

SEAFOOD INDUSTRY PROMOTION AND SUPPORT ACT

Act No. 17037, Feb. 18, 2020
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Act No. 17618, Dec. 8, 2020

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to establish the basis for improving the value-added of the seafood industry by providing for matters necessary for fostering and supporting the seafood industry, and to contribute to developing the national economy by promoting sustainable development of the seafood industry and fisheries.

Article 2 (Definitions)

The definitions of terms used in this Act are as follows:

1. The term “fisheries” means an industry defined in subparagraph 1 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development;
2. The term “marine product” means a product produced as a result of engaging in fisheries, as defined in subparagraph 7 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development;
3. The term “seafood” means marine products that humans can eat or drink directly, or all kinds of food and drink the main raw materials or ingredients of which are marine products;
4. The term “seafood industry” means an industry, determined by Presidential Decree, producing, processing, manufacturing, cooking, packing, storing, transporting or selling seafood;
5. The term “functionality” means functionality defined in subparagraph 2 of Article 3 of the Health Functional Foods Act;
6. The term “seafood business operator” means a person engaged in the seafood industry;
7. The term “traditional seafood” means seafood with the original taste, flavor, and color of traditional Korean cuisine, which is produced, processed, and cooked according to the Korean traditional recipes using Korean marine products as main raw materials or ingredients;

8. The term “Korean seafood master” means a person designated under Article 25 (1), among those who have been engaged in the field of seafood, such as seafood production, processing, and cooking, to succeed to and develop Korean seafood;

9. The term “seafood cluster” means a complex formed by clustering enterprises, research institutes, universities, and business supporting facilities related to the seafood industry in a specific region to produce synergistic effects through interconnectedness;

10. The term “certification of quality seafood, etc.” means the industrial standards certification of seafood provided for in Article 27 (1), the quality certification of traditional seafood provided for in Article 29 (1), and the origin certification for processed seafood, restaurants, etc. provided for in Article 30 (1).

Article 3 (Duties and Responsibilities of the State and Local Governments)

The State and local governments shall prepare administrative and financial support plans to establish and implement polices necessary to reinforce the link between the seafood industry and fisheries and to promote the sound development of the seafood industry.

Article 4 (Relationship to Other Statutes)

The promotion and support of the seafood industry shall be governed by this Act, except as otherwise provided in any other statute.

CHAPTER II ESTABLISHMENT OF FOUNDATION FOR PROMOTION OF SEAFOOD INDUSTRY

Article 5 (Formulation of Master Plans to Promote Seafood Industry)

(1) In order to establish the foundation for promoting the seafood industry and to increase the competitiveness of related industries, the Minister of Oceans and Fisheries shall formulate and implement a master plan for promotion of the seafood industry (hereinafter referred to as “master plan”) every five years through consultation with the heads of relevant central administrative agencies.

(2) When intending to formulate or amend a master plan, the Minister of Oceans and Fisheries shall finalize it after deliberation by the Central Fisheries/Fishing Village Policy Review Committee (hereinafter referred to as the “Central Review Committee”) under Article 8 of the Framework Act on Fisheries and Fishing Villages Development: Provided, That this shall not apply to amendments to minor matters prescribed by Presidential Decree.

(3) A master plan shall include the following:

1. Basic direction-setting for promoting the seafood industry;
2. Matters for reinforcing interconnectedness between the seafood industry and fisheries;

3. Matters for developing, distributing, and globalizing traditional seafood;
4. Matters for developing seafood whose functionality has been verified and fostering related industries;
5. Matters for improving the quality of seafood, supply and demand for seafood, and the certification system;
6. Matters for developing and disseminating technology related to the seafood industry;
7. Matters for nurturing specialists in the seafood industry, statistics and informatization thereof;
8. Matters for promoting consumption of quality seafood materials;
9. Matters for providing consumers with information about seafood quality, etc., and for consumer protection;
10. Matters for seafood clusters;
11. Other matters necessary for promoting the seafood industry.

(4) The Minister of Oceans and Fisheries shall formulate and implement an annual implementation plan based on a master plan (hereinafter referred to as “implementation plan”) through consultation with the heads of relevant central administrative agencies.

(5) Where the Minister of Oceans and Fisheries formulates or amends a master plan and an implementation plan, he or she shall give notice thereof to the heads of relevant central administrative agencies, and the Special Metropolitan City Mayor, Metropolitan City Mayors, the Special Self-Governing City Mayor, Do Governors, and the Special Self-Governing Province Governor (hereinafter referred to as “Mayor/Do Governor”), and submit them to the competent standing committee of the National Assembly.

(6) Where the Minister of Oceans and Fisheries formulates or amends a master plan and an implementation plan, he or she shall publicly announce them as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(7) Where it is necessary to formulate a master plan or an implementation plan, the Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies or a Mayor/Do Governor to submit relevant materials. In such cases, the heads of relevant central administrative agencies or the Mayor/Do Governor requested to submit materials shall comply therewith, in the absence of good cause.

(8) Other matters necessary for formulating master plans and implementation plans shall be prescribed by Presidential Decree.

Article 6 (Nurturing Seafood Industry Specialists)

(1) The State or local governments shall endeavor to nurture specialists to promote the seafood industry.

(2) In order to nurture specialists pursuant to paragraph (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor may designate and manage an institution or organization equipped with adequate human resources, facilities, etc., such as a university and a research institute, as an institution to nurture seafood industry specialists, as prescribed by Presidential Decree.

(3) The State or a local government may reimburse all or some of expenses incurred by an institution designated to nurture seafood industry specialists pursuant to paragraph (2) in nurturing such specialists within budgetary limits, as prescribed by Presidential Decree.

(4) The Minister of Oceans and Fisheries or a Mayor/Do Governor may revoke the designation of an institution to nurture seafood industry specialists if the institution falls under any of the following cases: Provided, That he or she shall revoke the designation of the institution if it falls under subparagraph 1:

1. Where it has obtained designation by fraud or other improper means;
2. Where it ceases to meet any of the criteria for designation prescribed under paragraph (5).

(5) The criteria and procedures for designation of institutions to nurture seafood industry specialists, for revocation of such designation, and matters necessary for operating the institutions, shall be prescribed by Presidential Decree.

Article 7 (Statistical Surveys on Seafood Industry)

(1) The Minister of Oceans and Fisheries may conduct a statistical survey on production, processing, distribution, consumption, etc. of seafood in order to promote the seafood industry, facilitate smooth supply and demand for seafood, and effectively use seafood resources; and the Statistics Act shall apply mutatis mutandis in compiling the relevant statistics.

(2) The Minister of Oceans and Fisheries may request necessary materials and information from the heads of relevant central administrative agencies, the heads of local governments, the heads of public institutions, seafood business operators, the heads of trade associations established under Article 11, and the heads of relevant institutions and organizations, if necessary to compile statistics.

(3) A person in receipt of a request to provide materials and information pursuant to paragraph (2) shall comply therewith, unless there is a compelling reason not to do so.

