

ACT ON ORIGIN LABELING OF AGRICULTURAL AND FISHERY PRODUCTS

Act No. 18525, Nov. 30, 2021

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect producers and consumers by inducing fair trade and guaranteeing the right of consumers to be informed by having the producers indicate the country of origin and manage the distribution history of agricultural and fishery products and the processed products thereof, etc. in an appropriate and reasonable manner.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Jul. 21, 2011; Jun. 22, 2015; Dec. 2, 2016; Dec. 8, 2020; Nov. 30, 2021>

1. The term "agricultural product" means an agricultural product defined in subparagraph 6 (a) of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry;
2. The term "fishery product" means a fishery product produced by fishery activities defined in subparagraph 1 (a) of Article 3 of the Framework Act on Fisheries and Fishing Villages Development and by aquaculture activities defined in item (e) of the same subparagraph;
3. The term "agricultural and fishery product" means an agricultural products and fishery product;
4. The term "place of origin" means a country, area or waters where agricultural products or fishery products are produced, gathered or caught;
- 4-2. The term "distribution history" means the transaction details for each distribution stage from the time of importation of imported agricultural products and processed agricultural products until the sale to consumers, the specific scope of which is prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
5. The term "food service business" means a food service business referred to in Article 36 (1) 3 of the Food Sanitation Act;
6. The term "place of mass feeding" means a place of mass feeding defined in subparagraph 12 of Article 2 of the Food Sanitation Act;

7. The term "mail order sale" means a mail order sale defined in subparagraph 2 of Article 2 of the Act on the Consumer Protection in the Electronic Commerce, etc., which is prescribed by Presidential Decree (including cases where agricultural and fishery products are sold in the course of electronic commerce defined in subparagraph 1 of Article 2 of the same Act);

8. The definitions of terms used in this Act shall be as prescribed by the Agricultural and Fishery Products Quality Control Act, the Food Sanitation Act, the Foreign Trade Act, or the Livestock Products Sanitary Control Act, except as provided for in this Act.

Article 3 (Relationship to Other Statutes)

This Act shall prevail over other statutes with respect to the origin labeling of agricultural and fishery products or the processed products thereof and the management of distribution history of imported agricultural products and processed agricultural products. <Amended on Jul. 30, 2013; Dec. 2, 2016; Nov. 30, 2021>

Article 4 (Deliberation on Country of Origin Labeling of Agricultural and Fishery Products)

The Agricultural and Fishery Products Quality Control Deliberative Council referred to in Article 3 of the Agricultural and Fishery Products Quality Control Act (hereinafter referred to as the "Deliberative Council") shall deliberate on matters concerning the country of origin labeling of agricultural products, fishery products and the processed products thereof under this Act, or rice, all types of kimchi, livestock products (referring to livestock products defined under subparagraph 2 of Article 2 of the Livestock Products Sanitary Control Act; hereinafter the same shall apply) and fishery products sold after cooked.

<Amended on Jul. 21, 2011; Dec. 2, 2016>

CHAPTER II ORIGIN LABELING OF AGRICULTURAL AND FISHERY PRODUCTS AND PROCESSED AGRICULTURAL AND FISHERY PRODUCTS

Article 5 (Country of Origin Labeling)

(1) A person who imports agricultural or fishery products, or processed products thereof, prescribed by Presidential Decree, a person who ships or sells such products (including mail order sale; hereinafter the same shall apply) after producing or processing them, or a person who stores or displays such products to sell them shall indicate the country of origin of the following: <Amended on Dec. 2, 2016>

1. Agricultural and fishery products;
2. Processed products of agricultural and fishery products (excluding products processed in the Republic of Korea);
3. Raw materials of processed products of agricultural and fishery products (limited to products processed in the Republic of Korea).

