

# ENFORCEMENT DECREE OF THE AGRICULTURAL AND FISHERY PRODUCTS QUALITY CONTROL ACT

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Presidential Decree No. 25172, Feb. 11, 2014

Presidential Decree No. 26682, Nov. 30, 2015

Presidential Decree No. 27059, Mar. 25, 2016

Presidential Decree No. 27129, May 10, 2016

Presidential Decree No. 27722, Dec. 30, 2016

Presidential Decree No. 28060, May 29, 2017

Presidential Decree No. 28783, Apr. 3, 2018

Presidential Decree No. 29052, Jul. 17, 2018

Presidential Decree No. 30219, Nov. 26, 2019

Presidential Decree No. 31176, Nov. 24, 2020

Presidential Decree No. 31271, Dec. 15, 2020

Presidential Decree No. 31472, Feb. 19, 2021

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Decree is to prescribe matters delegated by the Agricultural and Fishery Products Quality Control Act and those necessary for the enforcement thereof.

### **Article 2 (Standards for Processed Fishery Products)**

Processed fishery products referred to in Article 2 (1) 13 (b) of the Agricultural and Fishery Products Quality Control Act (hereinafter referred to as the "Act") shall be as follows:

1. Products processed using fishery products that comprise more than 50 percent of the raw materials or materials thereof;

2. Products processed in more than two phases using products falling under subparagraph 1 that comprise more than 50 percent of the raw materials or materials thereof;
3. In cases of processed products manufactured using fishery products and processed fishery products, and agricultural products (including forestry products and livestock products; hereinafter the same shall apply) and processed agricultural products together as the raw materials or materials thereof, processed products in which the content of fishery products or processed fishery products exceeds the content of agricultural products or processed agricultural products.

#### **Article 2-2 (Decommission of Committee Member)**

(1) A person who designated a member pursuant to Article 3 (4) 1 and 2 may withdraw such designation, where the relevant member falls under any of the following: <Amended on Dec. 30, 2016>

1. Where he or she becomes unable to perform his or her duties due to mental disorder;
2. Where there exists any corruption or illegality related to his or her duties;
3. Where it is deemed that he or she is not appropriate to be a member due to his or her neglect of duties, injury to dignity, or other grounds;
4. Where a member himself/herself declares that it is difficult to perform his or her duties;
5. Where a member does not evade his or her duties even though he or she falls under any of the subparagraphs of Article 2-3 (1).

(2) Where a member under Article 3 (4) 3 and 4 of the Act falls under any subparagraph of paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may dismiss the relevant member.

#### **Article 2-3 (Exclusion, Challenge, or Recusal of Members)**

(1) Where a member of the Council on the Quality Control of Agricultural and Fishery Products (hereinafter referred to as the "Council") under Article 3 (1) of the Act falls under any of the following, he or she shall be excluded from the deliberation and resolution of the relevant agenda:

1. Where a member, or his or her spouse or his or her former spouse becomes the party of the relevant agenda (including the officer or employee thereof if the party is a corporation, organization, etc.; hereinafter the same shall apply in this subparagraph and subparagraph 2), or is the party and joint holder of rights or joint obligator of the agenda;
2. Where a member is the relative or was the relative of the party on the relevant agenda;
3. Where a member has conducted a testimony, statement, consultation, research, service, or appraisal on the relevant agenda;
4. Where a member who has worked for the corporation, organization, etc., which is the party of the relevant agenda, as an officer or employee within recent three years.

(2) A party of the relevant agenda may apply for challenge to the Council where a member has a reason that makes it difficult to expect his or her fair deliberation and resolution, and the Council shall determine

such matter by resolution. In such cases, the member subject to the challenge shall not participate in the resolution.

(3) Where a member falls under reasons for exclusion under the subparagraphs of paragraph (1), he or she shall evade the deliberation and resolution of the relevant agenda by himself or herself.

### **Article 3 (Duties of Chairperson)**

(1) The chairperson (hereinafter referred to as "Chairperson") of the Council shall represent the Council and preside over its affairs. <Amended on Dec. 30, 2016>

(2) The vice chairperson of the Council shall assist the Chairperson, and act on behalf of the Chairperson when the Chairperson is unable to conduct his or her duties due to unavoidable circumstances.

### **Article 4 (Meetings)**

(1) The Chairperson shall convene meetings of the Council and preside over such meetings.

(2) A committee meeting shall be held with the presence of a majority of registered members, and make resolutions by the majority vote of members present.

(3) Where deemed necessary for deliberation, the Council may require interested persons, research fellows prescribed in Article 3 (9) of the Act (hereinafter referred to as "research fellows"), related persons of the relevant local government, experts in the related fields, etc. attend its meetings to hear their opinions, and if necessary, request them to cooperate therewith, such as the submission of related materials. <Amended on Apr. 3, 2018>

### **Article 5 (Establishment of Subcommittees)**

"Subcommittees on each field prescribed by Presidential Decree" in Article 3 (7) of the Act means the safety subcommittee and the planning and systems subcommittee.

### **Article 6 (Composition of Subcommittees)**

(1) Each subcommittee [*referring to the subcommittee for deliberation on the registration of geographical indications (hereinafter referred to as "subcommittee on geographical indications") under Article 3 (6) of the Act and subcommittees under Article 5; hereinafter referred to as "subcommittee"*] shall be comprised of not less than 10 members, but not more than 20 members, including one chairperson (hereinafter referred to as the "chairperson for each subcommittee") and one vice chairperson of each subcommittee (hereinafter referred to as "vice chairperson for each subcommittee").

(2) The chairperson, vice chairperson, and members of each subcommittee shall be those appointed by the Chairperson from among the Council members in consideration of professional knowledge and experience.

(3) Article 3 shall apply mutatis mutandis to duties of the chairperson and vice chairperson of each subcommittee. In such cases, "Chairperson" shall be construed as "chairperson of each subcommittee,"

and "vice chairperson of the Council" shall be construed as "vice chairperson of each subcommittee."

(4) Article 4 shall apply mutatis mutandis to meetings of each subcommittee. In such cases, the "Chairperson" shall be construed as "chairperson of each subcommittee" and "Council" shall be construed as "each subcommittee."

#### **Article 6-2 (Research Fellows)**

(1) Research fellows shall be commissioned by the Minister of Agriculture, Food and Rural Affairs, from among persons who have substantive knowledge of and extensive experience in quality control of agricultural and fishery products and shall not exceed 15 members.

(2) Research fellows shall perform the following affairs:

1. Investigations of and research on international trends, etc. in relation to deliberative agenda of the Council specified under Article 4 of the Act and publication of translations thereof;
2. Discovery of matters to improve systems in relation to the results of investigations and research performed under subparagraph 1;
3. Other matters concerning international trends, etc. in quality control of agricultural and fishery products and processed fishery products, on which the Minister of Agriculture, Food and Rural or the Minister of Oceans and Fisheries requests to perform investigations and research.

#### **Article 7 (Operation of Council)**

(1) Two administrative secretaries and two clerks shall be assigned respectively to the Council and each subcommittee, in order to handle the administrative affairs thereof. *<Amended on Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall respectively appoint an administrative secretary and a clerk, from among public officials under his or her jurisdiction. *<Amended on Mar. 23, 2013>*

#### **Article 8 (Allowances for Members)**

(1) Allowances and travelling expenses may be paid to members who attend the Council and subcommittee meetings within budgetary limits: Provided, That the same shall not apply where public officials attend in connection with their business.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may reimburse research fellows for expenses incurred in performing their duties within budgetary limits. *<Newly Inserted on Apr. 3, 2018>*

#### **Article 9 (Detailed Rules for Operation)**

Besides the matters prescribed in this Decree, matters necessary for the operation, etc. of the Council and each subcommittee shall be determined by the Chairperson after the resolution of the Council.