(4) Matters necessary for conducting statistical surveys pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 8 (Designation of Institutions Specialized in Data Analysis for Seafood Industry)

(1) The Minister of Oceans and Fisheries may designate an institution, organization, or corporation that handles data and statistics on the seafood industry as an institution specialized in data analysis for the seafood industry (hereinafter referred to as “specialized institution”) in order to efficiently manage the seafood industry.

(2) Any specialized institution may perform the following affairs:

1. Analyzing data related to the current status of the seafood industry and seafood consumption at home and abroad;
2. Analyzing data related to trends in seafood trade;
3. Analyzing data, including literature on traditional seafood;

4. Other affairs entrusted by the Minister of Oceans and Fisheries.

(3) The Minister of Oceans and Fisheries may, within budgetary limits, reimburse expenses incurred by a specialized institution in performing the affairs entrusted thereto under paragraph (2).

(4) The Minister of Oceans and Fisheries may revoke the designation of a specialized institution if the specialized institution falls under any of the following cases: Provided, That he or she shall revoke the designation of the specialized institution if it falls under subparagraph 1:

1. Where it has obtained designation by fraud or other improper means;
2. Where it fails to start performing the affairs provided for in the subparagraphs of paragraph (2), or delays such affairs without good cause;
3. Where it ceases to meet any of the criteria for designation prescribed under paragraph (5).

(5) The criteria and procedures for designation of specialized institutions and for revocation of such designation, and matters necessary for operating the specialized institutions, shall be prescribed by Presidential Decree.

Article 9 (Promotion of Technological Development Related to Seafood Industry)

(1) To facilitate technological development related to the seafood industry, the Minister of Oceans and Fisheries shall promote the following:

1. Research into trends in and demand for technologies related to the seafood industry;
2. Research and development of technologies related to the seafood industry;
3. Research concerning the development and globalization of traditional seafood;
4. Analysis, research and development of nutritional values and functional ingredients of seafood;
5. Research and development concerning the quality improvement of seafood;
6. Matters concerning the security of rights to developed technologies and the commercialization thereof;
7. Matters concerning technical cooperation and exchanges of information;
8. Other matters necessary for facilitating the research and development of technologies related to the seafood industry.

(2) To facilitate technological development related to the seafood industry under paragraph (1), the Minister of Oceans and Fisheries may reimburse expenses incurred by those who conduct research and development on or commercialize seafood industry technologies, etc.

Article 10 (Promoting International Cooperation and Entry into Overseas Markets)

(1) To help Korean seafood enter into overseas markets and to globally promote Korean traditional seafood culture, the State and local governments may formulate and implement necessary policies, such as exchanges and cooperation with overseas institutions, finding new markets, advertising, and inducing foreign investment.

(2) The State and local governments may reimburse expenses incurred by institutions, organizations, business operators, etc. participating in policies prescribed in paragraph (1) within the extent not violating international norms.

Article 11 (Seafood Trade Associations)

(1) In order to develop the seafood industry, seafood business operators may establish a trade association upon obtaining authorization from the Minister of Oceans and Fisheries.

(2) The trade association established under paragraph (1) shall be a legal entity; and details to be included in its articles of association, the operation and supervision thereof, and other necessary matters shall be prescribed by Presidential Decree.

(3) The trade association established under paragraph (1) may perform:

1. A survey and research project concerning direction-setting for promoting the seafood industry;
2. A project for enhancing the competitiveness of the seafood industry and promoting mutual interests between members;
3. A project for reinforcing interconnectedness between the seafood industry and fisheries;
4. Other projects deemed necessary to promote the said industry, prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(4) The provisions of the Civil Act governing incorporated associations shall apply mutatis mutandis to trade associations established under paragraph (1), except as provided in this Act.

Article 12 (Institutions Supporting Export of Seafood)

(1) The Minister of Oceans and Fisheries may designate a relevant institution, organization or corporation prescribed by Presidential Decree as an institution supporting the export of seafood to provide comprehensive support, etc. necessary for Korean seafood to enter into overseas markets.

(2) Institutions supporting the export of seafood shall engage in the following business activities:

1. Supporting the export of seafood;
2. Finding new overseas markets for seafood, and advertising;
3. Smooth supply of raw materials;
4. Supporting overseas certification necessary for Korean seafood to enter into overseas markets;
5. Other business activities entrusted by the Minister of Oceans and Fisheries for supporting the export of seafood.

(3) The Minister of Oceans and Fisheries may reimburse the working expenses of institutions supporting the export of seafood, within budgetary limits.

(4) The Minister of Oceans and Fisheries may revoke the designation of an institution supporting the export of seafood if the institution falls under any of the following cases: Provided, That he or she shall revoke the designation of the institution if it falls under subparagraph 1:

1. Where it has obtained designation by fraud or other improper means;
 2. Where it fails to start performing the business activities provided for in the subparagraphs of paragraph (2), or delays such activities without good cause;
 3. Where it ceases to meet any of the criteria for designation prescribed under paragraph (5).
- (5) The criteria and procedures for designation of institutions supporting the export of seafood and for revocation of such designation, and matters necessary for operating such institutions, shall be prescribed by Presidential Decree.

CHAPTER III FOSTERING DEVELOPMENT OF SEAFOOD INDUSTRY

Article 13 (Supporting and Fostering Seafood Clusters)

- (1) The Minister of Oceans and Fisheries shall formulate a comprehensive plan for supporting and fostering seafood clusters (hereinafter referred to as “comprehensive plan”).
- (2) The comprehensive plan shall include the following:
 1. Matters concerning basic direction-setting for fostering seafood clusters;
 2. Matters concerning the improvement of capabilities of enterprises and institutions participating in seafood clusters;
 3. Matters concerning support for activities of interconnection among enterprises and institutions participating in seafood clusters;
 4. Matters for reinforcing interconnectedness with domestic fisheries;
 5. Matters for reinforcing interconnectedness with other regions or other industrial clusters in Korea or overseas;
 6. Matters for attracting investment inside or outside Korea and facilitating the import of seafood clusters;
 7. Matters concerning investment in, and funding for seafood clusters;
 8. Other matters for fostering seafood clusters.
- (3) In order to formulate a comprehensive plan, the Minister of Oceans and Fisheries shall submit the comprehensive plan to the Central Review Committee.
- (4) Where the Minister of Oceans and Fisheries intends to formulate or amend a comprehensive plan, he or she shall hear opinions of the head of the competent local government and consult with the head of the relevant central administrative agency: Provided, That this shall not apply to amendments to minor matters prescribed by Presidential Decree.
- (5) The Minister of Oceans and Fisheries may provide financial support for a local government in which a seafood cluster is located.
- (6) Where the State or a local government promotes various projects conducted through financial support from the State or the local government, it may provide preferential support to enterprises and institutions

participating in a seafood cluster in order to foster the seafood cluster.

Article 14 (Formulation of Policies to Foster Marine Product Processing Industry)

The Minister of Oceans and Fisheries shall formulate policies concerning the following to foster and develop the marine product processing industry:

1. Matters for creating a foundation for the marine product processing industry;
2. Matters for improving the productivity of the marine product processing industry;
3. Matters for increasing the competitiveness of the marine product processing industry;
4. Matters for developing and promoting the dissemination of technology related to the marine product processing industry;
5. Matters concerning investment and loans to foster the marine product processing industry;
6. Other important matters prescribed by Presidential Decree to foster the marine product processing industry.