(2) In any of the following cases, a country of origin label shall be deemed placed pursuant to paragraph (1): <Amended on Jul. 21, 2011, Nov. 22, 2011; Jun. 22, 2015; Dec. 2, 2016; Feb. 18, 2020>

1. Where he or she places a standardized product mark pursuant to Article 5 of the Agricultural and Fishery Products Quality Control Act or Article 33 of the Salt Industry Promotion Act;
2. Where he or she places an excellently managed agricultural product certification mark pursuant to Article 6 of the Agricultural and Fishery Products Quality Control Act, a quality certification mark pursuant to Article 14 of the same Act, or an excellent sun-dried salt certification mark pursuant to Article 39 of the Salt Industry Promotion Act;
- 2-2. Where he or she places a certification mark of sun-dried salt production pursuant to Article 40 of the Salt Industry Promotion Act;
3. Where he or she places an eco-friendly sun-dried salt certification mark pursuant to Article 41 of the Salt Industry Promotion Act;
4. Where he or she places a traceable agricultural product mark pursuant to Article 24 of the Agricultural and Fishery Products Quality Control Act;
5. Where he or she indicates a geographical area pursuant to Article 34 of the Agricultural and Fishery Products Quality Control Act or Article 38 of the Salt Industry Promotion Act;
- 5-2. Where he or she places a certification of origin label pursuant to Article 22-2 of the Food Industry Promotion Act or Article 30 of the Seafood Industry Promotion and Support Act;
- 5-3. Where he or she places a country of origin label of exported or imported agricultural and fishery products, or exported or imported processed agricultural and fishery products pursuant to Article 33 of the Foreign Trade Act;
6. Where he or she places a country of origin label of agricultural and fishery products, or processed agricultural and fishery products pursuant to other Acts.

(3) Where a person who establishes and operates a place of business or a meal service facility prescribed by Presidential Decree, among food service businesses and meal service facilities, falls under any of the following cases, he or she shall place country of origin labels on such agricultural products or raw materials of such processed products (in cases of beef, a type of meat shall be included therein; hereinafter the same shall apply): Provided, That where he or she places certification of origin labels prescribed in Article 22-2 of the Food Industry Promotion Act or Article 30 of the Seafood Industry Promotion and Support Act, it is deemed for him or her to place country of origin labels and in cases of beef, types of meat shall be separately marked: <Amended on Jun. 22, 2015; Feb. 18, 2020; Apr. 13, 2021>

1. Where he or she sells or offers (including sale or offering through delivery) agricultural products or the processed products thereof prescribed by Presidential Decree;
 2. Where he or she stores or displays agricultural products or the processed products thereof for the purpose of sale or offering after cooking.
- (4) Agricultural and fishery products or raw materials of the processed products thereof subject to labeling, persons who should label, and labeling standards pursuant to paragraph (1) or (3) shall be

prescribed by Presidential Decree, and methods of labeling and other necessary matters shall be prescribed by Joint Ordinance of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 6 (Prohibition of False Labeling)

(1) No person shall conduct any of the following acts:

1. False labeling of the country of origin or labeling that may cause confusion as to the country of origin;
2. Destroying or changing labels for the purpose of confusing the country of origin;
3. Selling under the country of origin disguised, selling country of origin labeled agricultural and fishery products or the processed products thereof mixed with other agricultural and fishery products and the processed products thereof, or storing or displaying such products for the purpose of sale.

(2) No person who sells or provides agricultural and fishery products or the processed products thereof after cooking shall conduct any of the following acts:

1. False labeling of the country of origin or labeling that may cause confusion as to the country of origin;
2. Cooking, selling and providing agricultural and fishery products or the processed products thereof under the country of origin disguised, storing or displaying such products after destroying or changing labels for the purpose of selling or providing after cooking;
3. Cooking, selling or providing country of origin labeled agricultural and fishery products or the processed products thereof mixed with the same agricultural and fishery products or the processed products thereof under a different country of origin.

(3) Necessary matters, such as labeling that may cause confusion as to the country of origin and the scope of disguised sale in violation of paragraph (1) or (2), shall be prescribed by Joint Ordinance of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(4) No person who has established a large-scale store under subparagraph 3 of Article 2 of the Distribution Industry Development Act shall neglect an act referred to in any of the subparagraphs of paragraph (1) or (2) by a tenant or any other operator of such store which is operated on lease (hereinafter referred to as "leased store"). <Newly Inserted on Jul. 25, 2011>

(5) No program provider who engages in specialized programming featuring and selling products after receipt of approval under Article 9 (5) of the Broadcasting Act shall neglect any of the acts specified in the subparagraphs of paragraph (1) or (2), conducted by a person who requests sales brokerage of products to the relevant broadcasting channel, etc. <Newly Inserted on Dec. 2, 2016>

