

GINSENG INDUSTRY ACT

Act No. 5022, Dec. 6, 1995

Amended by Act No. 5153, Aug. 8, 1996

Act No. 5453, Dec. 13, 1997

Act No. 5664, Jan. 21, 1999

Act No. 5667, Jan. 21, 1999

Act No. 6189, Jan. 21, 2000

Act No. 6380, Jan. 26, 2001

Act No. 6399, Jan. 29, 2001

Act No. 6998, Dec. 11, 2003

Act No. 7275, Dec. 31, 2004

Act No. 8505, Jul. 13, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9432, Feb. 6, 2009

Act No. 9664, May 8, 2009

Act No. 10885, Jul. 21, 2011

Act No. 10948, Jul. 25, 2011

Act No. 11099, Nov. 22, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12417, Mar. 11, 2014

Act No. 13142, Feb. 3, 2015

Act No. 13360, jun. 22, 2015

Article 1 (Purpose)

The purpose of this Act is to protect and nurture ginseng as a special agricultural product, and to contribute to the sound development of the ginseng industry, by prescribing matters necessary for the cultivation, manufacture, inspection, etc. of ginseng and its varieties.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 11690, Mar. 23, 2013>

1. The term "ginseng" refers to the ginseng generic plant of the family Araliaceae;
2. The term "raw ginseng" means the undried ginseng;

3. The term "red ginseng" means the raw ginseng cooked by steam or other methods, and then dried up, turning the color prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
4. The term "Taegeuk ginseng" means the raw ginseng cooked in boiling water or by other methods and then dried up, turning the color specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
5. The term "white ginseng" means the raw ginseng dried up, without being cooked, by sunbeams, hot blast, or by other methods;
6. The term "other ginseng" means the products manufactured using raw ginseng as raw material (excluding those falling under subparagraphs 3 through 5) and prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs;
7. The term "ginseng varieties" means all products referred to in the provisions of subparagraphs 2 through 6 of this Article;
8. The term "age of root" means the number of years in which the ginseng germinated and grew;
9. The term "place of origin" means a country or an area where ginseng is produced;
10. The term "ginseng varieties manufacture" means the manufacture of the red ginseng, Taegeuk ginseng, white ginseng, or other ginseng with the raw ginseng as raw material;
11. The term "ginseng products" means foods manufactured or processed with ginseng varieties as raw materials, from among the foods entered on the codex of food or such under Article 14 of the Food Sanitation Act or the codex of functional foods for health under Article 19 of the Functional Health Foods Act;
12. The term "producers' organizations" means the Ginseng-related Items Cooperatives under the Agricultural Cooperatives Act (hereinafter referred to as the "Cooperative"), the National Agricultural Cooperative Federation, and corporations related to ginseng as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 3 (Formulation of Comprehensive Plans for Ginseng Industry)

- (1) The Minister of Agriculture, Food and Rural Affairs shall formulate and execute comprehensive plans including policies necessary for promoting the ginseng industry through the improvement of productivity, promotion of export, improvement of distribution system, stabilization of prices, quality inspection, research and development, etc. of the ginseng varieties and ginseng products, every five years, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12417, Mar. 11, 2014>*
- (2) The Minister of Agriculture, Food and Rural Affairs may have the producers' organizations and such research institutes prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs carry out projects pertaining to the development and dissemination of high-quality ginseng seeds and seedlings and ginseng cultivation and inspection techniques, pertaining to the investigation of land suitable for ginseng cultivation, pertaining to the development of a variety of ginseng products, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The State or a local government may provide a subsidy or loan, within budgetary limits, to cover costs necessary for the execution of the policies or projects referred to in paragraphs (1) and (2) of this Article.

Article 3-2 (Relations to Other Acts)

(1) This Act shall not apply to the matters prescribed by the Forestry and Mountain Villages Development Promotion Act with respect to the mountain ginseng which is a special forest product defined in subparagraph 3-2 of Article 2 of the same Act. *<Amended by Act No. 13360, Jun. 22, 2015>*

(2) This Act shall not apply to the ginseng varieties for which marketing approval has been granted by the Minister of Food and Drug Safety or of which marketing notification has been filed under Article 31 or 42 of the Pharmaceutical Affairs Act. *<Newly Inserted by Act No. 13360, Jun. 22, 2015>*

Article 4 (Report on Cultivation of Ginseng)