Article 15 (Support for Production of Processed Marine Products)

(1) The Minister of Oceans and Fisheries may grant a subsidy to a person who intends to perform the following projects, etc.:

1. Production, development, and export promotion of processed marine products prescribed by Presidential Decree using marine products as main raw materials or ingredients (hereinafter referred to as "processed marine products"), and establishment and operation of specialized stores for such products;
2. Research and development and industrialization of technology, etc. to process marine products;
3. Purchase of packaging materials, facilities, and automation equipment to facilitate quality improvement, standardization and logistics standardization of marine products and processed marine products;
4. Other matters necessary for fostering the marine product processing industry, which are prescribed by Presidential Decree.

(2) Where a person eligible for subsidies under paragraph (1) intends to establish a factory producing processed marine products, he or she shall submit a business plan to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu") having jurisdiction over the region, in which the factory is to be established, and obtain approval thereof, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) Where a person eligible for subsidies has obtained approval of his or her business plan under paragraph (2), he or she shall be deemed to have obtained the following permission, authorization, approval, cancellation, etc. or to have effected the relevant report:

1. Permission for development activities under Article 56 of the National Land Planning and Utilization Act;
 2. Permission for diverting farmland under Article 34 (1) of the Farmland Act;
 3. Permit for building a private road under Article 4 of the Private Road Act;
 4. Permission for lumbering, etc. in land for erosion control under Article 14 of the Erosion Control Work Act and cancellation of the designation of land for erosion control under Article 20 of that Act;
 5. Approval for factory establishment, etc. under Article 13 of the Industrial Cluster Development and Factory Establishment Act;
 6. Permission for converting mountainous districts or reporting thereon under Article 14 or 15 of the Mountainous Districts Management Act, permission for, or reporting on, the temporary use of mountainous districts under Article 15-2 of that Act, and permission for felling standing timber, etc. or reporting thereon under Article 36 of the Creation and Management of Forest Resources Act;
 7. Authorization for installing private-use waterworks under Article 52 of the Water Supply and Waterworks Installation Act;
 8. Permission for converting the use of grassland or reporting thereon under Article 23 of the Grassland Act.
- (4) In granting approval under paragraph (2), where any matter provided for in any of the subparagraphs of paragraph (3) falls under the jurisdiction of another administrative agency, the head of a Si/Gun/Gu shall pre-consult with the head of the relevant administrative agency or obtain approval thereof.
- (5) Where the State leases any State-owned land created by reclaiming with oyster shells to a fisherman engaged in oyster farming, or to an operator of oyster production or processing facilities registered with the Minister of Oceans and Fisheries pursuant to Article 74 of the Agricultural and Fishery Products Quality Control Act (hereafter referred to as "fisherman engaged in oyster farming, etc." in this Article), it may grant a permit to build or improve a permanent structure for shucking oysters or for the processing or sanitary treatment of oysters on the relevant land, notwithstanding Article 18 of the State Property Act. In such cases, the period for such lease shall be within 20 years, notwithstanding Article 46 (1) of the State Property Act, and any person who intends to build or improve a permanent structure may lease such land on condition that he or she shall donate the structure to the State or return the land after reinstatement upon the maturity of the leasing period.
- (6) Where deemed necessary for fostering and developing the oyster farming and processing industry, the State may sell any State-owned land under paragraph (5) to a fisherman engaged in oyster farming, etc. upon entering into a private contract, notwithstanding Article 43 of the State Property Act. In such cases, such land shall be sold after designating the uses therefor, as prescribed by Presidential Decree.

Article 16 (Reporting on Marine Product Processing Industry)

- (1) A person who intends to engage in the marine product processing industry (referring to the business of manufacturing or processing seafood, feeds, fertilizers, paste stuffs, oils and fats, or hides using marine

products as direct raw materials or ingredients; hereinafter the same shall apply) shall be equipped with facilities, etc. prescribed by Ordinance of the Ministry of Oceans and Fisheries and report thereon to the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu according to the types of business prescribed by Presidential Decree.

(2) Where he or she intends to modify important matters prescribed by Ordinance of the Ministry of Oceans and Fisheries among matters reported pursuant to paragraph (1), he or she shall report thereon to the head of an administrative agency to which he or she reported.

(3) Upon receiving a report prescribed in paragraph (1) or (2), the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu shall review details thereof and accept it, if it complies with this Act.

(4) Procedures for, and methods of filing reports or reports on modifications under paragraphs (1) and (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 17 (Suspension of Marine Product Processing Industry)

(1) Where a person who has reported on the type of business prescribed by Presidential Decree regarding the marine product processing industry falls under any of the following cases, the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu may restrict the items of production of the marine product processing industry reported, or issue an order to suspend business for a fixed period not exceeding six months or to close the place of business: Provided, That the Minister of Oceans and Fisheries or the head of the Si/Gun/Gu shall issue an order to close the place of business in cases falling under subparagraph 1 or 4:

1. Where he or she has reported on the marine product processing industry by fraud or other improper means;

2. Where he or she has processed or attempted to process marine animals or plants captured, collected, or farmed, in violation of any of the following, using them as raw materials or ingredients though he or she knows about such violation:

(a) Article 8 (1), 27 (1) and (4), 30 (1), 31 (1), 32 (1), 33, 41 (1) through (3), 47 (1) and (4), 66, or 67 of the Fisheries Act, Article 16 (2), 23, or 47 (3) of the Fishery Resources Management Act, or Article 10 (1), 21 (1), 22 (1), 23 (1), 32, 41 (1) and (4), 43 (1), or 54 (1) of the Aquaculture Industry Development Act;

(b) Restrictions or conditions on a license for fishery business under Article 12 of the Fisheries Act, the period of validity of a fishery business license under Article 14 of that Act, the period of license, etc. for a limited fishery business license under Article 15 (1) of that Act, restrictions on or suspension of a licensed fishery business or the restriction of a fishing vessel's mooring at, or departure from or entry into, a port under Article 34 (1) of that Act, restrictions or conditions on a fishery business permit under Article 43 of that Act, the period of validity of a fishery business permit under Article 46 of that Act, the period of validity of a report under Article 47 (4) of that Act, or an order for coordination of fisheries under Article 61 (1) of that Act, or an order to recover fishery resources under Article 35 (1) 1 and 6 of the Fishery Resources Management Act, or conditions on a

license under Article 14 of the Aquaculture Industry Development Act, the period of validity of a license under Article 17 of that Act, the period of license, etc. for a limited aquaculture license under Article 18 (1) of that Act, etc., the period of suspension of business under Article 22 (2) of that Act, restrictions on or suspension of a licensed fishery business under Article 26 (1) of that Act, restrictions or conditions on the type and scale of aquaculture business, aquaculture species, etc. under Article 45 of that Act, the period of validity of permission under Article 47 of that Act, and an order for coordination of aquaculture business under Article 54 (2) of that Act;

(c) Article 30 (1), 31 (1) or 32 (1) of the Fisheries Act applied mutatis mutandis under Article 49 (1) of that Act, or Article 21 (1), 22 (1) or 23 (1) of the Aquaculture Industry Development Act applied mutatis mutandis under Article 52 of that Act;