Article 6-2 (Penalty Surcharges)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") or the "head of a Si/Gun/Gu" (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) may impose and collect a penalty surcharge equivalent to an amount not exceeding five times the amount imposed for violations on persons who have violated Article 6 (1) or (2) two times or more within two years. In such cases, the number of violations of Article 6 (1) and the number of violations of paragraph (2) of the same Article shall be added together. *<Amended on May 29, 2016; Oct. 13, 2017; May 26, 2020>*

(2) The amount imposed for violations pursuant to paragraph (1) means the amount of sales of agricultural and fishery products or the processed products thereof for which violations under Article 6 (1) or (2) have been committed, which is the total amount of sales for each violation: Provided, That the amount for violations committed at the clearance stage means the amount of reporting the importation of agricultural and fishery products or the processed products thereof for which violations under Article 6 (1) have been committed, which is the total amount of reporting the importation for each violation. *<Amended on Oct. 13, 2017>*

(3) Detailed criteria and procedures for the imposition and collection of penalty surcharges under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(4) Where a person liable to pay a penalty surcharge under paragraph (1) fails to pay such penalty surcharge by the deadline for payment, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service or the Mayor/Do Governor shall collect the penalty surcharge in the same manner as delinquent national or local taxes are collected. *<Amended on Oct. 13, 2017; May 26, 2020>*

Article 7 (Investigation of Country of Origin)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of the Si/Gun/Gu shall require the relevant public officials to collect or investigate agricultural and fishery products or the processed products thereof subject to labeling of the country of origin, as prescribed by Presidential Decree, in order to ascertain whether country of origin labels are placed and the labeled matters, the methods of labeling, etc. are appropriate pursuant to Article 5. In such cases, the affairs for collection or investigation of the Commissioner of the Korea Customs Service are limited to agricultural and fishery products or the processed products of agricultural and fishery products (excluding the processed products which are processed in the Republic of Korea) which are imported among products subject to labeling of the country of origin under Article 5 (1). *<Amended on Mar. 23, 2013; Jun. 3, 2014; Oct. 13, 2017; May 26, 2020>*

(2) Where necessary at the time of investigation pursuant to paragraph (1), relevant public officials may have access to the relevant places of business, storehouses, offices, etc., check and investigate agricultural and fishery products or the processed products thereof, etc. and inspect books or documents related to business.

(3) Where relevant public officials collect, investigate or inspect pursuant to paragraph (1) or (2), a person who sells or processes agricultural and fishery products or the processed products thereof subject to labeling of the country of origin or sells or provides such products after cooking shall not refuse, interfere with or evade such activities of the relevant public officials without justifiable grounds.

(4) A public official who collects or investigates pursuant to paragraph (1) or (2) shall carry an identification indicating his or her authority and produce it to interested persons and shall deliver a document in which his or her name, time and purpose of access, etc. are indicated to interested persons when accessing thereto.

(5) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, or the Mayor/Do Governor collects or investigates pursuant to paragraph (1), he or she shall establish his or her own plan for such collection or investigation every year (hereafter referred to as “one’s own plan” in this Article) including a plan for managing personnel and financial resources in consideration of a type of business, scale, items and forms of transaction, etc. and shall conduct collection or investigations in accordance with such plan. *<Newly Inserted on Dec. 31, 2018>*

(6) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, or the Mayor/Do Governor has collected or investigated pursuant to paragraph (1), he or she shall evaluate the following and reflect the results thereof in his or her own plan: *<Newly Inserted on Dec. 31, 2018>*

1. Results of collection or investigations conducted in accordance with his or her own plan;
2. Other matters requiring evaluation in relation to investigation of labeling the country of origin, etc.

(7) Matters concerning criteria and procedures related to evaluation conducted under paragraph (6) shall be prescribed by Presidential Decree. *<Newly Inserted on Dec. 31, 2018>*

Article 8 (Keeping of Receipts)

A person required to indicate the country of origin pursuant to Article 5 (3) shall keep receipts, invoices, etc. containing the country of origin, etc., which are issued pursuant to other Acts, including Article 31 of the Livestock Products Sanitary Control Act and Article 18 of the Livestock and Livestock Products Traceability Act, for six months from the date of purchase. *<Amended on Dec. 27, 2013; Dec. 2, 3016>*

Article 9 (Dispositions against Violation of Country of Origin Labeling)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of the Si/Gun/Gu may

impose any of the following dispositions on a person who violates Article 5 or 6: Provided, That a disposition against a person who violates Article 5 (3) shall be limited to a disposition under subparagraph 1: <Amended on Mar. 23, 2013; Dec. 2, 2016; Oct. 13, 2017; May 26, 2020>

1. Corrective orders, such as the implementation, changing, omission, etc. of labeling;
2. Prohibition on trading practices, such as sale of agricultural and fishery products or the processed products thereof in violation of labeling.