(1) A person who desires to cultivate ginseng may report to the Governor of the Special Self-Governing Province, the head of the Si/Gun/Gu (referring to the head of an autonomous Gu) or the Cooperative (hereinafter referred to as the "Cooperative, etc.") which controls the cultivation field, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. Where he/she intends to modify important matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs among the matters he/she has reported, the same shall also apply. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12417, Mar. 11, 2014>*

(2) Any of the following persons may report to the Cooperative, etc. which controls the cultivation field on inheritance, acquisition by transfer, or merger, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12417, Mar. 11, 2014>*

1. Any person who has inherited or acquired by transfer the cultivation field which was reported under paragraph (1);
2. Where the cultivator who has filed a report under paragraph (1) is a corporation, one who survives a merger or one who is established by a merger.

(3) The Cooperative, etc. shall semiannually inform the Minister of Agriculture, Food and Rural Affairs of details of the reports on cultivation of ginseng referred to in paragraph (1). *<Newly Inserted by Act No. 12417, Mar. 11, 2014>*

Articles 5 through 7 Deleted. *<by Act No. 5664, Jan. 21, 1999>*

Article 8 (Methods, Guidance, etc. for Cultivation)

(1) For the purpose of increasing the income of ginseng cultivators and of improving the quality of ginseng varieties, the Administrator of the Rural Development Administration may determine and publicly announce the standard ginseng cultivation methods after consulting with producers' organizations.

(2) The Administrator of the Rural Development Administration and the Cooperative, etc. may provide guidance to ginseng cultivators to cultivate ginseng in conformity with the standard ginseng cultivation methods referred to in paragraph (1). *<Amended by Act No. 12417, Mar. 11, 2014>*

(3) In the course of cultivating ginseng, ginseng cultivators shall not use such residual agricultural chemicals or chemical fertilizers prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That the chemical fertilizers determined and publicly announced by the Minister of Agriculture, Food and Rural Affairs may be used where ginseng is cultivated in the way determined and publicly announced by the Minister, such as hydroponics. <Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Confirmation of Age of Raw Ginseng Root)

(1) Where the cultivator of ginseng desires to harvest raw ginseng whose root is at least five years old, he/she may file an application with the Cooperative for the confirmation of the age of root, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Upon receipt of an application filed under paragraph (1), the Cooperative shall have an employee charged with inspection participate in the harvest and confirm the age of raw ginseng root.

(3) Matters necessary for the confirmation of the age of root, such as the method and procedure of confirming the age of root, and the qualification requirements of an employee charged with inspection under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Contract Cultivation, etc.)

(1) For the purpose of adjusting the demand for and supply of raw ginseng and stabilizing the prices thereof, the Minister of Agriculture, Food and Rural Affairs may encourage and arrange the following contract cultivation: <Amended by Act No. 11690, Mar. 23, 2013>

1. Contract cultivation between ginseng cultivators and producers' organizations;

2. Contract cultivation among ginseng cultivators, ginseng manufacturers, and ginseng processors.

(2) In order to expand, etc. contract cultivation referred to in paragraph (1), the Minister of Agriculture, Food and Rural Affairs may give priority to paying for the project costs incurred by the contractors concerned in accordance with Article 3 (3). <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the encouragement and arrangement of the contract cultivation and the priority assistance with respect to the project costs under paragraphs (1) and (2) of this Article, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 11 (Purchase and Storage, Release Control, etc.)

The Minister of Agriculture, Food and Rural Affairs may, where deemed necessary for stabilizing prices of the ginseng varieties, have the producers' organizations purchase, store, and release them. <Amended by Act No. 11690, Mar. 23, 2013>

Article 12 (Report, etc. of Ginseng Varieties Manufacturing Business and Ginseng Products

Manufacturing)

(1) A person who desires to carry out the business of manufacturing ginseng varieties shall report to the head of a Si (including the Governor of a Special Self-Governing Province; hereinafter the same shall

apply)/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun") who has jurisdiction over the manufacturing site, as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs: Provided, That where the ginseng cultivator manufactures red, Taegeuk, or white ginseng, or other ginseng using raw ginseng which was produced by him/herself, and sells such ginseng to the person who collects ginseng (hereinafter referred to as the "collector") for export or wholesale purposes, he/she may be excused from filing a report thereon. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person who intends to file a report on the business of manufacturing red or Taegeuk ginseng, or other ginseng under paragraph (1) shall meet the facility criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where a person who filed a report under paragraph (1) (hereinafter referred to as the "manufacturer of ginseng varieties") has modified important matters, such as leasing facilities, from among the matters reported as prescribed by Presidential Decree, suspended the business, or resumed the suspended business, he/she shall report thereon to the head of a Si/Gun within 20 days from the date on which such change has occurred.

