

# ACT ON THE PROMOTION OF ENVIRONMENT-FRIENDLY AGRICULTURE AND FISHERIES AND THE MANAGEMENT OF AND SUPPORT FOR ORGANIC FOODS

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Amended by Act No. 11705, Mar. 23, 2013

Act No. 12515, Mar. 24, 2014

Act No. 13258, Mar. 27, 2015

Act No. 13383, jun. 22, 2015

Act No. 14305, Dec. 2, 2016

Act No. 16551, Aug. 27, 2019

Act No. 16991, Feb. 11, 2020

Act No. 17037, Feb. 18, 2020

Act No. 17099, Mar. 24, 2020

Act No. 18026, Apr. 13, 2021

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to pursue sustainable environment-friendly agriculture and fisheries by increasing the environmental conservation role of agriculture and fisheries, reducing environmental pollution caused by agriculture and fisheries, and fostering farmers and fishermen who engage in environment-friendly practices as well as to manage environment-friendly agricultural and fishery products and organic food products, thereby protecting producers and consumers all together.

### Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Mar. 23, 2013; Jun. 22, 2015; Aug. 27, 2019; Feb. 18, 2020; Mar. 24, 2020>

1. The term "environment-friendly agro-fishery" means an industry which produces agricultural products, fishery products, livestock products, and forestry products (hereinafter referred to as "agro-fishery product") in a healthy environment in which chemical substances, such as synthetic pesticides,

chemical fertilizers, antibiotics, and antimicrobials are not used or used in a minimum quantity to promote biodiversity, facilitate the biological cycling and activities in the soil, and conserve agricultural and fishery ecosystems in a healthy condition;

2. The term "environment-friendly agro-fishery products" means either of the following products obtained from environment-friendly agriculture and fisheries:

(a) Organic agro-fishery products;

(b) Pesticide-free agricultural products;

(c) Antibiotic-free fishery products and fishery products without using active treatment agents (hereinafter referred to as "antibiotic-free fishery product, etc.");

3. The term "organic" means a series of activities and processes to use permitted substances in a minimum quantity to conserve the environment in a healthy condition by promoting biodiversity and maintaining the fertility of soil, and to produce, manufacture, process or handle organic food or organic processed products not intended for human consumption (hereinafter referred to as "organic food, etc.") in compliance with the criteria for certification under Article 19 (2);

4. The term "organic food" means organic agro-fishery products and organic processed food (referring to food manufactured, processed and distributed by using organic agro-fishery raw materials and materials: hereinafter the same shall apply) produced by organic methods from among foods prescribed in subparagraph 7 of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry and seafood prescribed in subparagraph 3 of Article 2 of the Act on Fostering and Supporting the Seafood Industry;

5. The term "organic processed product not intended for human consumption" means any processed product produced, manufactured, processed, or handled organically using any organic agro-fishery product as the raw material or ingredient, which is intended for human use or consumption but not directly ingested by humans: Provided, That this shall not apply to apparatuses, containers, and packages as defined in the Food Sanitation Act, quasi-drug as defined in the Pharmaceutical Affairs Act, and cosmetics as defined in the Cosmetics Act;

5-2. The term "processed food made with pesticide-free raw materials" means food manufactured, processed or distributed by using pesticide-free agricultural products as raw materials or materials, or mixing organic foods and pesticide-free agricultural products;

6. The term "organic agro-fishery material" means any product made by using permitted substances allowed to be used in the production, manufacture, processing, or handling of an organic agro-fishery product as the raw material or ingredient;

7. The term "permitted substance" means any substance allowed for use throughout the process of producing, manufacturing, processing, or treating organic foods, etc., pesticide-free agricultural products, processed food made with pesticide-free raw materials, and antibiotic-free fishery products, etc., or organic agro-fishery materials, which is prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;

8. The term “handling” means any operation that stores, packages (including subdividing and repacking; the same shall apply hereinafter), ships, imports, or sells agro-fishery products, food products, processed products not intended for human consumption, or agro-fishery materials;

9. The term “business entity” means an individual or corporation engaged in the business of producing, manufacturing, processing, or handling environment-friendly agro-fishery products, organic foods, etc., processed foods made with pesticide-free raw materials, or organic agro-fishery materials.

### **Article 3 (Responsibilities of the State and Local Governments)**

(1) The State shall implement comprehensive measures to promote environment-friendly agro-fishery, organic food, etc., pesticide-free agricultural products, processed foods made with pesticide-free raw materials, and antibiotic-free fishery products, etc. which include formulating basic plans and policies on environment-friendly agro-fishery, organic food, etc., pesticide-free agricultural products, processed foods made with pesticide-free raw materials, and antibiotic-free fishery products, etc. as well as facilitating voluntary participation by local governments, farmers, fishermen, etc. *<Amended on Aug. 27, 2019; Mar. 24, 2020>*

(2) Local governments shall formulate policies to promote environment-friendly agro-fishery, organic food, etc., pesticide-free agricultural products, processed foods made with pesticide-free raw materials, antibiotic-free fishery products, etc. in consideration of the regional characteristics of the areas under their jurisdiction, and shall actively promote such policies. *<Amended on Aug. 27, 2019; Mar. 24, 2020>*

### **Article 4 (Responsibilities of Business Entities)**

Business entities shall endeavor to ensure environmental conservation and sustainable agriculture and fisheries while minimizing environmental pollution through environment-friendly production, manufacturing, processing, or handling practices, including efforts to avoid or minimize using chemically synthesized materials, and shall endeavor to produce and supply various environment-friendly agro-fishery products, organic food, etc., processed foods made with pesticide-free raw materials, or organic agro-fishery materials. *<Amended on Aug. 27, 2019>*

### **Article 5 (Roles of Non-Governmental Organizations)**

Non-governmental organizations formed to promote research on technologies related to environment-friendly agro-fisheries, and the production, distribution, and consumption of environment-friendly agro-fishery products, organic food, etc., processed foods made with pesticide-free raw materials, or organic agro-fishery materials (hereinafter referred to as "non-governmental organizations"), shall endeavor to develop environment-friendly agro-fishery, organic food, etc., pesticide-free agricultural products, processed foods made with pesticide-free raw materials, and antibiotic-free fishery products, etc. by cooperating with the State and local governments in implementing policies to promote environment-friendly agro-fishery, organic food, etc., pesticide-free agricultural products, processed foods made with

pesticide-free raw materials, and antibiotic-free fishery products, etc. and by providing education and training, technological development, management guidance, etc. necessary for their members, business entities, etc. <Amended on Aug. 27, 2019; Mar. 24, 2020>

#### **Article 5-2 (Day of Soil)**

(1) The 11th day of March every year is designated as the Day of Soil to raise public awareness about the importance of soil which is the basis of agriculture.

(2) The State and local governments shall endeavor to implement projects including events suitable for the Day of Soil under Article (1).

#### **Article 6 (Relationship to Other Statutes)**

Provisions of this Act concerning the indication and the management of environment-friendly agro-fishery products, organic food, etc., processed food made with pesticide-free raw materials, and organic agro-fishery materials shall prevail over provisions of other Acts. <Amended on Aug. 27, 2019>

## CHAPTER II FOSTERAGE OF AND SUPPORT FOR ENVIRONMENT-FRIENDLY AGRO-FISHERIES, ORGANIC FOOD, PESTICIDE-FREE AGRICULTURAL PRODUCTS, PROCESSED FOOD MADE WITH PESTICIDE-FREE RAW MATERIALS, AND ANTIBIOTIC-FREE FISHERY PRODUCTS

#### **Article 7 (Environment-Friendly Agro-Fisheries Promotion Plans)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate a plan to promote environment-friendly agriculture or a plan to promote environment-friendly agro-fisheries (hereinafter referred to as “promotion plan”) every five years in consultation with the heads of relevant central administrative agencies. In such cases, he or she shall collect opinions of non-governmental organizations, experts, etc. <Amended on Mar. 23, 2013; Aug. 27, 2019>

(2) Each promotion plan shall include the following: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. Policy objectives and basic direction-setting for environmental protection in the fields of agriculture and fisheries;
2. Current status of environmental pollution associated with agriculture and fisheries, and measures for its improvement;
3. Measures to reduce the use of chemical substances, such as synthetic pesticides, chemical fertilizers, antibiotics, and antimicrobials;

- 3-2. Environment-friendly medicines, and measures to control insects;
4. Measures to develop, disseminate, educate on, and provide guidance on various technologies, etc. for the advancement of environment-friendly agro-fisheries;
5. Measures to develop a model industrial complex of environment-friendly agro-fisheries;
6. Measures to facilitate the production, distribution, and exportation of environment-friendly agro-fishery products, processed products, organic food, etc. and processed foods made with pesticide-free raw materials; measures to strengthen their links; and measures to facilitate consumption thereof;
7. Measures to enhance public benefit from environment-friendly agro-fisheries;
8. Measures to strengthen international cooperation for the development of environment-friendly agro-fisheries;
9. Measures to raise funds to implement the promotion plan;
10. Measures to foster certification bodies under Articles 26 and 35;
11. Other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries for the development of environment-friendly agro-fisheries.

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall inform the Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayor, Do Governors, or the Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") of the promotion plan formulated under paragraph (1). <Amended on Mar. 23, 2013>

#### **Article 8 (Action Plan to Promote Environment-Friendly Agro-Fisheries)**

(1) The Mayor/Do Governor shall formulate and implement an action plan to promote environment-friendly agro-fisheries (hereinafter referred to as "action plan") for the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province (hereinafter referred to as "City/Do") in accordance with the promotion plan. In such cases, he or she shall collect opinions of non-governmental organizations, experts, etc. <Amended on Aug. 27, 2019>

(2) Where the Mayor/Do Governor formulates a City/Do action plan under paragraph (1), he or she shall submit such plan to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and notify such fact to the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu"). <Amended on Mar. 23, 2013>

(3) The head of a Si/Gun/Gu shall formulate a Si/Gun/Gu action plan for the development of environment-friendly agro-fisheries in accordance with the City/Do action plan and submit such plan to the Mayor/Do Governor, and shall actively implement it.

#### **Article 9 (Prevention of Environmental Pollution from Agriculture and Fisheries)**

In order to prevent environmental pollution from agricultural and fishery-based sources, including pesticides, fertilizers, animal manure, waste agro-fishery materials, and waste water, the State and local

governments shall actively promote policies to encourage compliance with standards for the safe use of pesticides and the maximum residue limits thereon, and the maximum limits on fertilizers sprayed on crops, animal effluent quality standards, prevention of dumping wasted agro-fishery materials, and unauthorized discharge of waste water.

**Article 10 (Conservation of Agricultural and Fishery Resources and Improvement of Environment)**

(1) In order to conserve farmland, water used for agriculture and fisheries, atmosphere, and other agricultural and fishery resources as well as to improve the agricultural and fishery environment, such as soil and water quality, the State and local governments shall actively implement measures to improve farmland, prevent pollution of water used for agriculture and fisheries, and minimize greenhouse gas emissions.

(2) In implementing measures under paragraph (1), the standards referred to in Articles 4-2 and 16 of the Soil Environment Conservation Act and Article 12 of the Framework Act on Environmental Policy shall apply.

**Article 11 (Inspection and Evaluation of Current Status of Agricultural and Fishery Resources and Environment and Environment-Friendly Ago-Fisheries)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall conduct routine inspections and evaluations of the following, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, so as to conserve agricultural and fishery resources and to improve the agricultural and fisheries environment: <Amended on Mar. 23, 2013; Dec. 2, 2016>

1. Changes in farmland fertility, heavy metals, pesticide ingredients, soil microbes, etc. remaining or found therein;
  2. Quality of surface water and groundwater used for agriculture and fisheries;
  3. Current status of materials used for agriculture and fisheries, such as pesticides, fertilizers, and antibiotics;
  4. Current status of public benefit from agriculture and fisheries, such as water resources fosterage and soil conservation;
  5. Current status of circulatory use of resources in the relevant agricultural and fishery areas, including composting animal manure;
  - 5-2. Current status of environment-friendly agro-fisheries, and the distribution, consumption, etc. of environment-friendly agro-fishery products;
  6. Other matters necessary to conserve agricultural and fishery resources and improve the agricultural and fishery environment.
- (2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may authorize the head of its affiliated agency, or any other person prescribed by Ordinance of the Ministry of

Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries to inspect and evaluate the items listed in the subparagraphs of paragraph (1). *<Amended on Mar. 23, 2013>*

(3) After conducting an inspection and evaluation prescribed in paragraph (1), the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall report the outcomes thereof to the competent National Assembly Standing Committee without delay. *<Newly Inserted on Aug. 27, 2019>*

#### **Article 12 (Inspection of Business Places)**

(1) If necessary to inspect the current status of agricultural and fishery resources and environment under Article 11, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may direct the relevant public officials to access business places of business entities in the relevant area or business places of other business entities adjacent thereto, or to collect the minimum amount of samples necessary for such inspection and evaluation. *<Amended on Mar. 23, 2013>*

(2) No owner, occupant, or manager of a business place subject to inspection shall refuse, obstruct, or evade such inspection conducted under paragraph (1) without good cause.

(3) Any person who intends to access business places of other business entities pursuant to paragraph (1) shall carry a certificate indicating his or her authority, and produce it to interested persons.

