

ENFORCEMENT DECREE OF THE QUALITY CONTROL OF FISHERY PRODUCTS ACT

Presidential Decree No. 17351, Sep. 1, 2001
Amended by Presidential Decree No. 17528, Mar. 2, 2002
Presidential Decree No. 18312, Mar. 17, 2004
Presidential Decree No. 18594, Dec. 3, 2004
Presidential Decree No. 18968, Jul. 27, 2005
Presidential Decree No. 19605, jun. 30, 2006
Presidential Decree No. 20257, Sep. 10, 2007
Presidential Decree No. 20351, Oct. 31, 2007
Presidential Decree No. 20449, Dec. 13, 2007
Presidential Decree No. 20566, Jan. 25, 2008
Presidential Decree No. 20587, Jan. 31, 2008
Presidential Decree No. 20677, Feb. 29, 2008
Presidential Decree No. 20950, Aug. 4, 2008
Presidential Decree No. 22003, Jan. 27, 2010
Presidential Decree No. 22075, Mar. 15, 2010
Presidential Decree No. 22151, May 4, 2010
Presidential Decree No. 22327, Aug. 4, 2010
Presidential Decree No. 22332, Aug. 11, 2010
Presidential Decree No. 22467, Nov. 2, 2010
Presidential Decree No. 22962, jun. 7, 2011

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Quality Control of Fishery Products Act and matters necessary for the enforcement thereof. <Amended by Presidential Decree No. 18968, Jul. 27, 2005>

Article 2 (Standards for Processed Fishery Products)

Processed fishery products under subparagraph 4 of Article 2 of the Quality Control of Fishery Products Act (hereinafter referred to as the "Act") shall be the products falling under any of the following subparagraphs: <Amended by Presidential Decree No. 18968, Jul. 27, 2005>

1. Products processed by using fishery products as raw materials or ingredients in an amount exceeding 50 percent of the total raw materials or ingredients used;
2. Products processed twice or more by using the products under subparagraph 1 as raw materials or ingredients in an amount exceeding 50 percent of the total raw materials or ingredients used;
3. In the case of goods which are processed using fishery products, processed fishery products, and agricultural products (including forestry products and livestock products; hereinafter the same shall apply), along with processed agricultural goods as raw materials or ingredients, the processed goods containing a greater amount of fishery or processed fishery products than that of agricultural products or processed agricultural goods.

Article 3 (Operation of Fishery Products Quality Control Deliberation Council)

The Minister for Food, Agriculture, Forestry and Fisheries shall have one executive secretary and one clerk in the Fishery Products Quality Control Deliberation Council under Article 4 (1) of the Act (hereinafter referred to as the "Deliberation Council") in order to have them perform its affairs, and appoint the executive secretary and clerk from among the public officials under his/her control. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

Article 4 (Duties of Chairperson and Vice-Chairperson)

The chairperson of the Deliberation Council shall represent the Deliberation Council and exercise general supervision over its affairs.

(2) The vice-chairperson of the Deliberation Council shall assist the chairperson of the Deliberation Council, and if the Chairperson of the Deliberation Council is unable to perform his/her duties due to any unavoidable cause, the vice-chairperson shall act for the chairperson.

Article 5 (Meetings)

(1) The chairperson of the Deliberation Council shall convene and preside over meetings of the Deliberation Council.

(2) A majority of the members of the Deliberation Council shall constitute a quorum, and any decision thereof shall require concurring votes of at least a majority of those present.

Article 6 (Establishment and Composition of Sectional Committees)

(1) A sectional committee may be established for smooth operation of the Deliberation Council.

(2) A sectional committee under paragraph (1) (hereinafter referred to as the "sectional committee") shall consist of not less than seven but not more than 15 members including one chairperson and one vice-chairperson. *<Amended by Presidential Decree No. 20449, Dec. 13, 2007>*

(3) The chairperson, vice-chairperson and members of the sectional committee shall be nominated by the chairperson of the Deliberation Council from among the members of the Deliberation Council in consideration of their professional knowledge and experience.

(4) The chairperson of the sectional committee shall represent the sectional committee, and exercise general supervision over its affairs.

(5) The vice-chairperson of the sectional committee shall assist the chairperson of the sectional committee, and if the chairperson of the sectional committee is unable to perform his/her duties due to any unavoidable ground, the vice-chairperson shall act for the chairperson.

Article 7 (Meetings of Sectional Committees)

(1) The chairperson of the sectional committee shall convene and preside over meetings of the sectional committee.

(2) A majority of the members of the sectional committee shall constitute a quorum, and any decision thereof shall require the concurring votes of a majority of those present.

(3) The matters deliberated and decided by the sectional committee after delegation by the Deliberation Council according to the operational rules under Article 9 shall be deemed to have been decided by the Deliberation Council.

Article 8 (Allowances, etc. for Members)

Allowances and travel expenses may be paid within budget limits to the members who have attended meetings of the Deliberation Council and sectional committees: Provided, That this shall not apply where the members who are public officials have attended these meetings in direct connection with their competent affairs.

Article 9 (Operational Rules)

Except as provided in this Decree, matters necessary for the operation, etc. of the Deliberation Council and sectional committees shall be set forth by the chairperson of the Deliberation Council after resolution by the Deliberation Council.

Article 10 (Selection of Items Subject to Quality Certification)

(1) The items of fishery products, fishery specialties and traditional fishery foods which are subject to quality certification under Article 6 (4) of the Act shall be selected and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries after deliberation by the Deliberation Council from among the items that meet any of the following requirements: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

1. They shall be traditional and popular;
2. They shall be able to secure competitiveness in the marketplace through commercialization;
3. They shall be essential to the preservation, succession and development of traditional fishery foods;
4. Deleted. <By Presidential Decree No. 20950, Aug. 4, 2008>

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Do governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/Do governor") may recommend traditional fishery foods items which are subject to quality certification under paragraph (1) to the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she intends to select traditional fishery foods items which are subject to quality certification under paragraph (1), in advance,

consult with the Minister of Health and Welfare. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No.22075, Mar. 15, 2010>

Article 11 (Quality Certification Standards)

(1) The quality certification standards provided in Article 6 (4) of the Act shall be as follows: <Amended by Presidential Decree No. 18968, Jul. 27, 2005>

1. The relevant fishery products shall be caught, farmed or processed in waters or in places famous for their high quality, and they shall also be recognized as fishery products easily distinguishable from the competition;
2. The production technology, facilities and materials shall be put in place in order to secure and maintain quality of the relevant fishery products;
3. The self quality control system in the process of producing and shipping the relevant fishery products and the ex post facto control system for detecting fishery product defects during the distribution process shall be put in place.

