

ENFORCEMENT DECREE OF THE DAIRY PROMOTION ACT

Wholly Amended by Presidential Decree No. 15958, Dec. 31, 1998
Amended by Presidential Decree No. 20677, Feb. 29, 2008
Presidential Decree No. 22497, Nov. 19, 2010
Presidential Decree No. 22818, Apr. 4, 2011
Presidential Decree No. 24455, Mar. 23, 2013
Presidential Decree No. 25133, Jan. 28, 2014
Presidential Decree No. 26108, Feb. 23, 2015

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Dairy Promotion Act and matters necessary for the enforcement of said Act.

Article 2 (Requirements for Organizations Related to Dairy Farming)

The requirements for organizations related to dairy farming defined in subparagraph 6 of Article 2 of the Dairy Promotion Act (hereinafter referred to as “Act”) shall be as follows: *<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 22497, Nov. 19, 2010; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 25133, Jan. 28, 2014>*

1. Producers’ organization: It shall be an incorporated association, the members of which are dairy farmers and which has obtained permission for incorporation from the Minister of Agriculture, Food and Rural Affairs;
2. Milk processing-related organization: It shall be an incorporated association, the members of which engage in milk processing business with permission under Article 22 of the Livestock Products Sanitary Control Act and which has obtained permission for incorporation from the Minister of Agriculture, Food and Rural Affairs.

Article 3 (Formulation and Implementation of Dairy Farming Promotion Plans)

(1) Every year, the Minister of Agriculture, Food and Rural Affairs shall formulate a dairy promotion plan pursuant to Article 3 of the Act, by not later than December 31 of the previous year. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>*

(2) Where the Minister of Agriculture, Food and Rural Affairs formulates a dairy promotion plan under paragraph (1), he/she shall notify such matter to the Special Metropolitan City Mayor, Metropolitan City Mayors, and Do Governors (hereinafter referred to as “Mayor/Do Governor”); the National Agricultural Cooperative Federation (including an agricultural cooperative economic holding company; hereinafter referred to as the “National Agricultural Cooperative Federation”); the Korea Dairy Committee (hereinafter referred to as the “Committee”); and other organizations related to dairy farming. <Amended by Presidential Decree No. 26108, Feb. 23, 2015>

(3) Each of the Mayors/Do Governors shall formulate and implement a detailed implementation plan for each relevant Special Metropolitan City, Metropolitan City, and Do in accordance with a dairy farming promotion plan under paragraph (1).

(4) A dairy farming promotion plan formulated under paragraph (1) and detailed implementation plan provided for in paragraph (3) shall include a support plan for project costs to be incurred in promoting such plan.

Article 4 (Matters to Be Included in Contract for Raw Milk Production)

“Other matters prescribed by Presidential Decree” provided in Article 9 (2) of the Act shall be the following:

1. Matters concerning methods of paying and settling prices for raw milk;
2. Matters concerning remedies for breach of contract;
3. Other matters necessary for concluding and fulfilling the contract.

Article 5 (Differentiation of Purchasing and Selling Prices of Raw Milk)

In determining the purchasing and selling prices of raw milk under Article 9 (3) of the Act and Article 12 (3) of the Act, the Committee may determine differentiated prices on the basis of the classification of raw milk by ingredient, sanitary grade, use, season, quantity exceeding the contract quantity, etc.

Article 6 (Modification of Terms of Contract for Raw Milk Production)

“Any other extenuating circumstance prescribed by Presidential Decree” provided for in the proviso of Article 10 (1) of the Act means where there is a failure in production of raw milk unattributable to a dairy farmer, such as fire, longtime outage, or contagious diseases effecting livestock.

Article 7 (Matters to Be included in Contract for Supply of Raw Milk)

“Other matters prescribed by Presidential Decree” in Article 12 (2) of the Act shall be as follows:

1. Method for delivering and acquiring raw milk;
2. Matters concerning method of paying and settling prices for raw milk;
3. Matters concerning remedies for breach of contract;

4. Other matters necessary for concluding and fulfilling the contract.

Article 8 (Designation of Milk Collecting Cooperatives and Other Relevant Matters)

(1) Where the Chairperson of the Committee determines standards necessary for designating milk collecting cooperatives pursuant to Article 13 of the Act, he/she shall consider management capabilities to collect milk, capabilities to secure collecting facilities, and financial status, etc. of milk collecting cooperatives subject to designation.

(2) Where the head of the Committee determines standards necessary for determining milk collecting areas according to milk collecting cooperatives pursuant to Article 13 of the Act, he/she shall consider administrative districts, optimal distances for transporting raw milk, minimizing distribution costs of raw milk, distributing dairy farmers, etc.

(3) Where the head of the Committee intends to determine standards or designate milk collecting cooperatives pursuant to paragraphs (1) and (2), he/she may listen to opinions from the National Agricultural Federation in advance. <Amended by Presidential Decree No. 26108, Feb. 23, 2015>

Article 9 (Hearing of Opinions)

Where the Committee deems it necessary for reviewing an objection raised under Article 16 of the Act, it may listen to opinions from the person who has raised the objection or interested parties.

Article 10 (Measures for Stabilization of Supply and Demand)

(1) When the Minister of Agriculture, Food and Rural Affairs orders to take measures for stabilizing supply and demand for raw milk and dairy products pursuant to Article 17 (2) of the Act, he/she shall notify the relevant subject to perform such measures with written statement of the relevant reasons and details. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(2) “Other matters prescribed by Presidential Decree to stabilize the supply and demand for raw milk and dairy products” in Article 17 (2) 4 of the Act means the following:

1. Matters necessary to adjust raw milk production;
2. Matters concerning processing dairy products and controlling the release thereof;
3. Matters concerning purchasing and storing dairy products;
4. Matters concerning increasing consumption of and publicity for dairy products.

Article 11 (Criteria for Imposition of Administrative Fines)

The criteria for imposing administrative fines under Article 19 (2) of the Act shall be as specified in the attached Table.

ADDENDUM

This Decree shall enter into force on January 1, 1998.

ADDENDA <Presidential Decree No. 20677, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Presidential Decree No. 22497, Nov. 19, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on November 26, 2010. (Proviso Omitted.)

Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 22818, Apr. 4, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

(1) Notwithstanding the amended provisions of the attached Table, the previous provisions shall apply to administrative fines imposed for offenses committed before this Decree enters into force.

(2) Imposing an administrative fine for an offense committed before this Decree enters into force shall not be included in the number of offenses counted under the amended provisions of the attached Table.

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. 25133, Jan. 28, 2014>

Article 1 (Enforcement Date)

(1) This Decree shall enter into force on January 31, 2014.

(2) through (5) Omitted.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 26108, Feb. 23, 2015>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Last updated : 2018-04-04