## CHAPTER II STANDARDS FOR AND QUALITY CONTROL OF AGRICULTURAL AND FISHERY PRODUCTS

### **Article 10 (Persons Exempted from Duty to Observe Traceability Standards)**

"Those prescribed by Presidential Decree, such as peddlers and stall holders" in the proviso to Article 24 (5) of the Act means street vendors and peddlers falling under Article 71 (1) 1 of the Enforcement Decree of the Value-Added Tax Act, and producers who directly sell by mail order, etc. agricultural and fishery products to consumers, other than via distributors. <Amended on Jun. 28, 2013>

### **Article 11 (Criteria for Imposing Dispositions of Corrective Orders)**

Criteria for corrective orders, prohibition of sale, suspension of marking, or revocation of certification of agricultural products bearing the certification of Good Practices or quality-certified products under Articles 16 and 31 of the Act shall be as specified in attached Table 1. <Amended on May 31, 2013; Mar. 25, 2016; May 29, 2017>

## CHAPTER III GEOGRAPHICAL INDICATIONS

### **Article 12 (Range of Areas Subject to Geographical Indication)**

The range of areas subject to the geographical indications for the registration of geographical indications referred to in Article 32 (1) of the Act shall be demarcated by any of the following, in consideration of natural environmental and human factors: Provided, That in cases of ginseng products under the Ginseng Industry Act, the whole of the Republic of Korea shall be the area subject to the geographical indications:

1. Administrative districts, mountains, rivers, etc. that have geographical characteristics identical to those that influence the characteristics of relevant items;
2. Coastal sea areas (referring to a coastal sea area under subparagraph 2 of Article 2 of the Coast Management Act; hereinafter the same shall apply) that have geographical characteristics, habitats, and fishing and gathering circumstances identical to those that influence the characteristics of relevant items. In such cases, a coastal sea area shall be zoned by its latitude and longitude.

### **Article 13 (Admission to or Withdrawal from Association of Corporations Registered with Geographical Indications)**

No corporation referred to in the main clause of Article 32 (2) of the Act shall refuse admission to or withdrawal from the association of producers or processors of products subject to the registration of a geographical indication without justifiable grounds.

## **Article 14 (Deliberations on and Publication and Public Inspection of Geographical Indications and Procedures for Raising Objections to Geographical Indications)**

(1) Upon receipt of an application for registration of a geographical indication or application for a change to registration of important matters pursuant to Article 32 (2) and (3) of the Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall request the subcommittee on geographical indications for a deliberation thereon within 30 days from his or her receipt thereof. *<Amended on Mar. 23, 2013>*

(2) Where the head of the subcommittee on geographical indications receives a request under paragraph (1), he or she shall verify the request by organizing on-site verification team for deliberation as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Minister of Oceans and Fisheries: Provided, That where he or she receives a request under paragraph (1) upon receipt of application for changing registration of important matters, he or she may omit the verification thereof if the subcommittee on geographical indications deems that on-site verification is unnecessary after the deliberation. *<Newly inserted on Dec. 30, 2016>*

(3) Where the subcommittee on geographical indications passes a resolution to the effect that the registration of a geographical indication or the registration of change of any important matter is inappropriate, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall inform the applicant thereof without delay, detailing the grounds therefor: Provided, That where he or she deems that any inappropriate matter may be supplemented within 30 days, he or she may allow the applicant to supplement such matter within a fixed period. *<Amended on Mar. 23, 2013; Dec. 30, 2016>*

(4) The following shall be included in the determination of a public announcement under Article 32 (5) of the Act: *<Amended on Dec. 30, 2016>*

1. Name, domicile, and telephone number of the applicant;
2. Items for the registration of geographical indications and appellation for registration;
3. Range of areas subject to the geographical indications;
4. Relationships between quality and other distinctive features, and geographical factors;
5. Applicant's quality standards and quality control plan;
6. Place of the public inspection of the application documents for registration of geographical indications and documents annexed thereto.

(5) With respect to objections raised pursuant to Article 32 (6) of the Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall undergo deliberation by the subcommittee on geographical indications and inform the persons who raised objections, of the results thereof. *<Amended on Mar. 23, 2013; Dec. 30, 2016>*

(6) Besides the matters prescribed in paragraphs (1) through (5), matters necessary for deliberation on, publication and public inspection of, and procedures for raising objections to geographical indications shall be prescribed by Ordinance of the Minister of Agriculture, Food and Rural Affairs or Ordinance of the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 30, 2016>*

### **Article 15 (Detailed Criteria for Grounds for Rejecting Registration of Geographical Indications)**

Detailed criteria for the grounds for rejecting the registration of geographical indications under Article 32 (9) of the Act shall be as follows: <Amended on Mar. 23, 2013; Dec. 30, 2016>

1. Where a relevant item is not an agricultural and fishery product produced only in the relevant area subject to the geographical indication;
- 1-2. Where the relevant item is not a processed agricultural and fishery product in the only relevant area subject to the geographical indication by using such product as the main ingredient in the relevant geographical indication area;
2. Where the distinguished quality of a relevant item is not widely known in both the Republic of Korea and abroad;
3. Where a relevant item has no long history of production in the relevant area subject to the geographical indication;
4. Where the reputation, quality, or other characteristics of a relevant item essentially are not derived from both production environments and human factors of the relevant specific area;
5. Other cases where relevant item fails to comply with the criteria deemed necessary for the registration of a geographical indication and announced by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.

### **Article 16 (Criteria for Imposing Dispositions of Corrective Orders)**

Criteria for the imposition of dispositions, such as an order for correction, prohibition of sale, suspension of indication, or cancellation of registration of geographical indication products under Article 40 of the Act, shall be as specified in attached Table 1.

### **Article 17 (Composition of Adjudication Committee on Geographical Indications)**

(1) The members of the Adjudication Committee (hereinafter referred to as "Adjudication Committee members") on Geographical Indications (hereinafter referred to as the "Adjudication Committee") under Article 42 (1) of the Act shall be appointed or commissioned by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, from among any of the following: <Amended on Mar. 23, 2013; Nov. 30, 2015>

1. State public officials of Grade III or IV in general service or public officials in general service belonging to the senior civil service, from among public officials belonging to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries and the Korea Forest Service;
2. From among public officials belonging to the Korean Intellectual property Office, persons who have worked for at least two years as a patent examiner in the Korean Intellectual Property Office, from among State public officials of Grade III or IV in general service or public officials in general service belonging to the Senior Executive service;

3. Persons qualified as attorneys-at-law or patent attorneys;
  4. Persons with abundant knowledge and experience in the fields of intellectual property rights and geographical indications.
- (2) Two administrative secretaries and two clerks shall be assigned to the Adjudication Committee to conduct its affairs. *<Amended on Mar. 23, 2013>*
- (3) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall respectively appoint an administrative secretary and a clerk referred to in paragraph (1), from among public officials under his or her jurisdiction. *<Amended on Mar. 23, 2013>*

#### **Article 17-2 (Removal from Office or Dismissal of Adjudication Committee Member)**

The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may remove from office or dismiss an adjudication committee member, where an adjudication committee member falls under any of the following:

1. Where he or she becomes unable to perform his or her duties due to mental disorder;
2. Where there exist any corruption or illegality related to his or her duties;
3. Where it is deemed that he or she is not appropriate to be a member due to his or her neglect of duties, injury to dignity, or other grounds;
4. Where a member himself/herself declares that it is difficult to perform his or her duties.