(2) The detailed standards under paragraph (1) shall be determined and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(3) The Minister for Food, Agriculture, Forestry and Fisheries may request the agency or research institute falling under any of the following subparagraphs to investigate the data set to determine the quality certification standards referred to in paragraph (1) and to prepare tentative plans therefor: <Amended by Presidential Decree No. 18594, Dec. 3, 2004; Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008>

1. Agencies under the Ministry for Food, Agriculture, Forestry and Fisheries;
2. Research institutes specializing in foods under the Act on the Establishment, Operation and Support of Government-Funded Research Institutes or the Act on the Establishment, Operation and Support of Government-Funded Science and Technology Research Institutes;
3. Colleges and universities or their research institutes.

Article 12 (Procedures, etc. for Quality Certification)

(1) Upon receiving an application for a quality certification under Article 6 (2) of the Act, the Minister for Food, Agriculture, Forestry and Fisheries shall grant quality certification after examining the application, where the application meets the quality certification standards provided in Article 11. <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where granting of quality certification is judged to be inappropriate as a result of examinations under paragraph (1), notify without delay the applicant thereof by clarifying the reasons therefor: Provided, That where it is deemed that the relevant inappropriate matters can be corrected within 10 days, he/she may grant such quality certification after having the applicant correct them within a specified correction period. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(3) The detailed procedures, methods and other necessary matters concerning the quality certification for fishery products, fishery specialties and traditional fishery foods shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

Article 13 (Criteria for Registration of Geographical Markings and Items, etc. Subject to Registration of Geographical Markings)

(1) Criteria for registration of geographical markings under Article 9 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 20449, Dec. 13, 2007; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

1. Fame, quality and other features of the relevant item shall be essentially attributable to natural environment and human factors in specific areas;
2. Superiority of the relevant item shall be widely known at home or abroad;
3. The relevant item shall satisfy criteria deemed necessary by the Minister for Food, Agriculture, Forestry and Fisheries for geographical markings and prescribed thereby.

(2) The items subject to registration of geographical markings under Article 9 (3) of the Act shall be exemplary fishery products or processed fishery products displaying geographical characteristics. <Amended by Presidential Decree No. 20449, Dec. 13, 2007; Presidential Decree No. 20950, Aug. 4, 2008>

(3) The areas subject to geographical markings under Article 9 (3) of the Act shall be classified according to any of the following subparagraphs in consideration of the natural environment and human factors: <Amended by Presidential Decree No. 20449, Dec. 13, 2007; Presidential Decree No. 20950, Aug. 4, 2008>

1. Sea areas having the same habitats and fishing and gathering environment shall be classified based on latitude and longitude;
2. Places of production or processing having the same geographical features shall be classified on the basis of administrative districts or rivers.

Article 14 (Applications for Registration of Geographical Markings and Qualifications of Applicants therefor)

(1) A person who intends to register geographical markings under Article 9 of the Act shall file an application therefor with the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Newly Inserted by Presidential Decree No. 20950, Aug. 4, 2008>

(2) An application for registration of geographical markings under paragraph (1) shall be filed only by a juristic person consisting of those engaged in producing or processing exemplary fishery products and processed fishery products displaying geographical characteristics: Provided, That where the number of those engaged in producing or processing is one, he/she may file an application for registration, even though he/she is not a juristic person. <Amended by Presidential Decree No. 20950, Aug. 4, 2008>

(3) A juristic person under the main sentence of paragraph (2) shall not refuse membership or secession of a person who produces or processes the items subject to registration of geographical markings without

good cause. *<Amended by Presidential Decree No. 20950, Aug. 4, 2008>*

Article 15 (Procedures, etc. for Registration of Geographical Markings)

(1) Upon receiving an application for registration of geographical markings under Article 14 (1) of the Act, the Minister for Food, Agriculture, Forestry and Fisheries shall refer the application to the Deliberation Council and examine whether the registration standards, etc. under Article 13 are satisfied.

<Amended by Presidential Decree No. 20449, Dec. 13, 2007; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where the registration of geographical markings is judged to be inappropriate as a result of examinations under paragraph (1), notify without delay the applicant thereof specifying the reasons therefor: Provided, That where it is deemed that the relevant inappropriate matters can be corrected within 10 days, he/she may have the applicant correct them within a specified correction period. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall make a public announcement of the application for registration of geographical markings, unless there is a compelling reason not to do so, as a result of examinations under paragraph (2). *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

(4) Where public announcement is made under paragraph (3), any person may file an objection with the Minister for Food, Agriculture, Forestry and Fisheries not later than 30 days from the date of public announcement, with documents explaining grounds for objection and necessary evidence attached to the application for an objection against registration of geographical markings prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>*

(5) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon receiving an application for an objection under paragraph (4), hold a meeting of the Deliberation Council and deliberate on the contents thereof, and where no good cause is deemed to exist for such objection as a result of deliberation or where no objection is raised within the specified period under paragraph (4), he/she shall register geographical markings. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

(6) The public announcement of an application for the registration of geographical markings under paragraphs (1) through (5), the delivery of registration certificate, and other matters necessary for the registration of geographical markings shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

Article 16 *<By Presidential Decree No. 20950, Aug. 4, 2008>*

Article 17 and Article 18 Deleted. *<by Presidential Decree No. 22322, Aug. 11, 2010.>*

Article 19 (Selection of Items Subject to Marking of Genetically Modified Fishery Products)

(1) Items subject to the marking of genetically modified fishery products provided in Article 11 (2) of the Act shall be determined and publicly announced by the Minister for Food, Agriculture, Forestry and Fisheries after deliberation by the Deliberation Council from among the fishery products falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

1. Items that are proven to be different from the existing fishery products in terms of characteristics such as constituent ingredients, nutritive values, allergic reactions, etc.;
 2. Other items whose marking of genetically modified fishery products are deemed necessary by the Minister for Food, Agriculture, Forestry and Fisheries necessary after the questions about the detrimental effects, etc. of genetically modified fishery products have been raised.
- (2) Genetically modified fishery products other than those subject to the marking referred to in paragraph (1) can carry such marking at the discretion of the Minister for Food, Agriculture, Forestry and Fisheries, and the fishery products that are not genetically modified fishery products among the items subject to the marking showing whether they are not genetically modified or not can carry the marking of not genetically modified fishery products at the discretion of the Minister for Food, Agriculture, Forestry and Fisheries.

