

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

Wholly Amended by Presidential Decree No. 30975, Aug. 26, 2020

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods and those necessary for enforcing said Act.

Article 2 (Level of Contribution to Environment-Friendly Agro-Fisheries)

Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments intend to evaluate the level of contribution to environment-friendly agro-fisheries under Article 16 (1) of the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods (hereinafter referred to as the "Act"), they shall consider the following:

1. Track record in maintaining and improving the agro-fishery environment;
2. Track record in producing, distributing, and exporting organic food and organic processed products not intended for human consumption (hereinafter referred to as "organic food, etc."), environment-friendly agro-fishery products, or organic agro-fishery materials;
3. Track record in conducting certification and post-certification surveillance of organic foods, etc., pesticide-free agricultural products, processed food made with pesticide-free raw materials, antibiotic-free fishery products, and fishery products free of active treatment agents;
4. Track record in developing and disseminating technology for environment-friendly agro-fisheries;
5. Track record in providing education and training on environment-friendly agro-fisheries;
6. Track record in reducing the use of chemical materials, such as pesticides and fertilizers;
7. Track record in recycling livestock excrements into manure, liquid manure, etc.

Article 3 (Jurisdiction for Certification of Organic Food)

In the case of certifying any organic food, etc. under Article 19 (1) of the Act, the jurisdiction over the organic food, etc. that consists of organic agricultural products, livestock products, forest products, and fishery products shall be divided as follows:

1. Where the percentage of organic agricultural products, livestock products, and forest products is larger than that of organic fishery products: The Minister of Agriculture, Food and Rural Affairs;
2. Where the percentage of organic fishery products is larger than that of organic agricultural products, livestock products, and forest products: The Minister of Oceans and Fisheries;
3. Where the percentage of organic fishery products is the same as that of organic agricultural products, livestock products, and forest products: The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries who receives an application under Article 20 (1) of the Act.

Article 4 (Amount of Penalty Surcharges)

(1)(1) The amount of a penalty surcharge under Article 24-2 (1) of the Act and the detailed standards for calculating the sales amount shall be as specified in attached Table 1.

(2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries intends to impose a penalty surcharge under Article 24-2 (1) of the Act, the Minister shall give written notice to the person liable to pay the penalty surcharge by specifying the types of violations and the amount of the penalty surcharge.

(3) The person who receives notice pursuant to paragraph (2) shall pay the penalty surcharge to the collecting agency prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries within 30 days after the date of receipt of such notice: Provided, That where the person is unable to pay the penalty surcharge within such period due to a natural disaster or any other unavoidable reason, he or she shall pay it within seven days after such reason ceases to exist.

(4) Upon receipt of a penalty surcharge pursuant to paragraph (3), the collecting agency shall issue a receipt to the person who pays it.

(5) Upon receipt of a penalty surcharge pursuant to paragraph (3), the collecting agency shall notify the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries of such fact without delay.

(6) Except as provided in paragraphs (1) through (5), matters necessary for the imposition and collection of a penalty surcharge shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

Article 5 (Extension of Payment Deadline for Penalty Surcharge and Installment Payment)

(1) Where it is deemed difficult for a person on whom a penalty surcharge has been imposed pursuant to Article 24-2 (1) of the Act to pay the penalty surcharge in full for any of the following reasons, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may extend the

payment deadline or allow him or her to pay the penalty surcharge in installments. In such cases, if deemed necessary, he or she may furnish a security:

1. Where he or she has sustained a substantial loss to the property due to a disaster, etc.;
2. Where his or her business is in a serious crisis due to deterioration in economic or business conditions;
3. Where he or she is expected to suffer significant financial difficulties if the penalty surcharge is paid in full.

(2) A person intending to have the payment deadline extended or to make payment in installments pursuant to paragraph (1) shall submit an application form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, along with documents attesting the reasons for such extension or installment payment to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, not later than five days before the payment deadline.

(3) No extended deadline for payment of a penalty surcharge under paragraph (1) shall exceed one year from the day following the payment deadline.