(d) Period of the license, etc. for a limited fishery business license under Article 15 (1) of the Fisheries Act, or restrictions on or suspension of a licensed fishery business or the restriction of a fishing vessel's mooring at, or departure from or entry into, a port under Article 34 (1) of that Act, applied mutatis mutandis under Article 49 (1) of that Act, or period of the license, etc. for a limited aquaculture license under Article 18 (1) of the Aquaculture Industry Development Act, etc., the period of suspension of business under Article 22 (2) of that Act, or restrictions on or suspension of a license under Article 26 (1) of that Act, applied mutatis mutandis under Article 52 of that Act;

(e) Article 11 (2) and (3) of the Fishing Ground Management Act, or Article 6 (1), 9 (1), 11 (1) or 19 of the Inland Water Fisheries Act;

(f) Restrictions on the areas of operation, scale, method, etc. of fisheries subject to permit under Article 9 (4) of the Inland Water Fisheries Act;

(g) Foreign statutes and regulations or agreements with foreign countries concerning fishery business;

3. Where he or she ceases to fulfill any of the criteria for facilities, etc. of the marine product processing industry under Article 16 (1);

4. Where he or she has been subjected to business suspension, but engages in business during the period of such suspension.

(2) Where a person engages in business without filing a report, in violation of Article 16 (1), or continues business after receiving an order to close the place of business pursuant to paragraph (1), the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu may require related public officials to take measures necessary for closing the relevant place of business.

(3) Detailed criteria for taking dispositions, such as restricting items of production under paragraph (1), shall be prescribed by Presidential Decree, depending on the types, severity, etc. of violations.

Article 18 (Promotion of Exchange and Cooperation Projects, Such as Contract Transactions)

(1) In order to increase the economic value added of marine products and to strengthen the competitiveness of the seafood industry by providing raw materials smoothly, the Minister of Oceans and Fisheries may encourage projects for exchange and cooperation between fishermen or their organization

and seafood business operators, such as entering into an exchange and cooperation agreement for production, supply, etc. of food materials under a contract.

(2) The Minister of Oceans and Fisheries may reimburse expenses incurred in performing exchange and cooperation projects prescribed in paragraph (1).

(3) The subject matter, criteria, and procedures for exchange and cooperation projects under paragraph (1), those eligible for reimbursement and criteria and procedures for reimbursement under paragraph (2), and other necessary matters, shall be prescribed by Presidential Decree.

Article 19 (Contracts for Supply of Food Materials for School Meal Service)

(1) The Minister of Oceans and Fisheries may encourage contract supply of seafood materials, direct transactions, and other exchange and cooperation projects between the school meal service support center, etc. established under Article 5 (4) of the School Meals Act and producers of marine products or seafood, in order to reinforce links between school meal service and fisheries and to supply quality food materials for school meal service.

(2) The Minister of Oceans and Fisheries may reimburse expenses incurred in investigating the stability of food materials in regard to exchange and cooperation projects performed under paragraph (1) and accord preferential treatment to exemplary business operators selected based on their records of using quality food materials, as prescribed by Presidential Decree.

(3) Business operators eligible for support under paragraph (2), criteria for providing support, and other necessary matters, shall be prescribed by Presidential Decree.

Article 20 (Development of Varieties Suitable for Purposes of Seafood Processing)

(1) In order to increase the economic value added of marine products and to strengthen the competitiveness of the seafood industry, the Minister of Oceans and Fisheries may promote projects for developing and distributing varieties suitable for purposes of seafood processing, providing training on aquaculture techniques, etc.

(2) Matters necessary for details of projects prescribed in paragraph (1) and the promotion thereof shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 21 (Succession to, and Development of, Traditional Diet Seafood Culture)

(1) In order to enhance consumers' rights and interests, and succeed to and develop traditional diet seafood culture, the State and local governments may provide the necessary information, set and distribute guidelines therefor, and provide guidance thereabout.

(2) In order to encourage wider consumption of local marine products, and to succeed to and develop traditional diet seafood culture, the Minister of Oceans and Fisheries may develop and distribute various menus and recipes using local marine products and traditional seafood.

(3) The Minister of Oceans and Fisheries may provide the education necessary for cooking, processing, etc. traditional seafood in order to teach the general public about the excellence of traditional seafood using local marine products and disseminate such excellence to the general public. In such cases, he or she shall endeavor to ensure that relevant local residents who produce the local marine products are provided with such education.

Article 22 (Globalization of Traditional Seafood)

(1) The State and local governments shall endeavor to modernize traditional seafood by conducting research on and discovering such traditional seafood in each region and to improve the nation's image through the globalization of Korean food culture.

(2) If deemed necessary to disseminate traditional seafood under paragraph (1), the State and a local government may reimburse expenses incurred in teaching and advertising traditional seafood and improving the competitiveness, etc. of Korean restaurants in foreign countries and seafood enterprises with a presence in overseas markets.

(3) Matters necessary for those eligible for reimbursement, criteria and methods for reimbursement, operation, etc. under paragraph (2) shall be prescribed by Presidential Decree.

Article 23 (Conducting Research on Seafood Ingredients)

(1) In order to provide information, etc. on seafood, the Minister of Oceans and Fisheries may publish a seafood ingredient table by analyzing nutritional values of seafood, including marine products, and conduct investigation and research on nutritional facts of seafood.

(2) Matters necessary for the analysis of nutritional values of seafood including marine products and for investigation and research on nutritional facts of seafood under paragraph (1) shall be prescribed by Presidential Decree.

Article 24 (Consulting Support for Seafood Industry)

(1) The Minister of Oceans and Fisheries may provide seafood business operators with consulting services for management, technology, finance, accounting, etc.

(2) To provide consulting services under paragraph (1), the Minister of Oceans and Fisheries may promote or support the following activities:

1. Providing appropriate consulting services based on the size and type of each seafood business operator's business;
2. Establishing an assessment system for building credibility on outcomes of consulting;
3. Linking outcomes of consulting with a means of support, such as financing and subsidies;
4. Other activities necessary to reinforce the foundations for consulting services.

(3) The Minister of Oceans and Fisheries may reimburse expenses incurred by seafood business operators or consulting providers in conducting the activities prescribed in paragraph (2).

CHAPTER IV QUALITY CERTIFICATION FOR SEAFOOD

Article 25 (Designation of, and Support for, Korean Seafood Masters)

(1) To succeed to and develop excellent Korean seafood, the Minister of Oceans and Fisheries may designate an excellent seafood specialist as a Korean seafood master in specific fields, such as seafood production, processing, or cooking, following deliberation by the Central Review Committee, as prescribed by Presidential Decree.

(2) To label seafood produced, processed, or cooked by a Korean seafood master designated under paragraph (1) (hereinafter referred to as “Korean seafood master product”) as such, the Korean seafood master label may be placed on the surface of the relevant seafood, packaging, or container or on the invoice, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) Each Korean seafood master shall report his or her activities, etc. to the Minister of Oceans and Fisheries, as prescribed by Presidential Decree.