#### **Article 13 (Development and Dissemination of Technologies for Environment-Friendly Agro-Fisheries)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall, in order to develop environment-friendly agro-fisheries, formulate policies for the research on, development and dissemination of, or education and guidance on technologies, materials, etc. necessary for environment-friendly agro-fisheries. *<Amended on Mar. 23, 2013>*

(2) The Minister for Agriculture, Food, and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may subsidize necessary expenses incurred by persons in conducting research on, development and dissemination of, education or guidance on technologies and materials necessary for environment-friendly agro-fisheries. *<Amended on Mar. 23, 2013>*

(3) The Minister for Agriculture, Food, and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may subsidize expenses incurred by farmers and fishermen in using materials necessary for environment-friendly agro-fisheries. *<Newly Inserted on Apr. 13, 2021>*

#### **Article 14 (Education and Training on Environment-Friendly Agro-Fisheries)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may, for the development of environment-friendly agro-fisheries, provide education and training to farmers, fishermen, consumers of environment-friendly agro-fishery products, and the relevant public officials. *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate environment-friendly agro-fishery-related institutions or organizations equipped with facilities and staffed with workforce, etc. necessary for education and training prescribed in paragraph (1) as educational and training institutions. <Newly Inserted on Aug. 27, 2019>

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may provide educational and training institutions designated pursuant to paragraph (2) (hereinafter referred to as "educational and training institution") with subsidies to cover all or some of costs necessary for education and training within budgetary limits. <Newly Inserted on Aug. 27, 2019>

(4) Requirements and procedures for designating educational and training institutions and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Newly Inserted on Aug. 27, 2019>

#### **Article 14-2 (Revocation of Designation of Educational and Training Institutions)**

(1) Where an educational and training institution falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke the designation, or order the suspension of entire or some of its business, fixing a period not longer than six months: Provided, That he or she must revoke the relevant designation in cases falling under subparagraph 1:

1. Where it has obtained designation by fraud or other improper means;
2. Where it fails to conduct education and training for at least one year without good cause;
3. Where an educational and training institution uses subsidies prescribed in Article 14 (3) for purposes other than the purposes thereof;
4. Where an educational and training institution fails to comply with the requirements for designation prescribed in Article 14 (4).

(2) Detailed standards for the administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 15 (Technology Exchange for Environment-Friendly Agro-Fisheries and Publicity)**

(1) The State, local governments, non-governmental organizations, and business entities shall endeavor to develop environment-friendly agro-fisheries by exchanging technologies for environment-friendly agro-fisheries.

(2) In order to efficiently promote environment-friendly agro-fisheries, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall identify and promote best practices. <Amended on Mar. 23, 2013>

#### **Article 16 (Support for Production, Distribution, and Exportation of Environment-Friendly Agricultural and Fishery Products)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may, within budgetary limits, provide subsidies to cover expenses incurred in relation to the installation of necessary facilities, etc. to such producers, producers' organizations, distributors, exporters, or certification bodies of the following products in tiered rates according to their level of contribution to environmentally-friendly agriculture and fisheries, and their assessment grades referred to in Article 32-2 (1): *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Organic food, etc., processed food made with pesticide-free raw materials, or environment-friendly agro-fishery products certified pursuant to this Act;

2. Organic agro-fishery materials publicly disclosed pursuant to this Act.

(2) Matters necessary for assessing level of contribution to environment-friendly agro-fishery prescribed in paragraph (1) shall be prescribed by Presidential Decree. *<Newly Inserted on Aug. 27, 2019>*

#### **Article 17 (International Cooperation)**

The State and local governments shall, for the sustainable development of environment-friendly agro-fisheries, actively participate in international endeavors for the development of environment-friendly agro-fisheries in cooperation with environment-related international organizations and relevant countries by exchanging information and technology related to environment-friendly agro-fisheries; cooperating in manpower exchanges, joint investigation, research and development, etc.; and regulating agricultural and fishery activities or trade of materials potentially harmful to the environment.

#### **Article 18 (Formulation of Standards and Objectives of Domestic Environment-Friendly Agro-Fisheries)**

The State and local governments shall formulate standards and objectives for effective domestic environment-friendly agro-fisheries in consideration of international conditions, domestic conditions of resources, environment, economic circumstances, etc.

## **CHAPTER III CERTIFICATION AND MANAGEMENT OF ORGANIC FOOD**

### **Section 1 Certification of Organic Food and Certification Procedures Thereof**

#### **Article 19 (Certification of Organic Food)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may certify organic food, etc. for the promotion of the organic food industry, etc. and for consumer protection, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(2) The types of organic food, etc. subject to certification under paragraph (1), and certification criteria necessary for the production, manufacture, processing, or handling of organic food, etc. shall be prescribed

by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

## **Article 20 (Application for Certification of Organic Food and Certification Audits)**

(1) If a person engaged in the production, manufacture, processing, or handling of organic food, etc. intends to receive certification of organic food, etc., he or she shall make an application for certification with the Minister of Oceans and Fisheries, or a certification body designated pursuant to Article 26 (1) (hereafter in this Chapter referred to as "certification body"), together with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries: Provided, That any person who stores, ships, imports, or sells certified organic food, etc. without repacking it may choose not to make an application for certification. <Amended on Mar. 23, 2013; Dec. 2, 2016>

(2) The following persons are not eligible to apply for certification under paragraph (1): <Amended on Dec. 2, 2016; Aug. 27, 2019>

1. A person for whom one year has not yet elapsed since his or her certification was cancelled pursuant to Article 24 (1) (excluding subparagraph 4 of the same paragraph): Provided, That such period shall be two years from the date on which the last certification was cancelled for persons whose certification had been cancelled twice for the last 10 years, and five years from the date on which the last certification was cancelled for persons whose certification had been cancelled not less than three times for the last 10 years;

1-2. A person whose certification was cancelled pursuant to Article 24 (1) 2 on the ground that a synthetic pesticide had been detected in organic food, etc. in excess of the pesticide residue limits publicly notified by the Minister of Food and Drug Safety pursuant to Article 7 (1) of the Food Sanitation Act due to intention or gross negligence and for whom five years have not passed from the date on which such certification was cancelled;

2. A person under an order to remove, suspend or take measures for a certification label prescribed in Article 24 (1) or an order prescribed in Article 31 (7) 2 or 3;

3. A person for whom one year has not passed from the date his or her punishment became final and conclusive after having been sentenced to a fine or heavier punishment under Article 60.

(3) The Minister of Oceans and Fisheries, or a certification body shall, upon receipt of an application under paragraph (1), conduct an audit of its compliance with the certification criteria for organic food, etc. referred to in Article 19 (2) and inform the applicant of the audit findings, and shall grant certification if it satisfies the certification criteria. In such cases, the person entering the applicant's place of business shall carry with him or her a certificate indicating his or her authority and present it to the applicant. <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

(4) No business entity which obtains the certification of organic food, etc. pursuant to paragraph (3) (hereinafter referred to as "certified business entity") shall obtain certification from the same certification

body in excess of twice consecutively (including renewal prescribed in Article 21 (2): hereafter the same shall apply in this paragraph): Provided, That the same shall not apply to cases where a business entity intends to obtain certification from a certification body graded above the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries in the assessment of certification bodies conducted pursuant to Article 32-2. *<Newly Inserted on Aug. 27, 2019>*

(5) A person who has an objection to the findings of a certification audit under paragraph (3) may apply for re-audit to the Minister of Oceans and Fisheries, or the certification body, whoever has conducted the relevant audit. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

(6) The Minister of Oceans and Fisheries or a certification body, upon receipt of a request for re-audit prescribed in paragraph (5), shall determine whether to conduct the re-audit, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, and notify the relevant requesting person of the results thereof. *<Newly Inserted on Aug. 27, 2019>*

(7) The Minister of Oceans and Fisheries or a certification body, upon determining to conduct a re-audit prescribed in paragraph (5), shall conduct the re-audit without delay and notify the relevant requesting person of the results thereof. *<Newly Inserted on Aug. 27, 2019>*

(8) A certified business entity shall, in cases of changing any detail of the certification, obtain approval for change of the original certification from the Minister of Oceans and Fisheries, or the relevant certification body, whoever has granted the original certification, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

(9) Detailed procedures, methods, etc. necessary for applications for certification, the restrictions, audit, and re-audit thereof, and approval for certification change, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

#### **Article 21 (Term of Validity of Certification)**

(1) The term of validity of certification under Article 20 shall be one year from the date of receiving certification.

(2) A certified business entity who intends to maintain certification of organic food, etc. (hereinafter referred to as “certified product”) granted pursuant to Article 20 (3) even after expiration of the term of validity of the certification shall renew the certification prior to the expiration date by making an application for renewal to the Minister of Oceans and Fisheries, or the certification body, whoever has granted the original certification: Provided, That in cases where it becomes impossible to make such application for renewal to the certification body which has granted the certification, owing to its discontinuation or suspension of business, or any other extenuating circumstances, the certified business entity may make such application to the Minister of Oceans and Fisheries, or other certification bodies.

*<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(3) Where a certified business entity who does not pursue an application for renewal under paragraph (2) has any certified product the shipment of which has not been completed by the expiration date, the term of validity may be extended by up to one year only for the relevant product approved by the Minister of Oceans and Fisheries, or the relevant certification body: Provided, That for a certified product the shipment of which is completed prior to the expiration date, the business entity may maintain the certification label until the expiration date of the product. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(4) A person who has an objection to the results of an audit of the renewal of certification prescribed in paragraph (2) and the extension of the term of validity of certification prescribed in paragraph (3) may request the Minister of Oceans and Fisheries or the certification body which conducted the audit to conduct a re-audit. *<Amended on Aug. 27, 2019>*

(5) The Minister of Oceans and Fisheries or a certification body, upon receipt of a request for re-audit prescribed in paragraph (4), shall determine whether to conduct the re-audit, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry Oceans and Fisheries, and notify the relevant certified business entity of the results of such decision. *<Newly Inserted on Aug. 27, 2019>*

(6) The Minister of Oceans and Fisheries or a certification body, upon determining to conduct a re-audit prescribed in paragraph (4), shall conduct the re-audit without delay and notify the relevant certified business entity of the results of such re-audit. *<Newly Inserted on Aug. 27, 2019>*

(7) Detailed procedures, methods, etc. necessary for the renewal, extension of the term of validity, and re-audit of certification prescribed in paragraphs (2) through (6) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted on Aug. 27, 2019>*

#### **Article 22 (Matters to Be Complied with by Certified Business Entities)**

(1) A certified business entity shall inform the Minister of Oceans and Fisheries, or the relevant certification body of the records of sales of certified products produced, manufactured, processed, or handled on a regular basis, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

(2) A certified business entity shall preserve documents related to the certification audit, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

#### **Article 23 (Labelling of Organic Food)**

(1) A certified business entity may directly place letters or figures on a certified product that he or she produces, manufactures, processes, or handles, or on the package, container, sales note, specification of

transaction, and letter of guaranty (hereinafter referred to as "package, etc.") of the certified product, indicating "organic" or letters or figures of similar intent (hereinafter referred to as "organic label"). In such cases, if the sale of a product is non-packaged or apiece, an organic label may be placed on a display marker or sign.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may recommend that certified business entities display information on the methods of producing certified products and the materials used, etc. so as to be readily noticeable by consumers. <Amended on Mar. 23, 2013>

(3) With respect to food or organic processed product not intended for human consumption of which the ingredient or raw material is an organic agro-fishery product, and which is not certified under Article 20 (3), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may allow organic labelling on a limited basis according to the content of the organic agro-fishery product used therein. <Amended on Mar. 23, 2013>

(4) Notwithstanding paragraphs (1) and (3), the organic label may be placed on the organic food, etc. falling under any of the following subparagraphs according to any foreign state's regulations on organic labelling or the details of the demand made by any foreign purchaser: <Newly Inserted on Dec. 2, 2016>

1. Organic food, etc. imported as raw materials or materials for earning foreign currencies pursuant to Article 16 of the Foreign Trade Act;
2. Organic food, etc. exported to a foreign state.

(5) Detailed matters necessary for such diagrams or letters, details of labelled information, and methods of labelling as are required for organic labelling referred to in paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Dec. 2, 2016>

#### **Article 23-2 (Reporting of Imported Organic Food)**

(1) A person who intends to import, for the purpose of sale or business, a certified product labelled as organic pursuant to Article 23, or organic processed food that has obtained equivalency recognition pursuant to Article 25 shall report the items, quantities, etc. of the relevant product to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, before the customs clearance of such products or food is completed.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, with respect to the product or food reported pursuant to paragraph (1), have the relevant public officials inspect the suitability of its certification and labelling standards before the customs clearance thereof is completed.