Article 20 (Standards for and Methods of Marking Genetically Modified Fishery Products)

(1) Standards for marking genetically modified fishery products provided in Article 11 (2) of the Act shall be as follows: *<Amended by Presidential Decree No. 18968, Jul. 27, 2005>*

1. Genetically modified fishery products shall be labelled as "genetically modified fishery products";
2. Fishery products that include genetically modified fishery products shall be labelled as "includes genetically modified fishery products";
3. Fishery products that possibly include genetically modified fishery products shall be labelled as "possibly include genetically modified fishery products."

(2) The marking of genetically modified fishery products provided in Article 11 (2) of the Act shall be made on the packages or surface of containers or at places of sale, etc. of the relevant fishery products by any of the following methods: *<Amended by Presidential Decree No. 18968, Jul. 27, 2005>*

1. The marking shall be easily recognized by end users;
2. The marking shall be made on a readily noticeable place;
3. The marking shall be made in such a manner that they are not erased or removed easily.

(3) The standards for and methods of marking genetically modified fishery products under paragraphs (1) and (2) and other necessary matters shall be determined and publicly announced by the Minister for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, where deemed necessary for judging whether fishery products are genetically modified, designate and publicly announce agencies to inspect sample products. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

Article 21 (Standards for Imposing Disposition of Suspension of Marking, etc.)

The standards for imposing corrective orders, prohibition of sale, suspension of marking, revocation of certification or registration, etc. under Article 12 of the Act shall be prescribed in attached Table 1.

Article 21-2 (Persons Subject to Order to Make Announcements and Methods therefor)

(1) Persons subject to orders to make an announcement under Article 13-2 (2) of the Act shall be those who were given a disposition under paragraph (1) of the same Article and fall under any of the following subparagraphs:

1. Where the quantity supplied in breach of the marking requirements exceeds 10 tons;
 2. Where the sum of money converted into a selling price for the quantity supplied in breach of the marking requirements is not less than 500 million won (in the case of a processed product, not less than one billion won). In such case, conversion into the selling price shall be based on the average price for a medium quality product grouped into a relevant item publicly announced by a legally prescribed wholesale market nearby on the date when the quantity supplied in breach of the marking requirements is detected, and if no relevant wholesale price exists, conversion into a selling price shall be based on the selling price of such an offender;
 3. Where the number of dispositions a person received over the last one year before the quantity supplied in breach of the marking requirements is detected not less than twice.
- (2) A person who received an order to make an announcement under Article 13-2 (2) of the Act shall without delay publish an announcement stating the following matters in at least one daily national circulated newspaper that is registered under Article 9 (1) of the Act on the Promotion of Newspapers, etc.: <Amended by Presidential Decree No. 22003, Jan. 27, 2010>

1. Name of a business entity and owner, and their address;
2. Ground for a corrective order and disposition details;
3. The fact of having received a corrective order.

(3) Where a disposition issued under paragraph (1) of the same Article becomes final and conclusive, the Minister for Food, Agriculture, Forestry and Fisheries or a City/Do Mayor shall post the following matters on the websites of the Ministry for Food, Agriculture, Forestry and Fisheries, a Special Metropolitan City, Metropolitan City, Do, or a Special Self-Governing Province, as prescribed in Article 13-2 (3) of the Act: <Amended by Act No. 22327, Aug. 4, 2010>

A title which reads “public announcement of a violation of the Quality Control of Fishery Products Act”;
A type of business;
The title of a company and its address;
Violation details (including the names of fishery products and processed fishery products in violation);
Disposition details (including a person in charge of issuing a disposition and disposition date).

Article 22 (Support of Funds)

"Other matters prescribed by Presidential Decree as necessary for fostering the fishery product processing industry" in subparagraph 6 of Article 16 of the Act means the matters falling under any of the following subparagraphs: <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

1. Development of packing designs for processed fishery products;
2. Publicity projects such as opening of, participation in, etc. the exhibitions and competitive fairs;
3. Fostering of cooperative projects between the processors;
4. Supports for item conversions of processed fishery products;

5. Improvement of processing facilities or introduction of new processing technology;
6. Expansion of sales networks;
7. Other cases approved by the Minister for Food, Agriculture, Forestry and Fisheries as supplementary projects to perform the projects under subparagraphs 1 through 5 of Article 16 of the Act.

Article 22-2 (Purposes of Selling State-Owned Land under Private Contract)

The State can sell the state-owned land rent out to the fishermen engaged in oyster farming, etc. under Article 17 (4) of the Act by entering into a private contract with them pursuant to Article 17 (5) of the same Act in the following cases.

1. Where a buyer has built a new workplace to remove oyster shells or to process oysters hygienically (which refers to cleaning and packing) or where he/she use the existing one;
2. Where a buyer installs and operates an oyster production and processing facility under Article 25 (1) of the Act

Article 23 (Designation Standards for Masters)

(1) Persons to be designated as masters of traditional fishery foods (hereinafter referred to as "masters") under Article 18 (2) of the Act shall be those who preserve in original forms the methods for cooking or processing of special traditional fishery foods that are handed down from ancestors and can actualize them as they are, and who are deemed to be able to contribute to the development of traditional fishery foods and satisfy the following requirements:

1. They shall have been engaged for 20 or more consecutive years in the field of cooking or processing of the relevant traditional fishery foods;
2. They shall have been engaged for 10 or more years in the relevant business after inheriting the skill possessed by the relevant masters.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she intends to designate a person as a master, examine the following matters: *<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>*

1. Traditionality of the relevant foods;
2. Legitimacy of the skill possessor;
3. Career of the skill possessor;
4. Methods of cooking or processing;
5. Value of protection.