(2) Where any of the following persons fails to place country of origin labels in violation of Article 5 two times or more within two years or violates Article 6, and a disposition under Article 9 (1) is finalized to the person, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of the Si/Gun/Gu shall publish matters related to such disposition: Provided, That where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems that there is no effectiveness in publishing such disposition after deliberation by the Deliberative Council, he or she need not publish it. <Amended on Jul. 25, 2011; Mar. 23, 2013; May 29, 2016; Oct. 13, 2017; May 26, 2020>

1. A person who produces, processes, and ships agricultural and fishery products or the processed products thereof subject to labeling of the country of origin, or sells or processes such products for the purpose of sale pursuant to Article 5 (1);
2. A person who sells or provides food after cooking pursuant to Article 5 (3).

(3) Matters to be published under paragraph (2) shall be as follows: <Amended on May 29, 2016>

1. The details of disposition pursuant to paragraph (1);
2. The names of the relevant business office;
3. The names of agricultural and fishery products;
4. The names of program providers under Article 9 (5) of the Broadcasting Act and mail order brokers under Article 20 of the Act on the Consumer Protection in Electronic Commerce whose channels are used by a person subject to the disposition referred to in paragraph (1) to sell;
5. Other matters related to such disposition prescribed by Presidential Decree.

(4) The publication under paragraph (2) shall be done on the websites of the followings: <Newly Inserted on May 29, 2016; Oct. 13, 2017>

1. The Ministry of Agriculture, Food and Rural Affairs;
2. The Ministry of Oceans and Fisheries;
- 2-2. The Korea Customs Service;
3. The National Agricultural Products Quality Management Service;
4. The national quarantine and inspection agencies prescribed by Presidential Decree;
5. The relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province, and Si/Gun/Gu;
6. The Korea Consumer Agency;

7. Other major Internet information providers prescribed by Presidential Decree.

(5) Necessary matters for the dispositions under paragraph (1), standards and method for publication under paragraph (2), and other relevant matters shall be prescribed by Presidential Decree. <Newly Inserted on May 29, 2016>

Article 9-2 (Education Following Violation of Country of Origin Labeling)

(1) Where any person referred to in the subparagraphs of Article 9 (2) violates Article 5 or 6 and a disposition under Article 9 (1) is finalized to the person, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of the Si/Gun/Gu shall order him or her to complete education about the country of origin labeling system of agricultural and fishery products. <Amended on Oct. 13, 2017; May 26, 2020>

(2) The period within which a completion order under paragraph (1) must be complied with shall be determined within a maximum of four months from the date a person is notified of the completion order. <Amended on May 26, 2020>

(3) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall prepare and implement the guideline for education implementation for education about the country of origin labeling system for agricultural and fishery products pursuant to paragraphs (1) and (2).

(4) Necessary matters such as the details of education, persons subject to education, education institutions, period of education and guideline for implementation of education shall be prescribed by Presidential Decree under paragraphs (1) through (3).

Article 10 (Providing Information on Country of Origin Labeling for Agricultural and Fishery Products)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall endeavor to provide people with information deemed necessary for the people to know, such as a country or region where leakage of radioactive substances occurs, among information related to the country of origin labeling for agricultural and fishery products, to the extent permitted by the Official Information Disclosure Act. <Amended on Mar. 23, 2013; Aug. 13, 2013>

(2) Where information is provided pursuant to paragraph (1), the Deliberative Council may deliberate thereon pursuant to Article 4.