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, notwithstanding paragraph (2), fully or partially omit inspection, if the product or food reported pursuant to paragraph (1) falls under any of the following subparagraphs:

1. Where the relevant certificate issued by a foreign government or certification body operating the certification system the equivalency of which is recognized pursuant to Article 25 is submitted;
  2. Where the relevant certificate issued by the certification body designated pursuant to Article 26 is submitted;
  3. In such other cases equivalent to those provided in subparagraph 1 or 2, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.
- (4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries receives a report prescribed in paragraph (1), he or she shall review the details thereof and accept such report when it is in compliance with this Act. <Newly Inserted on Aug. 27, 2019>
- (5) Procedures, methods, and other necessary matters concerning the receipt of the reports and inspection under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Aug. 27, 2019>

#### **Article 24 (Revocation of Certification)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the certification body may, in cases where any certified business entity falls under any of the following subparagraphs, revoke the relevant certification, or issue an order to remove, suspend, or correct the certification label: Provided, That in cases falling under subparagraph 1, the certification must be revoked: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. Where the business entity obtains the certification by fraud or other improper means;
  2. Where the business entity fails to meet any of the certification criteria referred to in Article 19 (2);
  3. Where the business entity fails to comply with an order issued pursuant to Article 31 (7) without good cause;
  4. Where it is deemed difficult for the business entity to produce certified products due to change, discontinuation, etc. of its business.
- (2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body shall, in cases of revocation of certification under paragraph (1), notify the relevant certified business entity of such fact without delay, and if a certification body revokes certification, it shall also inform the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries of the same. <Amended on Mar. 23, 2013>
- (3) Detailed procedures, detailed standards, etc. necessary for the dispositions prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 27, 2019>

#### **Article 24-2 (Penalty Surcharges)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may impose a penalty surcharge on a person who commits any of the following offenses not less than twice for the last three years within the scope of 50/100 of the sales amount incurred from the relevant offense:

1. Where the person obtains certification by fraud or other improper means;
2. Where a synthetic pesticide is detected in organic food, etc. in excess of the pesticide residue limits publicly notified by the Minister of Food and Drug Safety pursuant to Article 7 (1) of the Food Sanitation Act due to intention or gross negligence.

(2) Where a person liable to pay a penalty surcharge prescribed in paragraph (1) fails to pay the amount by the deadline for payment, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall collect such penalty surcharge in the same manner as delinquent national taxes are collected.

(3) Amounts of penalty surcharges depending on the details and seriousness of offenses prescribed in paragraph (1), detailed standards for calculating sales amounts, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 25 (Equivalency Recognition)**

(1) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries recognizes that any foreign government or certification body operating an organic food certification program achieves an equivalent or higher level of compliance with the organic food certification standards set forth in this Act by adopting principles and standards that could guarantee an equivalent level of compliance required by the Republic of Korea, he or she may acknowledge equivalency for organic processed food certification awarded by said foreign government or certification body, subject to verification of the relevant program. In such cases, the principle of reciprocity shall apply. *<Amended on Mar. 23, 2013>*

(2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries recognizes equivalency pursuant to paragraph (1), he or she shall, without delay, publish such fact on the official website of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(3) Standards and procedures necessary for equivalency recognition under paragraph (1), types of organic processed food subject to equivalency recognition, obligations, and methods of post-certification surveillance of countries or certification bodies which recognize equivalency, methods of labelling organic processed food, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

## Section 2 Certification Bodies for Organic Food

## **Article 26 (Designation of Certification Bodies)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, with respect to certification of organic food, etc., designate institutions or organizations having certification auditors, etc. under Article 26-2 and other necessary human resources, organizations, facilities and certification business regulations as certification bodies and may authorize such bodies to certify organic food, etc. *<Amended on Mar. 23, 2013; Mar. 24, 2014; Aug. 27, 2019>*

(2) Each institution or organization intending to be designated as certification bodies pursuant to paragraph (1) shall make an application for designation as certification bodies to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Mar. 24, 2014>*

(3) Designation under paragraph (1) shall remain in force for five years from the date of designation; where a certification body intends to engage in certification service after the expiration of the designation, it shall apply for renewal of designation prior to the expiration date.

(4) In order to ensure certification bodies' efficient operation of activities concerning designation under paragraph (1) and renewal of designation under paragraph (3), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may delegate or entrust the business of evaluation related to the designation of certification bodies and the renewal of designation, to the institutions or organizations prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(5) Certification bodies shall, where any change in designated matters occurs, make a report on the changes to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: Provided, That where certification bodies intend to change any important matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, they shall obtain approval from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(6) Detailed matters concerning the standards for designation of certification bodies under paragraphs (1) through (5), the scope of certification service, procedures for the designation and renewal of designation of certification bodies, entrustment of the evaluation affairs concerning the designation and renewal of designation of certification bodies, and reports on changes by certification bodies shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

## **Article 26-2 (Certification Auditors)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may qualify a person who meets the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries as an auditor to undertake

certification audit, re-audit, and approval for the change of certification prescribed in Article 20, renewal, extension of the term of validity, and re-audit of certification prescribed in Article 21, and inspection of certified business entities prescribed in Article 31 (hereinafter referred to as “certification audit business”).

*<Amended on Aug. 27, 2019>*

(2) Any person who intends to be qualified as a certification auditor under paragraph (1) shall make an application to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries after receiving education conducted by either of the above two Ministers, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

(3) Where a certification auditor falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may cancel or suspend his or her qualification, or order to take corrective measures for a fixed period not exceeding six months: Provided, That in cases falling under any of subparagraphs 1 through 3, his or her qualification shall be cancelled: *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

1. Where he or she is granted qualification as a certification auditor by fraud or other improper means;
2. Where he or she conducts certification audit business by fraud or other improper means;
3. Where he or she certifies organic food, etc. which fail to meet the certification criteria under Article 19 (2) by intention or gross negligence;
- 3-2. Where he or she certifies organic food, etc. non-compliant with the certification criteria prescribed in Article 19 (2) by minor negligence;
4. Where he or she fails to meet any qualification certification criteria for auditors referred to in paragraph (1);
5. Where he or she allows any other person to use his or her name with respect to the certification audit business, or lend his or her certificate of certification auditor to any other person;
6. Where he or she fails to receive the education referred to in Article 26-4 (1);
7. Where he or she fails to observe the matters to be complied with prescribed in the subparagraphs of Article 27 (2);
8. Where he or she fails to comply with a direction to conduct an inspection prescribed in Article 31 (1) without good cause.

(4) No person whose qualification as a certification auditor has been cancelled pursuant to paragraph (3) shall obtain such qualification until three years have elapsed after such qualification is cancelled.

*<Amended on Dec. 2, 2016>*

(5) Procedures for granting the qualification as a certification auditor, standards for cancellation and suspension of such qualification, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

### **Article 26-3 (Grounds for Disqualification for Executive Officers and Employees of Certification Bodies)**

Any of the following persons may not be an executive officer or employee (limited to employees in charge of certification audit business) of a certification body: <Amended on Aug. 27, 2019>

1. A person for whom three years have not passed from the date on which he or she became subject to the cancellation of qualification pursuant to Article 26-2 (3) 1, 2, 3, and 7 (limited to cases of violating Article 27 (2) 2);
2. A person who was the representative of any certification body for which three years have not elapsed since its designation was cancelled pursuant to Article 29 (1);
3. A person for whom three years have not passed since he or she was sentenced to a fine exceeding one million won, or imprisonment without labor or a heavier punishment for committing an offense prescribed in Article 60 (1), (2) 1, 2, 3, 4, 4-2, 4-3, and (3) 2 (limited to offenses related to certification audit business).

### **Article 26-4 (Education to Certification Auditors)**

(1) The certification auditors prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries shall receive the education necessary for enhancing their skills and consciousness of occupational ethics.

(2) Matters necessary for the education referred to in paragraph (1) such as the content and methods of education, and institutions providing said education shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

### **Article 27 (Matters to Be Complied with by Certification Bodies)**

(1) The Minister of Oceans and Fisheries, or certification bodies shall comply with the following: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. No information and data procured in the course of certification shall be disclosed to the public or provided to any third party without the written consent of the certification applicant: Provided, That this shall not apply where information or data is disclosed or provided as prescribed by this Act or other Acts;
2. A certification body shall allow access to its office or facility or provide necessary information and data when requested by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries (including agencies or organizations delegated or entrusted with evaluation affairs concerning designation or renewal of designation of certification bodies pursuant to Article 26 (4));
3. Records of certification applications, certification audits, and certified business entities shall be preserved, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;

4. A certification body shall report the findings of certification audit and post-certification surveillance, etc. to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;

5. In order to manage certified business entities to ensure compliance with the certification criteria, random audits of certified business entities shall be conducted, and the findings thereof must be documented and maintained, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

(2) The executive officers and employees of certification bodies shall observe the following matters:

<Newly Inserted on Aug. 27, 2019>

1. No information and materials obtained in the process of certification shall be released or provided without written consent of applicants for certification: Provided, That cases where such information and materials are released or provided under this Act or other Acts shall be excluded;

2. No executive officer of a certification body shall conduct certification audit business;

3. An employee of a certification body shall, when conducting certification audit business, record the results thereof.

#### **Article 28 (Suspension or Discontinuation of Certification Service)**

Where any certification body intends to suspend or discontinue all or part of its certification service, it shall report such intent to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of the Ministry of Oceans and Fisheries, and also shall inform certified business entities whose certification granted by said certification body has yet to expire of such intent. <Amended on Mar. 23, 2013>

#### **Article 29 (Revocation of Designation of Certification Body)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, in cases where any certification body falls under any of the following subparagraphs, revoke its designation, or issue an order to suspend the entire or part of its business or take corrective measures for a fixed period not exceeding six months: Provided, That in cases falling under any of subparagraphs 1, 1-2, 2 through 5, and 11, its designation shall be cancelled: <Amended on Mar. 23, 2013; Mar. 24, 2014; Aug. 27, 2019>

1. Where it is designated by fraud or other improper means;

1-2. Where the head of a certification body is sentenced to a fine exceeding one million won, or imprisonment without labor or a heavier punishment for committing an offense prescribed in Article 60 (1), (2) 1, 2, 3, 4, 4-2, 4-3, and (3) 2 (limited to offenses related to certification audit business) and the sentence becomes final and conclusive;

2. Where it is unable to engage in certification service due to bankruptcy, discontinuation of its business, and the like;

3. Where it grants certification while its service is suspended, in violation of the order for suspension of business;
  4. Where it fails to grant certification during a period of not less than one year without good cause;
  5. Where it certifies organic food, etc. which fails to meet the certification criteria referred to in Article 19 (2) by intention or gross negligence;
  6. Where it fails to comply with any of the procedures and methods of conducting certification audits or re-audits under Article 20 or the procedures, methods, etc. of certification renewal or extension of the term of validity of certified products under Article 21 by intention or gross negligence;
  7. Where it fails to impose a disposition prescribed in Article 24 (1), to issue an order prescribed in Article 31 (7) 2 and 3, or to make a public announcement prescribed in Article 31 (9) without good cause;
  8. Where it fails to meet the designation standards referred to in Article 26 (1);
  9. Where it violates the matters to be complied with by certification bodies prescribed in Article 27 (1);
  10. Where it fails to comply with an order to take corrective measures or dispositions prescribed in Article 32 (2);
  11. Where it refuses, interferes with, or evades an investigation by public officials in violation of Article 32 (3) without good cause;
  12. Where it receives the lowest grade in the assessment of certification bodies conducted pursuant to Article 32-2 three times consecutively.
- (2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries issues a disposition for revocation of designation or suspension of business under paragraph (1), he or she shall publish such disposition on the official website of the Ministry of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*
- (3) No person whose designation is revoked under paragraph (1) shall be designated as a certification body unless three years have elapsed since the revocation of designation: Provided, That this shall not apply where designation is revoked due to the cause specified in paragraph (1) 2. *<Amended on Dec. 2, 2016>*
- (4) Detailed criteria for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, severity, etc. of violations. *<Amended on Mar. 23, 2013>*

### Section 3 Post-Certification Surveillance of Organic Food, Certified Business Entities, and Certification Bodies

#### **Article 30 (Prohibition of Unjust Acts Related to Certification)**

- (1) No person shall engage in any of the following acts: *<Amended on Mar. 24, 2014; Aug. 27, 2019>*
1. Undergoing certification audit, re-audit, and approval for the change of certification prescribed in Article 20, renewal, extension of the term of validity, and re-audit of certification prescribed in Article

21, or designation and renewal of designation of certification bodies prescribed in Article 26 (1) and (3) by fraud or other improper means;

1-2. Undertaking or helping to undergo certification audit, re-audit, and approval for the change of certification prescribed in Article 20, or renewal, extension of the term of validity, and re-audit of certification prescribed in Article 21 by fraud or other improper means;

1-3. Obtaining qualification as a certification auditor by fraud or other improper means;

2. Affixing an organic label, pesticide-free label, label including the expression of environment-friendliness or other labels similar thereto (including any mark likely to mislead people to believe that the relevant product is a certified product, and any mark using a foreign language or loanwords to the same effect) to non-certified products or shelves displaying products on sale;

3. Making indications on a certified product inconsistent with certified details;

4. Issuing documents necessary for making an application for certification under Article 20 (1) or renewing certification prescribed in Article 21 (2) by fraud;

5. Selling certified products and non-certified products, etc. together or storing, conveying, or displaying them together for sale;

6. Selling any product as a certified product with knowledge that it falls under subparagraph 2 or 3, or storing, shipping, or exhibiting such product for sale;

7. Selling any product as a certified product, knowing that its certification is revoked, or keeping, transporting, or displaying such product for the purpose of sale;

8. Advertising any non-certified product as a certified product or advertising in a manner that would mislead people to believe any non-certified product as a certified product (including advertisements using the expressions of organic, pesticide-free, environment-friendly or other expressions similar thereto), or advertising certified products differently from the matters certified.