(3) The valuation standards for the examination matters under paragraph (2) shall be determined and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

Article 24 (Procedures, etc. for Designation of Masters)

(1) Any person who intends to be designated as a master shall apply for such designation to the Mayor/Do governor as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

(2) The Mayor/Do governor shall, upon receipt of an application for designation of a master under paragraph (1), make an investigation on the details of the relevant application and, where he/she deems that it meets the designation standards for masters under Article 23, make a recommendation for such a designation to the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon receipt of a recommendation for designation as a master from the Mayor/Do governor under paragraph (2), designate as a master a person who is deemed to be suitable through a deliberation at the Deliberation Council. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she has designated a master under paragraph (3), deliver to him/her the written designation of master as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(5) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she has designated a person as a master under paragraph (3) or cancelled such designation under Article 18 (3) of the Act, publicly notify it. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(6) Matters necessary for the designation of masters such as the procedure for applying for designation of masters shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

Article 25 (Return of Written Designation of Masters)

Any person whose designation as a master has been cancelled under Article 18 (3) of the Act shall, upon receipt of such notice, without delay return the written designation of master under Article 24 (4) to the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

Article 26 (Kinds, etc. of Fishery Product Processing Business Subject to Registration and Report)

(1) The kinds of fishery product processing business to be registered with the Minister for Food, Agriculture, Forestry and Fisheries under Article 19 (1) of the Act shall be as follows: Provided, That any person who intends to run a fishery product processing business in Busan Metropolitan City (excluding the business of processing or refrigerating the frozen goods of such raw materials as marine animals or plants on the vessels licensed for deep-sea fishing from among the businesses of subparagraph 3) shall file a registration with the Mayor of Busan Metropolitan City: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008>

1. Processing business of fish oil (liver oil): The business of processing fish oil (liver oil), on land, from such raw materials as marine animals;
2. Freezing or refrigerating business: The business of processing or refrigerating, on land, the frozen goods of such raw materials as marine animals or plants: Provided, That the business of processing fishery products into meat emulsions and storing them in freezing or the business of refrigerating with

the refrigerating capacity of not more than five tons shall be excluded;

3. Fishery product processing business on vessels: The business of processing fish oil (liver oil) from such raw materials as marine animals on vessels licensed for fishing, or the business of processing or refrigerating the frozen goods of such raw materials as marine animals or plants on vessels licensed for deep-sea fishing.

(2) The fishery product processing business to be reported to the head of a Si (referring to the Governor of a Special Self-Governing Province in the case of a Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) under Article 19 (1) of the Act shall be as follows: *<Amended by Presidential Decree No. 20950, Aug. 4, 2008>*

1. Fishery hides processing business: The business of processing such raw materials as marine animals into hides;
2. Marine plants processing business: The business of processing such raw materials as marine plants into fertilizers, starches or fodders.

Article 27 (Registration Criteria for Fishery Product Processing Business)

The registration criteria for the fishery product processing business under Article 19 (3) of the Act shall be prescribed in attached Table 2. *<Amended by Presidential Decree No. 18968, Jul. 27, 2005>*

Article 28 (Hearings)

The Mayor/Do governor shall, where he/she intends to restrict the production items of fishery product processing business, to suspend its business, or to revoke its registration under Article 20 (1) of the Act, hold a hearing.

Article 29 (Matters for Registration of Fishery Products Production and Processing Facilities, etc.)

"Matters prescribed by Presidential Decree" in Article 25 (3) of the Act means the matters falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 20950, Aug. 4, 2008>*

1. Title and location of the production or processing facilities of fishery products meeting the criteria for sanitary management under Article 2 of the Act (hereinafter referred to as "criteria for sanitary management"), and of the facilities implementing the Hazard Analysis and Critical Control Points under Article 23 (1) or (2) of the Act (hereinafter referred to as "production or processing facilities, etc.");
2. Name and address of the representative of the production or processing facilities, etc.;
3. Kinds of the produced or processed goods.

Article 29-2 (Cycle of Investigation or Inspection)

The cycle of investigation or inspection on the production or processing facilities, etc. under Article 26 (2) of the Act shall be at least once every year: Provided, That the cycle of investigation or inspection on the production or processing facilities, etc. required to implement the criteria for sanitary management of the Act or the Hazard Analysis and Critical Control Points under Article 23 (1) and (2) shall be prescribed in the agreement with a foreign country or may reflect the cycle of investigation or inspection thereon prescribed and requested by any exporting counterpart country.

Article 29-3 (Method, etc. of Requesting Joint Investigation or Inspection)

(1) Those engaged in production or processing who received a prior notification regarding investigation or inspection under Article 26 (2) of the Act from the Minister for Food, Agriculture, Forestry and Fisheries (referring to those registered under Article 25 (1) of the Act) may submit the application for joint investigation prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries to the Minister for Food, Agriculture, Forestry and Fisheries and request him/her to carry out joint investigation or inspection.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon receipt of a request for joint investigation or inspection under paragraph (1), deliberate thereon with the heads of the relevant administrative agencies.

Article 30 (Restriction of Production in Designated Sea Areas)

(1) The production of fishery products in the designated sea area under Article 24 of the Act (hereinafter referred to as "designated sea area") may be restricted under Article 27 of the Act in the following cases: <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

1. Where the sea pollution occurs due to the stranding, collision or sinking of vessels or other circumstances, such as the dysfunction of wastes disposal facilities located nearby;
2. Where the designated sea area comes not to meet the criteria for sanitary management temporarily;
3. Where the Minister for Food, Agriculture, Forestry and Fisheries deems it necessary to restrict the production of fishery products because there are concerns over the pollution of sea areas following the fluctuation of the rainfall, etc.

(2) The procedures and methods for a restriction of production of fishery products in the designated sea areas under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

Article 31 (Revocation of Designation as Designated Sea Areas)

The Minister for Food, Agriculture, Forestry and Fisheries shall assess the results of investigation and examination of designated sea areas for the period of the latest two years and six months under Article 27 of the Act, and where he/she deems that designated sea areas come not to meet the criteria for sanitary management, he/she shall revoke the whole or part of the designated sea areas and publicly notify the relevant details. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

Article 32 (Orders for Suspension, Improvement, Repair, etc.)

(1) The criteria for the orders to correct, restrict, or suspend the production, processing, shipping or transportation, for the orders to improve or repair the production or processing facilities, etc. (hereinafter referred to as "orders for suspension, improvement, repair, etc."), and for the revocation of registration under Article 28 of the Act shall be prescribed in attached Table 3.

(2) Matters necessary for the detailed procedures, methods, etc. for the orders for suspension, improvement, repair, etc. and for the revocation of registration under paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree

No. 20677, Feb. 29, 2008>

Article 32-2 (Criteria for Designation of Inspection Agencies)

The criteria for designation of an inspection agency of fishery products under Article 30 (1) of the Act (hereinafter referred to as "inspection agencies") shall be prescribed in attached Table 4.