(4) The manufacturer of ginseng varieties may, where he/she intends to manufacture or process the items prescribed by Presidential Decree from among the ginseng products, by using the by-products, which remain after the manufacture of ginseng varieties, as raw materials, file a report with the head of a Si/Gun. In such a case, such manufacturer shall be deemed to have reported on the business of manufacturing or processing foods under Article 37 of the Food Sanitation Act.

(5) The manufacturer of ginseng varieties who intends to file a report under paragraph (4) shall be equipped with facilities that satisfy the facility criteria under Article 36 (1) 1 of the Food Sanitation Act.

(6) Upon receipt of a report under paragraph (4), the head of a Si/Gun shall, without delay, notify the head of an administrative agency having jurisdiction over the report on the business of food manufacture or processing under Article 37 of the Food Sanitation Act of the contents of the relevant report.

(7) The head of a Si/Gun may, ex officio, cancel the reported matters where a manufacturer of ginseng varieties files a report on the closure of his/her business with the head of a competent tax office or where the head of the competent tax office cancels the business registration in accordance with Article 5 of the Value-Added Tax Act.

(8) In order to ascertain whether a manufacturer of ginseng varieties has closed his/her business, the head of a Si/Gun may request the head of a competent tax office to furnish necessary materials, if necessary. In such cases, the head of the competent tax office who has been requested to furnish the materials shall not reject such request without good cause.

(9) Any materials furnished to the head of a Si/Gun under paragraph (8) shall be exempt from any fees, charges, etc.

Article 13 Deleted. <by Act No. 5664, Jan. 21, 1999>

Article 14 (Succession, etc. to Status of Manufacturer)

(1) Any of the following persons shall succeed to the status of the manufacturer of ginseng varieties:

1. Where any manufacturer of ginseng varieties dies, his/her heir;
2. Where any manufacturer of ginseng varieties transfers his/her business, the transferee;
3. Where any manufacturer of ginseng varieties who is a corporation merges with another, the corporation surviving the merger or newly established through the merger.

(2) A person who succeeds to the status of the manufacturer of ginseng varieties in accordance with paragraph (1) shall report to the head of a Si/Gun within 20 days from the date of such succession in accordance with Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, if he/she intends to succeed to the manufacturing or processing of ginseng products under Article 12 (4), he/she may concurrently file a report thereon. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) A person who concurrently files a report on the succession to the manufacture of ginseng products under paragraph (2) shall be deemed to have filed a report on such succession under Article 39 (3) of the Food Sanitation Act. In such cases, the head of a Si/Gun shall, without delay, notify the head of a competent administrative agency of the contents of the relevant report.

Article 15 (Standards, etc. for Manufacturing Ginseng Varieties)

(1) A person who manufactures ginseng varieties shall manufacture red, Taegeuk or white ginseng, or other ginseng, classify them according to the age of their roots, and mark the relevant age of root and place of origin on the corresponding products, containers, or package. In such cases, necessary matters, including the methods for marking the place of origin and judging criteria, shall be prescribed by Presidential Decree.

(2) A person who manufactures ginseng varieties shall observe the manufacturing standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs may, for ensuring the safety of ginseng varieties and for protecting consumers, require the head of the national agricultural product inspection agency or the head of the ginseng varieties inspection agency under Article 17 (1) to order a manufacturer of ginseng varieties to submit or report the data concerning the observance of the provisions of paragraphs (1) and (2) or order the relevant employee to have access to a factory to ascertain whether it observes the provisions of paragraphs (1) and (2). *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) In cases falling under paragraph (3), the relevant employee shall carry an identification verifying his/her authority and show it to interested persons.

Article 16 (Closure of Business, etc.)