(2) Detailed standards for labels similar to the expression of environment-friendly prescribed in paragraph (1) 2 shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Newly Inserted on Aug. 27, 2019>

### **Article 31 (Post-Certification Surveillance of Certified Products and Certified Business Entities)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall have a public official under his or her supervision or a certification body conduct the following inspections (limited to the inspection referred to in subparagraph 2 where a certification body conducts an inspection) each year, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. In such cases, such public official or certification body may conduct an inspection with samples provided free of charge, or request to submit materials, etc.: <Amended on Dec. 2, 2016; Aug. 27, 2019>

1. Inspection of certified products on sale or being distributed, and foods and processed products not intended for human consumption permitted to carry an organic label limitedly pursuant to Article 23 (3)

(hereinafter referred to as "certified product, etc.");

2. Inspection to ascertain whether the process of producing, manufacturing or processing, or handling certified products in the business places of any certified business entity complies with any of the certification criteria referred to in Article 19 (2).

(2) Where an inspection is conducted pursuant to paragraph (1), the date and time, purpose, objects, etc. of inspection shall be notified to the relevant persons in advance: Provided, That this shall not apply in case of an emergency, or where the purpose of inspection is deemed unattainable if prior notification is made.

(3) Where an inspection is conducted or the submission of materials is requested pursuant to paragraph (1), a certified business entity, business entity selling and distributing certified products, or business entity producing, manufacturing, processing, handling, selling, or distributing foods and processed products not intended for human consumption permitted to carry an organic label limitedly pursuant to Article 23 (3) (hereinafter referred to as "certified business entity, etc.") shall not reject, obstruct, or evade such inspection or submission without good cause. In such cases, a person entering the business places to conduct an inspection referred to paragraph (1) shall carry a document indicating his or her authority and present it to interested persons. *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

(4) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a certification body, after conducting an inspection prescribed in paragraph (1), shall notify the certified business entity, etc. of the results thereof. In such cases, a certified business entity, etc. who has an objection to the results of an inspection of samples provided pursuant to the latter part, with the exception of the subparagraphs, of paragraph (1) among the results of an inspection may request a re-inspection of the samples. *<Newly Inserted on Aug. 27, 2019>*

(5) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body, upon receiving a request for re-inspection prescribed in paragraph (4), shall determine whether to conduct the re-inspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, and notify the relevant certified business entity, etc. of the results thereof. *<Newly Inserted on Aug. 27, 2019>*

(6) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body, upon determining to conduct a re-inspection prescribed in paragraph (4), shall conduct the re-inspection without delay and notify the relevant certified business entity, etc. of the results of such re-inspection. *<Newly Inserted on Aug. 27, 2019>*

(7) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body deems, as a result of inspection under paragraph (1), that a certified business entity fails to comply with any of the certification criteria referred to in Article 19 (2) or information to be labelled for organic food, etc. specified in Article 23, he or she may order the relevant certified business entity, etc. to take the following measures: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Cancellation of certification, removal or suspension of certification labels or corrective measures prescribed in Article 24 (1);

2. Prohibition of sale, suspension of sale, recovery and disposal of certified products, etc.;

3. Change of matters to be included in labels.

(8) Where a certified business entity, etc. fails to comply with an order to recover or dispose of certified products, etc. prescribed in paragraph (7) 2, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have the relevant public officials seize the relevant certified products, etc. In such cases, the relevant public officials shall carry a certificate indicating their authority and present such certificate to interested persons. *<Newly Inserted on Aug. 27, 2019>*

(9) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or a certification body shall publish the details of orders for taking measures prescribed in the subparagraphs of paragraph (7). *<Newly Inserted on Aug. 27, 2019>*

(10) Matters necessary for the notification of results of inspection prescribed in paragraph (4), methods and procedures for conducting a re-inspection of samples prescribed in paragraph (6), detailed standards for orders to take measures prescribed in the subparagraphs of paragraph (7), seizure prescribed in paragraph (8), and publication prescribed in paragraph (9) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

#### **Article 32 (Post-Certification Surveillance of Certification Bodies)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have a public official under his or her supervision conduct an inspection as to whether the certification bodies engage in certification service in a proper manner pursuant to Articles 20 and 21, whether they meet the designation standards for certification bodies under Article 26 (1), and whether they observe matters to be complied with set forth in Article 27 (1). *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

(2) Where the results of inspection under paragraph (1) show that a certification body falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may cancel designation, suspend business, or issue an order to take corrective measures prescribed in Article 29 (1): *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

1. Where it fails to engage in certification service in a proper manner pursuant to Article 20 or 21;

2. Where it fails to meet the designation standards referred to in Article 26 (1);

3. Where it fails to observe matters to be complied with as specified in Article 27 (1).

(3) Where an inspection is conducted pursuant to paragraph (1), no executive officer and employee of a certification body shall refuse, interfere with, or evade such inspection without good cause. *<Newly Inserted on Aug. 27, 2019>*

#### **Article 32-2 (Assessment and Grading of Certification Bodies)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may determine the grades of such certification bodies by assessing the status of their operation and services

performance and publish the results of such determination in order to improve their certification services and nurture certification bodies conducting excellent services.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may reflect the results of the assessment and grade determination referred to in paragraph (1) in managing, supporting, and nurturing certification bodies.

(3) Matters necessary for the standards, methods and procedures for the assessment and grade determination, publication, etc. of such results referred to paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

### **Article 33 (Succession to Certification Body)**

(1) A person who falls under any of the following subparagraphs shall succeed to the status of a certified business entity or certification body:

1. Where a certified business entity dies, the successors who intend to continue to produce, manufacture, process, or handle the relevant product;
2. Where a certified business entity or certification body has transferred his or her or its business, the transferee;
3. Where a certified business entity or certification body has merged with another certified business entity or certification body, the corporation that survives the merger, or is newly incorporated in the course of the merger.

(2) A person who succeeds to the status of a certified business entity pursuant to paragraph (1) shall report such fact to the Minister of Oceans and Fisheries or the certification body (where the designation of such certification body is cancelled, referring to the Minister of Oceans and Fisheries or another certification body) which conducted the certification audit, and a person who succeeds to the status of a certification body shall report such fact to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

(3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body shall notify a reporting person of whether to accept the report of such person within one month from the date on which he or she or it receives such report prescribed in paragraph (2). *<Newly Inserted on Aug. 27, 2019>*

(4) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body fails to notify a reporting person of acceptance or non-acceptance of the report of such person or the extension of the handling period prescribed by the relevant statutes and regulations within the period prescribed in paragraph (3), he or she or it shall be deemed to accept the report on the date following the day on which such period is terminated (where the handling period is extended or re-extended under the statutes and regulations pertaining to the handling of civil petitions, referring to the relevant handling period). *<Newly Inserted on Aug. 27, 2019>*

(5) Where succession to the legal status of a certified business entity or a certification body takes place under paragraph (1), the effect of an administrative disposition under Article 24 (1), 29 (1), or the subparagraphs of 31 (7) which has been imposed on the previous certified business entity or the previous certification body shall be succeeded to the successors thereof, and if the procedures for any administrative disposition are in progress, they may proceed against the successors to the status thereof.

*<Amended on Aug. 27, 2019>*

(6) Matters necessary for reports under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

*<Amended on Mar. 23, 2013; Aug. 27, 2019>*

## CHAPTER IV CERTIFICATION OF PESTICIDE-FREE AGRICULTURAL PRODUCTS, PROCESSED FOOD MADE WITH PESTICIDE-FREE RAW MATERIALS, AND ANTIBIOTIC-FREE FISHERY PRODUCTS

### **Article 34 (Certification of Pesticide-Free Agricultural Products, Processed Food Made with Pesticide-Free Raw Materials, and Antibiotic-Free Fishery Products)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may certify pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. *<Amended on Mar. 23, 2013; Aug. 27, 2019; Mar. 24, 2020>*

(2) To certify in accordance with paragraph (1), pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. eligible for certification, and criteria for certification, etc. necessary for the production, manufacturing, processing, or handling of pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Aug. 27, 2019; Mar. 24, 2020>*

(3) Where a person who produces, manufactures, processes, or handles pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. intends to receive certification of said products, he or she shall make an application to the Minister of Oceans and Fisheries, or a certification body designated pursuant to Article 35 (1) (hereafter referred to as “certification body” in this Chapter): Provided, That any person who stores, ships, or sells certified pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc., without repacking them, may choose not to make an application. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019; Mar. 24, 2020>*

(4) Articles 20 through 22, 24, and 24-2 shall apply mutatis mutandis to the following matters: applications for certification under paragraph (3); restrictions on certification; audits or re-audits of

certification; approval for application for change of certification; the term of validity of certification; renewal and extension of the term of validity; matters to be complied with by certified business entities; revocation of certification, removal and suspension of certification labels, and imposition of penalty surcharges. In such cases, “organic food, etc.” shall be construed as “pesticide-free agricultural products, processed food made with pesticide-free raw materials, or antibiotic-free fishery products, etc.” <Amended on Aug. 27, 2019; Mar. 24, 2020>

(5) Articles 30 through 33 shall apply mutatis mutandis to the following matters: prohibition of unjust acts concerning the certification of pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc.; post-certification surveillance of certified products and certified business entities; post-certification surveillance of certification bodies; succession, etc. to the status of certified business entities or certification bodies. In such cases, “organic food, etc.” shall be construed as “pesticide-free agricultural products, processed food made with pesticide-free raw materials, or antibiotic-free fishery products, etc.” and “food permitted to carry an organic label limitedly” as “food permitted to carry a pesticide-free label limitedly.” <Amended on Aug. 27, 2019; Mar. 24, 2020>

#### **Article 35 (Designation of Certification Bodies for Pesticide-Free Agricultural Products, Processed Food Made with Pesticide-Free Raw Materials, and Antibiotic-Free Fishery Products)**

(1) With respect to the certification of pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc., the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate an entity staffed with certification auditors and other necessary human resources and equipped with necessary facilities as certification bodies and authorize such entity to certify pesticide-free agricultural products, processed food made with pesticide-free raw materials, or antibiotic-free fishery products, etc. <Amended on Mar. 23, 2013; Mar. 24, 2014; Aug. 27, 2019; Mar. 24, 2020>

(2) Articles 26, 26-2 through 26-4, and 27 through 29 shall apply mutatis mutandis to the following matters: designation of certification bodies; term of validity of designation; renewal and change of designation; matters to be complied with by certification bodies, etc.; suspension and discontinuation of certification service; revocation, etc. of designation of certification bodies. In such cases, “organic food, etc.” shall be construed as “pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc.” <Amended on Mar. 24, 2014; Aug. 27, 2019; Mar. 24, 2020>

#### **Article 36 (Standards for Labeling Pesticide-Free Agricultural Products, Processed Food Made with Pesticide-Free Raw Materials, and Antibiotic-Free Fishery Products)**

(1) A person who has received certification pursuant to Article 34 (3) may directly display on pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. that he or she produces, manufactures, processes or handles, or on the package, etc. thereof,

any written, printed, or graphic matter indicating “pesticide-free,” “antibiotic-free” (applicable only to livestock products or fishery products), “no active treatment agents used” (applicable only to seaweeds), or words to similar effect (hereinafter referred to as “label for pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc.”). In such cases, if a product is sold unpackaged or apiece, such label may be placed on an indicator board or signpost. <Amended on Aug. 27, 2019; Mar. 24, 2020>

(2) The Minister of Agriculture, Food and Rural Affairs may permit foods using pesticide-free agricultural products as raw materials or materials but without certification prescribed in Article 34 (1) to carry a pesticide-free label limitedly depending on the contents of pesticide-free agricultural products used.