#### **Article 18 (Operation of Adjudication Committee)**

(1) Upon receipt of an application for adjudication pursuant to Article 46 of the Act, the chairperson of the Adjudication Committee shall allocate it an adjudication number and designate members of the Adjudication Committee to the case pursuant to Article 48 of the Act and give written notice of the adjudication number and the designation of members of the Adjudication Committee to the applicant. In such cases, no member who has intervened in the deliberation on the case as a member of the subcommittee on geographical indications or who has an interest in the application for adjudication shall be designated as a member of the Adjudication Committee.

(2) The Adjudication Committee shall give notice of the conclusion of hearings to the relevant parties and interveners.

(3) Where the Adjudication Committee intends to render a decision on adjudication, it shall prepare a written decision stating the following matters, and affix names and seals thereto:

1. Adjudication number;
2. Names and domiciles of the parties concerned and interveners (in cases of a corporation, its name, the name of its representative, and the seat of its place of business);
3. Name and domicile of the agent of the relevant parties and interveners or the seat of his or her place of business (limited to where they have an agent);

4. Indication of the case adjudicated;
5. Text of the decision and the grounds therefor;
6. Date of the decision.

## CHAPTER IV LABELING OF GENETICALLY-MODIFIED AGRICULTURAL AND FISHERY PRODUCTS

### **Article 19 (Items Subject to Labeling of Genetically Modified Agricultural and Fishery Products)**

The items subject to labeling of genetically modified agricultural and fishery products pursuant to Article 56 (1) of the Act shall be those deemed edible and so announced by the Minister of Food and Drug Safety (including agricultural products cultivated from seedling of the relevant items) after safety evaluation under Article 18 of the Food Sanitation Act. *<Amended on Mar. 23, 2013>*

### **Article 20 (Criteria for Labeling of Genetically Modified Agricultural and Fishery Products)**

(1) With regard to genetically modified agricultural and fishery products, the relevant agricultural and fishery products shall be labeled as genetically modified agricultural and fishery products, the inclusion of genetically modified agricultural and fishery products shall be labeled, or the possibility of inclusion of genetically modified agricultural and fishery products shall be labeled pursuant to Article 56 (1) of the Act.

(2) Labeling of genetically modified agricultural and fishery products shall be placed on the surface of the packing and containers of relevant agricultural products, at the places of sale of relevant agricultural products, etc. pursuant to Article 56 (2) of the Act.

(3) The Minister of Food and Drug Safety shall determine and announce detailed matters concerning the criteria for labeling and methods of labeling genetically modified agricultural and fishery products under paragraphs (1) and (2). *<Amended on Mar. 23, 2013>*

(4) If necessary for determining genetically modified agricultural and fishery products, the Minister of Food and Drug Safety shall designate and announce institutions to examine specimens. *<Amended on Mar. 23, 2013>*

### **Article 21 (Inspection of Labeling, etc. of Genetically Modified Agricultural and Fishery Products)**

(1) The regular collection or examination of agricultural and fishery products subject to labeling of genetically modified products under the main clause of Article 58 (1) of the Act shall be conducted once each year for places of business meeting the standards set by the Minister of Food and Drug Safety in consideration of the type and size of business, items and type of trade, etc. *<Amended on Mar. 23, 2013>*

(2) Matters necessary for the method, etc. of the regular collection and examination under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Mar. 23, 2013>*

## **Article 22 (Criteria and Methods of Orders for Announcement)**

(1) Cases subject to orders for announcement referred to in Article 59 (2) of the Act shall be those subject to a disposition taken pursuant to paragraph (1) of the same Article and falling under any of the following subparagraphs:

1. Where the quantity in violation of the labelling requirements exceeds 100 tons in cases of agricultural products, or exceeds 10 tons in cases of fishery products;
2. Where the amount obtained by converting the sale price of quantity in violation of the labelling requirements exceed one billion won in cases of agricultural products, or exceeds 500 million won in cases of fishery products;
3. Where the number of times subject to dispositions in the recent one year from the date the violation is discovered is at least twice.

(2) Any person that is subject to an order for announcement pursuant to Article 59 (2) of the Act shall, without delay, publish an announcement in which the following matters are included on at least one general daily newspaper registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc., and distributed nationwide:

1. The headline "Announcement of Violation of the Agricultural and Fishery Products Quality Control Act";
2. Type of business;
3. Name and address of place of business;
4. Names of agricultural and fishery products in violation;
5. Details of violation;
6. Person holding authority to impose relevant dispositions, date and details of imposition of disposition.

(3) The Minister of Food and Drug Safety shall display the following matters, without delay, on the Internet site of the Ministry of Food and Drug Safety pursuant to Article 59 (3) of the Act: *<Amended on Mar. 23, 2013>*

1. The headline "Announcement of Violation of the Agricultural and Fishery Products Quality Control Act";
2. Type of business;
3. Name and address of place of business;
4. Names of agricultural and fishery products in violation;
5. Details of violation;
6. Person holding authority to impose relevant dispositions, date and details of imposition of disposition.

(4) Where the Minister of Food and Drug Safety intends to order a person to announce the fact of violation pursuant to Article 59 (2) of the Act, he or she shall consider the details and degree of the offense, the

period and the number of times of violation, the extent and result of damage caused by an offense, etc. In such cases, the Minister for Food, Agriculture, Forestry and Fisheries shall provide the relevant person with an opportunity to submit explanatory materials or to state his or her opinion before issuing an order for announcement. <Amended on Mar. 23, 2013>

(5) The Minister of Food and Drug Safety shall provide the relevant person with an opportunity to submit explanatory materials or to state his or her opinion before making the announcement pursuant to Article 59 (3) of the Act. <Amended on Mar. 23, 2013>

## CHAPTER V RISK ASSESSMENT

### **Article 23 (Request for Risk Assessment of Agricultural Products and Announcement of Results thereof)**

(1) The Minister of Food and Drug Safety shall announce the making of a request for risk assessment and the results of assessment under Article 68 (1) of the Act by placing them on the agricultural and fishery products safety information system under Article 103 (2) of the Act and Internet site of the Ministry of Food and Drug Safety pursuant to Article 68 (2) of the Act. <Amended on Mar. 23, 2013>

(2) Detailed matters necessary for the objects and methods of risk assessment, and announcement under Article 68 (1) and (2) of the Act shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 23, 2013>

## CHAPTER VI DESIGNATION OF SPECIFIC SEA AREAS AND REGISTRATION AND MANAGEMENT OF PRODUCTION OR PROCESSING FACILITIES

### **Article 24 (Matters for Modified Report on Fishery Products Production and Processing Facilities)**

"Matters prescribed by Presidential Decree" in Article 74 (3) of the Act means the following: <Amended on Dec. 15, 2020>

1. Name and the seat of production or processing facilities of fishery products that meet the sanitary control standards referred to in Article 69 (1) of the Act (hereinafter referred to as "sanitary control standards") and facilities (hereinafter referred to as "production or processing facilities, etc.") observing Hazard Analysis and Critical Control Points (hereinafter referred to as "Hazard Analysis and Critical Control Points") under Article 70 (1) or (2) of the Act;
2. Name and domicile of the representative of production or processing facilities;
3. Kinds of products or processed products.

### **Article 25 (Period between Examinations or Inspections)**

(1) The frequencies of such examinations or inspections on production or processing facilities, etc. under Article 76 (2) of the Act shall be at least once every two years. <Amended on Dec. 15, 2020>

(2) Notwithstanding paragraph (1), the Minister of Oceans and Fisheries may adjust the examination or inspection frequency under paragraph (1) in any of the following cases: <Newly Inserted on Dec. 15, 2020>

1. Where it is necessary to shorten the examination or inspection frequency according to the contents of the agreement with a foreign country or the request of the exporting country;
2. Where it is necessary to extend the examination or inspection frequency because it is difficult to conduct a normal examination or inspection due to the spread of infectious diseases, natural disasters, or other unavoidable reasons.