(4) In the case of installment payment under paragraph (1), no interval between each deadline for installment payment shall exceed four months, and the number of installments shall not exceed three.

(5) Where a person who is liable to pay a penalty surcharge but is granted an extended payment deadline or installment payment under paragraph (1) falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke the decision to extend the payment deadline or allow installment payment in order to collect the penalty surcharge in full:

1. Where he or she fails to pay the penalty surcharge in installments by the payment deadline;
2. Where it is deemed impossible to collect all or remaining portion of the penalty surcharge due to such reasons as compulsory execution, commencement of an auction, dissolution of the corporation, or disposition on delinquent national or local taxes, etc.

Article 6 (Evaluation of Designation of Certification Bodies)

"Institution or organization prescribed by Presidential Decree" in Article 26 (4) of the Act means the following institutions or organizations:

1. The Korea Rural Economic Institute or the Korea Maritime Institute established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
2. The Korea Food Research Institute established under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
3. Schools or the affiliated juristic persons established under the Higher Education Act;
4. The Korea National College of Agriculture and Fisheries established under the Act on the Establishment of Korea National College of Agriculture and Fisheries;

5. Other institutions or organizations recognized to have expertise in environment-friendly agro-fisheries, organic food, etc. and publicly notified by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.

Article 7 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall delegate the following authority to the Minister of Food and Drug Safety pursuant to Article 58 (1) of the Act:

1. Inspection of the suitability of the certification and labeling standards of imported organic food, etc. (excluding organic processed products not intended for human consumption; hereafter the same shall apply in this paragraph) pursuant to Article 23-2 (2) of the Act;
2. Acceptance of reports on imported organic food, etc. under Article 23-2 (4) of the Act.

(2) The Minister of Agriculture, Food and Rural Affairs shall delegate, of the following authority, the authority vested in him or her on agriculture, livestock industry, agricultural products, and livestock products to the Administrator of the Rural Development Administration, as prescribed in Article 58 (1) of the Act:

1. Inspection and evaluation of the current status under Article 11 (1) 1 through 5 and 6 of the Act and reporting under paragraph (3) of the same Article;
2. Gaining access to a business place and collection of samples for inspection under Article 12 (1) of the Act;
3. Formulation and subsidization of policies necessary for the research on, development and dissemination of, and education and guidance on technology, materials, etc. necessary for environment-friendly agro-fisheries under Article 13 of the Act;

(3) The Minister of Agriculture, Food and Rural Affairs shall delegate, of the following authority, the authority vested in him or her on forestry and forest products to the Minister of the Korea Forest Service, as prescribed in Article 58 (1) of the Act:

1. Inspection and evaluation of the current status under Article 11 (1) 1 through 5 and 6 of the Act and reporting under paragraph (3) of the same Article;
2. Gaining access to a business place and collection of samples for inspection under Article 12 (1) of the Act;
3. Formulation and subsidization of policies necessary for the research on, development and dissemination of, and education and guidance on technology, materials, etc. necessary for environment-friendly agro-fisheries under Article 13 of the Act;
4. Identification and promotion of best practices under Article 15 (2) of the Act;
5. Subsidization of expenses incurred in relation to the installation of facilities to support producers, producers' organizations, distributors, and exporters of organic food, etc., processed food made with pesticide-free raw materials, environment-friendly agro-fishery products, or organic agro-fishery

materials under Article 16 (1) of the Act;

6. Requests for preferential procurement under Article 55 (2) of the Act.

(4) The Minister of Agriculture, Food and Rural Affairs shall delegate, of the following authority, the authority vested in him or her on agriculture, livestock industry, forestry, agricultural products, livestock products, and forest products (hereinafter referred to as "agricultural, forest, and livestock products") and on the processed products of agricultural, forest, and livestock products (excluding cases falling under subparagraph 2 of Article 3) to the director general of the National Agricultural Products Quality Management Service, as prescribed in Article 58 (1) of the Act:

1. Education and training, and designation of, and provision of subsidies to, educational and training institutions under Article 14 (1) through (3) of the Act;
2. Disposition to revoke the designation as an educational and training institution or to suspend the business under Article 14-2 (1) of the Act;
3. Certification of organic food, etc. under Article 19 (1) of the Act;
4. Recommendation for the display of information on the method of producing certified products and the materials used, etc. under Article 23 (2) of the Act (including cases applied mutatis mutandis in Article 36 (3) of the Act);
5. Permission for using organic labeling on a limited basis under Article 23 (3) of the Act;
6. Inspection of the suitability of the certification and labeling standards of organic processed products not intended for human consumption among imported organic foods, etc. under Article 23-2 (2) of the Act;
7. Acceptance of reports on organic processed products not intended for human consumption among imported organic foods, etc. under Article 23-2 (4) of the Act;
8. Revocation of certification, removal and suspension of the use of a certification label or issuance of an order to take corrective measures under Article 24 (1) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
9. Notification of revocation of certification of certified business entities and acceptance of reports on the revocation of certification from certification bodies under Article 24 (2) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
10. Imposition and collection of penalty surcharges under Article 24-2 of the Act;
11. Equivalency recognition (excluding the conclusion of an equivalency agreement with foreign governments) and publication thereof on the website under Article 25 of the Act;
12. Designation of certification bodies under Article 26 (1) of the Act;
13. Acceptance of applications for the designation of certification bodies, renewal of designation, delegation and entrustment of evaluation business, acceptance of reports on changes, and approval of such changes under Article 26 (2) through (5) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);

14. Granting of qualification as a certification auditor under Article 26-2 (1) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
15. Education provided for persons who intend to be qualified as a certification auditor under Article 26-2 (2) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
16. Revocation and suspension of the qualification of a certification auditor or issuance of an order to take corrective measures under Article 26-2 (3) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
17. Education provided for certification auditors under Article 26-4 (1) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
18. Gaining access to certification bodies and requests for the provision of information and data under Article 27 (1) 2 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
19. Acceptance of reports on the results of certification and post-certification surveillance, etc. from certification bodies under Article 27 (1) 4 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
20. Random audits of certified business entities and documentation and maintenance of the findings thereof under Article 27 (1) 5 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
21. Acceptance of reports on the suspension or discontinuation of certification business of certification bodies under Article 28 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
22. Revocation of designation as a certification body, suspension of the business, or issuance of an order to take corrective measures, and publication of such disposition on the website under Article 29 (1) and (2) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
23. Inspection of certified products, etc. which are on sale or being distributed, inspection of business places, requests for the provision of samples for inspection without compensation and inspection thereof, and requests for the submission of data to certified business entities under Article 31 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
24. Notification of the results of an inspection, receipt of a request for re-inspection, determination and notification as to whether to perform a re-inspection, performance of such re-inspection and notification of the results under Article 31 (4) through (6) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
25. Issuance of an order to take measures, seizure of certified products, etc., and publication of the details of the order under Article 31 (7) through (9) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
26. Inspection of certification bodies under Article 32 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);