Article 32-3 (Procedures, etc. for Designation of Inspection Agencies)

(1) A person who intends to be designated as an inspection agency shall submit the application for designation as inspection agency for fishery products prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries to the Minister for Food, Agriculture, Forestry and Fisheries, along with the following documents:

1. Articles of Association (applies only to a juristic person);
2. Business plans stating the scope, etc. of inspection affairs;
3. Documents verifying the conformity to the criteria for designation of an inspection agency.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, upon receiving an application under paragraph (1), confirm the certificate of juristic person registration (applies only to a juristic person) through the joint use of administrative information under Article 36 (1) of the Electronic Government Act: Provided, That if an applicant does not give consent to the confirmation, the aforementioned document shall be accompanied. <Amended by Presidential Decree No. 22151, May 4, 2010; Presidential Decree No. 22467, Nov. 2, 2010>

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, where a person who files an application for designation as inspection agency under paragraph (1) is deemed to satisfy the designation criteria, designate the applicant as an inspection agency and notify him/her of such fact.

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall, where he/she has designated an inspection agency under paragraph (3), publicly notify the fact along with the scope of business to be carried out by the inspection agency.

Article 32-4 (Guidance and Supervision over Inspection Agencies)

The Minister for Food, Agriculture, Forestry and Fisheries shall guide and supervise inspection agencies to help them carry out fair inspection affairs.

Article 32-5 (Criteria for Imposing Disposition, such as Cancellation of Designation of Inspection Agencies)

(1) The criteria for imposing a disposition on the cancellation of designation as an inspection agency and a disposition on suspension of business under Article 30 (3) of the Act shall be prescribed in attached Table 5.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, where designation as an inspection agency is cancelled or a disposition on suspension of business is imposed under Article 30 (3) of the Act, without delay publicly notify it.

Article 33 (Qualification Standards for Inspectors)

(1) The qualifications for inspectors under Article 30-2 (1) of the Act (hereinafter referred to as "inspectors") shall be as follows: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008; Presidential Decree No. 22962, Jun. 7, 2011>

1. Any inspector working for the Animal, Plant and Fisheries Quarantine and Inspection Agency (hereinafter referred to as "Quarantine and Inspection Agency") shall be those who work at the Quarantine and Inspection Agency as a public official in charge of fishery affairs, fishery research or environmental research and shall fall under any of the following:

(a) A person who has qualifications equal to or higher than a certified fish-disease technician, a certified fishery manufacture industry technician, a certified water-quality environment industry technician or a certified food industry technician under Article 10 of the National Technical Qualifications Act;

(b) A person who majored in the science of fishery processing or food processing, food chemistry, microbiology, bioengineering, environmental engineering or other relevant fields at the schools prescribed in subparagraphs 1 through 6 of Article 2 of the Higher Education Act or foreign colleges or universities recognized by the Minister for Food, Agriculture, Forestry and Fisheries, and graduated therefrom, or who has an academic career equal to or higher than the aforesaid person;

(c) A person who has passed the qualifying examination to become an inspector of the Quarantine and Inspection Agency, which is held by the head of the Animal, Plant and Fisheries Quarantine and Inspection Agency (hereinafter referred to as the "head of the Quarantine and Inspection Agency");

2. Any inspector of an inspection agency shall fall under any of the following:

(a) A person falling under subparagraph 1 (a) or (b);

(b) A person who works for the relevant inspection agency and who has passed the qualifying examination for the inspectors of the designated inspection agency, which is held by the head of the Quarantine and Inspection Agency.

(2) Necessary matters concerning classification of the qualifying examinations for aspiring inspectors and how these exams work provided in paragraph (1) 1 (c) and 2 (b) and standards for selecting successful examinees shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

<Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

Article 33-2 (Training of Inspectors)

(1) The head of the Quarantine and Inspection Agency may conduct training as follows in order to upgrade the inspection techniques of inspectors and their qualities: <Amended by Presidential Decree No. 20950, Aug. 4, 2008; v>

1. A training entrusted to domestic or foreign research and inspection institutions or the secondment of inspectors to training courses provided by these institutions;

2. The in-house training;
 3. The training of inspectors that is conducted at the request of designated inspection agencies.
- (2) Where the training is conducted pursuant to paragraph (1), expenses required to conduct the training shall be borne by agencies to which inspectors who undergo such training belong. *<Amended by Presidential Decree No. 20950, Aug. 4, 2008>*

Article 34 (Partial Omission of Inspection)

"Other cases prescribed by Presidential Decree" in Article 29 (5) 4 of the Act means cases where the country that imports fishery products and processed fishery products makes a request for inspection of the specific items only. *<Amended by Presidential Decree No. 20950, Aug. 4, 2008>*

Article 35 (Qualifying Standards for Quarantine Officers)

(1) The quarantine officers provided in Article 36-2 (1) of the Act shall meet the any of the following qualifications: *<Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 22962, Jun. 7, 2011>*

1. A person who satisfies all of the following requirements:

- (a) He/she shall have served at the Quarantine and Inspection Agency for not less than six months;
- (b) He/she shall qualifies as a certified fish-disease technician under Article 10 of the National Technical Qualifications Act;
- (c) He/she who majored in the science of fish-disease, marine biology, thremmatology, bioengineering, marine animal disease, or the relevant fields at the schools under subparagraphs 1 through 6 of Article 2 of the Higher Education Act or the foreign colleges or universities recognized by the Minister for Food, Agriculture, Forestry and Fisheries, and graduated therefrom, or shall hold an academic career equal to or higher than the above qualification;

2. A person who has served at the Quarantine and Inspection Agency for not less than six months and passed the qualifying examination conducted by the head of the Quarantine and Inspection Agency from among the following:

- (a) A person falling under subparagraph 1 (b) or (c);
- (b) A person who has undergone training provided by the head of the Quarantine and Inspection Agency or other training courses related to the quarantine conducted by specialized institutions concerned at home and abroad for not less than four weeks.

(2) Necessary matters concerning classification of qualifying examinations for aspiring quarantine officers and how these exams work provided in paragraph (1) 2 and standards for selecting successful candidates, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008>*

Article 35-2 (Revocation of Qualifications, etc. of Quarantine Officers)

The qualifications of any quarantine officer may be revoked or suspended pursuant to Article 36-2 (2) of the Act in the following cases:

1. Where a quarantine officer performs the quarantine provided for in Article 36 of the Act, the dispatched quarantine provided for in Article 37 of the Act or the re-quarantine provided for in Article 40 of the Act by falsity or other illegal means;
2. Where a quarantine officer mistakenly applies disease subject to the quarantine by species or omits the quarantine.