#### **Article 26 (Methods of Request for Joint Examination or Inspection)**

Where a person who has registered production or processing facilities, etc. (hereinafter referred to as "producer or processor, etc.") pursuant to Article 74 (1) of the Act is given prior notice of an examination or inspection under Article 76 (2) of the Act by the Minister of Oceans and Fisheries, he or she may request the Minister of Oceans and Fisheries to conduct a joint examination or inspection by submitting an application for joint examination or inspection prescribed by Ordinance of the Ministry of Oceans and Fisheries to the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

#### **Article 27 (Restriction of Production in Designated Sea Areas)**

(1) The cases where the production of fishery products in a designated sea area under Article 71 of the Act (hereinafter referred to as "designated sea area") may be restricted pursuant to Article 77 of the Act are as follows: <Amended on Mar. 23, 2013>

1. Where marine pollution has occurred due to stranding, collision, and sinking of a ship, trouble in waste disposal facilities located adjacent to a designated sea area, etc.;
2. Where a designated sea area temporarily fails to meet the sanitary control standards;
3. Where the Minister of Oceans and Fisheries deems it necessary to place restrictions on the production of fishery products because a designated sea area is likely to be polluted due to a change of rainfall, etc.

(2) Procedures for and methods of placing restrictions on the production of fishery products in a designated sea area pursuant to paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

#### **Article 28 (Revocation of Designation as Designated Sea Areas)**

Where the Minister of Oceans and Fisheries deems that a designated sea area does not meet the sanitary control standards after he or she has evaluated the results of examinations or inspections of the designated sea area for the preceding two and half years pursuant to Article 77 of the Act, he or she shall cancel the designation of all or part of the designated sea area, and announce the details thereof. <Amended on Mar. 23, 2013>

### **Article 29 (Orders for Suspension, Improvement, and Repair)**

(1) Criteria for orders for correction, restriction, or suspension of production, processing, shipment, or transport, orders for improvement or repair of production or processing facilities, etc. (hereinafter referred to as "suspension, improvement or repair orders, etc."), and for cancellation of the registration under Article 78 of the Act shall be as specified in attached Table 2.

(2) Matters necessary for detailed procedures for and methods of suspension, improvement or repair orders, etc., and cancellation of the registration under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

## **CHAPTER VII INSPECTION OF AGRICULTURAL AND FISHERY PRODUCTS**

### **Article 30 (Agricultural Products Subject to Inspection)**

(1) Agricultural products subject to inspection under Article 79 (1) of the Act shall be as follows:  
*<Amended on Mar. 23, 2013>*

1. Agricultural products purchased by the Government, or by producers' organizations, public institutions under Article 4 of the Act on the Management of Public Institutions, or agricultural corporations, etc. (hereinafter referred to as "producers' organizations, etc.") on behalf of the Government;
2. Agricultural products exported or imported by the Government, or by producers' organizations, etc. on behalf of the Government;
3. Agricultural products purchased or imported, and processed by the Government;
4. Agricultural products reinspected by the Minister of Agriculture, Food and Rural Affairs pursuant to Article 79 (2) of the Act;
5. Other agricultural products announced by the Minister of Agriculture, Food and Rural Affairs because he or she deems that such products should undergo an inspection.

(2) Items by kind of agricultural products subject to inspection pursuant to the provisions of paragraph (1) 1 through 3 shall be as specified in attached Table 3.

**Article 31 Deleted.** *<Nov. 11, 2014>*

### **Article 32 (Partial Omission of Inspection on Fishery Products)**

(1) "Business types prescribed by Presidential Decree" in Article 88 (4) 3 (b) of the Act means shipboard processing business under Article 13 (1) 3 of the Enforcement Decree of the Seafood Industry Promotion and Support Act. *<Amended on Feb. 19, 2021>*

(2) "Cases prescribed by Presidential Decree" in Article 88 (4) 4 of the Act shall be as follows:

1. Where a country that imports fishery products and processed fishery products requests that certain items only be inspected;
2. Where fishery products or processed fishery products are inedible.

**Article 32-2 (National Quarantine and Inspection Agency)**

"National quarantine and inspection agency prescribed by Presidential Decree" provided for in the main clause of Article 91 (1) of the Act refers to the National Fishery Products Quality Management Service.

**Article 33 (Exemption from Screening Tests for Fishery Products Inspectors)**

Persons falling under any of the following subparagraphs shall be exempted from an entire screening test for fishery products inspectors pursuant to the proviso, with the exception of the subparagraphs, of Article 91 (1) of the Act: <Amended on Mar. 23, 2013>

1. Persons qualified as engineers for aquatic cultivation, engineers for fisheries processing, industrial engineers for water quality and environment, or industrial engineers for food processing or higher under the National Technical Qualifications Act;
2. Persons who graduated with a major in fisheries processing engineering, food processing engineering, food chemistry, microbiology, biotechnology, environmental engineering, or fields related thereto from the universities under the provisions of subparagraphs 1 through 6 of Article 2 of the Higher Education Act or foreign universities approved by the Minister of Oceans and Fisheries, or those with equivalent degrees.

**Article 34 (Education of Fishery Products Inspectors)**

(1) Education provided by the Chief of the National Fishery Products Quality Management Service pursuant to Article 91 (3) of the Act shall be as follows: <Amended on Mar. 23, 2013>

1. Commissioned or outreach education at research or inspection institutions in the Republic of Korea and foreign countries;
2. The in-house training;
3. Education of inspectors requested by institutions for inspection of fishery products designated pursuant to Article 89 (1) of the Act.

(2) Institutions to which fishery products inspectors who receive education belong shall bear expenses incurred in providing education referred to in paragraph (1).

**Article 35 (Objects of Confirmation, Examination, and Inspection)**

"Agricultural and fishery products and processed fishery products prescribed by Presidential Decree, such as agricultural and fishery products and processed fishery products purchased or imported by the Government" in Article 102 (1) of the Act means:

1. Agricultural and fishery products and processed fishery products purchased or imported by the Government;
2. Agricultural and fishery products and processed fishery products purchased or imported by producers' organizations, etc. on behalf of the Government;
3. Agricultural and fishery products and processed fishery products purchased or imported, and processed by the Government.

## CHAPTER VIII SUPPLEMENTARY PROVISIONS

### **Article 36 (Plans to Conduct Qualifying Examinations for Agricultural Product Quality Controllers)**

(1) A qualifying examination for agricultural product quality controllers referred to in Article 107 (1) of the Act shall be conducted once a year: Provided, That the Minister of Agriculture, Food and Rural Affairs may conduct a qualifying examination every two years if deemed necessary for the supply of, and demand for, agricultural product quality controllers. *<Amended on Mar. 23, 2013; Feb. 11, 2014>*

(2) The Minister of Agriculture, Food and Rural Affairs shall formulate a plan to conduct a qualifying examination for agricultural product quality controllers by not later than six months prior to the scheduled date of the qualifying examination for agricultural product quality controllers under paragraph (1). *<Amended on Mar. 23, 2013; Feb. 11, 2014>*

### **Article 37 (Announcement of Qualifying Examinations for Agricultural Product Quality Controllers)**

(1) When the Minister of Agriculture, Food and Rural Affairs conducts the a qualifying examination for agricultural product quality controllers, the Minister shall post necessary matters such as qualifications, examination subjects, examination methods, passing standards, examination date and time, and examination venue on the website of the Ministry of Agriculture, Food and Rural Affairs 90 days prior to the examination date (referring to the website of an entrusted institution in the case of entrusted with the management of qualification examinations under Article 43 (2)). *<Amended on Mar. 23, 2013; Feb. 11, 2014; Nov. 24, 2020>*

(2) A person who intends to apply for a qualifying examination for agricultural product quality controllers shall submit an application for examination prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the Minister of Agriculture, Food and Rural Affairs, and an applicant for examination shall pay a fee, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Feb. 11, 2014>*

(3) The Minister of Agriculture, Food and Rural Affairs shall refund a fee he or she has received pursuant to paragraph (2) according to the following classification: *<Amended on Mar. 23, 2013>*

1. Where an applicant has overpaid or erroneously paid the fee: Total amount overpaid or erroneously paid;

2. Where an applicant cancels his or her application by not later than 20 days prior to the date of examination: Total amount of the fee paid;
3. Where an applicant is unable to apply for an examination for reasons imputable to an examination managing agency: Total amount of the fee paid;
4. Where an applicant cancels his or her application by not later than 10 days prior to the date of examination: 60/100 of the fee paid.