(4) The Minister of Oceans and Fisheries may grant a subsidy for a Korean seafood master who engages in or intends to engage in the business of producing, processing, or cooking seafood or the business of transferring his or her seafood skills, and for a person who learns seafood skills from a Korean seafood master and is selected under paragraph (8) (hereinafter referred to as “apprentice to a seafood master”), as prescribed by Presidential Decree: Provided, That this shall not apply where he or she is granted a subsidy under any other statute or regulation.

(5) The Minister of Oceans and Fisheries may revoke the designation of a Korean seafood master following deliberation by the Central Review Committee, if such master falls under any of the following cases: Provided, That he or she shall revoke the designation of a Korean seafood master if such master falls under subparagraph 1:

1. If the Korean seafood master is designated as such by fraud or other improper means;
2. If the Korean seafood master transfers or lends the document certifying that he or she is a designated Korean seafood master, to a third party;
3. If the Korean seafood master fails to file a report on his or her activities, etc. as a Korean seafood master under paragraph (3) without good cause, or files a false report on his or her activities, etc.;
4. If the Korean seafood master is sentenced to a fine or greater punishment for a violation of the Act on Origin Labeling of Agricultural and Fishery Products, and such punishment becomes final.

(6) If a person granted a subsidy prescribed in paragraph (4) is found to have obtained the subsidy by any improper means, such as by submitting a false document, or otherwise falls under the grounds prescribed by Presidential Decree, the Minister of Oceans and Fisheries shall recover the subsidy granted.

(7) The Minister of Oceans and Fisheries may collect the subsidy to be recovered under paragraph (6) in the same manner as delinquent national taxes are collected.

(8) A Korean seafood master may recommend persons who have learned his or her seafood skills as his or her apprentices to the Minister of Oceans and Fisheries, as prescribed by Presidential Decree; the Minister of Oceans and Fisheries may select an appropriate person among those recommended as an apprentice to the seafood master.

(9) If a Korean seafood master or his or her apprentice granted a subsidy under paragraph (4) is deemed unable to continue his or her business by changing his or her occupation, discontinuing training of seafood skills, or on other grounds prescribed by Presidential Decree, the Minister of Oceans and Fisheries shall suspend the payment of such subsidy.

(10) Criteria and procedures for selecting apprentices to seafood masters, provision and suspension of subsidies, recovery of subsidies, and other necessary matters, shall be prescribed by Presidential Decree.

Article 26 (Follow-up Management of Korean Seafood Master Products)

(1) To maintain the quality of Korean seafood master products, to protect consumers, and to succeed to and develop those products, the Minister of Oceans and Fisheries shall inspect activities of Korean seafood masters on a regular basis every five years.

(2) If deemed necessary to maintain the quality of Korean seafood master products and to protect consumers, the Minister of Oceans and Fisheries may authorize relevant public officials to engage in the following activities:

1. Investigating whether the labeling of a Korean seafood master product genuinely represents its contents;
2. Perusing the relevant books or documents of a Korean seafood master;
3. Conducting testing upon collecting samples of a Korean seafood master product or requesting testing to a specialized testing and research institute, etc.

(3) Article 34 (4) through (6) shall apply mutatis mutandis to procedures for investigation, perusal, collection, etc. prescribed in paragraph (2). In such cases, “investigation, perusal, collection, or inspection” shall be construed as “investigation, perusal, or collection”, and “owner, occupant, or manager of such seafood or a certification agency for quality seafood, etc.” and “owner, occupant, or manager of the seafood certified as quality seafood, etc. or a certification agency for quality seafood, etc.” shall be construed as “Korean seafood master”.

(4) Those subject to the inspection of activities under paragraph (1), the methods of inspection, and other necessary matters, shall be prescribed by Presidential Decree.

Article 27 (Industrial Standards Certification of Seafood)

(1) In order to facilitate the standardization of the seafood industry, improve the quality of seafood, and promote consumers' rights and interests, the Minister of Oceans and Fisheries may operate a system for industrial standards certification of seafood.

(2) Items of, and criteria for, industrial standards certification under paragraph (1), the method of labeling, procedures for filing applications, and other necessary matters, shall be prescribed by Presidential Decree.

Article 28 (Facilitating International Standardization of Traditional Seafood)

In order to improve the quality of traditional seafood and facilitate the international trade thereof, the Minister of Oceans and Fisheries shall endeavor to facilitate international standardization of traditional seafood and promote international cooperation, such as establishing seafood standards and providing information, with international organizations including the Codex Alimentarius Commission.

Article 29 (Quality Certification for Traditional Seafood)

(1) The Minister of Oceans and Fisheries shall implement a quality certification system of traditional seafood to improve the quality of traditional seafood, to encourage the production thereof, and to protect consumers.

(2) A person who has obtained quality certification of traditional seafood pursuant to paragraph (1) shall undergo a periodic inspection as to compliance with quality certification standards for traditional seafood and other matters.

(3) Products subject to the standards for and items of quality certification under paragraph (1), methods of labeling, procedures for filing applications, and other matters necessary for implementing the quality certification system, shall be prescribed by Presidential Decree, and the details and methods of and procedures for periodic inspections under paragraph (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 30 (Origin Certification for Processed Seafood and Restaurants)

(1) The Minister of Oceans and Fisheries may operate an origin certification system for processed seafood, restaurants, etc. (referring to the food service business provided for in Article 36 (1) 3 of the Food Sanitation Act and the meal service facilities defined in subparagraph 12 of Article 2 of that Act; hereinafter the same shall apply) to promote development correlating the seafood industry and fisheries and to reinforce credibility in the origins of the seafood processed or cooked using marine products as its raw materials.

(2) A person who has obtained origin certification under paragraph (1) shall undergo a periodic inspection as to his or her compliance with standards for origin certification and other related matters.

(3) Standards for origin certification, labeling methods, procedures for filing applications, and other matters necessary for implementing the origin certification system under paragraph (1), shall be prescribed by Presidential Decree, and the details and methods of and procedures for periodic inspections under paragraph (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 31 (Designation of Certification Agencies for Quality Seafood)

(1) The Minister of Oceans and Fisheries may designate an entity equipped with human resources, facilities, etc. necessary for granting the certification of quality seafood, etc. as a certification agency for quality seafood, etc. in each field and require the entity to certify quality seafood, etc. and to conduct the periodic inspections under Articles 29 (2) and 30 (2) (hereinafter referred to as "periodic inspections"): Provided, That where the said Minister intends to require such entity to certify quality seafood, etc. and conduct a periodic inspection for seafood imported to the Republic of Korea, he or she may also designate an entity equipped with human resources, facilities, etc. necessary for granting the certification of quality seafood, etc. in the exporting country as a certification agency for quality seafood, etc.

(2) An entity that intends to obtain designation as a certification agency for quality seafood, etc. pursuant to paragraph (1) shall apply for designation to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That no application shall be filed where two years have not passed since the designation of a certification agency for quality seafood, etc. was revoked pursuant to Article 32 (1).

(3) The period of validity of the designation as a certification agency for quality seafood, etc. under paragraph (1) shall be five years from the date of designation, and an entity that intends to continue to provide certification services after the period of validity expires shall renew the designation before the expiration of such period of validity.

