

# ENFORCEMENT DECREE OF THE GINSENG INDUSTRY ACT

Wholly Amended by Presidential Decree No. 17242, jun. 22, 2001  
Amended by Presidential Decree No. 18312, Mar. 17, 2004  
Presidential Decree No. 18439, jun. 25, 2004  
Presidential Decree No. 20539, Jan. 11, 2008  
Presidential Decree No. 20677, Feb. 29, 2008  
Presidential Decree No. 23109, Aug. 30, 2011  
Presidential Decree No. 23536, Jan. 25, 2012  
Presidential Decree No. 25050, Dec. 30, 2013  
Presidential Decree No. 25269, Mar. 24, 2014  
Presidential Decree No. 25595, Sep. 11, 2014  
Presidential Decree No. 27299, jun. 30, 2016  
Presidential Decree No. 27751, Dec. 30, 2016  
Presidential Decree No. 28243, Aug. 16, 2017  
Presidential Decree No. 28361, Oct. 17, 2017

## Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Ginseng Industry Act and necessary matters for the enforcement thereof.

## Article 1-2 (Formulation, etc. of Comprehensive Plans for Ginseng Industry)

(1) If the Minister of Agriculture, Food and Rural Affairs intends to formulate a comprehensive plan under Article 3 (1) of the Ginseng Industry Act (hereafter in this Article, referred to as "comprehensive plan" ; and the Ginseng Industry Act shall hereinafter be referred to as the "Act"), he/she shall, in advance, hear the opinions of the Administrator of the Rural Development Administration, the heads of local governments, the heads of ginseng-related producers' organizations, etc.

(2) Deleted. <by Presidential Decree No. 28361, Oct. 17, 2017>

(3) Where a comprehensive plan must be amended due to policy changes, the Minister of Agriculture, Food and Rural Affairs may amend the comprehensive plan. In such cases, he/she shall, in advance, hear the opinions of the Administrator of the Rural Development Administration, the heads of local

governments, the heads of ginseng-related producers' organizations, etc.

(4) When the Minister of Agriculture, Food and Rural Affairs formulates or amends a comprehensive plan, he/she shall publish the details thereof on the website of the Ministry of Agriculture, Food and Rural Affairs.

## **Article 2 (Important Changes to be Reported by Manufacturer of Ginseng Varieties)**

"Important matters prescribed by Presidential Decree" in Article 12 (3) of the Act means any of the following subparagraphs: *<Amended by Presidential Decree No. 25595, Sep. 11, 2014>*

1. Trade name;
2. Representative(s);
3. Location of the business place or the manufacturing site;
4. Ginseng varieties which are manufactured.

## **Article 3 (Types of Ginseng Products)**

"Items prescribed by Presidential Decree from among the ginseng products" in the forepart of Article 12 (4) of the Act means the following items:

1. Concentrated ginseng;
2. Powdered ginseng;
3. Concentrated red ginseng;
4. Powdered red ginseng;
5. Glyco-precipitat ginseng;
6. White ginseng product made with at least 80% of soluble ginseng ingredients (referring to those containing at least 80 of the ginseng-saponin per gram);
7. Red ginseng product made with at least 80% of soluble ginseng ingredients (referring to those containing at least 70 of the red ginseng-saponin per gram).

## **Article 3-2 (Marking Methods and Criteria for Judging of Place of Origin of Ginseng Varieties)**

@Article 5 of the Enforcement Decree of the Act on Origin Labeling of Agricultural and Fishery Products shall apply mutatis mutandis to the marking methods and criteria for judging or such of the place of origin of ginseng varieties under the latter part of Article 15 (1) of the Act. *<Amended by Presidential Decree No. 23536, Jan. 25, 2012>*

## **Article 4 (Exception to Inspection)**

"Cases prescribed by Presidential Decree" in the proviso to the part other than the subparagraphs of Article 17 (1) of the Act means where a manufacturer or collector of ginseng varieties marks the place of origin, weight, the names of manufacturer and distributor on the red, Taegeuk, or white ginseng, or any other ginseng, and sells to a person who manufactures and processes ginseng products using such ginseng

as raw materials. <Amended by Presidential Decree No. 28361, Oct. 17, 2017>

#### **Article 5 (Facilities and Manpower, etc. of Self-inspection Enterprise)**

The criteria for facilities and manpower, etc. which a person, who intends to be designated as a self-inspection enterprise pursuant to Article 17-2 (1) of the Act is to be equipped with, are same as the attached Table 1.