(3) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries intends to provide the people with information pursuant to paragraph (1), he or she may utilize the agricultural and fishery products safety information system pursuant to Article 103 of the Agricultural and Fishery Products Quality Control Act. <Amended on Jul. 21, 2011; Mar. 23, 2013>

CHAPTER II-2 MANAGEMENT OF DISTRIBUTION HISTORY OF IMPORTED AGRICULTURAL PRODUCTS AND PROCESSED AGRICULTURAL PRODUCTS

Article 10-2 (Management of Distribution History of Imported Agricultural Products)

(1) A person who imports agricultural products and processed agricultural products (hereinafter referred to as “agricultural products, etc.”) and a person who trades imported agricultural products, etc. (excluding business entities whose main business is sales to consumers) shall report to the Minister of Agriculture, Food and Rural Affairs the distribution history of agricultural products, etc. designated and publicly notified by the Minister of Agriculture, Food and Rural Affairs as they are likely to harm fair trade or public health (hereinafter referred to as “imported agricultural products, etc. subject to distribution history management”).

(2) A person obligated to report distribution history under paragraph (1) (hereinafter referred to as “person obligated to report distribution history”) shall record distribution history in a book (including electronic recording) and keep the data for one year from the date of the transaction.

(3) Where transferring imported agricultural products, etc. subject to distribution history management, a person obligated to report distribution history shall notify the transferee of the existence of obligation to report distribution history under paragraph (1), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Where designating imported agricultural products, etc. subject to distribution history management or determining the scope of distribution history, etc., the Minister of Agriculture, Food and Rural Affairs shall not unfairly discriminate against imported agricultural products, etc., compared to domestic agricultural products, etc., and shall endeavor to minimize the burden on persons obligated to report distribution history.

(5) Except as provided in paragraphs (1) through (4), matters necessary for the procedures for reporting distribution history, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 10-3 (Follow-Up Management of Imported Agricultural Products Subject to Distribution History Management)

(1) Where necessary for verifying whether the obligation to report distribution history under Article 10-2 is fulfilled, the Minister of Agriculture, Food and Rural Affairs may have a relevant public official enter the business place, etc. of a person obligated to report distribution history to collect or investigate imported agricultural products, etc. subject to distribution history management or to inspect business-related books or documents.

(2) A person obligated to report distribution history shall not refuse, interfere with, or evade collection, investigation, or inspection under paragraph (1) without good cause.

(3) The relevant public official who collects, investigates, or inspects pursuant to paragraph (1) shall carry a certificate indicating his or her authority and present it to relevant persons, and shall hand a document indicating the name, access time, purpose of access, etc. to the relevant person when accessing.

(4) Except as provided in paragraphs (1) through (3), matters necessary for the collection, investigation, inspection, etc. of imported agricultural products, etc. subject to distribution history management shall be prescribed by Presidential Decree.

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 11 (Honorary Surveillant)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Mayor/Do Governor, or the head of the Si/Gun/Gu may require an honorary surveillant of agricultural and fishery products referred to in Article 104 of the Agricultural and Fishery Products Quality Control Act to provide direction on, publicize, and promote the country of origin labeling of agricultural and fishery products or the processed products thereof and to make a report on violations. *<Amended on Jul. 21, 2011; Mar. 23, 2013; May 26, 2020>*

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Mayor/Do Governor, or the head of the Si/Gun/Gu may reimburse an honorary surveillant for expenses incurred in relation to activities under paragraph (1). *<Amended on Mar. 23, 2013; May 26, 2020>*

Article 12 (Payment of Monetary Award)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of the Si/Gun/Gu may give, within budgetary limits, a monetary award to persons who report on or indict any other person who violates Articles 5 and 6 to the competent authorities or an investigative agency, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Oct. 13, 2017; May 26, 2020>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may search for or award best practices of facilitating origin-labeling for agricultural and fishery products, conducted by a local government, individual, corporation, or organization. *<Newly Inserted on Dec. 2, 2016>*

(3) Matters necessary for the details and methods, etc. of the awards under paragraph (2) shall be prescribed by joint Ordinance of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries. *<Newly Inserted on Dec. 2, 2016>*

Article 13 (Delegation and Entrustment of Authority)

The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the Commissioner of the Korea Customs Service may delegate or entrust part of his or her authority vested under this Act to the heads of agencies under his or her jurisdiction or the head of relevant administrative

agencies as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Dec. 2, 2016; Oct. 13, 2017; May 26, 2020>

Article 13-2 (Cooperation with Administrative Agencies)

(1) The State or local governments, and public organizations, their affiliated agencies, or individuals with administrative authority or authority delegated or entrusted under other statutes and regulations or municipal ordinances shall cooperate with one another in order to ensure the efficient operation of the country of origin labeling and the distribution history management system. <Amended on Nov. 30, 2021>

(2) If necessary for the efficient operation of the country of origin labeling and the distribution history management system, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the Commissioner of the Korea Customs Service may request the heads of the relevant central administrative agencies, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu to provide cooperation on the use of information through the State or a local government's electronic data-processing system. In such cases, the heads of the relevant central administrative agencies, the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu so requested shall comply therewith, unless there is a compelling reason not to do so. <Amended on Mar. 23, 2013; Oct. 13, 2017; Nov. 30, 2021>

(3) The procedures, etc. for providing cooperation pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree.