(1) The head of a Si/Gun shall, where a manufacturer of ginseng varieties, in connection with the manufacture of ginseng varieties, falls under any of the following subparagraphs, order the closure of business, or the suspension of whole or part of business for a fixed period of not more than six months: Provided, That where the manufacturer falls under subparagraph 4, the head of a Si/Gun shall order the closure of business:

1. Where he/she fails to meet the facility criteria under Article 12 (2);
2. Where he/she violates the manufacturing method in accordance with Article 15 (1) or fails to mark the age of root or the place of origin, or falsely mark the same;
3. Where he/she violates the manufacturing standards under Article 15 (2);
4. Where he/she conducts business during the period of suspension, in violation of the order for the suspension of business pursuant to this Article.

(2) A person (in case of a corporation, its representative or executive officer shall be included) for whom one year has not passed after having received the order of business closure under paragraph (1) may not report on the manufacture of ginseng varieties under Article 12 (1).

(3) Detailed criteria for the order of closure or disposition of business suspension 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 17 (Inspection)

(1) Any of the following persons shall conduct a self-inspection, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or undergo an inspection by a ginseng varieties inspection agency (hereinafter referred to as the "ginseng varieties inspection agency") designated and publicly announced by the Minister of Agriculture, Food and Rural Affairs: Provided, That he/she may be exempt from such inspection in cases where they are manufactured by himself/herself under the proviso to Article 12 (1) and other cases prescribed by Presidential Decree: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A person who has manufactured red, Taeguk or white ginseng, or other ginseng for sales or export purposes;
2. A collector who has collected red, Taeguk or white ginseng, or other ginseng manufactured by himself/herself under the proviso to Article 12 (1), for export or wholesale purposes;
3. A person who has imported red, Taeguk or white ginseng, or other ginseng for the purpose of sale.

(2) The ginseng varieties inspection agency and the self-inspection enterprise pursuant to Article 17-2 (2) shall enter the results of inspection into a record of inspection and maintain such records for the warranty period prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Separate inspections pursuant to paragraph (1) shall be conducted with respect to the age of root, quality, package, marking or such, and the standards and methods for the inspection, warranty period, and other matters necessary for the inspection shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) With respect to the products which have passed the inspection pursuant to paragraph (1), a self-inspection certificate or an inspection certificate stamp shall be affixed or printed on their packages, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That in cases of ginseng varieties for export, a self-inspection certificate or an inspection certificate stamp needs not to be affixed thereon. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The ginseng varieties inspection agency and the self-inspection enterprise pursuant to Article 17-2 (2) shall submit the matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as quantities inspected and the inspection results, to the head of the national agricultural products inspection agency. <Amended by Act No. 11690, Mar. 23, 2013>

(6) A person who manufactures or collects seeds or seedlings of ginseng may undergo a quality inspection by the ginseng seed and seedling inspection agency designated and publicly announced by the Minister of Agriculture, Food and Rural Affairs, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(7) A person who intends to undergo an inspection by a ginseng varieties inspection agency or a ginseng seeds and seedlings inspection agency pursuant to paragraphs (1) and (6) shall pay fees to the inspection agency, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 17-2 (Designation, etc. of Self-Inspection Enterprises)

(1) A person who intends to conduct a self-inspection pursuant to Article 17 (1) shall be equipped with the facilities and human resources prescribed by Presidential Decree, the results of the inspection of manufacturing by himself/herself, and a written manufacturing control standards, etc., and shall be designated as a self-inspection enterprise with respect to ginseng by type, such as red, Taeguik or white ginseng, or other ginseng from the head of the national agricultural products inspection agency.

(2) A person who has been designated as a self-inspection enterprise pursuant to paragraph (1) (hereinafter referred to as the "self-inspection enterprise") may conduct self-inspection of red, Taeguik or white ginseng, or other ginseng only manufactured by himself/herself from raw ginseng as raw material: Provided, That in cases of ginseng manufactured for export purposes, he/she may affix his/her own trademark on red, Taeguik or white ginseng, or other ginseng not manufactured by himself/herself and conduct a self-inspection of them.

(3) Where there are changes in the facilities, human resources, etc. designated, the self-inspection enterprise shall file a report with the head of the national agricultural products inspection agency within one month from the date when the reason for such changes has arisen.

