ACT ON FOSTERAGE AND SUPPORT OF THE INSECT INDUSTRY

Act No. 10019, Feb. 4, 2010
Amended by Act No. 10931, Jul. 25, 2011
Act No. 11690, Mar. 23, 2013
Act No. 12050, Aug. 13, 2013
Act No. 13383, Jun. 22, 2015
Act No. 13463, Aug. 11, 2015

Article 1 (Purpose)
The purpose of this Act is to contribute not only to the increase of the income of farming families and healthy development of the national economy but also to emotional cultivation of the people by fostering and supporting the insect industry, forming the basis of the development thereof and supporting the promotion of understanding on the ecology of insects.

Article 2 (Definitions)
The definitions of terms used in this Act shall be as follows: <Amended by Act No. 11690, Mar. 23, 2013>

1. The term "insect" means a stag beetle, rhinoceros beetle, firefly, pecticus tenebrifer, cetonia pilifera, bumblebee and other animals prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
2. The term "insect industry" means the business providing goods and services related to insects, such as breeding of insects or producing, processing, distributing or selling of products or by-products of insects, etc., which is prescribed by Presidential Decree;
3. The term "insect farming family" means a farming family engaged in the insect industry.

Article 3 (Responsibility of State and Local Governments)
The State and local governments shall formulate and execute policies necessary for building the foundation to foster and support the insect industry and strengthening the competitiveness thereof.

Article 4 (Relationship to Other Acts)
This Act shall apply to the fostering of and support for the insect industry, except as otherwise provided in other Acts.

Article 5 (Formulation, etc. of Comprehensive Plans)
(1) The Minister of Agriculture, Food and Rural Affairs shall formulate a comprehensive plan for the fostering of and support for the insect industry (hereinafter referred to as "comprehensive plan") every five
years in consultation with the heads of relevant central administrative agencies in order to foster and support the insect industry. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A comprehensive plan shall include the following:
  1. The present status and prospects of the insect industry;
  2. The direction and objectives of supporting the insect industry;
  3. A medium and long-term investment plan to foster and support the insect industry;
  4. A plan for education on technology related to the insect industry and fostering experts related thereto;
  5. A research and development project to stably increase the income of insect farming families;
  6. A plan for education on the ecology of insects and for the promotion of understanding on the same;
  7. A plan for support of local governments' projects related to insects;
  8. Other matters prescribed by Presidential Decree for the development of the insect industry.

(3) The Minister of Agriculture, Food and Rural Affairs shall formulate and execute an annual execution plan (hereinafter referred to as "execution plan") after hearing the opinions of the heads of relevant central agencies, as prescribed by Presidential Decree, in order to promote a comprehensive plan. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Administrator of the Rural Development Administration shall formulate and execute a detailed annual promotion plan for an execution plan in connection with an annual execution plan for the agricultural community development projects under Article 5 of the Agricultural Community Development Promotion Act. <Amended by Act No. 12050, Aug. 13, 2013>

(5) Other matters necessary for the formulation and execution of a comprehensive plan and an execution plan shall be prescribed by Presidential Decree.

Article 6 (Fact-finding Survey, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall conduct fact-finding surveys on the present status, etc. of the insect industry for the efficient formulation and promotion of a comprehensive plan and an execution plan. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where necessary for the fact-finding surveys under paragraph (1), the Minister of Agriculture, Food and Rural Affairs may request the relevant research institutions, organizations, etc. to submit materials or present opinions. <Amended by Act No. 11690, Mar. 23, 2013>

(3) A research institution, organization, etc. requested to submit materials or present opinions pursuant to paragraph (2) shall cooperate unless there is a compelling reason not to do so.

(4) The extent and methods of the fact-finding survey under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 7 (Training of Experts)

(1) The State and a local government shall train experts necessary to foster and support the insect industry.

(2) In order to train experts pursuant to paragraph (1), the State and a local government may designate a university under Article 2 of the Higher Education Act, a research institute, agency or organization established for the purpose of research on insects, etc. as an expert training institution and may require it
to provide necessary education and training.