27. Revocation of designation as a certification body, suspension of the business, or issuance of an order to take corrective measures under Article 32 (2) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
28. Assessment and grade determination of certification bodies, publication of such results, and reflection of the results of the assessment and grade determination in managing, supporting, and nurturing the certification bodies under Article 32-2 (1) and (2) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
29. Acceptance of reports on the succession to the status of certification bodies, and notification as to whether such reports are accepted under Article 33 (2) and (3) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
30. Certification of pesticide-free agricultural products and processed food made with pesticide-free raw materials under Article 34 (1) of the Act;
31. Designation of certification bodies under Article 35 (1) of the Act;
32. Permission for carrying a pesticide-free label on a limited basis under Article 36 (2) of the Act;
33. Public disclosure of organic agro-fishery materials under Article 37 (1) of the Act;
34. Designation of a testing and research institution for organic agro-fishery materials, acceptance of an application for such designation, renewal of the designation, acceptance of an application for the change of designation, revocation of designation, and an order for the suspension of business under Article 41 (1) through (5) of the Act;
35. Requests for permission to access testing and research institutions for organic agro-fishery materials and requests for the provision of information and data under subparagraph 2 of Article 41-2 of the Act;
36. Inspection of testing and research institutions for organic agro-fishery materials under Article 41-3 (1) of the Act;
37. Disposition to cancel public disclosure and to prohibit sale, or issuance of an order to take corrective measures under Article 43 (1) of the Act;
38. Notification of cancellation of public disclosure and acceptance of reports on such fact under Article 43 (2) of the Act;
39. Designation of institutes for public disclosure, acceptance of an application for designation, renewal of the designation, acceptance of reports on changes, and approval of such changes pursuant to Article 44 (1) through (4) of the Act;
40. Requests for permission to access an institute for public disclosure, etc. and requests for the provision of information and data under Article 45 (2) of the Act;
41. Acceptance of reports on the results of public disclosure and post-certification surveillance, etc. under subparagraph 4 of Article 45 of the Act;
42. Acceptance of reports on the business suspension or discontinuation of institutes for public disclosure under Article 46 of the Act;

43. Revocation of designation as an institute for public disclosure, suspension of the business, or issuance of an order to take corrective measures, and publication of such disposition on the website under Article 47 (1) and (2) of the Act;
 44. Inspection of publicly disclosed organic agro-fishery materials which are on sale or being distributed, inspection of business places of publicly disclosed business entities, requests for the provision of samples for inspection without compensation and inspection thereof, and requests for the submission of data, etc. under Article 49 (1) of the Act;
 45. Notification of the results of an inspection, receipt of a request for re-inspection, determination and notification as to whether to perform a re-inspection, performance of such re-inspection and notification of the results under Article 49 (4) through (6) of the Act;
 46. Issuance of an order to take measures, seizure of organic agro-fishery materials, and publication of the details of the order under Article 49 (7) through (9) of the Act;
 47. Inspection of an institute for public disclosure, revocation of designation as such institute, suspension of the business, or issuance of an order to take corrective measures under Article 50 (1) and (2) of the Act;
 48. Acceptance of reports on the succession to the status of institutes for public disclosure and notification as to whether such reports are accepted under Article 51 (2) and (3) of the Act;
 49. Establishment and operation of an information system for managing certification for environment friendliness under Article 53 (1) of the Act;
 50. Establishment and operation of an information system for organic agro-fishery materials under Article 53-2 (1) of the Act;
 51. Implementation of measures to promote the use of the certification system under Article 54 of the Act and provision of funds;
 52. Management and operation of the activities by honorary monitors under Article 54-2 of the Act;
 53. Payment of fees under the subparagraphs of Article 56 (2) of the Act;
 54. Hearings on the revocation of designation as an educational and training institution, revocation of the qualification of a certification auditor, and revocation of designation as a certification body or an institute for public disclosure under Article 57 (1) of the Act;
 55. Imposition and collection of administrative fines under Article 62 (5) of the Act.
- (5) The Minister of Oceans and Fisheries shall delegate, of the following authority, the authority vested in him or her on fisheries, fishery products, and processed products thereof (excluding cases falling under subparagraph 1 of Article 3) to the director general of the National Fishery Products Quality Management Service, as prescribed in Article 58 (1) of the Act:
1. Education and training, and designation of, and provision of subsidies to, educational and training institutions under Article 14 (1) through (3) of the Act;
 2. Disposition to revoke the designation as an educational and training institution and to suspend the business under Article 14-2 (1) of the Act;