CHAPTER IV PENALTY PROVISIONS

Article 14 (Penalty Provisions)

(1) A person who violates Article 6 (1) or (2) shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 100 million won, or such imprisonment and fine may be imposed concurrently on the person. <Amended on Dec. 2, 2016>

(2) A person who is sentenced under paragraph (1) and, within five years after the final sentencing, violates Article 6 (1) or (2) again shall be punished by imprisonment with labor for at least 1 and up to 10 years or by a fine of at least 5 million and up to 150 million won, or such imprisonment and fine may be imposed concurrently. <Newly Inserted on Dec. 2, 2016>

Article 15 Deleted. <Dec. 2, 2016>

Article 16 (Penalty Provisions)

A person who fails to implement a disposition pursuant to Article 9 (1) shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won.

Article 16-2 (Special Cases concerning Person who has Confessed to Violation)

When a person who has violated Article 6 (1) or (2) confesses to his or her own violation, the punishment therefor shall be mitigated or remitted. In such cases, the time the person has voluntarily reported his or her own violation to a person having investigative authority or an investigative agency under Article 7 shall be deemed the time he or she has confessed to the violation. <Newly Inserted on 2020. 5. 26.>

Article 17 (Joint Penalty Provisions)

Where the representative of a corporation or an agent or employee of, or any other person employed by, a corporation or an individual commits an offense under Article 14 or 16 in connection with the business affairs of the corporation or individual, not only shall such offender be punished, but the corporation or individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense. <Amended on May 26, 2020>

Article 18 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Amended on Jul. 25, 2011; Dec. 2, 2016>

1. A person who fails to indicate the country of origin, in violation of Article 5 (1) and (3);
2. A person who violates a method of indicating the country of origin pursuant to Article 5 (4);
3. A person who, in violation of Article 6 (4), overlooked any of the acts under the subparagraphs of Article 6 (1) or (2) conducted by a tenant or any other operator of a leased store, although he or she knew or could have known such fact;
- 3-2. A person who, in violation of Article 6 (5), overlooked any of acts under the subparagraphs of paragraph (1) or (2) of the same Article conducted by a person requesting the relevant broadcasting channel, etc. of sales brokerage of products, although he or she knew or could have known such fact;
4. A person who refuses, interferes with, or evades collection, investigation or inspection, in violation of Article 7 (3);
5. A person who fails to keep receipts, invoices, etc., in violation of Article 8.

(2) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended on Nov. 30, 2021>

1. A person who fails to comply with the education completion order under Article 9-2 (1);
2. A person who fails to report distribution history or makes a false report, in violation of Article 10-2 (1);
3. A person who fails to record or keep distribution history in a book, in violation of Article 10-2 (2);
4. A person who fails to notify that there is an obligation to report distribution history under Article 10-2 (1), in violation of Article 10-2 (3);

5. A person who refuses, interferes with, or evades collection, investigation, or inspection, in violation of Article 10-3 (2).

(3) The administrative fines under paragraphs (1) and (2) respectively shall be imposed and collected by the following persons, as prescribed by Presidential Decree: *<Amended on Nov. 30, 2021>*

1. Administrative fines under paragraphs (1) and (2) 1: The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the Commissioner of the Korea Customs Service, the Mayor/Do Governor, or the head of a Si/Gun/Gu;
2. Administrative fines under paragraph (2) 2 through 5: The Minister of Agriculture, Food and Rural Affairs.

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.

Article 2 (General Transitional Measures)

Any disposition or procedure taken, or other acts done in accordance with the previous Agricultural Products Quality Control Act, the Quality Control of Fishery Products Act or the Food Sanitation Act as at the time this Act enters into force shall be deemed taken or done when the provisions corresponding thereto exist in this Act.