<Newly Inserted on Aug. 27, 2019>

(3) Article 23 (2) and (5) shall apply mutatis mutandis to detailed matters concerning the display of information on the methods of producing pesticide-free agricultural products, processed food made with pesticide-free raw materials, and antibiotic-free fishery products, etc. and other labelling items. In such cases, “organic label” shall be construed as “label for pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc.” <Amended on Dec. 2, 2016; Aug. 27, 2019; Mar. 24, 2020>

## CHAPTER V PUBLIC DISCLOSURE OF ORGANIC AGRO-FISHERY MATERIALS

### **Article 37 (Public Disclosure of Organic Agro-Fishery Materials)**

(1) After ascertaining whether any organic agro-fishery materials are produced by using permitted substances, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may publicly disclose the relevant information, including their name, main ingredients, and contents, methods of use, etc. <Amended on Mar. 23, 2013>

(2) Deleted. <Dec. 2, 2016>

(3) Public disclosure under paragraph (1) (hereinafter referred to as “public disclosure”) shall be made in conformity with the standards for public disclosure under paragraph (4). <Amended on Dec. 2, 2016>

(4) Subject-matter of public disclosure under paragraph (1) and standards necessary for public disclosure shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Dec. 2, 2016>

### **Article 38 (Application for and Audit for Public Disclosure of Organic Agro-Fishery Materials)**

(1) Where any person engaged in the production, or importation, and sale of organic agro-fishery materials intends to obtain certification for public disclosure, he or she shall make an application to an institute for public disclosure designated pursuant to Article 44 (1) (hereinafter referred to as “institute for public disclosure”) along with a test report issued by a testing and research institution officially recognized

pursuant to Article 41 (1) and other documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the following persons are not eligible to apply for public disclosure: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Persons for whom one year has not yet elapsed since public disclosure was revoked pursuant Article 43 (1) (excluding subparagraph 4 of the same paragraph);
  2. Persons under an order for prohibiting sale or taking corrective measures prescribed in Article 43 (1) or an order prescribed in Article 49 (7) 2 or 3;
  3. Persons for whom one year has not yet elapsed since a sentence to a fine or heavier punishment imposed pursuant to Article 60 became final and conclusive.
- (2) An institute for public disclosure upon receipt of an application under paragraph (1) shall conduct an audit of its compliance with the standards for public disclosure referred to in Article 37 (4) and inform the applicant of the audit result, and shall make public disclosure, if the applicant satisfies the standards for public disclosure. *<Amended on Dec. 2, 2016>*
- (3) Any person who has an objection to the results of an audit of application for public disclosure under paragraph (2) may make an application for re-audit to the institute for public disclosure which has conducted the original audit of such public disclosure. *<Amended on Dec. 2, 2016>*
- (4) Where a publicly disclosed person pursuant to paragraph (2) (hereinafter referred to as "publicly disclosed business entity") changes any detail of the public disclosure, he or she shall obtain approval for the change therein from the institute for public disclosure that has audited the relevant public disclosure, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*
- (5) Other detailed procedures, methods, etc. necessary for applications for, restrictions on, audits and re-audits of public disclosure, and approval for change therein shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

### **Article 39 (Term of Validity of Public Disclosure)**

- (1) Public disclosure shall remain valid for three years from the date such public disclosure is made. *<Amended on Dec. 2, 2016>*
- (2) Where a publicly disclosed business entity intends to continue to make public disclosure even after the expiration of the term of validity, he or she shall apply for the renewal to the institute for public disclosure that has made the relevant public disclosure prior to the expiration date: Provided, That where it becomes impossible to make an application for renewal to the institute for public disclosure which has made such public disclosure, etc. owing to its discontinuation or suspension of the business, or any other inevitable ground, said application may be made to any other institute for public disclosure. *<Amended on Dec. 2, 2016>*

(3) Detailed procedures, methods, etc. necessary for renewal of public disclosure under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Dec. 2, 2016>

#### **Article 40 (Matters to Be Complied with by Publicly Disclosed Business Entities)**

(1) A publicly disclosed business entity shall notify the institution for public disclosure that has audited the relevant public disclosure of the records of production, or import and sale of the relevant product on a regular basis, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

(2) A publicly disclosed business entity shall preserve documents, etc. relating to the audit of such public disclosure, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Dec. 2, 2016>

#### **Article 41 (Designation of Testing and Research Institution for Organic Agro-Fishery Materials)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate any college, university, non-governmental research institute, etc. as a testing and research institution which conducts tests on organic agro-fishery materials. <Amended on Mar. 23, 2013>

(2) A person who intends to be designated as a testing and research institution pursuant to paragraph (1) shall make an application to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, with human resources, facilities equipment, and test management regulations in place as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 27, 2019>

(3) The term of validity of designation of a testing and research institution referred to in paragraph (1) shall be four years from the date on which it is designated as such, and an entity who intends to continue to conduct tests on organic agro-fishery materials even after the term of validity expires shall renew the designation before such period expires. <Newly Inserted on Dec. 2, 2016>

(4) Where an entity designated as a testing and research institution referred to in paragraph (1) intends to change any important matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, it shall file an application for the change of designation with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Newly Inserted on Dec. 2, 2016>

(5) Where any testing and research institution designated pursuant to paragraph (1) (hereafter referred to as "testing and research institution" in this Article, and Articles 41-2 and 41-3) falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke its designation, or suspend all or part of its business for a fixed period not exceeding six months: Provided, That in cases falling under subparagraph 1, its designation shall be revoked: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. Where it is designated by fraud or other improper means;
  2. Where it issues any of the following documents inconsistently with the actual facts, by intention or gross negligence:
    - (a) Test reports;
    - (b) Documents indicating the physicochemical analysis and toxicity test results of the relevant technical concentrates;
    - (c) Documents indicating the physicochemical analysis, etc. of pest control equipment;
    - (d) Documents indicating heavy metals content and the results of their physicochemical analysis;
    - (e) Other documents related to the testing and analysis of organic agro-fisheries materials;
  3. Where it ceases to meet any of the criteria for designation of testing and research institutions;
  4. Where it fails to initiate testing for the designated testing items within a period of one year after having been designated as a testing and research institution without good cause, or to have no business record for a period of not less than two years;
  5. Where it engages in business in violation of the order for suspension of business;
  6. Where it fails to observe the matters to be complied with by testing and research institutions prescribed in Article 41-2.
- (6) Other matters necessary for designation of testing and research institutions, revocation of designation, suspension of business, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Dec. 2, 2016>

#### **Article 41-2 (Matters To Be Complied with by Testing and Research Institutions for Organic Agro-Fishery Materials)**

A testing and research institution shall observe the following matters:

1. It shall not release or provide the information and materials it obtains in the course of testing without a written consent of applicants: Provided, That cases where such information and materials are released and provided under this Act or other Acts shall be excluded;
2. When requested by the Minister of Agriculture, Food and Rural Affairs or by the Minister of Oceans and Fisheries, it shall allow access to the office and facilities of the testing and research institution or provide necessary information and materials;
3. It shall keep materials regarding requests for testing and conducting testing, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 41-3 (Post-Certification Surveillance of Testing and Research Institutions for Organic Agro-Fishery Materials)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have the public officials under his or her control inspect whether a testing and research institution is in compliance with the standards for designating testing and research institutions prescribed in Article 41 (2) or whether a testing and research institution complies with the matters to be observed by testing and research institutions prescribed in Article 41-2.

(2) Where an inspection is conducted pursuant to paragraph (1), no executive officers and employees of testing and research institutions shall refuse, interfere with, or evade such inspection without good cause.

#### **Article 42 (Labelling of Public Disclosure)**

A publicly disclosed business entity may display on the packages, etc. of organic agro-fishery materials any written, printed, or graphic matter indicating the public disclosure of organic agro-fishery materials, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the relevant information, such as public disclosure number, name of the organic agro-fishery materials, methods of use, etc. shall be indicated together with such written, printed, or graphic matter, and the efficacy and effect of the relevant materials may be indicated in accordance with the standards for publication disclosure referred to in Article 37 (4).

*<Amended on Mar. 23, 2013; Dec. 2, 2016>*

#### **Article 43 (Cancellation of Public Disclosure)**

(1) Where any publicly disclosed business entity falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure may cancel the public disclosure, or issue an order to prohibit sale or to take corrective measures: Provided, That where a business entity falls under subparagraph 1, the Minister shall cancel the relevant public disclosure: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Where he or she makes public disclosure by fraud or other improper means;
2. Where he or she fails to meet any of the standards for public disclosure under Article 37 (4);
3. Where he or she fails to comply with an order prescribed in Article 49 (7) without good cause;
4. Where it is deemed impossible to produce organic agro-fishery materials owing to his or her change of business, discontinuation of business, or any other reason;
5. Where the result of quality control guidance under paragraph (3) reveals that the relevant product is inappropriate to be certified as a product for public disclosure.

(2) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure cancels any public disclosure under paragraph (1), he or she shall notify the fact to the relevant publicly disclosed business entity, without delay, and an institute for public disclosure that has cancelled such public disclosure shall notify such fact to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(3) An institute for public disclosure shall provide quality control guidance with respect to products for which it has made public disclosure. *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

(4) Detailed procedures and disposition standards necessary for the cancellation of public disclosure under paragraph (1), matters concerning quality control under paragraph (3), etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

#### **Article 44 (Designation of Institutes for Public Disclosure)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate persons with human resources and facilities necessary for public disclosure as institutes for public disclosure to make public disclosure of organic agro-fishery materials. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(2) A person who intends to be designated as an institute for public disclosure pursuant to paragraph (1) shall make an application for designation to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(3) Designation of an institute for public disclosure under paragraph (1) shall remain in force for five years from the date of designation; where an institute for public disclosure intends to continue to conduct the business of making public disclosure of organic agro-fishery materials, it shall apply for renewal of designation prior to the expiration date. *<Amended on Dec. 2, 2016>*

(4) Where any change occurs to the designated matters, an institute for public disclosure shall make report on changes to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: Provided, That where an institute for public disclosure intends to change important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, it shall obtain approval from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, correspondingly. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

(5) Necessary matters concerning standards for the designation of institutes for public disclosure, application for designation, renewal of designation, report on changes, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

#### **Article 45 (Matters to Be Complied with by Institutes for Public Disclosure)**

Institutes for public disclosure shall comply with the following requirements: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. They shall not disclose or provide any information and materials obtained in the course of performing the business of public disclosure without written consent of the relevant applicants for public disclosure: Provided, That in case of disclosing or providing such information and materials pursuant to this Act or any other Act, this shall not apply;

2. They shall permit access to their office or facilities of institutes for public disclosure or provide necessary information and materials, when requested by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries;
3. They shall keep materials regarding applications and audit for public disclosure, cancellation of public disclosure, disposition prohibiting sale, quality control guidance, and transactions of organic agro-fishery materials, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
4. They shall report all the results of public disclosure and the results of post-certification surveillance thereof to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
5. They shall conduct audits of publicly disclosed business entities without prior notice and record and manage the findings of such audits in order to manage such business entities to ensure that they comply with the standards for public disclosure referred to in Article 37 (4), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 46 (Suspension or Discontinuation of Business of Public Disclosure)**

Where any institute for public disclosure intends to suspend or discontinue the business of public disclosure in whole or in part, it shall report such intent to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, and also shall notify such intent to publicly disclosed business entities through the relevant institute and whose term of validity of public disclosure has yet to expire. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

#### **Article 47 (Revocation of Designation of Institutes for Public Disclosure)**

(1) Where any institute for public disclosure falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke its designation or issue an order to suspend its business in whole or in part for a fixed period not exceeding six months or to take corrective measures: Provided, That in cases of falling under any of subparagraphs 1 through 3, its designation shall be revoked: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Where it is designated by fraud or other improper means;
2. Where it becomes unable to engage in the business of making public disclosure due to its bankruptcy or discontinuation of business;
3. Where it engages in the business of making public disclosure during the period of its suspension of business, in violation of the order for suspension of business;

4. Where it fails to engage in the business of making public disclosure during a period of not less than one year without good cause;
5. Where it makes public disclosure of any products which fail to meet any of the standards for public disclosure referred to in Article 37 (4), by intention or gross negligence;
6. Where it fails to comply with any of the procedures or methods for conducting the audits or re-audits of public disclosure under Article 38, or the procedures, methods, etc. for the renewal of public disclosure under Article 39, by intention or gross negligence;
7. Where it fails to impose a disposition prescribed in Article 43 (1), issue an order prescribed in Article 49 (7) 2 or 3, and make a public disclosure prescribed in paragraph (9) of the same Article without good cause;
8. Where it fails to meet the standards for designation of institutes for public disclosure under Article 44 (5);
9. Where it fails to observe the matters to be complied with by institutes for public disclosure prescribed in Article 45;
10. Where it fails to comply with an order to take corrective measures or dispositions prescribed in Article 50 (2);
11. Where it refuses, interferes with, or evades an inspection conducted by the relevant public officials without good cause, in violation of Article 50 (3).

(2) In cases of imposing a disposition of the cancellation of designation or the suspension of business pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall publish such disposition on the official website of the Ministry of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(3) No person whose designation as an institute for public disclosure has been revoked, shall be designated as such institute until two years after such revocation: Provided, That in cases where the designation as the institute for public disclosure is revoked on the grounds specified in paragraph (1) 2, this shall not apply. *<Amended on Dec. 2, 2016>*

(4) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, gravity, etc. of violations. *<Amended on Mar. 23, 2013>*

#### **Article 48 (Prohibition of Unjust Acts Related to Public Disclosure)**

No person shall engage in any of the following acts: *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

1. Undergoing public disclosure, re-audit and approval for the change of public disclosure prescribed in Article 38, renewal of public disclosure prescribed in Article 39 (2), or designation or renewal of designation as institutes for public disclosure prescribed in Article 44 (1) and (3) by fraud or other improper means;

2. Affixing any label or similar mark indicating public disclosure of organic agro-fishery materials under Article 42 (including any mark likely to mislead people to believe that the relevant material is an organic agro-fishery material is publicly disclosed and any mark using a foreign language or loan words to the same effect) to a material not publicly disclosed;
3. Making indications inconsistent with those publicly disclosed on a publicly disclosed organic agro-fishery material;
4. Issuing documents necessary for filing a request for public disclosure Article 38 (1) or renewal of public disclosure prescribed in Article 39 (2) by fraud;
5. Selling any material with the knowledge that it falls under subparagraph 2 or 3, or storing, shipping, or exhibiting such material for sale;
6. Selling a material as a publicly disclosed organic agro-fishery material, knowing that its public disclosure was revoked, or keeping, transporting or displaying such material for the purpose of sale,;
7. Advertising any material not publicly disclosed as a publicly disclosed organic agro-fishery material or advertising in a manner that would mislead people to believe that such material is a publicly disclosed organic agro-fishery material, or advertising inconsistently with the details allowed for public disclosure;
8. Mixing or injecting any non-permitted substance or substance that is not permitted under the standards for public disclosure referred to in Article 37 (4) into an organic agro-fishery material.