(3) The State and a local government may fully or partially subsidize expenses incurred by an expert training institution designated pursuant to paragraph (2) in education and training, as prescribed by Presidential Decree.

(4) The State and a local government may cancel the designation of any expert training institution, if such institution no longer meets the requirements for designation.  

<Newly Inserted by Act No. 10931, Jul. 25, 2011>

(5) Necessary matters concerning the standards for designation and the cancellation of designation of an expert training institution shall be prescribed by Presidential Decree.  

<Amended by Act No. 10931, Jul. 25, 2011>

Article 8 (Promotion of Technological Development Related to Insect Industry)

(1) The State and a local government shall promote the following in order to facilitate the development of technology related to the insect industry:

1. Research on the trend and demand of technology related to the insect industry;
2. Research and development of technology related to the insect industry;
3. Securing of the right to the technology developed and the practical use thereof;
4. Collaboration on and exchange of information on technology related to the insect industry;
5. Other matters necessary for research and development of technology related to the insect industry.

(2) The Minister of Agriculture, Food and Rural Affairs may subsidize a person who conducts research and development for, or industrializes, technology related to the insect industry for necessary expenses in order to promote the development of technology related to the insect industry under paragraph (1).  

<Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Promotion of International Collaboration and Advancing into Overseas Markets)

(1) The State and a local government shall monitor international trends in the insect industry and promote international collaboration.

(2) The State and a local government may execute projects, such as international exchange of technology and human resources related to the insect industry and international joint research, in order to promote international collaboration on the insect industry and advancing into overseas markets.

Article 10 (Assessment of Potential Harm Caused by Insects, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall assess potential harm caused by relevant insects in order to prevent harm to the lives and bodies of human beings and to the ecological environment that are likely to occur in the process of mass breeding and distribution of insects.  

<Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs deems, based on the result of assessment of harm under paragraph (1), that prompt measures are necessary to prevent harm to the lives and bodies of human beings and to the ecological environment in the process of breeding and distribution of insects, he/she may restrict the breeding and distribution of such insects or issue an order to discard them.  

<Amended by Act No. 11690, Mar. 23, 2013>
(3) The Minister of Agriculture, Food and Rural Affairs may compensate a person for the loss he/she has suffered as a result of an order issued under paragraph (2), based on the real sale prices, discarded number, etc. of the lost insects, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

(4) Necessary matters concerning the subject matter of, standard for, method of, timing, etc. of the assessment of harm under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 11 (Standards and Specifications, etc. for Breeding of Insects)

(1) Deleted. <by Act No. 13463, Aug. 11, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may determine the types of insects that can be distributed or sold as natural enemy insects, pollen vectors, environment purification insects, edible or medicinal insects, educational or pet insects, etc. and the standards for breeding and specifications, as prescribed by Presidential Decree, and require the public to comply with them. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

(3) Deleted. <by Act No. 13463, Aug. 11, 2015>

Article 12 (Reports, etc. by Persons in Insect Industry)

(1) A person who intends to produce (including breeding insects; hereinafter the same shall apply), process, or distribute insects or the products or by-products of insects shall file a report with the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of the relevant Si/Gun/Gu (the head of the relevant Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) who has jurisdiction over the relevant place of business. <Amended by Act No. 13463, Aug. 11, 2015>

(2) Any person seeking to modify matters reported pursuant to paragraph (1) shall file a report on modification with the Metropolitan Autonomous City Mayor, the Governor of the Special Self-Governing Province, or the head of the relevant Si/Gun/Gu, who has jurisdiction over the relevant place of business: Provided, That this shall not apply to any modification of minor matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted by Act No. 10931, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

(3) The Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may request a person who files a report under paragraph (1) to take measures to ensure that no harm to the human lives and bodies and to the ecological environment is caused by unapproved release and escape of insects. <Amended by Act No. 13463, Aug. 11, 2015>