### **Article 38 (Qualifications for Application for Qualifying Examinations for Agricultural Product Quality Controllers)**

(1) Qualifications for application for a qualifying examination for agricultural product quality controllers shall not be limited by educational background, sex, age, etc. <Amended on Feb. 11, 2014>

(2) A qualifying examination for agricultural product quality controllers shall be divided into a primary examination and secondary examination. <Newly Inserted on Feb. 11, 2014>

(3) A primary examination shall be a multiple-choice written examination on the following subjects, and from among those who attain at least 40 points in each subject out of 100, those whose average score is at least 60 points shall be successful candidates: <Amended on Feb. 11, 2014>

1. The Agricultural and Fishery Products Quality Control Act and its subordinate statutes, the Act on Distribution and Price Stabilization of Agricultural and Fishery Products and its subordinate statutes, and the Act on Origin Labeling of Agricultural and Fishery Products and its subordinate statutes;

2. Horticultural crop science;

3. Theories of the distribution of agricultural products;

4. Theories of post-harvest quality control.

(4) A secondary examination shall be a mixed-type written examination of short-answer and essay questions on the following subjects for persons who have passed a primary examination (including persons exempted from a primary examination pursuant to paragraph (5)), and those who attain at least 60 points out of 100 shall be successful candidates: <Amended on Feb. 11, 2014>

1. Practical skills in agricultural product quality control;

2. Practical skills in rating of agricultural products.

(5) Those who fail in a secondary examination shall be exempted from a primary examination, only in the immediately following primary examination. <Amended on Feb. 11, 2014>

### **Article 39 (Announcement, etc. of Successful Candidates of Qualifying Examinations for Agricultural Product Quality Controllers)**

The Minister of Agriculture, Food and Rural Affairs shall announce a list of the final successful candidates of a qualifying examination for agricultural product quality controllers through the information and communications networks defined in Article 2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. within 40 days from the

implementation of a secondary examination. <Amended on Mar. 23, 2013; Feb. 11, 2014>

#### **Article 40 (Issuance of Certificates of Agricultural Product Quality Controllers)**

(1) The Minister of Agriculture, Food and Rural Affairs shall issue a certificate of an agricultural product quality controller prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to those who have passed a qualifying examination for agricultural product quality controllers pursuant to Article 39. <Amended on Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs issues a certificate referred to in paragraph (1), he or she shall allocate a serial number and record such issuance in the register of issuance of certificates of agricultural product quality controllers prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Feb. 11, 2014>

(3) Where an agricultural product quality controller has lost his or her certificate issued pursuant to paragraph (1), or where the certificate has worn out, he or she may have the certificate reissued after submitting an application for reissuance of a certificate of an agricultural product quality controller prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the Minister of Agriculture, Food and Rural Affairs. <Amended on Feb. 11, 2014>

(4) Paragraph (2) shall apply mutatis mutandis to reissuance of certificates of an agricultural product quality controller referred to in paragraph (3). <Newly Inserted on Feb. 11, 2014>

#### **Article 40-2 (Plans to Conduct Qualifying Examinations for Fishery Product Quality Controllers)**

(1) A qualifying examination for fishery product quality controllers referred to in Article 107 (1) of the Act shall be conducted once a year: Provided, That the Minister of Oceans and Fisheries may conduct a qualifying examination every two years if deemed necessary for the supply of, and demand for, fishery product quality controllers.

(2) The Minister of Oceans and Fisheries shall formulate a plan to conduct a qualifying examination for fishery product quality controllers by not later than six months prior to the scheduled date of the qualifying examination for fishery product quality controllers referred to in paragraph (1).

#### **Article 40-3 (Public Announcement of Qualifying Examinations for Fishery Product Quality Controllers)**

(1) When the Minister of Oceans and Fisheries conducts the a qualifying examination for fishery product quality controllers, the Minister shall post necessary matters such as qualifications, examination subjects, examination methods, passing standards, examination date and time, and examination venue on the website of the Ministry of Oceans and Fisheries 90 days prior to the examination date (referring to the website of an entrusted institution in the case of entrusted with the implementation and management of the examinations under Article 43 (3)). <Amended on Nov. 24, 2020>

(2) A person who intends to apply for a qualifying examination for fishery product quality controllers shall submit an application for examination prescribed by Ordinance of the Ministry of Oceans and Fisheries to the Minister of Oceans and Fisheries. In such cases, an applicant for examination shall pay a fee, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) The Minister of Oceans and Fisheries shall refund a fee he or she has received pursuant to paragraph (2) according to the following classification:

1. Where an applicant is unable to apply for an examination for reasons imputable to an examination managing agency: Total amount of the fee paid;
2. Where an applicant has overpaid or erroneously paid a fee: Total amount overpaid or erroneously paid;
3. Where an applicant cancels his or her application by 20 days prior to the date of examination: Total amount of the fee paid;
4. Where an applicant cancels his or her application by 10 days prior to the date of examination: 60/100 of the fee paid.

#### **Article 40-4 (Qualifications of Applications for Qualifying Examinations for Fishery Product Quality Controllers)**

(1) Qualifications of applications for a qualifying examination for fishery product quality controllers shall not be limited by educational background, sex, age, etc.

(2) A qualifying examination for fishery product quality controllers shall be divided into a primary examination and secondary examination.

(3) A primary examination shall be a multiple-choice written examination on the following subjects, and from among those who attain at least 40 points in each subject out of 100, those whose average score is at least 60 points shall be successful candidates: <Amended on Jul. 17, 2018>

1. The Agricultural and Fishery Products Quality Control Act and its relevant statutes and regulations; the Act on Distribution and Price Stabilization of Agricultural and Fishery Products and its relevant statutes and regulations; the Act on Origin Labeling of Agricultural and Fishery Products and its relevant statutes and regulations; the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods, Etc. and its relevant statutes and regulations; and the Fishery Products Distribution Management and Support Act and its relevant statutes and regulations;
2. Theories of the distribution of fishery products;
3. Theories of post-harvest quality control;
4. General matters on fisheries.

(4) A secondary examination shall be a mixed-type written examination of short-answers and essay questions on the following subjects for persons who have passed a primary examination (including persons exempted from a primary examination pursuant to paragraph (5)), and those who attain at least 60

points out of 100 shall be successful candidates:

1. Practical skills in fishery product quality control;
2. Practical skills in rating of fishery products.

(5) Those who fail in a secondary examination shall be exempted from a primary examination, only in the immediately following primary examination.

#### **Article 40-5 (Public Announcement of Successful Candidates of Qualifying Examinations for Fishery Product Quality Controllers)**

The Minister of Oceans and Fisheries shall announce a list of the final successful candidates of a qualifying examination for fishery product quality controllers through the information and communications networks defined in subparagraph 1 of Article 2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. within 40 days from the implementation of a secondary examination.