(4) Matters necessary for the procedures for designating a self-inspection enterprise under paragraph (1) and the report of changes under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

Article 17-3 (Cancellation of Designation of Self-Inspection Enterprise)

(1) Where the self-inspection enterprise falls under any of the following subparagraphs, the head of the national agricultural products inspection agency shall order the correction thereof, or order the suspension of inspection for a period not exceeding six months or the cancellation of designation: Provided, That in cases of subparagraph 6, he/she shall order the cancellation of designation:

1. Where it has sold ginseng varieties or stored or displayed them for the purpose of sale without conducting a self-inspection or undergoing an inspection by a ginseng varieties inspection agency, in

violation of Article 17 (1);

2. Where ginseng varieties failing to meet the inspection standards have been inspected and found acceptable, in violation of Article 17 (3);

3. Where it has sold ginseng varieties without having affixed or printed a self-inspection certificate or an inspection certificate stamp, in violation of the main sentence of Article 17 (4);

4. Where it has conducted a self-inspection of red, Taegeuk or white ginseng, or other ginseng not manufactured by itself, in violation of Article 17-2 (2): Provided, That this shall not apply where it has conducted a self-inspection of ginseng varieties manufactured for the purpose of export with its own trademark affixed thereon;

5. Where it has violated the corrective order under this Article;

6. Where it has conducted a self-inspection during the period of inspection suspension, in violation of the order for such suspension under this Article;

(2) A person (in cases of a corporation, including its representative or executive officer) in whose case two years have not passed after the cancellation of the designation as a self-inspection enterprise pursuant to paragraph (1) shall not be designated as a self-inspection enterprise under Article 17-2 (1).

(3) Detailed standards of the corrective order for, suspension of inspection of or cancellation of designation of a self-inspection enterprise 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 17-4 (Inspection for Confirmation of Goods which Passed Inspection)

(1) The head of the national agricultural products inspection agency may, when he/she deems it necessary for the quality control of ginseng varieties, conduct an inspection for confirmation of goods which have passed the inspection under Article 17 (1).

(2) The head of the national agricultural products inspection agency may, when the relevant goods are found not to meet the inspection standards under Article 17 (3) upon the inspection for confirmation under paragraph (1), order a person falling under any of the subparagraphs of Article 17 (1) to collect, discard, or reinspect goods the inspection date of which is the same as that of the relevant goods, and have a public official under his/her control seize the goods if the person does not comply with such order under the conditions prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, matters necessary for the procedures for seizure or such shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Any public official under his/her control who intends to seize pursuant to paragraph (2) shall carry an identification verifying his/her authority and show it to interested persons.

Article 17-5 (Qualifications, etc. for Inspectors)

(1) The ginseng varieties inspection agency and the self-inspection enterprise shall require inspectors who have received training under paragraph (3) to conduct the inspection pursuant to Article 17 (1).

(2) The inspectors referred to in paragraph (1) shall be those with knowledge and experience in the quality control of ginseng and meet the qualifications prescribed by Presidential Decree.

(3) The inspectors under paragraph (2) shall receive training provided by the head of the national agricultural products inspection agency for the quality control of ginseng varieties.

(4) Contents and schedule of such training under paragraph (3), matters necessary for the collection of required expenses, and others shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 17-6 (Request for Objection, etc. against Inspection Results)

(1) Where a person who has undergone an inspection by a ginseng varieties inspection agency or a ginseng seeds and seedlings inspection agency pursuant to Article 17 (1) and (6) objects to the results of such inspection, he/she may raise an objection to the head of the inspection agency concerned and undergo an inspection again.

(2) Matters necessary for the filing of objection, procedures for reinspection, etc. 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 18 Deleted. *<by Act No. 9759, Jun. 9, 2009>*

Article 19 (Restriction, etc. on Trading Uninspected Goods, etc.)

(1) A person who engages in the sale of red, Taegeuk or white ginseng, or other ginseng shall neither sell nor store or display them for the purpose of sale by removing or modifying the age of root marking provided for in Article 15 (1).

(2) The red, Taegeuk or white ginseng, or other ginseng which failed to undergo or pass the inspection pursuant to Article 17 (1) may neither be sold or exported, nor stored or displayed for the purpose of sale.

(3) The head of the national agricultural product inspection agency may, when he/she finds any red, Taegeuk or white ginseng, or other ginseng in custody or on display, which has not undergone an inspection pursuant to Article 17 (1) or failed to pass such inspection, for sales or export purposes, have such products seized by public officials under his/her control or order the person falling under any subparagraph of Article 17 (1) to have such products inspected.

