

## Law Viewer

## KIMCHI INDUSTRY PROMOTION ACT

Act No. 10884, Jul. 21, 2011  
Amended by Act No. 10885, Jul. 21, 2011  
Act No. 11459, jun. 1, 2012  
Act No. 11690, Mar. 23, 2013  
Act No. 13020, Jan. 20, 2015  
Act No. 13383, jun. 22, 2015  
Act No. 13402, Jul. 20, 2015  
Act No. 15382, Feb. 21, 2018  
Act No. 16551, Aug. 27, 2019  
Act No. 16963, Feb. 11, 2020  
Act No. 17270, May 19, 2020

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is to contribute to increasing the income of farmers and fishermen and to developing national economy by strengthening the competitiveness of the kimchi industry, promoting the globalization of kimchi and increasing the added value of agriculture and fisheries by prescribing matters necessary for the promotion of the kimchi industry, such as quality improvement of kimchi, inheritance and development of kimchi-related culture.

## Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Jun. 22, 2015>

- 1.The term "kimchi" means food made by using vegetables, such as Chinese cabbage, as its main ingredients and following the process of pickling with salt and mixing with seasoning, which is presented as it is or after fermentation;
- 2.The term "main ingredients" means ingredients indicating the characteristics of kimchi products (where ingredients are of many kinds, referring to not more than three ingredients in the order of ingredients high in percentage in the final product);
- 3.The term "kimchi ingredients" means ingredients used to make kimchi, such as Chinese cabbage, white radish, red pepper powder, garlic, ginger, scallion, salt, and salted fish;
- 4.The term "kimchi industry" means an industry of producing, processing, manufacturing, cooking, packing, keeping, transporting or selling kimchi, which is prescribed by Presidential Decree;
- 5.The term "kimchi business entity" means a person engaged in economic activities relating to the kimchi industry;
- 6.The term "farmers and fishermen" means farmers prescribed in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and fishermen prescribed in subparagraph 3 of Article 3 of the Framework Act on Fishers and Fishing Villages Development.

## Article 3 (Relationship to Other Acts)

Except as otherwise provided in other Acts, this Act shall apply to the promotion of the kimchi industry.

## CHAPTER II LAYING FOUNDATION FOR PROMOTION OF KIMCHI INDUSTRY

## Article 4 (Establishment of Comprehensive Plans)

- (1) In order to promote the kimchi industry and to inherit and develop kimchi-related culture, the Minister of Agriculture, Food and Rural Affairs shall establish and implement a comprehensive plan for promotion of the kimchi industry (hereinafter referred to as "comprehensive plan") every five years: Provided, That where a comprehensive plan has been included in a master plan for promotion, etc. of the food industry under Article 4 of the Food Industry Promotion Act, the comprehensive plan shall be deemed established for such part. <Amended on Mar. 23, 2013; Feb. 11, 2020>
- (2) A comprehensive plan shall include the following: <Amended on May 19, 2020>
1. Basic direction-setting for the promotion of the kimchi industry;
  2. Matters concerning the development, dissemination, etc. of technologies relating to the kimchi industry;
  3. Matters concerning standardization and improvement of the quality of kimchi;
  4. Matters concerning the stable supply and demand of kimchi and kimchi ingredients;
  - 4-2. Matters concerning fact-finding surveys of imported kimchi;
  5. Matters concerning fostering of specialized manpower relating to kimchi;
  6. Matters concerning strengthening connections among the kimchi industry, agriculture and fisheries;
  7. Matters concerning the promotion of consumption of kimchi and support for distribution thereof;
  8. Matters concerning the inheritance and development of kimchi-related culture;
  9. Matters concerning publicity for the globalization of kimchi;
  10. Other matters prescribed by Presidential Decree.
- (3) Where the Minister of Agriculture, Food and Rural Affairs intends to establish or modify a comprehensive plan, he/she shall consult in advance with the heads of relevant central administrative agencies: Provided, That where he/she intends to modify any minor matter prescribed by Presidential Decree, he/she may omit the consultation. <Amended on Mar. 23, 2013>
- (4) A comprehensive plan prescribed in paragraph (1) shall be finalized after deliberation by the Food Industry Promotion Council prescribed in Article 5 of the Food Industry Promotion Act. In such cases, the Minister of Agriculture, Food and Rural Affairs shall notify the heads of relevant central administrative agencies of the finalized comprehensive plan. <Amended on Mar. 23, 2013>
- (5) Where necessary for the establishment of a comprehensive plan, the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant central administrative agencies to submit data. In such cases, the heads of relevant central administrative agencies shall submit data except in extenuating circumstances. <Amended on Mar. 23, 2013>
- (6) The Minister of Agriculture, Food and Rural Affairs shall establish and implement an implementation plan every year in accordance with a comprehensive plan. <Amended on Mar. 23, 2013>