Article 36 (Formulation of Plans for Safety Test)

The Minister for Food, Agriculture, Forestry and Fisheries shall formulate and implement every year a plan for safety test containing the matters falling under each of the following subparagraphs in order to efficiently execute the safety test under Article 42 of the Act (hereinafter referred to as "safety test"):

<Amended by Presidential Decree No. 20677, Feb. 29, 2008>

1. Basic directions of the safety test;
2. Areas subject to the safety test;
3. Items subject to the safety test;
4. Matters related to harmful substances subject to the safety test.

Article 37 (Areas, etc. Subject to Safety Test)

(1) The areas subject to the safety test shall be places producing fishery products, storage places, wholesale markets, goods-gathering places, consigned sale places, joint markets, etc., but the safety test shall be first conducted for the places likely to be polluted by harmful substances.

(2) The safety test shall be conducted as follows, according to the features by production phase, storage phase, and phase prior to trade after shipping:

1. Test on the production phase shall be conducted for fishery products shipped out without going through the storage phase;
2. Test on the storage phase shall be conducted for fishery products stored by their producers from among those going through the storage phase;
3. Test on the phase prior to trade after shipping shall be conducted for fishery products on the phase prior to trade after shipping to wholesale markets, goods-gathering places, consigned sale places, joint markets, etc.

(3) The safety test shall be conducted by the methods of collecting the samples at each production phase, storage phase, and phase prior to trade after shipping.

(4) The head of a Si/Gun/Gu shall conduct the test of fishery products subject to the postponement of shipping under Article 43 (1) 3 of the Act once again when the fishery products are intended to be shipped out at the expiry of the relevant period of postponement.

(5) Matters necessary for the safety test other than those under paragraphs (1) through (4) shall be determined and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries. *<Amended by Presidential Decree No. 20677, Feb. 29, 2008>*

Article 38 (Measures and Disposal Method against Excess of Allowable Residual Amounts)

In taking the measures under Article 43 (1) 3 of the Act, the measures shall be taken pursuant to the following: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008>

1. Where judged that there shall be no problems in using for food the relevant fishery products after the elapse of a specified period as the harmful substances remained behind in such products are decomposed and vanished as time goes by: Postponement of shipping (limited to fishery products on the production or storage phase) until the time when the harmful substances are decreased to not more than the allowable amounts prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries under the main sentence of Article 42 (1) of the Act or the allowable residual amounts under the related Acts and subordinate statutes, such as the Food Sanitation Act;
2. Where judged that as the period for decomposition and vanishment of harmful substances remained behind in fishery products is long, the relevant fishery products shall not be shipped out for food, but may be shipped out for other usages such as fodder or raw materials for industry: Conversion to the other usages;
3. Where fishery products shall not be disposed of by the methods under subparagraph 1 or 2: Destruction.

Article 39 Deleted. <by Presidential Decree No.22332, Aug. 11, 2010.>

Article 40 (Delegation of Authority)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, pursuant to Article 51 of the Act, delegate his/her authority falling under each of the following subparagraphs to the President of the National Fisheries Research and Development Institute (hereinafter referred to as the "President of the Development Institute): <Amended by Presidential Decree No. 17528, Mar. 2, 2002; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008; Presidential Decree No. 22327, Aug. 4, 2010; Presidential Decree No. 22332, Aug. 11, 2010>

1. Survey or inspection under Article 26 (1) of the Act;
2. and 3. Deleted. <by Presidential Decree No.22327, Aug. 4, 2010.>
4. Survey of toxins in the shellfish that inhabits the sea area, from among the safety test of shellfish under Article 42 (1) of the Act;
5. Entry, etc. under Article 46 of the Act (applies only to the entry, etc. under the authority delegated by subparagraphs 1, and 4);
6. and 7. Deleted. <by Presidential Decree No.22327, Aug. 4, 2010.>
8. Imposition and collection of administrative fines under Article 56 (1) 5 of the Act (applies only to the administrative fines imposed under the authority delegated by subparagraph 5).

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, pursuant to Article 51 of the Act, delegate his/her authority falling under any of the following subparagraphs to the head of the Quarantine and Inspection Agency: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20566, Jan. 25, 2008; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008;>

Presidential Decree No. 22332, Aug. 11, 2010; Presidential Decree No. 22962, Jun. 7, 2011>

1. Establishment, amendment or repeal of the normal standards of fishery products under Article 5 (1) of the Act;
2. The quality certification under Article 6 of the Act (in the case of traditional fishery foods, the authority involved only refers to the examination of quality certification);
3. Dispositions such as designation, revocation of designation, and suspension of business, etc. of the quality certification agency under Article 8 (1) and (4) of the Act;
- 3-2. Registration in the fishery products traceability system under Article 8-2 of the Act;
- 3-3. Certification for environmentally friendly fishery products under Article 8-3 of the Act;
4. Registration of geographical markings under Article 9 of the Act;
5. Corrective order against normal standard goods, quality-certified goods, goods subject to traceability, goods certified as environmentally friendly, and goods with geographical markings under Article 12 of the Act, prohibition of sale thereof, suspension of markings thereof, or the revocation of certification or registration thereof;
6. Corrective orders under Article 13 (1) of the Act;
- 6-2. Orders to impose a disposition and make an announcement under Article 13-2 of the Act;
7. Issuance of documents under Article 23 (4) of the Act;
8. Registration of production or processing facilities under Article 25 (1) of the Act;
9. Investigation or inspection of whether production or processing facilities, etc. meet the criteria for sanitary management and for the Hazard Analysis and Critical Control Points under Article 26 (2) of the Act (in production phase, storage phase, and a phase after shipping but before the start of trading during which the appropriateness of the Hazard Analysis and Critical Control Points is being investigated and examined, the aforementioned authority applies only to the case in which registration is sought under Article 25 (1) of the Act);
10. Orders to correct, restrict, or suspend the production, processing, shipping or transportation, and orders to improve or repair production or processing facilities, etc. under Article 28 of the Act (excluding facilities that implement the Hazard Analysis and Critical Control Points in the production phase, storage phase, and a phase after shipping but before the start of trading under Article 23 (2) of the Act and that are registered under Article 25 (1) of the Act) and revocation of registration;
11. Inspection under Article 29 of the Act;
12. Dispositions such as the designation of inspection agencies, revocation of designation thereof, and suspension of business thereof under Article 30 (1) and (3) of the Act;
13. Issuance of an inspection certificate under Article 32 of the Act;
14. An incongruity notice, and the request for destruction, prohibition of sale, etc. of fishery products and processed fishery products under Article 33 of the Act;
15. Re-inspection under Article 34 of the Act;

