

ENFORCEMENT DECREE OF THE CONTROL OF LIVESTOCK AND FISH FEED ACT

Presidential Decree No. 24455, Mar. 23, 2013
Amended by Presidential Decree No. 29263, Oct. 30, 2018
Presidential Decree No. 29873, Jun. 18, 2019
Presidential Decree No. 29950, Jul. 2, 2019

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Control of Livestock and Fish Feed Act and necessary matters for the implementation of the delegated matters.

Article 2 (Financial Support)

Where subsidies are paid or financial funds are lent pursuant to Article 3 (3) of the Control of Livestock and Fish Feed Act (hereinafter referred to as the “Act”), the persons eligible for and the ratio and conditions of such support, and other necessary matters, shall be prescribed by the Minister of Agriculture, Food and Rural Affairs, within budgetary limits and to the extent consistent with the terms and conditions of financial funds that are lent. *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

Article 3 (Feed Safety Manager)

“Feed prescribed by Presidential Decree, such as trace minerals” in Article 10 (1) of the Act means trace mineral feed and feed on residual food, among single-compound feed.

Article 4 (Designation, etc. of Institutions to be in Charge of Intensive Control of Hazardous Elements of Feed Factories)

(1) The institutions to be in charge of intensive control of hazardous elements of feed factories, as prescribed in Article 17 (1) of the Act (hereinafter referred to as “institutions in charge”), shall be designated and publicly notified by the Minister of Agriculture, Food and Rural Affairs from among corporations meeting each of the following requirements: *<Amended by Presidential Decree No. 24455, Mar. 23, 2013>*

1. To be a corporation incorporated in accordance with any Act other than the Civil Act and the Commercial Act;

2. To be equipped with expertise concerning intensive control of hazardous elements in the process of the management of raw materials of feed, as well as the manufacture and distribution of feed.
- (2) The institutions in charge designated pursuant to paragraph (1), shall perform the following affairs:
1. Investigation and research for the formulation and implementation of the standards for intensive control of hazardous elements, as prescribed in Article 16 (1) of the Act;
 2. Support for tasks for the designation of feed factories subject to the standards for intensive control of hazardous elements, as prescribed in Article 16 (3) of the Act;
 3. Examinations as to whether feed factories comply with the standards for intensive control of hazardous elements, as prescribed in Article 16 (10) of the Act;
 4. Incidental affairs related to affairs prescribed in subparagraphs 1 through 3.

Article 5 (Type of Violations Subject to Penalty Charges and Amounts of Penalty Charges)

- (1) The amounts of penalty charges, based upon the type, severity, etc. of violations subject to penalty charges imposed pursuant to Article 26 (1) of the Act, shall be calculated by applying the standards for imposition prescribed in attached Table 1.
- (2) The Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or the Special Self-Governing Province Governor (hereinafter referred to as “Mayor/Do Governor”) may increase or decrease the amount of a penalty charge as prescribed in paragraph (1), by up to one half of such amount based upon the severity, facts, and number of violations. In such cases, no increase in an aggregate amount of such penalty charge shall exceed the maximum of such penalty charge prescribed in Article 26 (1) of the Act.

Article 6 (Imposition and Payment of Penalty Charges)

- (1) If the Mayor/Do Governor intends to impose a penalty charge pursuant to Article 26 of the Act, he/she shall give a person subject to the imposition of the penalty charge, written notice clearly specifying the facts of violation and the amount imposed, to pay such amount.
- (2) Each person in receipt of notice pursuant to paragraph (1) shall pay the penalty charge to the receiving agency designated by the Mayor/Do Governor within thirty days from the date of receipt of the notice: Provided, That where it is impossible to pay the penalty charge within the said period due to any extenuating circumstance, it shall be paid within seven days from the date on which such circumstance ceases to exist.
- (3) The receiving agency in receipt of a penalty charge pursuant to paragraph (2), shall issue a receipt to the relevant payer and notify the Mayor/Do Governor of the fact of such issuance without delay.
- (4) The Mayor/Do Governor shall record and manage matters concerning the imposition and collection of penalty charges as prescribed in Article 26 (1) of the Act.

Article 7 (Delegation and Entrustment of Authority or Duties)

(1) The Minister of Agriculture, Food and Rural Affairs shall delegate the following authority to the Director General of the National Agricultural Products Quality Management Service under Article 31 (1) of the Act: <Newly Inserted by Presidential Decree No. 29263, Oct. 30, 2018; Presidential Decree No. 29873, Jun. 18, 2019>

1. Designation of feed testing inspection institutions, revocation of designation thereof, and issuance of an order to suspend business and to take corrective measures under Articles 20-2 and 20-3 of the Act;
2. Conducting of a feed inspection, designation of feed inspectors, and collection of feed under Article 21 (1) and (2) of the Act;
3. Notification of the results of a feed inspection, receipt of a request for a reinspection, decision on whether to conduct a reinspection and notification of the results of such decision, and conducting of re-testing and notification of the results thereof under Article 23 of the Act;
4. Issuance of an order to file a report, conducting of access and inspection, and issuance of an order to make improvement, supplement or take measures under Article 27 of the Act;
5. Holding of a hearing under Article 30 (1) of the Act;
6. Imposition and collection of administrative fines (limited to a violation falling under paragraph (1) 3 and 4 of the same Article) under Article 36 (2) of the Act.

(2) The Minister of Agriculture, Food and Rural Affairs shall outsource the affairs for receiving import declarations of feed and conducting feed testing as prescribed in Article 19 of the Act, to a feed-related organization which is designated and publicly announced by the Minister of Agriculture, Food and Rural Affairs recognizing such organization to be capable of performing the said affairs, in accordance with Article 31 (2) of the Act. <Amended by Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 29263, Oct. 30, 2018>

Article 8 (Standards for Imposition of Penalty Charges)

Standards for the imposition of penalty charges prescribed in Article 36 (1) of the Act shall be as listed in attached Table 2.

ADDENDUM

This Decree shall enter into force on March 22, 2009.

ADDENDA <Presidential Decree No. 24455, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDUM <Presidential Decree No. 29263, Oct. 30, 2018>

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

ADDENDUM <Presidential Decree No. 29873, Jun. 18, 2019>

This Decree shall enter into force on July 1, 2019.

ADDENDUM <Presidential Decree No. 29950, Jul. 2, 2019>

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

Last updated : 2020-06-18