## Article 5 (Prior Deliberation)

The Minister of Agriculture, Food and Rural Affairs shall cause the following matters to undergo prior deliberation by the Food Industry Promotion Council prescribed in Article 5 of the Food Industry Promotion Act: <Amended on Mar. 23, 2013>

1. Matters concerning the establishment of the comprehensive plan;
2. Matters concerning the selection of representative kimchi products;
3. Matters concerning the quality certification of kimchi;
4. Other matters regarding which deliberation is requested by the Minister of Agriculture, Food and Rural Affairs in relation to the promotion of the kimchi industry.

#### Article 6 (Support for Management Improvement)

- (1) The Minister of Agriculture, Food and Rural Affairs may implement a policy to support management improvement for kimchi business entities, such as the procurement of kimchi ingredients, improvement of facilities, market development, and expert consultation. <Amended on Mar. 23, 2013>
- (2) Matters necessary for kimchi business entities eligible for support, details of support, etc. prescribed in paragraph (1) shall be prescribed by Presidential Decree.

#### Article 7 (Strengthening Connections with Agriculture and Fisheries)

- (1) The Minister of Agriculture, Food and Rural Affairs may establish and implement a supply and demand plan for a stable supply, and promotion of consumption, of agricultural or marine products used as kimchi ingredients. <Amended on Mar. 23, 2013>
- (2) Where a producers' organization under subparagraph 4 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and subparagraph 5 of Article 3 of the Framework Act on Fishers and Fishing Villages Development (hereinafter referred to as "producers' organization") and an organization established pursuant to Article 18 or a kimchi business entity promote a project to strengthen connections with agriculture and fisheries, such as joint purchase and contract farming, for a stable procurement of kimchi ingredients, the Minister of Agriculture, Food and Rural Affairs may provide necessary support. <Amended on Mar. 23, 2013; Jun. 22, 2015>

#### Article 8 (Research and Development of Production Technology, etc.)

- (1) The Minister of Agriculture, Food and Rural Affairs may request research and development concerning the quality improvement, packing, preservation and production technology of kimchi, production machinery, etc. (hereinafter referred to as "production technology, etc.") to specialized research institutes, etc., and implement measures necessary to promote industrialization of production technology, etc. <Amended on Mar. 23, 2013>
- (2) The Minister of Agriculture, Food and Rural Affairs may subsidize persons who conduct the research and development of production technology, etc. and persons who intend to commercialize the production technology, etc. that have been researched and developed for the expenses necessary therefor. <Amended on Mar. 23, 2013>

#### Article 9 (Statistical Surveys)

- (1) For the efficient establishment of a policy necessary for the promotion of the kimchi industry and for the smooth supply and demand of kimchi ingredients, the Minister of Agriculture, Food and Rural Affairs may conduct a statistical survey concerning the production, distribution, consumption, etc. relating to the kimchi industry (including

imported kimchi). In such cases, relevant provisions of the Statistics Act shall apply mutatis mutandis to the preparation of statistics. <Amended on Mar. 23, 2013; May 19, 2020>

- (2) When deemed necessary for conducting a statistical survey, the Minister of Agriculture, Food and Rural Affairs may request the heads of relevant central administrative agencies, local governments, and public agencies, enterprisers in the relevant industry or the head of the organization established under Article 18 to provide necessary data and information. <Amended on Mar. 23, 2013>
- (3) The heads of relevant central administrative agencies, etc. who have been requested to provide data and information pursuant to paragraph (2) shall provide data and information except in extenuating circumstances.
- (4) Matters necessary for conducting a statistical survey, etc. prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