16. Cancellation of inspection decisions under Article 35 of the Act;
 17. Quarantine under Article 36 of the Act;
 18. Dispatched quarantine under Article 37 of the Act;
 19. Issuance of a quarantine certificate and a notice of incongruity with the quarantine standard under Article 38 of the Act;
 20. Orders to destruct or return fishery products for transplant, and the destruction thereof, under Article 39 (1) and (2) of the Act;
 21. Re-quarantine under Article 40 of the Act;
 22. Cancellation of quarantine decisions under Article 41 of the Act;
 23. Safety test of fishery products provided in Article 42 (1) of the Act: Provided, That the following surveys shall be excluded;
 - (a) Survey of toxins in shellfish that inhabits the sea area
 - (b) The safety test conducted in Busan Metropolitan City, Jeollanam-do and Gyeongsangnam-do among those performed during the production phase and a phase after shipping but before the start of trading
 24. Official examination under Article 44 of the Act;
 25. Verification of whether the normal standard goods meet the standards, the quality-certified goods meet the quality certification criteria, the goods subject to traceability meet the registration criteria, the goods certified as environmentally friendly meet the certification criteria, or the goods with geographical marking meet the registration criteria under Article 46 (1) 1 of the Act;
 26. Deleted. <by Presidential Decree No. 22332, Aug. 11, 2010>
 27. Verification of whether genetically modified fishery products carry such marking, and whether the contents and methods thereof are appropriate under Article 46 (1) 3 of the Act;
 28. Entry, etc. under Article 46 of the Act (applies only to entry, etc. under the authority delegated pursuant to subparagraphs 3-2, 3-3, 9, 11, 15, 17, 21, 23 and 25 through 27); <Amended by Presidential Decree No. 22332, Aug. 11, 2010>
 29. Orders to report matters concerning sanitary management and the acceptance of objections under Article 49 (1) of the Act (excluding facilities that implement the Hazard Analysis and Critical Control Points on the production phase, storage phase and a phase after shipping but before the start of trading under Article 23 (4) of the Act and that are registered under Article 25 (1) of the Act);
 30. Hearings under Article 50 of the Act (applies only to hearings on matters delegated pursuant to subparagraphs 3, 5, 10, 12, 16, and 22); <Amended by Presidential Decree No. 22332, Aug. 11, 2010>
 31. Imposition and collection of administrative fines under Article 56 (1) and (3) of the Act (applies only to the administrative fine under the authority delegated pursuant to subparagraphs 6, 9, and 24 through 29).
- (3) Deleted. <by Presidential Decree No. 20677, Feb. 29, 2008>

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall, pursuant to Article 51 of the Act, delegate his/her authority falling under any of the following subparagraphs to the Mayor/Do governor: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20566, Jan. 25, 2008; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008; Presidential Decree No. 22327, Aug. 4, 2010; Presidential Decree No. 22332, Aug. 11, 2010>

1. Deleted; <By Presidential Decree No. 20566, Jan. 25, 2008>

2. Selection of a person operating business under subparagraph 5 of Article 16 of the Act, and funding for him/her;

2-2. Restriction and prohibition on the act of releasing pollutants, the act of raising livestock and the act of using animal drugs in the designated sea area and other surrounding sea area provided in Article 24-3 (1) and (2) of the Act;

3. Investigation or inspection of conformity to the criteria for the Hazard Analysis and Critical Control Points under Article 26 (2) of the Act (applies only to facilities that implement the Hazard Analysis and Critical Control Points under Article 23 (2) of the Act and that are registered under Article 25 (1) of the Act);

4. Restriction on the production of fishery products in the designated sea areas under Article 27 of the Act;

5. Orders to correct, restrict, or suspend the production, processing, shipping or transportation, and orders to improve or repair production or processing facilities, etc. under Article 28 of the Act (applies only to facilities that implement the Hazard Analysis and Critical Control Points under Article 23 (2) of the Act and that are registered under Article 25 (1) of the Act);

5-2. The safety test conducted in Busan Metropolitan City, Jeollanam-do and Gyeongsangnam-do among those performed during the production phase and a phase after shipping but before the start of trading (excluding the survey of toxins in shellfish that inhabits the sea area)

6. Deleted <by Presidential Decree No. 18968, Jul. 27, 2005>

7. Request for measures, notice and other necessary actions in response to the results of safety tests performed under Article 43 (1) and (3) of the Act;

8. Deleted <by Presidential Decree No. 22332, Aug. 11, 2010>

8-2. Confirmation and check of conformity to the standards for registering the fishery product processing industry provided in Article 46 (1) 4 of the Act;

9. Entry, etc. under Article 46 of the Act (limited to entry, etc. under the authority delegated pursuant to subparagraphs 3, 5-2 and 8);

10. Orders to report matters concerning sanitary management and acceptance of objections under Article 49 (1) of the Act (limited to facilities that implement the Hazard Analysis and Critical Control Points under Article 23 (2) of the Act and that are registered under Article 25 (1) of the Act);

11. Hearings under Article 50 of the Act (limited to hearings on the authority delegated pursuant to subparagraph 5);

12. Imposition and collection of administrative fines under Article 56 of the Act (limited to the administrative fine imposed under the authority delegated pursuant to subparagraphs 8, 8-2, 9, and 10).
(5) The Minister for Food, Agriculture, Forestry and Fisheries shall, pursuant to Article 51 of the Act, delegate his/her authority falling under any of the following subparagraphs to the head of a Si/Gun/Gu: <Amended by Presidential Decree No. 18968, Jul. 27, 2005; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008>

1. Registration of a fishery product processing business under Article 19 (1) of the Act (excluding the registration of the business of processing or refrigerating the frozen goods using the marine animals and plants as raw materials on the vessels licensed for deep-sea fishing, from among the fishery product processing business performed onboard vessels under Article 26 (1) 3; hereafter the same shall apply in subparagraph 2);

2. Order of suspension, or revocation of registration, of the fishery product processing business under Article 20 of the Act;

2-2. Confirmation and check of the act of releasing pollutants, the act of raising cattle and the act of using animal drugs under Article 46 (1) 5 of the Act;

3. Hearings under Article 50 of the Act (applies only to hearings under the authority delegated pursuant to subparagraph 2, and excluding the heads of Gus in Busan Metropolitan City).