#### **Article 49 (Post-Certification Surveillance of Organic Agro-Fishery Materials and Publicly Disclosed Business Entities)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall have public officials under his or her control or institutes for public disclosure conduct the following inspections (in cases of institutes for public disclosure, limited to inspections prescribed in subparagraph 2 of publicly disclosed business entities) annually, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the public officials may conduct an inspection after collecting samples without compensation or request the submission of data, etc.: *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Inspection of publicly disclosed organic agro-fishery materials which are on sale and are being distributed;
  2. Inspection of whether the organic agro-fishery materials meet any of the standards for public disclosure referred to in Article 37 (4), by verifying the process of their production in the business places of publicly disclosed business entities.
- (2) Where an inspection is conducted pursuant to paragraph (1), the date and time, objectives, objects, etc. of inspection shall be notified to interested persons in advance: Provided, That this shall not apply in cases of an emergency, or where the purpose of inspection is deemed unattainable if prior notification is made.

(3) Where an inspection is conducted, or where the submission of data is required pursuant to paragraph (1), publicly disclosed business entities or business entities selling and distributing publicly disclosed organic agro-fishery materials (hereinafter referred to as "publicly disclosed business entity, etc.") shall not reject, obstruct, or evade such inspection or submission of data without good cause. In such cases, a person entering the business places of such certified business entity to conduct an inspection referred to paragraph (1) shall carry a document indicating his or her authority and present it to interested persons.

*<Amended on Dec. 2, 2016; Aug. 27, 2019>*

(4) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure conducts an inspection prescribed in paragraph (1), he or she or it shall notify the publicly disclosed business entity, etc. of the results thereof. In such cases, a publicly disclosed business entity, etc. who has an objection to the results of an inspection of samples provided pursuant to the latter part of paragraph (1) among the results of the inspection may request a re-inspection of such samples. *<Newly Inserted on Aug. 27, 2019>*

(5) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure receives a request for re-inspection prescribed in paragraph (4), he or she or it shall determine whether to conduct the re-inspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, and notify the relevant publicly disclosed business entity, etc. of the results thereof. *<Newly Inserted on Aug. 27, 2019>*

(6) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure determines to conduct a re-inspection prescribed in paragraph (4), he or she or it shall conduct the re-inspection without delay and notify the relevant publicly disclosed business entity, etc. of the results thereof. *<Newly Inserted on Aug. 27, 2019>*

(7) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure finds as a result of an inspection prescribed in paragraph (1) that the standards for public disclosure prescribed in Article 37 (4), matters to be indicated in public disclosure prescribed in Article 42, etc. are violated, he or she or it may order the publicly disclosed business entity, etc. to take the following measures: *<Amended on Aug. 27, 2019>*

1. Cancellation of public disclosure, prohibition of sale, or corrective measures prescribed in Article 43 (1);
2. Recovery and disposal of organic agro-fishery materials;
3. Removal or suspension of public disclosure labels or change of matters to be indicated in labels.

(8) Where a publicly disclosed business entity, etc. fails to comply with an order for recovery or disposal prescribed in paragraph (7) 2, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have the relevant public officials seize the relevant organic agro-fishery materials. In such cases, the relevant public officials shall carry a certificate indicating their authority and present such certificate to interested persons. *<Newly Inserted on Aug. 27, 2019>*

(9) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure shall publish the details of orders to take measures prescribed in the subparagraphs of paragraph (7). *<Newly Inserted on Aug. 27, 2019>*

(10) Matters necessary for notification of the results of inspections prescribed in paragraph (4), procedures and methods of re-inspecting samples prescribed in paragraph (6), detailed standards for orders to take measures prescribed in the subparagraphs of paragraph (7), seizure prescribed in paragraph (8), and publication prescribed in paragraph (9) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

#### **Article 50 (Post-Certification Surveillance of Institutes for Public Disclosure)**

(1) The Minister of Agriculture, Food and Rural Affairs, or the Minister of Oceans and Fisheries may have public officials under his or her supervision conduct an inspection to determine whether an institute for public disclosure engages in the business of making public disclosure in an appropriate manner pursuant to Articles 38 and 39, whether it meets any of the standards for designation of institutes for public disclosure referred to in Article 44 (5), and whether it observes matters to be complied with by institutes for public disclosure set forth in Article 45. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

(2) Where any institute for public disclosure falls under any of the following subparagraphs according to the findings of an inspection under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may issue an order for the cancellation of designation, suspension of business, or corrective measures prescribed in Article 47 (1): *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*

1. Where it fails to engage in the business of making public disclosure in a proper manner pursuant to Article 38 or 39;
2. Where it fails to meet any of the designation standards under Article 44 (5);
3. Where it fails to observe any matter to be complied with by institutes for public disclosure under Article 45.

(3) Where an inspection is conducted pursuant to paragraph (1), no executive officers and employees of institutes for public disclosure shall refuse, interfere with, nor evade such inspection without good cause. *<Newly Inserted on Aug. 27, 2019>*

#### **Article 51 (Succession to Institute for Public Disclosure)**

(1) A person who falls under any of the following subparagraphs shall succeed to the status of a publicly disclosed business entity, or an institute for public disclosure: *<Amended on Dec. 2, 2016>*

1. Where a publicly disclosed business entity dies, the successor who intends to continue to produce or import for the sale of organic agro-fishery materials;

2. Where a publicly disclosed business entity or an institute for public disclosure has transferred his or her business, the transferee;
  3. Where a publicly disclosed business entity, or an institute for public disclosure has merged with any other publicly disclosed business entity, or any other institute for public disclosure, the corporation that survives the merger, or is newly incorporated in the course of the merger.
- (2) A person who has succeeded to the status of a publicly disclosed business entity pursuant to paragraph (1) shall report such fact to the institute for public disclosure which has conducted the relevant audit for public disclosure for such business entity (referring to the Minister of Oceans and Fisheries or another institute for public disclosure, where the designation of such institute for public disclosure is revoked), and a person who has succeeded to the status of any institute for public disclosure shall report such fact to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>*
- (3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure shall notify a reporting person of whether to accept the report of such person within one month from the date on which the report prescribed in paragraph (2) is received. *<Newly Inserted on Aug. 27, 2019>*
- (4) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure fails to notify a reporting person of acceptance or non-acceptance of the report of such person or the extension of the handling period under the statutes and regulations for handling civil petitions within the period prescribed in paragraph (3), he or she or it shall be deemed to accept the report on the date following the day on which such period (where the handling period is extended or re-extended under the statutes and regulations for handling civil petitions, referring to the relevant handling period) is terminated. *<Newly Inserted on Aug. 27, 2019>*
- (5) Where any status is succeeded under paragraph (1), the effect of the administrative disposition under Articles 43 (1) or 47 (1) which has been imposed on the previous publicly disclosed business entity or the previous institute for public disclosure shall be succeeded to the successors thereof within the term of validity of such administrative disposition, and if the procedures for any administrative disposition are in progress, they may proceed against such successors. *<Amended on Dec. 2, 2016; Aug. 27, 2019>*
- (6) Matters necessary for reporting under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Aug. 27, 2019>*

## **Article 52 (Exclusion from Application of the Pesticide Control Act)**

- (1) Notwithstanding Articles 8 and 17 of the Pesticide Control Act, and Articles 11 and 12 of the Fertilizer Control Act, no publicly disclosed organic agro-fishery materials shall be required to be registered or reported as pesticides under the Pesticide Control Act or as fertilizer under the Fertilizer Control Act. *<Amended on Dec. 2, 2016>*

(2) Where a person who intends to produce or import for the sale of any organic agro-fishery materials obtains permission to make public disclosure, he or she may not to make registration under Article 3 of the Pesticide Control Act. *<Amended on Dec. 2, 2016>*

## CHAPTER VI SUPPLEMENTARY PROVISIONS

### **Article 53 (Establishment and Operation of Information System for Managing Certification for Environment Friendliness)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may establish and operate an information system for managing certification for environment friendliness in order to perform the following affairs: *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

1. Affairs regarding the designation and registration of certification bodies, the status of certifications, the management of certificates of importation, etc.;
2. Affairs regarding the collection, analysis, and management of information on certified products, etc.;
3. Providing information on the list of business entities of certified products, etc., and the production, manufacture or processing, or handling thereof;
4. Providing customers with information necessary for enhancing the creditability of certified products, etc., such as the names, contact information, etc. of certified persons;
5. Publishing information on the revocation, etc. of certification in order to prevent the circulation of products not complying with the certification criteria.

(2) Matters necessary for the establishment and operation of the information system for managing certification for environment friendliness under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

### **Article 53-2 (Establishment and Operation of Information System for Organic Agro-Fishery Materials)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may establish and operate an information system for organic agro-fishery materials in order to perform the following affairs:

1. Affairs regarding managing the status of the designation of institutes for public disclosure, the status of public disclosures, the status of designation of testing and research institutions, etc.;
2. Affairs regarding collecting, analyzing, and managing information on public disclosures;
3. Affairs regarding providing information on the list of publicly disclosed business entities and on the production, manufacture or importation, or handling publicly disclosed products;
4. Affairs regarding providing customers with information necessary for enhancing the creditability of publicly disclosed business entities, such as the names and contact points of institutes for public

disclosure;

5. Affairs regarding publishing information on the revocation, etc. of public disclosure in order to prevent the circulation of any products not complying with standards for public disclosure.

(2) Matters necessary for the establishment and operation of the information system for organic agro-fishery materials under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 54 (Support for Invigoration of Certification System)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall implement the following affairs to invigorate the certification system: *<Amended on Mar. 23, 2013>*

1. Affairs related to the publicity of the certification system under this Act;
2. Affairs related to education and training necessary for the operation of the certification system;
3. Affairs related to the development and distribution of sample documents for the production, manufacture or processing, or handling of certified products under this Act.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, within budgetary limits, provide any of the following persons with the funds necessary for the establishment of a quality management system, or the performance of projects on technical assistances, education, training, etc.: *<Amended on Mar. 23, 2013; Dec. 2, 2016>*

1. Farmers and fishermen, or non-governmental organizations thereof;
2. Certified business entities of products, etc., publicly disclosed business entities, certification bodies, or institutes for public disclosure;
3. Operators of educational courses related to the certification system;
4. Business entities engaged in the development of standard models and technical assistance related to the production, manufacture or processing, or handling of certified products, etc.

#### **Article 54-2 (Honorary Monitors)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request honorary monitors of agricultural and fishery products referred to in Article 104 of the Agricultural and Fishery Products Quality Control Act to monitor, guide, and publicize the distribution and production of environment-friendly agro-fishery products, organic food, etc., processed food made with pesticide-free raw materials, or organic agro-fishery materials. *<Amended on Aug. 27, 2019>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may reimburse honorary monitors referred to in paragraph (1) for expenses incurred in monitoring activities within the budgetary limits.

#### **Article 55 (Preferential Procurement)**

(1) For the promotion of environment conservation functions of agro-fisheries and sustainable development of environment-friendly agro-fisheries, the State and local governments shall endeavor to preferentially purchase environment-friendly agro-fishery products, processed food made with pesticide-free raw materials, or organic food. <Amended on Feb. 11, 2020>

(2) To facilitate the purchase of certified products prescribed in this Act, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may request the heads of the following institutions or organizations to take necessary measures, such as preferential purchase of certified products: <Newly Inserted on Feb. 11, 2020>

1. Public institutions defined in subparagraph 2 of Article 2 of the Act on Facilitation of Purchase of Small and Medium Enterprise-Manufactured Products and Support for Development of Their Markets;
2. Units and institutions of the armed forces established under the Act on the Organization of National Armed Forces;
3. Child care centers prescribed in the Child Care Act, kindergartens prescribed in the Early Childhood Education Act, and schools prescribed in the Elementary and Secondary Education Act or the Higher Education Act;
4. Agro-fishery-related organizations, etc.

(3) In order to promote the consumption of certified products under this Act, the State or local governments may provide necessary support, such as financial subsidies, etc., within budgetary limits, to institutions, organizations, etc., which preferentially procure the certified products pursuant to paragraph (2). <Amended on Feb. 11, 2020; Feb. 11, 2020>

#### **Article 56 (Fees)**

(1) A person who falls under any of the following subparagraphs shall pay fees to the Minister of Oceans and Fisheries, or the relevant certification body or institute for public disclosure. <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. A person who intends to obtain certification pursuant to Article 20 (1) or 34 (3);
- 1-2. A person who intends to obtain approval for the change of certification pursuant to Article 20 (8) (including cases where Article 20 (8) applies mutatis mutandis to Article 34 (4));
2. A person who intends to renew his or her certification pursuant to Article 21 (2) (including cases where Article 21 (2) applies mutatis mutandis to Article 34 (4));
- 2-2. Deleted. <Aug. 27, 2019>
3. A person who intends to have his or her certification extended pursuant to Article 21 (3) (including cases where Article 21 (3) applies mutatis mutandis to Article 34 (4));
4. A person who intends to obtain permission to make public disclosure pursuant to Article 38 (1);
5. A person who intends to renew public disclosure pursuant to Article 39 (2).

(2) A person who falls under any of the following subparagraphs shall pay fees to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: <Amended on Mar. 23, 2013;

*Dec. 2, 2016; Aug. 27, 2019>*

1. A foreign government or foreign certification body intending to be treated under an equivalency agreement pursuant to Article 25;
2. A person who intends to be designated as a certification body, or renew his or her designation pursuant to Article 26 or 35;
- 2-2. A person who intends to obtain designation as a testing and research institution or renew the designation of a testing and research institution pursuant to Article 41;
3. A person who intends to be designated as an institute for public disclosure, or renew his or her designation pursuant to Article 44.