3. Certification of organic food, etc. under Article 19 (1) of the Act;
4. Performance of a certification audit and notification of the results, receipt of an application for re-audit, determination and notification as to whether to perform a re-audit, performance of such re-audit and notification of the results, and approval of changes in certification under Article 20 (3) and (5) through (8) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
5. Renewal of certification, extension of the term of validity, receipt of an application for a re-audit, determination and notification as to whether to perform such re-audit, performance of the re-audit, and notification of the results under Article 21 (2) through (6) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
6. Acceptance of reports on the records of sales of certified products produced, manufactured, processed, or handled under Article 22 (1) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
7. Recommendation for the display of information on the method of producing certified products and the materials used, etc. under Article 23 (2) of the Act (including cases applied mutatis mutandis in Article 36 (3) of the Act);
8. Permission for using organic labeling on a limited basis under Article 23 (3) of the Act;
9. Revocation of certification, removal and suspension of the use of a certification label or issuance of an order to take corrective measures under Article 24 (1) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act);
10. Notification of revocation of certification of certified business entities and acceptance of reports on the revocation of certification from certification bodies under Article 24 (2) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act) ;
11. Imposition and collection of penalty surcharges under Article 24-2 of the Act;
12. Equivalency recognition (excluding the conclusion of an equivalency agreement with foreign governments) and publication thereof on the website under Article 25 of the Act;
13. Designation of certification bodies under Article 26 (1) of the Act;
14. Acceptance of applications for the designation of certification bodies, renewal of designation, delegation and entrustment of evaluation business, acceptance of reports on changes, and approval of such changes under Article 26 (2) through (5) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
15. Granting of qualification as a certification auditor under Article 26-2 (1) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
16. Education provided for persons who intend to be qualified as a certification auditor under Article 26-2 (2) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
17. Revocation and suspension of the qualification of a certification auditor or issuance of an order to take corrective measures under Article 26-2 (3) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);

18. Education provided for certification auditors under Article 26-4 (1) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
19. Gaining access to certification bodies and requests for the provision of information and data under Article 27 (1) 2 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
20. Acceptance of reports on the results of certification and post-certification surveillance, etc. from certification bodies under Article 27 (1) 4 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
21. Random audits of certified business entities and documentation and maintenance of the findings thereof under Article 27 (1) 5 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
22. Acceptance of reports on the suspension or discontinuation of certification business of certification bodies under Article 28 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
23. Revocation of designation as a certification body, suspension of the business, or issuance of an order to take corrective measures, and publication of such disposition on the website under Article 29 (1) and (2) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act);
24. Inspection of certified products, etc. which are on sale or being distributed, inspection of business places, requests for the provision of samples for inspection without compensation and inspection thereof, and requests for the submission of data to certified business entities under Article 31 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
25. Notification of the results of an inspection, receipt of a request for re-inspection, determination and notification as to whether to perform a re-inspection, performance of such re-inspection and notification of the results under Article 31 (4) through (6) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
26. Issuance of an order to take measures, seizure of certified products, etc., and publication of the details of the order under Article 31 (7) through (9) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
27. Inspection of certification bodies under Article 32 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
28. Revocation of designation as a certification body, suspension of the business, or issuance of an order to take corrective measures under Article 32 (2) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
29. Assessment and grade determination of certification bodies, publication of such results, and reflection of the results of the assessment and grade determination in managing, supporting, and nurturing certification bodies under Article 32-2 (1) and (2) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);