(4) The Minister of Oceans and Fisheries may reimburse expenses incurred by a certification agency for quality seafood, etc. designated pursuant to paragraph (1) or re-designated pursuant to paragraph (3) in engaging in certifying quality seafood, etc. or conducting periodic inspections, within budgetary limits.

(5) Standards and procedures necessary for the designation and re-designation of certification agencies for quality seafood, etc. under paragraphs (1) and (3), and other detailed matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 32 (Revocation of Designation of Certification Agencies for Quality Seafood)

(1) Where an entity designated as a certification agency for quality seafood, etc. pursuant to Article 31 (1) (hereinafter referred to as "certification agency for quality seafood, etc.") falls under any of the following cases, the Minister of Oceans and Fisheries may revoke such designation or issue an order to fully or partially suspend its business for a prescribed period not exceeding six months: Provided, That the said Minister shall revoke such designation in cases falling under subparagraph 1 or 7:

1. Where it has obtained designation by fraud or other improper means;
2. Where the entity ceases to meet any of the standards for designation referred to in Article 31 (5);
3. Where any seafood found, as a result of an investigation, testing, etc. conducted under Article 34 (1), not to be in compliance with certification standards due to the intention or gross negligence of the certification agency for quality seafood, etc. is recognized as having been certified as quality seafood,

etc. or as having undergone a periodic inspection;

4. Where the entity fails to file a report or submit materials required under Article 34 (2), or evades or refuses the entry and inspection of related public officials without good cause;

5. Where the entity fails to keep and maintain related documents required under Article 34 (3);

6. Where the entity fails to engage in the business of certifying quality seafood, etc. or conducting periodic inspections for a continuous period of at least one year without good cause;

7. Where the entity engages in the business of certifying quality seafood, etc. or conducting periodic inspections in the period during which its business is suspended, in violation of an order for business suspension.

(2) Detailed standards for taking dispositions, such as revocation of designation under paragraph (1), shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, based on the type, severity, etc. of violation.

Article 33 (Prohibition of Misconduct)

No one shall engage in any of the following misconduct:

1. Obtaining designation as a Korean seafood master by fraud or other improper means; or transferring or lending a document certifying that he or she is a Korean seafood master, to any third person;

2. Placing a Korean seafood master label referred to in Article 25 (2) or a similar label on seafood produced, processed, cooked, etc. by a person who is not a Korean seafood master;

3. Falsely advertising seafood produced, processed, cooked, etc. by a person who is not a Korean seafood master as if it were a Korean seafood master product;

4. Using the title “Korean seafood master” without being designated as a Korean seafood master: Provided, That cases prescribed in subparagraphs 2 and 3 shall be excluded herefrom;

5. Obtaining a subsidy under Article 25 (4) by any improper means, such as by submitting a false document;

6. Obtaining the certification of quality seafood, etc. by fraud or other improper means;

7. Placing the label of the certification of quality seafood, etc. or a similar label (including any label in a foreign language that could mislead people to believe that relevant seafood is quality seafood; hereinafter the same shall apply) on any seafood, etc. not certified as quality seafood, etc. or any restaurant not granted the certification of quality seafood, etc.;

8. Labeling any seafood, etc. certified as quality seafood, etc. or any restaurant granted the certification of quality seafood, etc. differently from the details of such certification;

9. Selling seafood by combining seafood certified as quality seafood, etc. with non-certified seafood, or storing, transporting, or displaying the combined seafood for sale;

10. Selling seafood or storing, transporting, or displaying seafood for sale, knowing that such seafood is labeled differently from the details of the certification of quality seafood, etc.;

11. Selling seafood with the label of the certification of quality seafood, etc. or a similar label, or storing, transporting, or displaying such seafood for sale, knowing that such seafood is not certified as quality seafood, etc.;
12. Falsely advertising any seafood, etc. not certified as quality seafood, etc. or any restaurant not granted the certification of quality seafood, etc. as if it were certified as quality seafood, etc. or granted the certification of quality seafood, etc.;
13. Advertising any seafood, etc. certified as quality seafood, etc. or any restaurant granted the certification of quality seafood, etc. differently from the details of such certification.

Article 34 (Follow-up Management of Certified Quality Seafood and Certification Agencies for Quality Seafood)

(1) If deemed necessary to maintain the quality of seafood certified as quality seafood, etc. and to protect consumers, the Minister of Oceans and Fisheries may require a related public official and the responsible person of a certification agency for quality seafood, etc. to engage in the following activities:

1. Investigating whether such seafood complies with the standards for certifying quality seafood, etc.;
2. Perusing relevant books or documents of a person who has obtained certification;
3. Conducting testing upon collecting samples of certified seafood, or requesting testing from a specialized testing and research institute, etc.

(2) If necessary for properly managing the affairs of certification of quality seafood, etc., the Minister of Oceans and Fisheries may require a certification agency for quality seafood, etc. to file a report on or submit materials about a periodic inspection of certified quality seafood, etc. or an affair prescribed in paragraph (1) 1 through 3, and may require a related public official to enter offices, etc. to inspect relevant documents, facilities, equipment, etc.

(3) Every person who has obtained the certification of quality seafood, etc. and every certification agency for quality seafood, etc. shall keep and maintain relevant documents, such as certification review records, and documents about the management of processing facilities, use of seafood additives, and trade of seafood certified as quality seafood, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(4) To conduct an investigation, perusal, collection, or inspection under paragraph (1) or (2) (hereafter in this Article referred to as "investigation, etc."), notification of the date and time, purpose, details, etc. of such investigation, etc. shall be given to the owner, occupant, or manager of such seafood or the certification agency for quality seafood, etc. by no later than seven days before such investigation, etc.: Provided, That notification may be omitted where it is deemed that urgency is required or giving prior notice may defeat the purpose of an investigation, etc.

(5) A person who conducts an investigation, etc. shall carry a certificate indicating his or her authority and produce it to interested persons.

(6) Where an investigation, etc. is conducted, the owner, occupant, or manager of seafood certified as quality seafood, etc. or the certification agency for quality seafood, etc. shall not refuse, obstruct, or evade such investigation, etc. without good cause.

(7) Further details necessary for the follow-up management of certified quality seafood, etc. and certification agencies for quality seafood, etc. under paragraphs (1) through (6) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 35 (Orders to Change Labels)

(1) Where deemed that the seafood certified as quality seafood, etc. violates the certification standards or the labeling methods, or it is impracticable to produce such seafood or to engage in the seafood industry, based on the findings of the investigation or testing conducted under Article 34, the Minister of Oceans and Fisheries may issue an order to change or suspend the use of the labeling or to suspend the sale of such seafood.

(2) Detailed criteria for administrative dispositions referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 36 (Revocation of Certification of Quality Seafood)

(1) Where a person who has obtained the certification of quality seafood, etc. falls under any of the following cases, the Minister of Oceans and Fisheries or the certification agency for quality seafood, etc. may revoke such certification: Provided, That he or she shall revoke the certification if the person falls under subparagraph 1:

1. Where the person has obtained such certification by fraud or other improper means;
2. Where the person fails to undergo a periodic inspection without good cause;
3. Where the person is found to be significantly below the certification standards by a periodic inspection or an investigation conducted under Article 34;
4. Where the person fails to comply with an order to change or suspend the use of labeling or to suspend sale issued under Article 35 without good cause;
5. Where it is deemed impracticable for the person to produce or sell the seafood certified as quality seafood, etc. due to change or closure of the business.