(3) Necessary matters concerning the amounts of fees, the payment methods and due dates thereof, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

### **Article 57 (Hearings)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall hold a hearing in any of the following cases: *<Amended on Aug. 27, 2019>*

1. Revoking the designation of an educational and training institution pursuant to Article 14-2 (1);
2. Revoking the qualification of a certification auditor pursuant to Article 26-2 (3) (including cases where Article 26-2 (3) applies mutatis mutandis to Article 35 (2));
3. Revoking the designation of a certification body pursuant to Article 29 (1) (including cases where Article 29 (1) applies mutatis mutandis to Article 35 (2)) or an institute for public disclosure pursuant to Article 47 (1).

(2) Where a certification body or an institute for public disclosure intends to revoke any certification or public disclosure pursuant to 24 (1) (including cases where Article 24 (1) applies mutatis mutandis to Article 34 (4)) or 43 (1), it shall provide the relevant business entity with an opportunity to present his or her opinion: Provided, That said certification body or institute for public disclosure shall hold a hearing where the relevant business entity requests to hold a hearing. *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

(3) Articles 22 (4) through (6) of the Administrative Procedures Act and Section 2 of Chapter II of the same Act shall apply mutatis mutandis to the submission of opinions and hearings prescribed in paragraph (2). In such cases, “administrative agency” shall be construed as a “certification body” or an “institute for public disclosure” *<Amended on Dec. 2, 2016; Aug. 27, 2019>*

### **Article 58 (Delegation or Entrustment of Authority)**

(1) Authority or functions of the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may be delegated, in part, to the Administrator of Rural Development Administration, the Minister of the Korea Forest Service, the Mayor/Do Governor, or the heads of any affiliated agencies of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries, or may be

entrusted, in part, to the Minister of Food and Drug Safety, the President of the Korea Food Research Institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc., the heads of any relevant non-governmental organizations or the heads of any schools under Article 2 of the Higher Education Act. <Amended on Mar. 23, 2013; Mar. 24, 2014; Dec. 2, 2016>

(2) The head of any affiliated agency of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries, the Minister of Food and Drug Safety, or the Administrator of Rural Development Administration, to whom authority is delegated or entrusted pursuant to paragraph (1), may re-delegate or re-entrust the delegated or entrusted authority, in whole or in part, to any other affiliated agency or to any relevant non-governmental organization. <Amended on Mar. 23, 2013; Mar. 24, 2014; Dec. 2, 2016>

#### **Article 59 (Legal Fiction as Public Official in Application of Penalty Provisions)**

Any of the following persons shall be deemed a public official in the application of penalty provisions under Articles 129 through 132 of the Criminal Act: <Amended on Dec. 2, 2016>

1. An executive officer or employee of a certification body engaged in the certification service pursuant to Article 26 (1) or 35 (1);
- 1-2. An executive officer or employee of a testing and research institution designated pursuant to Article 41 (1) who is engaged in the business of testing organic agro-fishery materials;
2. An executive officer or employee of an institute for public disclosure engaged in the business of making public disclosure pursuant to Article 44 (1);
3. An executive officer or employee of an agency, organization, corporation, or school under Article 2 of the Higher Education Act, engaged in the business entrusted pursuant to Article 26 (4) or 58.

## **CHAPTER VII PENALTY PROVISIONS**

#### **Article 60 (Penalty Provisions)**

(1) A person who releases or provides the information and materials that he or she obtained in the course of certification, testing, or public disclosure without a written consent of the applicant in violation of Article 27 (1) 1 and (2) 1, subparagraph 1 of Article 41-2, or subparagraph 1 of Article 45 shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won. <Newly Inserted on Aug. 27, 2019>

(2) Any of the following persons shall be sentenced to imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: <Amended on Mar. 24, 2014; Dec. 2, 2016; Aug. 27, 2019>

1. A person who engages in the certification service without designation as a certification body pursuant to Article 26 (1) or 35 (1), or engages in the business of making public disclosure without designation as an institute for public disclosure pursuant to Article 44 (1);

2. A person who engages in the certification service even after the expiration of the designation as a certification body pursuant to Article 26 (3) (including cases where Article 26 (3) applies mutatis mutandis to Article 35 (2)), or engages in the business of making public disclosure even after the expiration of the designation as an institute for public disclosure pursuant to Article 44 (3);
3. A person who engages in the certification service despite revocation of its designation as a certification body pursuant to Article 29 (1) (including cases where Article 29 (1) applies mutatis mutandis to Article 35 (2)), or engages in the business of making public disclosure despite revocation of its designation as an institute for public disclosure pursuant to Article 47 (1);
4. A person who undergoes certification audit, re-audit, approval for the change of certification prescribed in Article 20, renewal, extension of the term of validity or re-audit of certification prescribed in Article 21, or designation of certification bodies and renewal of designation thereof prescribed in Article 26 (1) 3 by fraud or other improper means, in violation of Article 30 (1) 1 (including cases where Article 30 (1) 1 applies mutatis mutandis to Article 34 (5));
- 4-2. A person who undertakes or helps to undergo certification audit, re-audit, and approval for the change of certification prescribed in Article 20, and renewal, extension of the term of validity, and re-audit of certification prescribed in Article 21 by fraud or other improper means in violation of Article 30 (1) 1-2 (including cases where Article 30 (1) 1-2 applies mutatis mutandis to Article 34 (5));
- 4-3. A person who has obtained qualification as a certification auditor by fraud or other improper means in violation of Article 30 (1) 1-3 (including cases where Article 30 (1) 1-3 applies mutatis mutandis to Article 34 (5));
5. A person who affixes an organic label, pesticide-free label, label including the expression of environment-friendliness or other labels similar thereto (including labels concerned to mislead people to believe the relevant product as a certified product, and labels using a foreign language or loanword for the same effect) to non-certified products and shelves displaying products on sale, in violation of Article 30 (1) 2 (including cases where Article 34 (5) 2 applies mutatis mutandis to in Article 34 (5));
6. A person who makes indications inconsistently with those certified or publicly disclosed on a certified product or on a publicly disclosed organic agro-fishery material, in violation of Article 30 (1) 3 (including cases where Article 30 (1) 3 applies mutatis mutandis to Article 34 (5)) or subparagraph 3 of Article 48;
7. A person who issues documents necessary for application for certification, renewal of certification, public disclosure, or renewal of public disclosure by fraud, in violation of Article 30 (1) 4 (including cases where Article 30 (1) 4 applies mutatis mutandis to Article 34 (5)) or subparagraph 4 of Article 48;
8. A person who sells certified products and non-certified products, etc. together or stores, ships, or exhibits them together for sale, in violation of Article 30 (1) 5 (including cases where Article 30 (1) 5 applies mutatis mutandis to Article 34 (5));
9. A person who sells any product as a certified product with knowledge that an organic label or similar mark is affixed to the product although it has not been certified, or stores, ships, or exhibits such

product for sale, in violation of Article 30 (1) 6 (including cases where Article 30 (1) 6 applies mutatis mutandis to Article 34 (5))

10. A person who sells any product as a certified product while knowing that its certification has been revoked or who sells any material as a publicly disclosed organic agro-fishery material while knowing that its public disclosure has been revoked, or who keeps, transports, or displays such material or organic agro-fishery material for the purpose of sale in violation of Article 30 (1) 7 (including cases where Article 30 (1) 7 applies mutatis mutandis to Article 34 (5)) or subparagraph 6 of Article 48;

11. A person who advertises any non-certified product as a certified product or who advertises (including advertisements using the expressions of organic, pesticide-free, environment-friendly or other expressions similar thereto) in a manner that would mislead people to believe a non-certified product as a certified product, or advertises certified products differently from the matters certified, in violation of Article 30 (1) 8 (including cases where Article 30 (1) 8 applies mutatis mutandis to Article 34 (5));

11-2. A person who undergoes public disclosure, re-audit, and approval for the change of public disclosure prescribed in Article 38, renewal of public disclosure prescribed in Article 39 (2), and designation and renewal of institutes for public disclosure prescribed in Article 44 (1) and (3) by fraud or other improper means, in violation of subparagraph 1 of Article 48;

12. Affixing any label or similar mark, or any mark likely to mislead people to believe the relevant material is a publicly disclosed organic agro-fishery material and any mark using a foreign language or loan words to the same effect to a material not publicly disclosed, in violation of subparagraph 2 of Article 48);

13. A person who sells any material as a publicly disclosed organic agro-fishery material with knowledge that a label of public disclosure or similar mark is affixed to the material not publicly disclosed or sells any publicly disclosed material with knowledge that indications are made inconsistently with those publicly disclosed, or stores, ships, or exhibits such material for sale, in violation of subparagraph 5 of Article 48;

14. A person who advertises any material not publicly disclosed as a publicly disclosed organic agro-fishery material or who advertises in a manner that would mislead people to believe such material is a publicly disclosed organic agro-fishery material, or who advertises publicly disclosed materials differently from the matters disclosed publicly, in violation of subparagraph 7 of Article 48;

15. A person who mixes or injects any non-permitted substance or substance not permitted under the standards for public disclosure referred to in Article 37 (4) to an organic agro-fishery material, in violation of subparagraph 8 of Article 48.

(3) Any of the following persons shall be sentenced to imprisonment with labor for not more than one year, or to a fine not exceeding 10 million won: <Amended on Mar. 23, 2013; Dec. 2, 2016; Aug. 27, 2019>

1. A person who sells, or uses, for business any imported products (referring to certified products on which the organic labels are placed pursuant to Article 23, or organic processed food that has obtained

equivalency recognition pursuant to Article 25) without report, in violation of Article 23-2 (1);

2. A person who conducts certification audit business or public disclosure business during the period of suspension of certification audit business or public disclosure business under Article 29 (including cases where Article 29 applies mutatis mutandis to Article 35 (2)) or Article 47;

3. A person who fails to comply with an order prescribed in the subparagraphs of Article 31 (7) (including cases where Article 31 (7) applies mutatis mutandis to Article 34 (5)) or in the subparagraphs of Article 49 (7).

#### **Article 60-2 (Separate Sentence for Monetary Penalties)**

Notwithstanding Article 38 of the Criminal Act, monetary penalties for concurrent crimes including offenses prescribed in Article 60 (1), (2) 1, 2, 3, 4, 4-2, and 4-3, and (3) 2 (limited to offenses related to certification audit business) and other crimes shall be sentenced separately.

#### **Article 61 (Joint Penalty Provisions)**

If the representative of a corporation, or an agent, or employee of, or other persons employed by the corporation or an individual commits a violation falling under Article 60 (1), the subparagraphs of paragraph (2) of the same Article or the subparagraphs of paragraph (3) of the same Article in connection with the business of the corporation or the individual, the corporation, or the individual shall be punished by a fine under the relevant Articles in addition to the punishment of such violator: Provided, That where such corporation or individual has not been negligent in giving due attention to and supervision over the relevant duties to prevent violations, this shall not apply. <Amended on Aug. 27, 2019>

#### **Article 62 (Administrative Fines)**

(1) An administrative fine not exceeding 10 million won shall be imposed on persons who refuse, interfere with, or evade an inspection prescribed in Article 32 (1) (including cases where Article 34 (5) applies mutatis mutandis to Article 34 (5)), 41-3 (1) or 50 (1) without good cause.

(2) An administrative fine not exceeding five million won shall be imposed on the following persons:

1. A business entity without certification which unwraps and repacks a certified product, and places a label prescribed in Article 23 (1) or 36 (1) on such product;

2. A person who violates the limited labeling standards prescribed in Article 23 (3) or 36 (2);

3. A person who fails to record, manage, or keep relevant documents and materials in violation of Article 27 (1) 3 and 5 (including cases where Article 27 (1) 3 and 5 applies mutatis mutandis to Article 35 (2)), subparagraph 3 of Article 41-2, and subparagraph 3 or 5 of Article 45;

4. A person who falsely reports the results of certification, public disclosure, and post-management, etc. in violation of Article 27 (1) 4 (including cases where Article 27 (1) 4 applies mutatis mutandis to Article 35 (2)) or subparagraph 4 of Article 45;

5. A person who conducts certification audit business in violation of Article 27 (2) 2 (including cases where Article 27 (2) 2 applies mutatis mutandis to Article 35 (2));
6. A person who fails to record the results of certification audit business in violation of Article 27 (2) 3 (including cases where Article 27 (2) 3 applies mutatis mutandis to Article 35 (2));
7. A person who suspends or closes the entire or part of certification business or public disclosure business without reporting in violation of Article 28 (including cases where Article 28 applies mutatis mutandis to Article 35 (2)) or Article 46;
8. A person who refuses, interferes with, or evades an inspection prescribed in Article 31 (1) (including cases where Article 31 (1) applies mutatis mutandis to Article 34 (5)) or Article 49 (1) without good cause;
9. A person who fails to report the fact of succeeding to the status of a certification body or an institute for public disclosure in violation of Article 33 (including cases where Article 33 applies mutatis mutandis to Article 34 (5)) or Article 51.