30. Acceptance of reports on the succession to the status of certified business entities or certification bodies and notification as to whether such reports are accepted under Article 33 (2) and (3) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act);
 31. Certification of antibiotic-free fishery products and fishery products free of active treatment agents under Article 34 (1) of the Act.
 32. Designation of certification bodies under Article 35 (1) of the Act;
 33. Establishment and operation of an information system for managing certification for environment friendliness under Article 53 (1) of the Act;
 34. Establishment and operation of an information system for organic agro-fishery materials under Article 53-2 (1) of the Act;
 35. Provision of funds to certified business entities or certification bodies under Article 54 (2) 2 of the Act;
 36. Management and operation of the activities by honorary monitors under Article 54-2 of the Act;
 37. Receipt of fees under Article 56 (1) 1, 1-2, 2, and 3, and (2) 1 and 2 of the Act;
 38. Hearings on the revocation of designation as an educational and training institution, revocation of the qualification of a certification auditor, and revocation of designation as a certification body under Article 57 (1) of the Act;
 39. Imposition and collection of administrative fines under Article 62 (5) of the Act (limited to administrative fine for violations under Article 20 (8) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act), Article 22 (1) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act), Article 22 (2) of the Act (including cases applied mutatis mutandis in Article 34 (4) of the Act), Article 23 (1) of the Act (including where any non-certified business entity who unpacks the package of a certified product, repacks it, and affixes a label thereto under Article 23 (1) of the Act), Article 23 (3) of the Act, the main clause and proviso of Article 26 (5) of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act), Article 27 (1) 3 through 5 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act), Article 27 (2) 2 and 3 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act), Article 28 of the Act (including cases applied mutatis mutandis in Article 35 (2) of the Act), Article 31 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act), Article 32 (1) of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act), Article 33 of the Act (including cases applied mutatis mutandis in Article 34 (5) of the Act), Article 36 (1) of the Act (including where any non-certified business entity unpacks the package of a certified product, repacks it, and affixes a label thereto under Article 36 (1) of the Act), and Article 36 (2) of the Act.
- (6) The Minister of Oceans and Fisheries shall delegate, of the following authority, the authority vested in him or her on fisheries and fishery products to the director general of the National Institute of Fisheries Science, as prescribed in Article 58 (1) of the Act:

1. Inspection and evaluation of the current status under Article 11 (1) of the Act and reporting under paragraph (3) of the same Article;
2. Gaining access to a business place and collection of samples for inspection under Article 12 (1) of the Act;
3. Formulation and subsidization of policies necessary for the research on, development and dissemination of, and education and guidance on technology, materials, etc. necessary for environment-friendly agro-fisheries under Article 13 of the Act.

(7) Where the Administrator of the Rural Development Administration, the director general of the National Agricultural Products Quality Management Service, the director general of the National Fishery Products Quality Management Service, or the president of the National Institute of Fisheries Science re-delegates part or all of the authority vested in him or her under paragraphs (2), and (4) through (6) to the head of an affiliated agency pursuant to Article 58 (2) of the Act, he or she shall publicly notify the details thereof.

Article 8 (Management of Sensitive Information and Personally Identifiable Information)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries (including persons delegated with the authority of the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries pursuant to Article 7) or the heads of local governments (including persons delegated with the authority by the heads of local governments, if such authority is delegated) may manage the data containing resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if that is unavoidable for performing the following administrative affairs:

1. Administrative affairs regarding subsidization of expenses under Article 13 (2) of the Act;
2. Administrative affairs regarding subsidization of expenses in relation to the installation of facilities, etc. under Article 16 (1) of the Act.

(2) The Minister of Agriculture, Food and Rural Affairs, or the Minister of Oceans and Fisheries (including persons delegated with the authority of the Minister of Agriculture, Food and Rural Affairs, or the Minister of Oceans and Fisheries pursuant to Article 7) may manage information equivalent to criminal records under subparagraph 2 of Article 18 of the Enforcement Decree of the Personal Information Protection Act or data containing resident registration numbers under subparagraph 1 of Article 19 of the same Decree, if that is unavoidable for performing the following administrative affairs:

1. Administrative affairs regarding the imposition and collection of penalty surcharges under Article 24-2 of the Act;
2. Administrative affairs regarding the confirmation of grounds for disqualification for executive officers and employees of certification bodies under Article 26-3 of the Act;
3. Administrative affairs regarding measures under Article 31 (7) of the Act;

4. Administrative affairs regarding measures under Article 49 (7) of the Act.

Article 9 (Criteria for Imposing Administrative Fines)

The criteria for imposing an administrative fine pursuant to Article 62 (1) through (4) of the Act shall be as specified in attached Table 2.

ADDENDA <Presidential Decree No. 30975, Aug. 26, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 28, 2020.

Article 2 (Transitional Measures concerning Criteria for Imposing Administrative Fines)

The imposition of administrative fines for violations committed before this Decree enters into force shall be included in calculating the number of violations under the amended provisions of subparagraph 2 of attached Table 2.

Article 3 Omitted.



Last updated : 2021-12-20