(6) The President of the Development Institute and the head of the Quarantine and Inspection Agency may delegate part of their authority delegated pursuant paragraphs (1) and (2) to the heads of the agencies under their control. <Amended by Presidential Decree No. 17528, Mar. 2, 2002; Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 20950, Aug. 4, 2008; Presidential Decree No. 22962, Jun. 7, 2011>

Article 41 (Supervision, etc. of Affairs Following Delegation of Authority)

(1) The Mayor/Do governor who has dealt with the matters delegated pursuant to Article 40 shall make a report on the results of such dealings to the Minister for Food, Agriculture, Forestry and Fisheries, and the head of a Si/Gun/Gu shall do the same via the Mayor/Do governor as determined by the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008>

(2) through (4) Deleted. <by Presidential Decree No. 22332, Aug. 11, 2010>

Article 42 (Imposition of Administrative Fines)

The criteria for imposing administrative fines under Article 56 (1) through (3) of the Act shall be prescribed in attached Table 6.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2001.

Article 2 (Repeal of Other Acts and Subordinate Statutes)

The Enforcement Decree of the Inspection of Fishery Products Act shall be hereby repealed.

Article 3 (Transitional Measures for Designation of Items Subject to Quality Certification for Fishery Products, Fishery Specialities and Fishery Traditional Foods)

(1) The items subject to a quality certification for fishery products, that have been publicly notified under Article 13 of the previous Enforcement Decree of the Agricultural and Marine Products Quality Control Act at the time of enforcement of this Decree, shall be deemed to be selected for the items subject to a quality certification for fishery products under Article 10 (1).

(2) The fishery specialities and fishery traditional foods designated as the items subject to a quality certification under Articles 24 and 28 of the previous Enforcement Decree of the Fosterage of Agricultural and Fishery Products Processing Industry Act at the time of enforcement of this Decree, shall be deemed to be selected for the items subject to a quality certification for the fishery specialities and fishery traditional foods respectively under Article 10.

Article 4 (Transitional Measures for Items Subject to Indication of Place of Origin)

The items subject to indication of the place of origin for the fishery products, that have been publicly notified under Article 23 of the previous Enforcement Decree of the Agricultural and Marine Products Quality Control Act at the time of enforcement of this Decree, shall be deemed the items subject to indication of the place of origin that are publicly notified under Article 17.

Article 5 (Transitional Measures for Indicated Matters and Indicating Methods of Place of Origin)

Those that are or have been indicated under Article 24 of the previous Enforcement Decree of the Agricultural and Marine Products Quality Control Act at the time of enforcement of this Decree, shall be deemed those that are or have been indicated under Article 18 until August 31, 2002.

Article 6 Omitted.

Article 7 (Relation with Other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the previous Enforcement Decree of the Inspection of Fishery Products Act, the previous Enforcement Decree of the Agricultural and Marine Products Quality Control Act, the previous Enforcement Decree of the Fosterage of Agricultural and Fishery Products Processing Industry Act or the previous Enforcement Decree of the Fisheries Act or any provisions thereof at the time of enforcement of this Decree, this Decree or its corresponding provisions, if any, shall be deemed to have been cited, instead.

ADDENDA <Presidential Decree No. 17528, Mar. 2, 2002>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA <Presidential Decree No. 18594, Dec. 3, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 18968, Jul. 27, 2005>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 20 (1) 3 shall enter into force on September 1, 2005.

(2) (Transitional Measures concerning Quality Certification) The quality certification for fishery products which is granted pursuant to the previous provisions at the time this Decree enters into force shall be deemed to have been granted pursuant to the amended provisions of Article 11.

(3) (Transitional Measures concerning Qualifying Standards for Inspectors) Anyone who obtains his/her qualifications as an inspector pursuant to the previous provisions at the time this Decree enters into force shall be deemed to have obtained his/her qualifications as an inspector, notwithstanding the amended provisions of Article 33.

ADDENDUM <Presidential Decree No. 19605, Jun. 30, 2006>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 18 (1) 2 shall enter into force one year after the date of its promulgation.

ADDENDA <Presidential Decree No. 20257, Sep. 10, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 20351, Oct. 31, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDUM <Presidential Decree No. 20449, Dec. 13, 2007>

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

ADDENDUM <Presidential Decree No. 20566, Jan. 25, 2008>

This Decree shall enter into force on January 27, 2008.

ADDENDA <Presidential Decree No. 20587, Jan. 31, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 4, 2008.

Articles 2 and 3 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 20950, Aug. 4, 2008>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 13 through 16 and Article 29-2 shall enter into force on September 29, 2008, and the amended provisions of Article 29-3 shall enter into force on March 29, 2009.

ADDENDA <Presidential Decree No. 22003, Jan. 27, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 1, 2010.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 19, 2010. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 22327, Aug. 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 5, 2010: Provided, That the amended provisions of Article 40 (2) 23 and paragraph (4) 5-2 and 9 of the same Article shall enter into force on July 1, 2011.

Article 2 (Transitional Measures concerning Changes of Entrusted Organization)

Dispositions imposed by the President of the National Fisheries Research and Development Institute and the head of the National Fisheries Products Quality Inspection Services and other acts performed thereby shall be deemed dispositions imposed and other acts performed by a Mayor/Do Governor under the amended provisions of Article 40 (1) and (2) and (4).

Article 3 (Transitional Measures concerning Standards for Imposing Administrative Fines)

The former provisions shall apply in imposing administrative fines for acts performed prior to the enforcement of this Decree.

ADDENDA <Presidential Decree No. 22332, Aug. 11, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted

ADDENDA <Presidential Decree No. 22467, Nov. 2, 2010>

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

ADDENDA <Presidential Decree No. 22822, Apr. 4, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

(1) Notwithstanding the amended provisions of the attached Table 6, the former provisions shall apply in imposing administrative fines for violations committed prior to the enforcement of this Decree.

(2) The disposition of imposition of administrative fines for violations committed prior to the enforcement of this Decree shall not count towards the number of violations identified in accordance with the amended provisions of the attached Table 6.

ADDENDA <Presidential Decree No. 22962, Jun. 7, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 15, 2011.

Articles 2 and 3 Omitted