### CHAPTER III PROMOTION OF REVITALIZATION OF KIMCHI INDUSTRY

#### Article 10 (Promotion of Research and Pilot Projects)

The Minister of Agriculture, Food and Rural Affairs may implement measures for the promotion of the kimchi industry, such as research and pilot projects for, among others, development of species of farm products for kimchi ingredients and quality improvement of kimchi, revival of traditional kimchi, provision of education and training for farmers and fishermen producing kimchi ingredients, and expert consultation on management. <Amended on Mar. 23, 2013>

#### Article 11 (Education and Training)

- (1) In order to promote the kimchi industry and to inherit and develop kimchi-related culture, the State and local governments may directly provide education and training to spread and hand down production technology, etc. to consumers or persons engaged in relevant fields or entrust such duties to institutions or organizations.
- (2) The Minister of Agriculture, Food and Rural Affairs may designate an institution or organization with the facilities, manpower, etc. appropriate for education and training under paragraph (1) as an education and training institution. <Amended on Mar. 23, 2013>
- (3) When the Minister of Agriculture, Food and Rural Affairs provides education and training under paragraph (1) on an entrustment basis, he/she may provide necessary support within budgetary limits. <Amended on Mar. 23, 2013>
- (4) Matters necessary for the designation, operation, etc. of education and training institutions under paragraph (2) shall be prescribed by Presidential Decree.

#### Article 12 (Fostering of Specialized Manpower)

- (1) The Minister of Agriculture, Food and Rural Affairs may foster specialized manpower necessary to spread production technology, etc. for the revitalization of the kimchi industry and for the spread of food culture harmonious with kimchi. <Amended on Mar. 23, 2013>
- (2) In order to foster specialized manpower prescribed in paragraph (1), the Minister of Agriculture, Food and Rural Affairs may designate and manage an institution or organization with appropriate facilities and manpower, such as university and research

institution, as a specialized manpower fostering institution. <Amended on Mar. 23, 2013>

(3)The Minister of Agriculture, Food and Rural Affairs may subsidize specialized manpower fostering institutions designated pursuant to paragraph (2) for the expenses necessary for fostering manpower within budgetary limits, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(4)Where a specialized manpower fostering institution falls under any of the following, the Minister of Agriculture, Food and Rural Affairs may cancel designation, or suspend all or part of its business for a fixed period of not more than six months: Provided, That in cases falling under subparagraph 1, he/she shall cancel designation: <Newly Inserted on Jan. 20, 2015>

- 1.Where the institution has obtained designation by fraud or other improper means;
- 2.Where the institution has performed its duties in violation of matters based upon which designation was granted;
- 3.Where the institution no longer complies with the standards for designation of specialized manpower fostering institutions under paragraph (6).

(5)The Minister of Agriculture, Food and Rural Affairs shall hold a hearing if it intends to cancel designation of any specialized manpower fostering institution pursuant to paragraph (4). <Newly Inserted on Jan. 20, 2015>

(6)Matters necessary for the standards and procedures for designation or cancellation of designation, and the operation, etc., of specialized manpower fostering institutions shall be prescribed by Presidential Decree. <Amended on Jan. 20, 2015>

#### Article 13 (World Institute of Kimchi)

(1)The State shall establish a World Institute of Kimchi (hereinafter referred to as the "Kimchi Institute") as prescribed by the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes in order to uplift the status of Korea as the originating country of Kimchi, to research and exhibit kimchi and to allow people to experience kimchi-making, etc.

(2)The State and local governments may provide expenses necessary for the establishment and the efficient operation and management of the Kimchi Institute within budgetary limits.

#### Article 14 (Support for Kimchi Distribution Centers)

The State and local governments may provide necessary support to a person who establishes and operates a kimchi distribution center or kimchi store in order to promote packing, shipment of standard products, publicity and sale, etc. of kimchi within budgetary limits, as prescribed by Presidential Decree.