#### **Article 40-6 (Issuance, etc. of Certificates of Fishery Product Quality Controllers)**

(1) The Minister of Oceans and Fisheries shall issue a certificate of a fishery product quality controller prescribed by Ordinance of the Ministry of Oceans and Fisheries to those who have passed a qualifying examination for fishery product quality controllers referred to in Article 40-5.

(2) Where the Minister of Oceans and Fisheries issues a certificate referred to in paragraph (1), he or she shall allocate a serial number and record such issuance in the register of issuance of certificates of fishery product quality controllers prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) Where a fishery product quality controller has lost his or her certificate issued pursuant to paragraph (1), or where the certificate has worn out, he or she may have the certificate reissued after submitting an application for reissuance of a certificate of a fishery product quality controller prescribed by Ordinance of the Ministry of Oceans and Fisheries to the Minister of Oceans and Fisheries.

(4) Paragraph (2) shall apply mutatis mutandis to reissuance of certificates of a fishery product quality controller referred to in paragraph (3).

#### **Article 41 (Payment of Rewards)**

(1) The Minister of Agriculture, Food and Rural Affairs shall grant a reward referred to Article 112 of the Act to those who have reported a person who violated Article 56 or 57 of the Act to the competent authorities or an investigative agency or who have informed the competent authorities or an investigative agency against such person, or who have arrested such person or who have cooperated in arresting such person, within the range of two million won.

(2) Criteria for, methods of, and procedures for granting rewards pursuant to paragraph (1) shall be determined and announced by the Minister of Food and Drug Safety. <Amended on Mar. 23, 2013>

## **Article 42 (Delegation of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs shall delegate his or her authority over the following affairs to the Director of the National Agricultural Products Quality Management Service pursuant to Article 115 (1) of the Act: <Amended on Mar. 23, 2013; Nov. 13, 2013; Feb. 11, 2014; Nov. 11, 2014; Dec. 30, 2016; May 29, 2017; Apr. 3, 2018>

1. Operation of the subcommittee on geographical indications, such as holding of its meetings, deliberation, and notification of the results thereof, under Article 3 (6) of the Act (excluding matters concerning fishery products);
2. Establishment, amendment, or abolishment of standards for agricultural products (excluding forestry products) under Article 5 (1) of the Act;
3. Designation of institutions certifying Good Agricultural Practices, and disposition, such as cancellation of the designation thereof and the suspension of services thereof, under Articles 9 and 10 of the Act;
4. Deleted; <Apr. 3, 2018>
- 4-2. Performance of projects, such as education, publicity, and consulting assistance, etc., for consumers, etc. pursuant to Article 12-2 of the Act;
- 4-3. Issuance of orders to report Good Agricultural Practices and submit relevant data inspection, examination, etc. in accordance with Article 13 of the Act and the taking of measures according to the results of examination, inspection, etc. of facilities meeting Good Practices in accordance with Article 13-2 of the Act;
5. Registration of traceability of agricultural products, and disposition, such as cancellation of the registration thereof, under Articles 24 and 27 of the Act;
- 5-2. Receipt of reporting on succession to status under Article 28 (2) (limited to reporting on succession to status of a Good Practices certification institution pursuant to under paragraph (1) 1 of the same Article) of the Act;
6. Post management of standardized products, agricultural products bearing the certification of Good Practices, traceable agricultural products, and products bearing a geographical indication under Article 30, and 39 of the Act (excluding post management of standardized products and products bearing a geographical indication of fishery products or forestry products, and processed products of those);
- 6-2. Disposition, such as the correction of marks of standardized products, agricultural products bearing the certification of Good Practices, traceable agricultural products, and products bearing a geographical indication, and disposition, such as the correction of marks, under Articles 31 and 40 of the Act (excluding disposition, such as the correction of marks of standardized products and products bearing a geographical indication of fishery products or forestry products, and their processed products);
7. Registration of geographical indications of agricultural products (excluding forestry products) and processed agricultural products under Article 32 (1) of the Act;

8. Registration and management of the registers of geographical indications of agricultural products (excluding forestry products) and processed agricultural products under Article 33 of the Act;
- 8-2. Prior approval for transfer and inheritance of rights to use geographical indications of agricultural products (excluding forestry products) and processed agricultural products under Article 35 of the Act;
9. Deleted; <Mar. 23, 2013>
10. Deleted; <Mar. 23, 2013>
11. Deleted; <Mar. 23, 2013>
12. Deleted; <Mar. 23, 2013>
13. Deleted; <Mar. 23, 2013>
14. Deleted; <Mar. 23, 2013>
15. Deleted; <Mar. 23, 2013>
16. Inspections of agricultural products under Article 79 (1) of the Act (excluding inspections of agricultural products, silkworm eggs, and cocoons conducted by inspection institutions designated pursuant to Article 80 of the Act);
17. Designation of agricultural product inspection institutions, and disposition, such as cancellation of the designation thereof and the suspension of service thereof, under Articles 80 and 81 of the Act;
18. Issuance of inspection certificates under Article 84 of the Act;
- 18-2. Reinspection of agricultural products under Article 85 of the Act;
- 18-3. Cancellation of decision on inspection under Article 87 of the Act;
19. Certification of agricultural products and processed agricultural products under Article 98 (1) of the Act;
- 19-2. Orders, such as the disuse or the prohibition of sale of agricultural products and processed agricultural products, and the publication of the results of certification under Article 98-2 of the Act;
20. Designation of certifying institutions, and disposition, such as cancellation of the designation thereof and the suspension of service thereof, under Articles 99 (1) and 100 (1) of the Act;
21. Confirmation, examinations, inspections, etc. (excluding fishery products, processed fishery products, forestry products, and processed forestry products) under Article 102 of the Act;
22. Appointment and management of honorary monitors of agricultural products (excluding fishery products, processed fishery products, forestry products and processed forestry products) under Article 104 of the Act;
- 22-2. Operation of a quality controller system for agricultural products under Article 105 of the Act;
- 22-3. Matters concerning education for agricultural product quality controllers under Article 107-2 of the Act;
23. Revocation of qualifications for agricultural product quality controllers under Article 109 of the Act;
24. Financial support for the improvement of quality, the promotion of standardization, the management of agricultural product quality controllers, etc. under Article 110 of the Act: Provided, That support for fishery products, processed fishery products, forestry products, and processed forestry products shall be

excluded herefrom;

25. Exemption from, and the collection of, fees under Article 113 of the Act;

25-2. A hearing under subparagraphs 1, 2, 6, 7, 8, 11, 12, 15, and 16 of Article 114 of the Act;

26. Imposition and collection of administrative fines (excluding administrative fines for offenses related to forestry products and processed forestry products among offenses referred to in Article 30 (2) of the Act) under Article 123 (3) of the Act;

26-2. Formulation of plans to conduct qualifying examinations for agricultural product quality controllers under Article 36 (2);

27. Issuing and reissuing certificates of qualifications for agricultural product quality controllers, and recording such in the register of issuance of certificates under Article 40.

(2) The Minister of Food and Drug Safety shall delegate his or her authority over the following affairs to the heads of regional food and drug safety pursuant to Article 115 (1) of the Act: <Newly Inserted on Mar. 23, 2013>

1. Inspection as to whether genetically modified agricultural and fishery products are labeled pursuant to Article 58 of the Act;

2. Disposition provided for in Article 59 (1) of the Act, order of public announcement provided for in paragraph (2) of the same Article, and publication provided for in paragraph (3) of the same Article;

3. Imposition and collection of administrative fines for offenses provided for in Articles 56 (1) and (2), 58 (1), and 62 (1) of the Act, among administrative fines under Article 123 (1) of the Act.