(2) A person for whom one year has not passed since the certification of quality seafood, etc. was revoked under paragraph (1) shall be prohibited from applying for the certification of quality seafood, etc. for the same seafood, restaurant, etc.

Article 37 (Succession)

(1) When a person who has obtained the certification of quality seafood, etc. or a certification agency for quality seafood, etc. transfers the business or is deceased or merged with another corporation, the transferee, heir (limited to an heir who intends to continue to produce, import, or distribute seafood

certified as quality seafood, etc. in the case of the certification of quality seafood, etc.) or a corporation surviving or newly established in the course of the merger shall succeed to the status of the person who has obtained the certification of quality seafood, etc. or the certification agency for quality seafood, etc.

(2) Any person who succeeds to the status of a person who has obtained the certification of quality seafood, etc. under paragraph (1) shall report such fact to the Minister of Oceans and Fisheries or the relevant certification agency for quality seafood, etc. (referring to the Minister of Oceans and Fisheries where designation of the certification agency for quality seafood, etc. is revoked or its business is suspended), and any entity that succeeds to the status of a certification agency for quality seafood, etc. shall report such fact to the Minister of Oceans and Fisheries within one month after the cause of succession accrues.

(3) Details necessary for filing reports under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 38 (Preferential Purchase of Seafood with Certification Labels)

Where the State, a local government, or a public institution referred to in Article 4 of the Act on the Management of Public Institutions intends to purchase seafood, it may preferentially purchase any of the following:

1. Seafood with quality certification of traditional seafood under Article 29 (1);
2. Seafood with origin certification for processed seafood, restaurants, etc. under Article 30 (1);
3. Processed seafood certified as organic seafood, 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, and seafood certified as pesticide-free agricultural and fishery product, etc. under Article 34 (1) of that Act;
4. Seafood produced at a facility that observes the rules for Hazard Analysis and Critical Control Points registered under Article 74 (1) of the Agricultural and Fishery Products Quality Control Act;
5. Other seafood certified under the national certification system prescribed by Presidential Decree.

Article 39 (Encouragement of Use of Quality Seafood Materials)

(1) To ensure the stable supply of quality seafood, the Minister of Oceans and Fisheries may formulate and implement policies that encourage seafood business operators to use the following quality and safe seafood materials:

1. Korean seafood master products under Article 25 (1);
2. Seafood with quality certification of traditional seafood under Article 29 (1);
3. Seafood with origin certification for processed seafood, restaurants, etc. under Article 30 (1);
4. Fishery products with quality certification under Article 14 (1) of the Agricultural and Fishery Products Quality Control Act;

5. Marine products and seafood with the registration of a geographical indication under Article 32 of the Agricultural and Fishery Products Quality Control Act;
 6. Seafood produced at a facility that observes the rules for Hazard Analysis and Critical Control Points registered under Article 74 (1) of the Agricultural and Fishery Products Quality Control Act;
 7. Processed seafood certified as organic seafood, 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, and seafood certified as pesticide-free agricultural and fishery product, etc. under Article 34 (1) of that Act;
 8. Seafood produced at a business adopting HACCP under Article 48 (3) of the Food Sanitation Act;
 9. Other seafood certified under the national certification system prescribed by Presidential Decree.
- (2) Those eligible for support under the policies to encourage the use of quality seafood materials pursuant to paragraph (1), the criteria, procedures, and methods for providing support, and other necessary matters, shall be prescribed by Presidential Decree.
- (3) The Minister of Oceans and Fisheries may fully or partially reimburse expenses incurred in implementing the policies to encourage the use of quality seafood materials under paragraph (1).

Article 40 (Fees)

- (1) The following persons shall pay fees:
1. A person who intends to obtain industrial standards certification under Article 27 (1);
 2. A person who intends to obtain quality certification of traditional seafood under Article 29 (1);
 3. A person who intends to undergo a periodic inspection as to whether he or she complies with quality certification standards for traditional seafood under Article 29 (2);
 4. A person who intends to obtain origin certification for processed seafood, restaurants, etc. under Article 30 (1);
 5. A person who intends to undergo a periodic inspection as to whether he or she complies with origin certification standards for processed seafood, restaurants, etc. under Article 30 (2);
 6. A person who intends to obtain designation as a certification agency for quality seafood, etc. under Article 31 (1);
 7. A person who intends to renew designation as a certification agency for quality seafood, etc. under Article 31 (3).
- (2) The amount of the fees referred to in paragraph (1), methods and period of payment, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 41 (Tax Reduction and Exemption)

In order to efficiently implement policies for promoting the seafood industry under this Act, the State or local governments may reduce or exempt taxes imposed on seafood business operators, as prescribed in the Restriction of Special Taxation Act and the Restriction of Special Local Taxation Act.

Article 42 (Hearings)

(1) The Minister of Oceans and Fisheries shall hold a hearing to take any of the following dispositions:

1. Revoking the designation of an institution to nurture specialists under Article 6 (4);
2. Revoking the designation of a specialized institution under Article 8 (4);
3. Revoking the designation of an institution supporting the export of seafood under Article 12 (4);
4. Restricting items of production of the marine product processing industry, suspending business, or closing the place of business under Article 17 (1);
5. Revoking the designation of a Korean seafood master under Article 25 (5);
6. Revoking the designation of a certification agency for quality seafood, etc. under Article 32 (1);
7. Revoking the certification of quality seafood, etc. under Article 36.

(2) The head of a Si/Gun/Gu shall hold a hearing to restrict items of production of the marine product processing industry, suspend business operations, or close a place of business under Article 17 (1).

(3) If a certification agency for quality seafood, etc. intends to revoke the certification of quality seafood, etc. under Article 36, it shall provide the person who has obtained such certification of quality seafood, etc. with an opportunity to submit his or her opinion.

(4) Articles 22 (4) through (6) and 27 of the Administrative Procedures Act shall apply mutatis mutandis to the submission of opinions under paragraph (3). In such cases, "administrative agency" and "competent administrative agency" shall be construed as "certification agency for quality seafood, etc."

Article 43 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Oceans and Fisheries vested under this Act may be partly delegated to the heads of his or her affiliated institutions, Mayors/Do Governors, or the heads of Sis/Gun/Gus, as prescribed by Presidential Decree.

(2) The affairs of the Minister of Oceans and Fisheries vested under this Act may be partly delegated to the following entities, as prescribed by Presidential Decree:

1. Producers' organizations;
2. Public institutions under the Act on the Management of Public Institutions;
3. Government-funded research institutes under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, or government-funded science and technology research institutes under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
4. Fisheries partnerships and other legal entities or organizations related to seafood established under Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

Article 44 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

Any executive or employee of a certification agency for quality seafood, etc. who engages in the business of certifying quality seafood, etc. or conducting periodic inspections under Article 31 shall be deemed a public official with respect to his or her duties for purposes of applying Articles 129 through 132 of the Criminal Act.