#### Article 15 (Hosting Fairs)

(1)In order to improve the quality of kimchi, to enhance the competitiveness of kimchi and to select and foster representative products, the Minister of Agriculture, Food and Rural Affairs may hold a kimchi fair. <Amended on Mar. 23, 2013>

(2)Matters necessary for holding, operating, etc. of a fair prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

#### Article 16 (Revival, Inheritance and Development of Traditional Kimchi)

- (1) In order to revive, inherit and develop traditional kimchi, the State and local governments may provide necessary support to individuals or organizations who revive or inherit the production technology of traditional kimchi within budgetary limits, as prescribed by Presidential Decree.
- (2) The Minister of Agriculture, Food and Rural Affairs shall promote the standardization of traditional kimchi in order to revive, inherit and develop traditional kimchi. <Amended on Mar. 23, 2013>
- (3) Article 20 of the Food Industry Promotion Act shall apply mutatis mutandis to the basis of standardization of traditional kimchi prescribed in paragraph (2), method of indication, etc.

#### Article 17 (Promotion of Globalization)

- (1) In order to foster the kimchi industry, to raise the export competitiveness of kimchi and to revitalize entry into overseas markets, the State and local governments may provide necessary support to individuals or organizations who publicize the representative products of kimchi selected under Article 15 or open up overseas markets.
- (2) The Minister of Agriculture, Food and Rural Affairs shall promote the international standardization of kimchi to improve the quality of kimchi and to promote international trade. <Amended on Mar. 23, 2013>

#### Article 18 (Establishment of Trade Association)

- (1) For the development of the kimchi industry, kimchi business entities may establish a trade association after obtaining authorization from the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>
- (2) The trade association prescribed in paragraph (1) (hereinafter referred to as "trade association") shall be a corporation; and matters necessary for the articles of incorporation of, and the guidance, supervision and operation of and support for the trade association shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; Jul. 20, 2015>
- (3) The trade association may conduct the following projects: <Amended on Mar. 23, 2013>
  1. Projects for the inheritance and development of kimchi-related culture, such as the spread of food culture harmonious with kimchi;
  2. Projects for the quality improvement of kimchi;
  3. Projects of research and study concerning the direction of development of the kimchi industry;
  4. Projects to raise competitiveness of the kimchi industry and to increase the mutual interests of members;
  5. Projects to strengthen connections among the kimchi industry, agriculture and fisheries;
  6. Other projects prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs deemed necessary for the promotion and development of the kimchi industry.
- (4) Except as provided in this Act, the provisions of the Civil Act governing incorporated association shall apply mutatis mutandis to matters concerning the trade association.

#### Article 19 (Support for Accumulation of Self-Help Fund for Kimchi)

(1)Where the trade association creates and operates a self-help fund to expand market for kimchi, to control the demand and supply and to stabilize price, the Minister of Agriculture, Food and Rural Affairs may provide subsidies out of the agricultural product price stabilization fund prescribed in Article 54 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products. <Amended on Mar. 23, 2013>

(2)Matters necessary for methods of creating a self-help fund and standards for subsidizing under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

#### Article 20 (Inheritance and Development of Kimchi-Related Culture)

(1)The State, local governments and the trade association shall endeavor to inherit and develop kimchi-related culture.

(2)The State and local governments may provide necessary support to organizations performing activities for the inheritance and development of kimchi-related culture as prescribed in paragraph (1) within budgetary limits.

#### Article 20-2 (Kimchi Day)

(1)November 22 of every year shall be designated as the Kimchi Day to promote the kimchi industry, to inherit and develop kimchi-related culture, and to inform the people of the nutritional value and importance of kimchi.

(2)The State and local governments may hold events or provide education or publicity in accordance with the purpose of the Kimchi Day under paragraph (1).

[This Article Newly Inserted on Feb. 11, 2020]

#### Article 21 (Quality Certification)

In order to improve the quality of kimchi, to encourage its production and to protect consumers, the Minister of Agriculture, Food and Rural Affairs may certify the quality of kimchi as prescribed in Article 22 of the Food Industry Promotion Act. <Amended on Mar. 23, 2013>

#### Article 22 (Improving Quality of Kimchi)

(1)The Minister of Agriculture, Food and Rural Affairs may implement the following measures to improve the quality of kimchi and to protect consumers: <Amended on Mar. 23, 2013; May 19, 2020>

1.Development of policies and technologies necessary to promote the production of excellent kimchi;

2.Research and study of production process, etc. appropriate to improve export competitiveness of kimchi and for the standards of countries to which kimchi is exported;

2-2.Monitoring of distributed kimchi (including imported kimchi);

3.Other matters necessary for methods of quality control of kimchi.