(3) The Minister of Agriculture, Food and Rural Affairs shall delegate his or her authority concerning the announcement of Good Agricultural Practices under Article 6 (1) of the Act to the Administrator of Rural Development Administration pursuant to Article 115 (1) of the Act. <Amended on Mar. 23, 2013>

(4) The Minister of Agriculture, Food and Rural Affairs shall delegate his or her authority concerning forestry products and processed forestry products among his or her authority on the following affairs to the Minister of Korea Forest Service pursuant to Article 115 (1) of the Act: <Amended on Mar. 23, 2013; Dec. 30, 2016>

1. Establishment, amendment, or abolishment of standards under Article 5 (1) of the Act;

2. Post management of standardized products and products bearing a geographical indication, and disposition, such as the correction of marks, under Articles 30, 31, 39, and 40 of the Act;

3. Registration of geographical indications under Article 32 (1) of the Act;

4. Registration and management of the registers of geographical indications under Article 33 of the Act;

4-2. Prior approval for transfer and inheritance of rights to use geographical indications under Article 35 of the Act;

5. Confirmation, examinations, inspections, etc. under Article 102 of the Act;

6. Appointment and management of honorary monitors of agricultural and fishery products under Article 104 of the Act;

7. Financial support for the improvement of quality, the promotion of standardization, etc. under Article 110 of the Act;

8. Imposition and collection of administrative fines (limited to offenses referred to in Article 30 (2) of the Act) under Article 123 (3) of the Act.

(5) The Minister of Oceans and Fisheries shall delegate his or her authority over the following affairs to the President of National Fisheries Research and Development Institute pursuant to Article 115 (1) of the Act: *<Amended on Mar. 23, 2013>*

1. Deleted; *<Mar. 23, 2013>*

2. Deleted; *<Mar. 23, 2013>*

3. Examinations and inspections under Article 76 (1) of the Act;

4. Imposition and collection of administrative fines under Article 123 (1) 1 of the Act (limited to administrative fines under the authority delegated pursuant to subparagraph 3).

(6) The Minister of Oceans and Fisheries shall delegate his or her authority relating to fishery products and processed fishery products to the Chief of the National Fishery Products Quality Management Service pursuant to Article 115 (1) of the Act: *<Amended on Mar. 23, 2013; May 31, 2013; Nov. 13, 2013; Feb. 11, 2014; Mar. 25, 2016; Dec. 30, 2016; Nov. 26, 2019>*

1. Operation of the subcommittee on geographical indications under Article 3 (6) of the Act;

2. Establishment, amendment, or abolishment of standards under Article 5 (1) of the Act;

3. Quality certification and the cancellation thereof under Articles 14 and 16 of the Act;

4. Designation of quality-certifying institutions, and disposition, such as cancellation of the designation thereof and the suspension of service thereof, under Articles 17 and 18 of the Act;

5. Deleted. *<May 31, 2013>*

6. Deleted; *<Mar. 25, 2016>*

7. Post management of standardized products, quality-certified products, products bearing a geographical indication, and disposition, such as the correction of marks, under Articles 30, 31, 39, and 40 of the Act;

8. Registration of geographical indications under Article 32 (1) of the Act;

9. Registration and management of the registers of geographical indications under Article 33 of the Act;

9-2. Prior approval for transfer and inheritance of rights to use geographical indications under Article 35 of the Act;

10. Deleted; *<Mar. 23, 2013>*

11. Deleted; *<Mar. 23, 2013>*

12. Deleted; *<Mar. 23, 2013>*

13. Deleted; *<Mar. 23, 2013>*

14. Deleted; *<Mar. 23, 2013>*

15. Deleted; *<Mar. 23, 2013>*

16. Deleted; <Mar. 23, 2013>
17. Issuance of documents under Article 70 (4) of the Act;
18. Registration of production or processing facilities, etc. under Article 74 (1) of the Act;
19. Orders to report matters concerning sanitary control under Article 75 (1) of the Act and the receipt of reports thereon (excluding facilities observing Hazard Analysis and Critical Control Points in the production stage, storage stage, and post-shipment, but pre-transaction stage under Article 70 (2) of the Act, and registered pursuant to Article 74 (1) of the Act);
20. Examinations and inspections as to whether production or processing facilities, etc. under Article 76 (2) of the Act meet the sanitary control standards and observe Hazard Analysis and Critical Control Points (with regard to the production stage, storage stage, and post-shipment, but pre-transaction stage among examinations and inspections as to whether to observe Hazard Analysis and Critical Control Points, only applicable where a person intends to register production or processing facilities, etc. pursuant to Article 74 (1) of the Act);
21. Orders to correct, restrict, or suspend production, processing, shipment, or transport, and orders to improve or repair production or processing facilities, etc. (excluding facilities observing Hazard Analysis and Critical Control Points in the production stage, storage stage, and post-shipment, but pre-transaction stage under Article 70 (2) of the Act, and registered pursuant to Article 74 (1) of the Act) to production or processing facilities, etc. or producers or processors, etc. under Article 78 of the Act, and disposition of cancellation of the registration thereof;
22. Inspections of fishery products, etc. under Article 88 of the Act;
23. Designation of institutions inspecting fishery products under Article 89 of the Act;
24. Cancellation of designation of institutions inspecting fishery products and disposition of the suspension of inspection affairs under Article 90 of the Act;
25. Disposition of cancellation of the license for fishery product inspectors under Article 92 of the Act, and indicating the results of inspections under Article 93 of the Act;
26. Issuance of inspection certificates under Article 94 of the Act;
27. Notification of disapproval, and requests for the disuse of fishery products or processed fishery products, the prohibition of sale of such products, etc. under Article 95 of the Act;
28. Re-inspections under Article 96 of the Act;
29. Cancellation of the post-inspection determination under Article 97 of the Act;
30. Certification of fishery products under Article 98 (1) of the Act;
- 30-2. Orders, such as the disuse or prohibition of sale of fishery products, and the publication of the results of certification under Article 98-2 of the Act;
31. Designation of institutions certifying fishery products under Article 99 (1) of the Act;
32. Disposition of cancellation of the designation of institutions certifying fishery products under Article 100 of the Act;

33. Confirmation, examinations, inspections, etc. under Article 102 of the Act;
  34. Appointment and management of honorary monitors of agricultural and fishery products under Article 104 of the Act;
  - 34-2. Operation of the quality controller system for fishery products under Article 105 of the Act;
  - 34-3. Cancellation of qualification of fishery product quality controllers under Article 109 of the Act;
  35. Financial support for the improvement of quality, the promotion of standardization, the management of fishery product quality controllers, etc. under Article 110 of the Act;
  - 35-2. Hearings pursuant to Article 114 (1) 3, 4, 7, 8, 10 (excluding cases where orders for correction, restriction or suspension of production, processing, shipment, and transportation, or an order for improvement or repair of production and processing facilities, etc. are issued for a facility implementing the Hazard Analysis and Critical Control Points under Article 70 (2) of the Act), and 13 through 16 of the Act;
  36. Imposition and collection of administrative fines under Article 123 (3) of the Act;
  37. Issuing and reissuing certificates of fishery product quality controllers, and recording such in the register of issuance of certificates of fishery product quality controllers under Article 40-6.
- (7) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall delegate his or her authority over the following affairs to the Mayor of Special Metropolitan City, the Mayor of each Metropolitan City, the Governor of each Do, or the Governor of a Special Self-Governing Province pursuant to Article 115 (1) of the Act: <Amended on Mar. 23, 2013; Nov. 26, 2019>
1. Restrictions on or prohibition of discharging pollutants, raising domestic animals, and using veterinary drugs in designated sea areas and neighboring sea areas under Article 73 (1) and (2) of the Act;
  2. Orders to report matters concerning sanitary control under Article 75 (1) of the Act and the receipt of reports thereon (limited to facilities observing Hazard Analysis and Critical Control Points under Article 70 (2) of the Act, and registered pursuant to Article 74 (1) of the Act);
  3. Examinations or inspections as to whether production or processing facilities, etc. under Article 76 (2) of the Act observe Hazard Analysis and Critical Control Points (limited to facilities observing Hazard Analysis and Critical Control Points under Article 70 (2) of the Act, and registered pursuant to Article 74 (1) of the Act);
  4. Restrictions on the production of fishery products in designated sea areas under Article 77 of the Act;
  5. Orders to correct, restrict, or suspend production, processing, shipment, or transport, or orders to improve or repair production or processing facilities, etc. under Article 78 of the Act (limited to facilities implementing Hazard Analysis and Critical Control Points under Article 70 (2) of the Act, and registered pursuant to Article 74 (1) of the Act);
  6. Inspections for silkworm eggs and cocoons among agricultural products under Article 79 of the Act;
  7. Appointment and management of honorary monitors of agricultural and fishery products under Article 104 of the Act;