CHAPTER VI PENALTY PROVISIONS

Article 45 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won:

1. A person who places a Korean seafood master label or a similar label on seafood produced, processed, cooked, etc. by a person who is not a Korean seafood master, in violation of subparagraph 2 of Article 33;
2. A person who falsely advertises seafood produced, processed, cooked, etc. by a person who is not a Korean seafood master as if it were a Korean seafood master product, in violation of subparagraph 3 of Article 33;
3. A person who obtains the certification of quality seafood, etc. by fraud or other improper means, in violation of subparagraph 6 of Article 33;
4. A person who places a certification label of quality seafood, etc. or a similar label on any seafood, etc. not certified as quality seafood, etc. or any restaurant not granted the certification of quality seafood, etc., in violation of subparagraph 7 of Article 33;
5. A person who labels any seafood, etc. certified as quality seafood, etc. or any restaurant granted the certification of quality seafood, etc. differently from the details of such certification, in violation of subparagraph 8 of Article 33;
6. A person who sells seafood by combining seafood certified as quality seafood, etc. with non-certified seafood, or stores, transports, or displays the combined seafood for sale, in violation of subparagraph 9 of Article 33;
7. A person who sells seafood or stores, transports, or displays seafood for sale, knowing that such seafood is labeled differently from the details of the certification of quality seafood, etc., in violation of subparagraph 10 of Article 33;
8. A person who sells seafood with the label of the certification of quality seafood, etc. or a similar label, or stores, transports, or displays such seafood for sale, knowing that such seafood is not certified as quality seafood, etc., in violation of subparagraph 11 of Article 33;
9. A person who falsely advertises any seafood, etc. not certified as quality seafood, etc. or any restaurant not granted the certification of quality seafood, etc. as if it were certified as quality seafood,

etc. or granted the certification of quality seafood, etc., in violation of subparagraph 12 of Article 33;

10. A person who advertises any seafood, etc. certified as quality seafood, etc. or any restaurant granted the certification of quality seafood, etc. differently from the details of such certification, in violation of subparagraph 13 of Article 33.

(2) Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding 10 million won:

1. A person who obtains designation as a certification agency for quality seafood, etc. or renews such designation under Article 31 (1) or (3) by fraud or other improper means;

2. A person who certifies quality seafood, etc. or conducts a periodic inspection without being designated as a certification agency for quality seafood, etc. or renewing such designation under Article 31 (1) or (3);

3. A person who certifies quality seafood, etc. or conducts a periodic inspection after his or her designation has been revoked or he or she has received an order to suspend business under Article 32 (1);

4. A person who fails to comply with an order to change or suspend the use of the labeling or to suspend sale issued under Article 35 (1).

Article 46 (Joint Penalty Provisions)

Where the representative of a legal entity, or an agent, employee or other servant of a legal entity or individual commits an offense under Article 45 in the course of performing the duties of the legal entity or individual, not only shall such offender be punished, but also the legal entity or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the legal entity or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

Article 47 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

1. A person who engages in the marine product processing industry without filing a report thereon, in violation of Article 16 (1);

2. A person who obtains designation as a Korean seafood master by fraud or other improper means, or transfers or lends a document certifying that he or she is a Korean seafood master, to a third person, in violation of subparagraph 1 of Article 33;

3. A person who obtains a subsidy by any improper means, such as by submitting a false document, in violation of subparagraph 5 of Article 33;

4. A person who fails to keep and maintain relevant documents, in violation of Article 34 (3);

5. A person who refuses, obstructs, or evades an investigation, etc., in violation of Article 34 (6) (including where it applies mutatis mutandis under Article 26 (3));

6. A person who fails to report his or her succession to the status of a person who has obtained the certification of quality seafood, etc. or of a certification agency for quality seafood, etc., in violation of Article 37 (2).
- (2) Any person who uses the title “Korean seafood master”, in violation of subparagraph 4 of Article 33, shall be subject to an administrative fine not exceeding three million won.
- (3) Any person who fails to report any modification, in violation of Article 16 (2), shall be subject to an administrative fine not exceeding one million won.
- (4) Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

ADDENDA <Act No. 17037, Feb. 18, 2020>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures concerning Dispositions)

Any disposition, procedure or other acts under the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed taken pursuant to the corresponding provisions of this Act, if such provisions exist in this Act.

Article 3 (Transitional Measures concerning Korean Seafood Masters)

A Korean food master designated by the Minister of Oceans and Fisheries pursuant to Article 14 (1) of the former Food Industry Promotion Act or an apprentice to a Korean food master selected by the Minister of Oceans and Fisheries pursuant to paragraph (9) of that Article as at the time this Act enters into force shall be deemed a person designated as a Korean seafood master or selected as an apprentice to a seafood master pursuant to this Act, respectively.

Article 4 (Transitional Measures concerning Financial Support)

- (1) A person provided with funds pursuant to Article 19-4 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a person provided with funds pursuant to Article 15.
- (2) A person who submitted a business plan or obtained approval thereof pursuant to Article 19-4 (2) of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a person who submitted a business plan or obtained approval thereof pursuant to Article 15 (2).
- (3) A person who received a lease or was permitted to build or improve permanent structures pursuant to Article 19-4 (5) of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a person who received a lease or was permitted to build or improve permanent structures pursuant to Article 15 (5).

Article 5 (Transitional Measures concerning Reporting on Marine Product Processing Industry)

A person who filed a report pursuant to Article 19-5 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a person who filed a report pursuant to Article 16.

Article 6 (Transitional Measures concerning Certification of Quality Seafood)

(1) Food for which industrial standards certification was granted by the Minister of Oceans and Fisheries pursuant to Article 20 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed seafood for which industrial standards certification was granted pursuant to Article 27.

(2) Traditional food for which quality certification was granted by the Minister of Oceans and Fisheries pursuant to Article 22 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed traditional seafood for which quality certification was granted pursuant to Article 29.

(3) Processed food, restaurants, etc. for which origin certification was granted by the Minister of Oceans and Fisheries pursuant to Article 22-2 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed processed seafood, restaurants, etc. for which origin certification was granted pursuant to Article 30.

Article 7 (Transitional Measures concerning Certification Agencies for Quality Seafood)

A certification agency for quality food, etc. designated by the Minister of Oceans and Fisheries pursuant to Article 24 of the former Food Industry Promotion Act as at the time this Act enters into force shall be deemed a certification agency for quality seafood, etc. designated pursuant to Article 31.

Article 8 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

In applying penalty provisions or administrative fines to offenses committed before this Act enters into force, the corresponding provisions of the former Food Industry Promotion Act shall prevail.

Article 9 Omitted.

Article 10 (Relationship to Other Statutes and Regulations)

At the time this Act enters into force, references in other statutes and regulations to the provisions of the former Food Industry Promotion Act or Agricultural and Fishery Products Quality Control Act, if this Act includes any provisions corresponding thereto, shall be deemed references to this Act or the corresponding provisions of this Act in lieu of the provisions of the respective Acts.

ADDENDA <Act No. 17322, May 26, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 17618, Dec. 8, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Last updated : 2021-06-07

