) of the Act](#).
- (3) The Minister for Food, Agriculture, Forestry and Fisheries shall delegate the authorities, in each of

the following subparagraphs, which relate to forest products and processed forest products to the Minister of the Korea Forest Service under

Article 34 (1) of the Act: <Amended by Presidential Decree No. 21876, Dec. 14, 2009>

1. Enactment, revision or abolishment of standards under
[Article 4 \(1\) of the Act](#);
2. Registration of geographical indications under
[Article 8 \(1\) of the Act](#);
3. Dispositions, such as post-management, correction of indication, etc. of geographical indication products and standard products under [Articles 8-7, 8-8, 10 and 11](#);
4. Commissioning and operation of honorary overseers under
[Article 29 of the Act](#);
5. Provision of funds for the improvement of quality, facilitation of standardization, etc. under
[Article 31 \(1\) of the Act](#);
6. Imposition and collection of fines for negligence under
[Article 38 \(2\) of the Act](#) (limited to offenses under
[Article 10 \(2\) of the Act](#)).

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall delegate matters concerning an inspection of silkworm seeds and silkworm cocoons, among the agricultural products under

[Article 19 of the Act](#) to Mayors/Do Governors pursuant to

Article 34 (1) of the Act. <Amended by Presidential Decree No. 21876, Dec. 14, 2009>

(5) Deleted. <by Presidential Decree No. 17351, Sep. 1, 2001>

(6) The Director of the National Agricultural Products Management Service, Administrator of the Rural Development Administration and Minister of the Korea Forest Service shall, when re-delegating part of the authority which is delegated to them pursuant to paragraphs (1) through (3) to the heads of the institutions under their control pursuant to the latter part of

[Article 6 \(1\) of the Government Organization Act](#), and publish the details thereof. <Newly Inserted by Presidential Decree No. 21876, Dec. 14, 2009>

Article 32-2 (Entrustment of Affairs)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall entrust affairs concerning the operation of the agricultural product safety information system under
[Article 28-2 \(3\) of the Act](#) to a non-profit corporation which conducts agricultural information-related business determined and published by the Minister for Food, Agriculture, Forestry and Fisheries pursuant to

[Article 34 \(2\) of the Act](#).

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall entrust affairs concerning the management of qualification examinations to the Human Resources Development Service of Korea under the Human Resources Development Service of Korea Act pursuant to

[Article 34 \(2\) of the Act](#).

[This Article Wholly Amended by Presidential Decree No. 21876, Dec. 14, 2009]

Article 33 (Criteria for Imposition of Fines for Negligence)

Criteria for the imposition of the fines for negligence under [Article 38 of the Act](#) are as shown in attached Table 3.

[This Article Wholly Amended by Presidential Decree No. 20908, Jul. 7, 2008]

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 1999.

Article 2 (Repeal of Other Acts and Subordinate Statutes)

The Enforcement Decree of the [Agricultural Products Inspection Act](#) shall be repealed hereby.

Article 3 (Transitional Measures concerning Inspectors' Qualification)

Inspectors of agricultural products as prescribed in [Article 5](#) of the previous Enforcement Decree of [Agricultural Products Inspection Act](#) at the time this Decree enters into force shall be deemed to be qualified to inspect the relevant types of agricultural products as prescribed in [Article 29](#) of this Decree.

Article 4 Omitted.

ADDENDA <Presidential Decree No. 17165, Mar. 27, 2001>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 29, 2001.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 17230, May 29, 2001>

- (1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Levy Criteria for Fines for Negligence) In applying the levy criteria for fines for negligence to the offenses committed before this Decree enters into force, the previous provisions shall govern.

ADDENDA <Presidential Decree No. 17242, Jun. 22, 2001>

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 2001.
- (2) through (4) Omitted.

ADDENDA <Presidential Decree No. 17351, Sep. 1, 2001>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Presidential Decree No. 17674, Jul. 13, 2002>

(1) (Enforcement Date) This Decree shall enter into force on July 15, 2002.

(2) (Transitional Measures concerning Quality Certification) Agricultural products which received quality certification under the previous provisions at the time this Decree enters into force shall be deemed to have been granted quality certification under the amended provisions of [Article 12](#).

(3) (Transitional Measures concerning Criteria on Imposing Fine for Negligence) Application of criteria on imposing fine for negligence to the violations committed before this Decree enters into force shall be governed by the previous provisions notwithstanding the amended provisions of subparagraph 3 (a) (i) of attached Table 3.

ADDENDUM <Presidential Decree No. 18071, Jul. 29, 2003>

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

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA <Presidential Decree No. 18594, Dec. 3, 2004>

[Article 1 \(Enforcement Date\)](#)

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

[Articles 2 through 5 Omitted.](#)

ADDENDUM <Presidential Decree No. 19279, Jan. 16, 2006>

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

ADDENDUM <Presidential Decree No. 20103, Jun. 26, 2007>

This Decree shall enter into force on June 29, 2007.

ADDENDA <Presidential Decree No. 20257, Sep. 10, 2007>

[Article 1 \(Enforcement Date\)](#)

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

[Articles 2 through 4 Omitted.](#)

ADDENDA <Presidential Decree No. 20431, Dec. 6, 2007>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Qualifying Examinations) Notwithstanding the amended provisions of [Article 32-2](#) (2), the administration for qualifying examinations in the process at the time this Decree enters into force shall be governed by the previous provisions.

ADDENDA <Presidential Decree No. 20677, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 20908, Jul. 7, 2008>

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of [Article 25-3](#) (1) 2 and 3 and (3) shall enter into force on December 22, 2008.

ADDENDA <Presidential Decree No. 21087, Oct. 20, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 21676, Aug. 6, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 7, 2009. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 21805, Nov. 2, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on November 9, 2009: *Provided*, That the amended provisions of [Article 25](#) (4) shall enter into force on July 1, 2010.

Article 2 (Applicability concerning Criteria for Determining Places of Origin)

The amended provisions of [Article 25](#) (4) shall apply, starting from the first agricultural product produced after the amended provisions of [Article 25](#) (4) pursuant to the proviso to Article 1 of the Addenda.

ADDENDUM <Presidential Decree No. 21876, Dec. 14, 2009>

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of

[Article 30-3 \(2\) of the Act](#) shall enter into force on January 1, 2011.

ADDENDA <Presidential Decree No. 22003, Jan. 27, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 1, 2010.

Articles 2 through 5 Omitted.