(4) Matters necessary for the reports under paragraph (1), reports on amendment under paragraph (2), preventive measures under paragraph (3) and other relevant matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 10931, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>
Article 12-2 (Succession to Business)
(1) Any of the following persons shall succeed to the status of a person who has filed a report under Article 12 (1) (hereinafter referred to as the "business operator" in this Article):
   1. An heir where the business operator is deceased;
   2. A transferee where the business operator has transferred his/her business;
   3. A corporation that survives a merger or is established after a merger where the business operator who is a corporation entity is merged.
(2) A person who succeeded to the status of the business operator under paragraph (1) shall file a report on such fact with the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Minister of Agriculture, Food and Rural Affairs.

Article 13 (Performance of Projects by Local Governments for Insect Industry)
(1) The Minister of Agriculture, Food and Rural Affairs may require the head of a local government to perform the following projects in order to nurture and support the insect industry and build the foundation for the development thereof: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>
   1. Distribution of technology, and collection of information, related to the insect industry;
   2. Performance of educational and hands-on experience projects related to insects;
   3. Establishment and operation of support facilities for research and education related to the insect industry;
   4. Implementation of projects to support improvement of management, including education and consulting related to the insect industry;
   5. Other projects deemed necessary by the Minister of Agriculture, Food and Rural Affairs.<Amended by Act No. 11690, Mar. 23, 2013>
(2) The Minister of Agriculture, Food and Rural Affairs may subsidize the head of a local government for necessary expenses within budgetary limits for the efficient performance of projects referred to in paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>
(3) A local government may prescribe matters necessary to nurture and support the insect industry by ordinance of the local government. <Newly Inserted by Act No. 13463, Aug. 11, 2015>

Article 14 (Financial and Technical Support, etc.)
(1) To build the foundation and innovate technology for the insect industry, the Minister of Agriculture, Food and Rural Affairs may give financial support for the following: <Amended by Act No. 11690, Mar. 23, 2013>
   1. Installation of equipment and materials and facilities necessary for breeding, producing, processing and distributing insects by insect farming families and companies in the insect industry;
(2) An insect farming family seeking to receive support under paragraph (1) shall register information related to agricultural management under Article 40 of the Framework Act on Agriculture, Rural Community and Food Industry. <Amended by Act No. 13383, Jun. 22, 2015>
Article 15 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority vested under this Act to the Administrator of the Rural Development Administration, the Minister of the Korea Forest Service, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Metropolitan Autonomous City Mayor, a Do Governor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13463, Aug. 11, 2015>

(2) The Minister of Agriculture, Food and Rural Affairs may entrust part of his/her authority vested under this Act to an organization related to the insect industry as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

Article 16 (Penalty Provisions)

(1) Any of the following persons shall be punished by a fine not exceeding five million won:
   1. A person who fails to comply with a restriction or an order to discard insects under Article 10 (2);
   2. A person who distributes or sells wild insects, in violation of Article 11 (2).
(2) A person who fails to comply with a request for preventive measures under Article 12 (3) shall be punished by a fine not exceeding one million won. <Amended by Act No. 10931, Jul. 25, 2011>

Article 17 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding three hundred thousand won: <Amended by Act No. 10931, Jul. 25, 2011; Act No. 13463, Aug. 11, 2015>
   1. A person who produces, processes, or distributes insects or the products or by-products of insects without reporting, in violation of Article 12 (1);
   2. A person who fails to file a report on modification required under Article 12 (2).
(2) The Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall impose and collect administrative fines under paragraph (1) as prescribed by Presidential Decree. <Amended by Act No. 13463, Aug. 11, 2015>

ADDENDUM

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

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

Article 1 (Enforcement Date)

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

Articles 2 and 7 Omitted.

ADDENDUM <Act No. 10931, Jul. 25, 2011>
This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 12050, Aug. 13, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 4 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13463, Aug. 11, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Succession to Business)

The amended provisions of Article 12-2 shall begin to apply from a person who succeeds to the status of a business operator after this Act enters into force.