Article 3 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The provisions of the previous Agricultural Products Quality Control Act, the Quality Control of Fishery Products Act or the Food Sanitation Act shall apply with regard to any acts done before this Act enters into force.

Article 4 Omitted.

Article 5 (Relationship to Other Statutes and Regulations)

Where the provisions on the country of origin in the previous Agricultural Products Quality Control Act, the Quality Control of Fishery Products Act and the Food Sanitation Act are cited by other statutes and regulations as at the time this Act enters into force, if the provisions corresponding thereto exist in this Act, this Act or the relevant provisions of this Act shall be deemed cited in lieu of such provisions in such Acts.

ADDENDA *<Act No. 10885, Jul. 21, 2011>*

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 10933, Jul. 25, 2011>

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

(2) (Transitional Measures concerning Penalty Provisions and Administrative Fines) The application of penal provisions and administrative fines to acts committed before this Act enters into force shall be subject to the previous provisions.

ADDENDUM <Act No. 11092, Nov. 22, 2011>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11958, Jul. 30, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDUM <Act No. 12060, Aug. 13, 2013>

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

ADDENDA <Act No. 12119, Dec. 27, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 12728, Jun. 3, 2014>

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

ADDENDUM <Act No. 13355, Jun. 22, 2015>

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

ADDENDA <Act No. 13383, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 14207, May 29, 2016>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 9-2 and 18 shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 14291, Dec. 2, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 6 and 18 shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Corrective Orders)

Former provisions shall apply to imposition of corrective orders and penalty surcharges under Article 33-2 of the Foreign Trade Act and imposition of administrative fines under Article 59 of the same Act on acts which violate Article 33 of the same Act before this Act enters into force.

Article 3 (Transitional Measures concerning Penalty Provisions)

With respect to the application of penalty provisions to any act committed before this Act enters into force, the previous provisions shall prevail.

ADDENDA <Act No. 14902, Oct. 13, 2017>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Penalty Surcharges)

A penalty surcharge imposed by the Commissioner of the Korea Customs Service under the amended provisions of Article 6-2 shall begin to apply to a person who violates Article 6 (1) or (2) more than twice for two years after this Act enters into force.

ADDENDUM <Act No. 16119, Dec. 31, 2018>

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

ADDENDA <Act No. 17037, Feb. 18, 2020>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 17314, May 26, 2020>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Publication of Matters Related to Disposition)

The amended provisions of Article 9 (2) (which are applicable only to matters subject to publication) shall begin to apply to cases where a disposition under paragraph (1) of that Article is finalized after this Act enters into force.

Article 3 (Applicability of Special Cases concerning Person who has Confessed his or her Own Violation)

The amended provisions of Article 16-2 shall begin to apply to cases where a person voluntarily reports his or her own violation to a person having investigative authority or an investigative agency under Article 7 after this Act enters into force.

Article 4 (Transitional Measures concerning Period within which Persons in Violation of Country of Origin Labeling Must Comply with Education Completion Order)

Notwithstanding the amended provisions of Article 9-2 (2), the previous provisions shall apply to persons to whom education completion order is issued under paragraph (1) of that Article before this Act enters into force.

ADDENDA <Act No. 17618, Dec. 8, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDUM <Act No. 18057, Apr. 13, 2021>

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

ADDENDA <Act No. 18525, Nov. 30, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2022.

Article 2 (Applicability to Distribution History Reporting)

Distribution history reporting under the amended provisions of Article 10-2 shall begin to apply to the import declaration made after this Act enters into force.

Article 3 (Transitional Measures concerning Distribution History Reporting)

Designation of goods subject to distribution history reporting and other acts performed by the Commissioner of the Korea Customs Service and reporting on distribution history and other acts performed toward the Commissioner of the Korea Customs Service under the Customs Act before this Act enters into force shall be deemed as acts of the Minister of Agriculture, Food and Rural Affairs and acts toward the Minister of Agriculture, Food and Rural Affairs under this Act.

Article 4 Omitted.

Article 5 (Relationship to Other Statutes and Regulations)

Where the previous Act on Origin Labeling of Agricultural and Fishery Products or its provisions are cited in other statutes or regulations at the time this Act enters into force and there are corresponding provisions in this Act, this Act or the corresponding provisions thereof shall be deemed cited in lieu of the previous Act on Origin Labeling of Agricultural and Fishery Products or its provisions.

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