#### **Article 5-2 (Qualifications of Inspectors)**

Persons who have received education for inspectors under Article 17-5 (3) of the Act, among any of the following persons, shall be qualified as inspectors under Article 17-5 (2) of the Act: <Amended by Presidential Decree No. 27299, Jun. 30, 2016; Presidential Decree No. 28243, Aug. 16, 2017>

1. Any person who has graduated with a major in biology, chemistry, agriculture, food engineering, nutrition, or pharmacy from at least a junior college under the Higher Education Act (including a person who has an equivalent or higher level of such educational attainment under statutes);
- 1-2. Any person holds a license to serve as a food technician, food engineer, food-industry engineer, or agrochemical technician under the National Technical Qualifications Act;
2. Any person who has at least two years' work experience in the field of physicochemical or food-microbial inspection at a national or public research institute, ginseng variety inspection agency provided for in Article 17 (1) of the Act (hereinafter referred to as the "ginseng variety inspection agency"), ginseng variety manufacturing enterprise, or ginseng products manufacturing enterprise;
3. Any person who has at least two years' work experience in the field of quality inspection at a national agricultural products inspection institute, ginseng varieties manufacturing enterprise, ginseng variety producers' organization, or ginseng variety research institute (referring to any research institute provided for in Article 3 (2) of the Act);
4. Any person who has at least six months' work experience in the field of quality inspection at a ginseng variety inspection agency.

#### **Article 5-3 (Re-Examination of Regulation)**

The Minister of Agriculture, Food and Rural Affairs shall examine the appropriateness of the following matters every three years (referring to the period that ends on the day before the base date of every third year) from the base date specified in the following subparagraphs and take measures for improvement, etc.: <Amended by Presidential Decree No. 25595, Sep. 11, 2014; Presidential Decree No. 27751, Dec. 30, 2016>

1. Criteria for designation as a self-inspection enterprise under Article 5: January 1, 2017;
2. Qualifications for inspectors under Article 5-2: January 1, 2017;
3. Criteria for the imposition of administrative fines under Article 6 and attached Table 2: January 1, 2017.

## **Article 6 (Imposition of Administrative Fines)**

The criteria for imposition of administrative fines under Article 33 (1) of the Act shall be as specified in attached Table 2.

### **ADDENDA**

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 2001.
- (2) (Transitional Measures concerning Inspection of Tiny-sized Ginseng) The inspection of the ginseng varieties prescribed by the Ordinance of the Ministry of Agriculture and Forestry pursuant to subparagraph 1 of previous Article 7-2 as at the time this Decree enters into force, shall be subject to the previous provisions by not later than June 30, 2002, notwithstanding the amended provisions of Article 4.
- (3) (Transitional Measures concerning Criteria for Imposition of Administrative Fines) The imposition of administrative fines for offenses committed before this Decree enters into force shall be governed by the previous provisions.
- (4) Omitted.

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

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

### **ADDENDA <Presidential Decree No. 18439, Jun. 25, 2004>**

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 2004; Provided, That the amended provisions of Article 4 shall take effect on January 1, 2006.
- (2) (Transitional Measures concerning Qualifications for Inspectors) Any person who is working as an inspector of a ginseng inspection agency or a self inspection enterprise at the time of the entry into force of this Decree and meets the qualifications under the previous provisions shall be deemed to satisfy the qualifications under the amended provisions of Article 5-2.

### **ADDENDUM <Presidential Decree No. 20539, Jan. 11, 2008>**

This Decree shall enter into force on January 14, 2008.

### **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. 22025, Feb. 8, 2010>

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

ADDENDA <Presidential Decree No. 23109, Aug. 30, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 (Applicable Example)**

The amended provisions of subparagraph 3 of the attached Table 1 shall apply beginning with the first case of the application for the designation of self-inspection enterprise after the enforcement of this Act.

ADDENDUM <Presidential Decree No.23536, Jan. 25, 2012>

This Decree shall enter into force on January 26, 2012.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDUM <Presidential Decree No. 25269, Mar. 24, 2014>

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

ADDENDUM <Presidential Decree No. 25595, Sep. 11, 2014>

This Decree shall enter into force on September 12, 2014.

ADDENDA <Presidential Decree No. 27299, Jun. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2016. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

ADDENDA <Presidential Decree No. 27751, Dec. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2017. (Proviso Omitted.)

**Articles 2 through 12 Omitted.**

ADDENDUM <Presidential Decree No. 28243, Aug. 16, 2017>

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

ADDENDUM <Presidential Decree No. 28361, Oct. 17, 2017>

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



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