8. Hearings under Article 114 of the Act (limited to hearings on the authority delegated pursuant to subparagraph 5);
9. Imposition and collection of administrative fines under Article 123 (3) of the Act (limited to administrative fines on the authority delegated pursuant to subparagraph 8).
- (8) The Minister of Oceans and Fisheries shall delegate his or her authority for ascertainment or examination under Article 76 (3) 2 of the Act as to whether pollutants are discharged, domestic animals are raised, and veterinary drugs are used, to the Governor of Special Self-Governing Province or the head of each Si/Gun/Gu (referring to the head of each autonomous Gu) pursuant to Article 115 (1) of the Act. *<Amended on Mar. 23, 2013>*

#### **Article 43 (Entrustment of Duty)**

- (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, and the Minister of Food and Drug Safety shall entrust affairs concerning the operation of the safety information system for agricultural and fishery products referred to in Article 103 (2) of the Act to a non-profit corporation conducting agricultural information-related affairs determined and announced by the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, and the Minister of Food and Drug Safety pursuant to Article 115 (2) of the Act. *<Amended on Mar. 23, 2013>*
- (2) The Minister of Agriculture, Food and Rural Affairs shall entrust affairs concerning the management of qualifying examinations for agricultural product quality controllers, to the Human Resources Development Service of Korea established under the Human Resources Development Service of Korea Act pursuant to Article 115 (2) of the Act. *<Amended on Mar. 23, 2013; Feb. 11, 2014>*
- (3) The Minister of Oceans and Fisheries may entrust affairs concerning the implementation and management of qualifying examinations for fishery product quality controllers to the Human Resources Development Service of Korea established under the Human Resources Development Service of Korea Act, or to the Korea Institute of Maritime and Fisheries Technology established under the Korea Institute of Maritime and Fisheries Technology Act, pursuant to Article 115 (2) of the Act. *<Newly Inserted on Feb. 11, 2014>*
- (4) Where the Minister of Oceans and Fisheries entrusts affairs concerning the implementation and management of qualifying examinations for fishery product quality controllers pursuant to paragraph (3), he or she shall publicly announce an entrusted institution and the details of entrusted affairs. *<Newly Inserted on Feb. 11, 2014>*

#### **Article 44 (Processing of Personally Identifiable Information)**

If it is inevitable for the Minister of Agriculture, Food and Rural Affairs to conduct the affairs provided for in subparagraphs 1 and 3, and for the Minister of Oceans and Fisheries to conduct the affairs provided for in subparagraphs 2 and 4, they may process data which includes resident registration numbers referred to in subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act:

<Amended on Mar. 23, 2013; Feb. 11, 2014>

1. Affairs relating to qualifications, etc. for agricultural product inspectors referred to in Article 82 of the Act;
2. Affairs relating to qualifications, etc. for fishery product inspectors referred to in Article 91 of the Act;
3. Affairs relating to examinations, qualifications, etc. for agricultural product quality controllers referred to in Article 107 of the Act;
4. Affairs relating to qualifying examinations, qualifications, etc. for fishery product quality controllers referred to in Article 107 of the Act.

**Article 45 (Criteria for Imposition of Administrative Fines)**

Criteria for imposing administrative fines pursuant to Article 123 of the Act shall be as specified in attached Table 4.

ADDENDA <Presidential Decree No. 23964, Jul. 20, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 22, 2012.

**Article 2 (Repeal of other Statutes)**

The Enforcement Decree of the Quality Control of Fishery Products Act is hereby repealed.

**Article 3 Omitted.**

**Article 4 (Relationships with other Statutes)**

Where the former Enforcement Decree of the Agricultural Products Quality Control Act, the former Enforcement Decree of the Quality Control of Fishery Products Act, or the provisions thereof, has been cited by other statutes at the time this Decree enters into force, if provisions corresponding thereto exists in this Decree, this Decree or the relevant provision of this Decree shall be deemed cited, in lieu of the former Enforcement Decree of the Agricultural Products Quality Control Act, the former Enforcement Decree of the Quality Control of Fishery Products Act, or the relevant provisions thereof.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 24560, May 31, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 2, 2013.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 24638, Jun. 28, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2013. (Proviso Omitted.)

**Articles 2 through 17 Omitted.**

ADDENDUM <Presidential Decree No. 24838, Nov. 13, 2013>

This Decree shall enter into force on November 14, 2013.

ADDENDUM <Presidential Decree No. 25172, Feb. 11, 2014>

This Decree shall enter into force on February 14, 2014.

ADDENDUM <Presidential Decree No. 25712, Nov. 11, 2014>

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

ADDENDUM <Presidential Decree No. 26682, Nov. 30, 2015>

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

ADDENDA <Presidential Decree No. 27059, Mar. 25, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 28, 2016.

**Articles 2 and 3 Omitted.**

ADDENDUM <Presidential Decree No. 27129, May 10, 2016>

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

ADDENDA <Presidential Decree No. 27722, Dec. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 14 (2) shall enter into force on January 1, 2017.

**Article 2 (Applicability to Forming On-Site Verification Team)**

The amended provisions of Article 14 (2) shall apply to applications for registration of geographical indications or changes to such registration filed under Article 32 (2) or (3) of the Act on or after the enforcement date provided for in the proviso to Article 1 of this Addenda.

ADDENDUM <Presidential Decree No. 28060, May 29, 2017>

This Decree shall enter into force on June 3, 2017.

ADDENDUM <Presidential Decree No. 28783, Apr. 3, 2018>

This Decree shall enter into force on April 19, 2018.

ADDENDA <Presidential Decree No. 29052, Jul. 17, 2018>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Change of Subjects of Qualifying Examinations for Fishery Product Quality Controllers)**

The amended provisions of Article 40-4 (3) 1 shall begin to apply to examinations publicly announced after this Decree enters into force.

ADDENDUM <Presidential Decree No. 30219, Nov. 26, 2019>

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

ADDENDA <Presidential Decree No. 31176, Nov. 24, 2020>

**Article 1 (Enforcement Date)**

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

**Article 2 (General Applicability to Public Announcement)**

This Decree shall begin to apply to a public announcement, publication, disclosure or public notice made after this Decree enters into force.

ADDENDA <Presidential Decree No. 31271, Dec. 15, 2020>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Standards for Administrative Measures)**

The amended provisions of attached Table 2 shall also apply to violations committed before this Decree enters into force.

**Article 3 (Transitional Measures concerning Standards for Administrative Measures)**

Administrative disposition for violations committed before this Decree enters into force shall be included in the calculation of the number of violations under the amended provisions of subparagraph 2 (a) 2) of attached Table 2.

ADDENDA <Presidential Decree No. 31472, Feb. 19, 2021>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 19, 2021.

**Articles 2 through 5 Omitted.**

Last updated : 2021-12-20