(3) An administrative fine not exceeding three million won shall be imposed on any of the following persons:

1. A person who changes matters certified or matters publicly disclosed without obtaining approval from the relevant certification body or from the relevant institute for public disclosure in violation of Article 20 (8) (including cases where Article 20 (8) applies mutatis mutandis to Article 34 (4)) or Article 38 (4);
2. A person who changes important matters without obtaining approval in violation of the proviso of Article 26 (5) (including cases where Article 26 (5) applies mutatis mutandis to Article 35 (2)) or the proviso of Article 44 (4);
3. A person who fails to report the results of certification, public disclosure, and post-certification surveillance, etc. in violation of Article 27 (1) 4 (including cases where Article 27 (1) 4 applies mutatis mutandis to Article 35 (2)) or subparagraph 4 of Article 45;
4. A person who fails to report the fact of succeeding to the status of a certified business entity or publicly disclosed business entity in violation of Article 33 (including cases where Article 33 applies mutatis mutandis to Article 34 (5)) or Article 51;
5. A person who violates the labeling standards prescribed in Article 42.

(4) An administrative fine not exceeding one million won shall be imposed on the following persons:

1. A person who fails to inform the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the relevant certification body or institute for public disclosure of the results of production, manufacturing, processing, and handling of certified products or publicly disclosed organic agro-fishery materials in violation of Article 22 (1) (including cases where Article 22 (1) applies mutatis mutandis to Article 34 (4)) or Article 40 (1);
2. A person who fails to keep relevant documents, etc. in violation of Article 22 (2) (including cases where Article 22 (2) applies mutatis mutandis to Article 34 (4)) or Article 40 (2);

3. A person who violates the labeling standards prescribed in Article 23 (1) or 36 (1);
  4. A person who fails to report matters changed, in violation of the main clause of Article 26 (5) (including cases where Article 26 (5) applies mutatis mutandis to Article 35 (2)) or the main clause of Article 44 (4).
- (5) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall impose and collect administrative fines prescribed in paragraphs (1) through (4), as prescribed by Presidential Decree.

ADDENDA <Act No. 11459, Jun. 1, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 25 shall enter into force on January 1, 2014.

**Article 2 (Transitional Measures concerning Validity, etc. of Low-Pesticide Agricultural Products)**

(1) Certification of a low-pesticide agricultural product certified pursuant to Article 17 of the former Environment-Friendly Agriculture Fostering Act (referring to that before being partially amended by Act No. 9623; hereafter the same shall apply in this Article) as at the time this Act enters into force may be extended pursuant to Article 17-4 of the former Environment-Friendly Agriculture Fostering Act: Provided, That notwithstanding the repeated extension of the certification, it shall remain valid only until December 31, 2015.

(2) The provisions of the former Act shall apply to certification labels for low-pesticide agricultural products of which certification has been extended pursuant to paragraph (1), and to the succession, reporting, penalty provisions, etc. related thereto.

**Article 3 (Transitional Measure concerning Certified Business Entities, Certification Bodies, etc.)**

(1) A business entity who has obtained certification or public disclosure, etc. pursuant to the former provisions, the former Food Industry Promotion Act (referring to that before being amended pursuant to Article 6 (2) of the Addenda of this Act; hereinafter the same shall apply), or the former Agricultural and Fishery Products Quality Control Act (referring to that before being amended pursuant to Article 6 (2) of Addenda of this Act; hereinafter the same shall apply) as at the time this Act enters into force shall be deemed to have obtained certification or public disclosure, etc. pursuant to Article 20, 34 or 37. In such cases, the term of validity of the relevant certification or public disclosure, etc. shall be that granted by the former provisions, the former Food Industry Promotion Act, or the former Agricultural and Fishery Products Quality Control Act, notwithstanding the amended provisions of this Act.

(2) A certification body or institute for public disclosure, etc. designated pursuant to the former provisions or the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a certification body or institute for public disclosure, etc. designated pursuant to Article 26 (1), 35 (1), or 44 (1): Provided, That the extent of the certification service or public disclosure, etc. of the relevant certification body or institute for public disclosure, etc. shall be limited to that initially

designated; and its term of validity shall be that granted pursuant to the former provisions or the former Food Industry Promotion Act, notwithstanding the amended provisions of this Act.

(3) The former provisions shall apply in regards to an application for the extension of public disclosure, etc. of an organic agro-fishery material made pursuant to the former provisions as at the time this Act enters into force.

(4) The certification criteria for environment-friendly agricultural products, organic processed food, or environment-friendly fishery products under former Article 17, Article 23 of the former Food Industry Promotion Act or Article 21 of the former Agricultural and Fishery Products Quality Control Act shall be deemed the certification criteria referred to in Articles 19 (2) and 34 (2) or the standards for public disclosure, etc. referred to in Article 37 (4).

#### **Article 4 (General Transitional Measures concerning Dispositions, etc.)**

Any disposition, procedure, or act taken by or towards an administrative agency, pursuant to the former provisions, or the former Food Industry Promotion Act before this Act enters into force shall be deemed a disposition, procedures, or act by or towards an administrative agency equivalent thereto under this Act, correspondingly.

#### **Article 5 (Transitional Measures concerning Penalty Provisions, Administrative Fines, etc.)**

In cases of applying penalty provisions or administrative fines to any act committed before this Act enters into force, the former provisions, or the former Food Industry Promotion Act shall apply.

#### **Article 6 Omitted.**

#### **Article 7 (Relationship to Other Statutes)**

Any reference to the former the Environment-friendly Agriculture Promotion Act or to any provision thereof in other statutes as at the time this Act enters into force shall, if there exists any corresponding provision in this Act, be deemed a reference to this Act or corresponding provision, in lieu of the former provision.

#### *ADDENDUM <Act No. 11705, Mar. 23, 2013>*

This Act shall enter into force on June 2, 2013: Provided, That the amended provisions of the former part of paragraph (1) of Article 25, and paragraphs (2) and (3) of the same Article shall enter into force on January 1, 2014.

#### *ADDENDA <Act No. 12515, Mar. 24, 2014>*

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

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

#### **Article 2 (Transitional Measures concerning Certification Auditors)**

A certification auditor working for any certification body as at the time when this Act enters into force shall be deemed to be granted a certification auditor qualification pursuant to the amended provisions of Article 26-2 (1): Provided, That where a certification auditor working for any certification body without obtaining the qualification intends to continue to be engaged in that business, he/she shall obtain the certification auditor qualification within two years after this Act is promulgated.

**Article 3 (Transitional Measures concerning Administrative Dispositions, Penalties, etc.)**

In cases of applying administrative dispositions, penalties, or administrative fines against any act committed before this Act enters into force, the former provisions shall apply.

ADDENDUM <Act No. 13258, Mar. 27, 2015>

This Act shall enter into force on 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.**

ADDENDA <Act No. 14305, Dec. 2, 2016>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability concerning Grounds for Disqualification for Executive Officers and Employees)**

The amended provisions of Article 26-3 shall begin to apply from the representative of the first certification body the designation of which is cancelled for any violation committed after this Act enters into force or from the first person employed therein who is sentenced to a fine or a heavier punishment.

**Article 3 (Transitional Measures concerning Restriction on Application for Certification for Organic Food, etc. )**

Dispositions of cancellation of certification taken due to a violation committed before this Act enters into force shall not be included in calculating the number of cancellation thereof referred to in the amended provisions of Article 20 (2) 1.

**Article 4 (Transitional Measures concerning Certification for Organic Food, etc. and Pesticide-Free Agricultural and Fishery Products, etc.)**

Organic Food, etc. and pesticide-free agricultural and fishery products, etc. which has received certification from the Minister of Agriculture, Food and Rural Affairs pursuant to former Article 20 (3)

before this Act enters into force (including cases where Article 20 (3) shall apply mutatis mutandis pursuant to Article 34 (4); hereinafter the same shall apply) shall be deemed the Organic Food, etc. and pesticide-free agricultural and fishery products, etc. receiving certification from a certification body pursuant to the amended provisions of Article 20 (3).

**Article 5 (Transitional Measures concerning Restriction of Qualification of Certification Auditors)**

Notwithstanding the amended provisions of Article 26-2 (4), the former provisions shall apply to the persons whose qualification has been cancelled for a violation committed before this Act enters into force.

**Article 6 (Transitional Measures concerning Cancellation of Designation of Certification Bodies)**

Notwithstanding the amended provisions of Article 29 (3), the previous provisions shall apply to the entities whose designation as a certification body has been cancelled for a violation committed before this Act enters into force.

**Article 7 (Transitional Measures concerning Abolishment of Quality Certification System)**

(1) With respect to organic agro-fishery materials which have obtained quality certification pursuant to former Article 37 (2) at the time when this Act enters into force, the previous provisions relating to quality certification shall apply: Provided, That even in case of extending the term of validity of quality certification, the expiration date thereof shall be December 31, 2015.

(2) Affairs regarding quality certification referred to in paragraph (1) shall be conducted by institutes for public disclosure (including institutes for public disclosure, etc. which are deemed institutes for public disclosure pursuant to Article 9 of the Addenda) designated pursuant to the amended provisions of Article 44 (1).

**Article 8 (Transitional Measures concerning Valid Period of Designation of Testing and Research Institution for Organic Agro-Fishery Materials)**

In case of an entity which has been designated as testing and research institution of organic agro-fishery materials pursuant to Article 41 (1) before this Act enters into force, the term of validity of the designation shall, notwithstanding the amended provisions of paragraph (3) of that Act, be from the date on which the valid period of designation thereof was determined to the date on which four years have elapsed after this Act enters into force.

**Article 9 (Transitional Measures concerning Institutes for Public Disclosure)**

Institutes for public disclosure, etc. designated pursuant to former Article 44 (1) before this Act enters into force shall be deemed institutes for public disclosure designated pursuant to the amended provisions of Article 44 (1).

ADDENDA <Act No. 16551, Aug. 27, 2019>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Reporting to the National Assembly)**

The amended provisions of Article 11 (3) shall begin to apply from the first fact-finding survey and evaluation of agro-fishery resources and environment, environment-friendly agro-fishery, etc. conducted after this Act enters into force.

**Article 3 (Applicability to Limitation of Certification of Organic Food)**

The amended provisions of Article 20 (2) 1-2 shall begin to apply from the first person whose certification is revoked due to the relevant offenses after this Act enters into force.

**Article 4 (Applicability to Limitation of Number of Times of Certification and Renewal of Organic Food)**

(1) The amended provisions of Article 20 (4) shall begin to apply from the first request for certification or renewal filed after this Act enters into force.

(2) No request for certification or renewal filed before this Act enters into force shall be included in the calculation of number of times prescribed in the amended provisions of Article 20 (4).

**Article 5 (Applicability to Penalty Surcharges)**

(1) The amended provisions of Article 24-2 (including cases where Article 24-2 applies mutatis mutandis pursuant to the amended provisions of Article 34 (4)) shall begin to apply from the first case where an offense prescribed in the amended provisions of the subparagraphs of Article 24-2 (1) is detected after this Act enters into force.

(2) Cases where an offense prescribed in the amended provisions of the subparagraphs of Article 24-2 (1) is detected before this Act enters into force shall not be included in the calculation of number of times prescribed in the amended provisions of Article 24-2 (1).

**Article 6 (Applicability to Grounds for Disqualification of Executive Officers and Employees of Certification Bodies)**

The amended provisions of subparagraph 1 of Article 26-3 shall begin to apply from the first person whose qualification is revoked after this Act enters into force.

**Article 7 (Applicability to Revocation of Designation According to Results of Assessing Certification Bodies)**

(1) The amended provisions of Article 29 (1) 12 shall begin to apply from the first case where the lowest grade is determined in the assessment of certification bodies, which is conducted after this Act enters into force.

(2) The determination of the lowest grade made before this Act enters into force shall not be included in the calculation of number of times prescribed in the amended provisions of Article 29 (1) 12.

**Article 8 (Applicability to Reporting of Succession to Certified Business Entities or Certification Bodies)**

(1) The amended provisions of Article 33 (3) and (4) shall begin to apply from the first case where a report on succession to certified business entities or certification bodies is filed after this Act enters into

force.

(2) The amended provisions of Article 51 (3) and (4) shall begin to apply from the first case where a report on succession to publicly disclosed business entities or institutes for public disclosure is filed after this Act enters into force.

**Article 9 (Transitional Measures concerning Restriction on certification of Organic Food)**

(1) Notwithstanding the amended provisions of the proviso of Article 20 (2) 1, cases subject to the disposition of revocation of certification for to an offense committed before this Act enters into force shall be governed by the previous provisions.

(2) The disposition of revocation of certification taken for an offense committed before this Act enters into force shall be included in the calculation of number of times of disposition of revocation of certification prescribed in the amended provisions of the proviso of Article 20 (2) 1.

**Article 10 (Transitional Measures concerning Administrative Dispositions against Certification Auditors, Certification Bodies, Testing and Research Institutions, and Institutes for Public Disclosure)**

Administrative dispositions taken against certification auditors, certification bodies, testing and research institutions, and institutes for public disclosure prescribed in the amended provisions of Articles 26-2 (3), 29 (1), 41 (5), and 47 (1) for offenses committed before this Act enters into force shall be governed by the previous provisions.

**Article 11 Omitted.**

ADDENDUM <Act No. 16991, Feb. 11, 2020>

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 55 (1) pertaining to processed food made with pesticide-free raw materials and the amended provisions of Article 62 shall enter into force on August 28, 2020.

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. 17099, Mar. 24, 2020>

**Article 1 (Enforcement Date)**

This Act shall enter into force on August 28, 2020. <Proviso Omitted>

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 18026, Apr. 13, 2021>

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

Last updated : 2023-04-25