(2)In order to efficiently promote the projects prescribed in the subparagraphs of paragraph (1), the State may provide necessary support within budgetary limits.

#### Article 23 (Preferential Purchase of Kimchi Granted Quality Certification)

When the State, local governments or public institutions pursuant to Article 4 of the Act on the Management of Public Institutions intend to purchase kimchi, they may preferentially purchase kimchi, the quality of which is certified under Article 21.

#### Article 24 (Promotion of Use of Good Kimchi Ingredients)

(1) In order to enhance stability in the supply of high-quality kimchi, the Minister of Agriculture, Food and Rural Affairs may implement measures to promote the use of the following kimchi ingredients: <Amended on Jul. 21, 2011; Jun. 1, 2012; Mar. 23, 2013; Aug. 27, 2019; Mar. 24, 2020>

1. Good Practices-certified agricultural products under Article 6 of the Agricultural and Fishery Products Quality Control Act;
  2. Quality-certified products under Article 14 (3) of the Agricultural and Fishery Products Quality Control Act;
  3. Deleted; <Jun. 1, 2012>
  4. Goods with geographical indication registered under Article 32 of the Agricultural and Fishery Products Quality Control Act;
  5. Products certified as organic foods, etc. under Article 19 (1) of the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods, Etc., and products certified as pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, etc. under Article 34 (1) of the same Act;
  6. Other products certified in accordance with the national certification system prescribed by Presidential Decree.
- (2) Products eligible for support based on measures for the promotion of use of excellent kimchi ingredients under paragraph (1) and standards therefor, procedures, methods and other necessary matters shall be prescribed by Presidential Decree.
- (3) The State may reimburse all or part of expenses to be used for measures for the acceleration of use of excellent kimchi ingredients prescribed in paragraph (1) within budgetary limits.

#### Article 24-2 (Indications of Korean Kimchi)

A person who intends to label kimchi, its containers and packaging, etc. with words including "Korea" or the "Republic of Korea", such as "Korean kimchi" or "Kimchi made in the Republic of Korea", shall file for registration of a geographical indication in accordance with the Agricultural and Marine Products Quality Control Act.

[This Article Newly Inserted on Feb. 11, 2020]

### CHAPTER IV SUPPLEMENTARY PROVISIONS

#### Article 25 (Tax Reduction or Exemption)

Where deemed necessary for the efficient promotion of measures concerning the development of the kimchi industry pursuant to this Act, the State and local governments may allow kimchi business entities tax reduction or exemption as prescribed by the Restriction of Special Taxation Act and the Restriction of Special Local Taxation Act.

#### Article 26 (Submission of Data)

The Minister of Agriculture, Food and Rural Affairs may request a kimchi business entity to submit data necessary for the financial support under this Act. <Amended on Mar. 23, 2013>

#### Article 27 (Delegation and Entrustment of Authority)

- (1) The Minister of Agriculture, Food and Rural Affairs may delegate part of the authority under this Act to the Administrator of the Rural Development Administration, heads of affiliated institutions, Special Metropolitan City Mayor, Metropolitan City Mayors, Do



Governors and the Governor of a Special Self-Governing Province, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(2)The Minister of Agriculture, Food and Rural Affairs may entrust part of the duties under this Act to the Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, the Korea Agro-Fisheries and Food Trade Corporation under the Korea Agro-Fisheries Trade Corporation Act, other public institutions, producers' organizations, or corporations or organizations engaged in the kimchi business. <Amended on Mar. 23, 2013>

Article 28 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions)  
An executive officer or employee of any producers' organization or corporation or organization engaged in the kimchi business which performs the duties entrusted by the Minister of Agriculture, Food and Rural Affairs under Article 27 (2) shall be deemed a public official for purposes of applying penalty provisions under Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted on Feb. 21, 2018]

ADDENDUM <Act No. 10884, Jul. 21, 2011>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

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

Article 1 (Enforcement Date)

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

(2)Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 13020, Jan. 20, 2015>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 13402, Jul. 20, 2015>

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

ADDENDUM <Act No. 15382, Feb. 21, 2018>

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

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.

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 16963, Feb. 11, 2020>

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

ADDENDUM <Act No. 17270, May 19, 2020>

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

PC Version

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