(4) A person who sells red, Taegeuk or white ginseng, or other ginseng shall not unpack a package of goods inspected on which a self-inspection certificate or an inspection certificate stamp is affixed or printed pursuant to the main sentence of Article 17 (4), keep or display them for the purpose of sale, or change the contents or packing unit thereof.

(5) Article 17-4 (2) and (3) shall apply mutatis mutandis to the procedures, etc. for the seizure pursuant to paragraph (3).

Article 20 (Recommendation for Importation of Ginseng Varieties Corresponding to Quantity Accessible to Markets)

(1) Deleted. *<by Act No. 5664, Jan. 21, 1999>*

(2) A person who intends to import, at concessional tariff rates, ginseng varieties corresponding to the quantity of merchandise accessible to markets as shown on the Schedules of Concessions and Commitments of the Republic of Korea pursuant to the Marrakesh Agreement Establishing the World

Trade Organization, shall obtain a recommendation from the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 10948, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

(3) A person who imports the ginseng varieties under paragraph (2) of this Article, shall pay an amount prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, not exceeding the difference between the importation price and the sale price, to the Agricultural Product Price Stabilization Fund referred to in Article 54 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products. <Amended by Act No. 10948, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

Article 20-2 (Export Promotion, etc.)

(1) In order to globalize the ginseng industry and promote exports of ginseng varieties and ginseng products, the State and local governments may provide necessary assistance to those who have already established and operated or intend to establish and operate an international ginseng distribution center.

(2) In order to globalize the ginseng industry and promote exports of ginseng varieties and ginseng products, the State and local governments may implement any of the following projects:

1. International exchange of information, technology, and human resources related to the ginseng industry;
2. Hosting international conferences, international fairs, and other international events related to the ginseng industry;
3. Research on and analysis of the international ginseng markets and systematic provision of the collected information;
4. Provision of consulting services regarding overseas expansion of the ginseng industry;
5. Other projects deemed necessary to globalize the ginseng industry and promote exports of ginseng varieties and ginseng products.

(3) Matters concerning the establishment and operation of an international ginseng distribution center 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 20-3 (Statistical Survey)

(1) In order to efficiently formulate the policies necessary for the promotion of the ginseng industry, the Minister of Agriculture, Food and Rural Affairs may conduct statistical surveys on the production, distribution, consumption, etc. pertaining to the ginseng industry. In such cases, the relevant provisions of the Statistics Act shall apply mutatis mutandis to the preparation of the statistics.

(2) If deemed necessary for a statistical survey, the Minister of Agriculture, Food and Rural Affairs may request the heads of related central administrative agencies, the heads of local governments, the heads of public institutions under Article 4 of the Act on the Management of Public Institutions, and business entities in the related industries to provide necessary materials and information. In such cases, the heads of the related central administrative agencies, etc. who have been requested to provide materials and information shall cooperate with such requests unless there is a compelling reason not to do so.

(3) Matters necessary for conducting statistical surveys under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 21 Deleted. <by Act No. 5664, Jan. 21, 1999>

Article 22 (Marking of Korea Ginseng, etc.)

A person who desires to place a marking on ginseng varieties, their containers, packings, etc. using "Korea Ginseng", "Korea Raw Ginseng", "Korea Red Ginseng", "Korea Taegeuk Ginseng", or "Korea White Ginseng", etc., or other terms including "Korea", shall register a geographical indication under the Agricultural Products Quality Control Act.

Articles 23 through 27 Deleted. <by Act No. 6189, Jan. 21, 2000>

Article 27-2 (Hearing)

The head of a Si/Gun or the head of the national agricultural products inspection agency shall hold a hearing in any of the following cases:

1. Closure of business under Article 16;
2. Cancellation of designation as a self-inspection enterprise under Article 17-3 (1).

Article 28 (Delegation of Authority)

@Part of the authority of the Minister of Agriculture, Food and Rural Affairs under this Act may, as prescribed by Presidential Decree, be delegated to the head of an agency under the jurisdiction of the Minister, the Administrator of the Rural Development Administration, the Minister of Korea Forest Service, a Special Metropolitan City Mayor, a Metropolitan City Mayor, or a Do Governor, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of an autonomous Gu. <Amended by Act No. 11690, Mar. 23, 2013>

Article 29 (Investigation, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs, the head of a Si/Gun, or the head of the national agricultural product inspection agency may, where deemed necessary for the enforcement of this Act, such as ensuring the safety of ginseng varieties and protecting consumers, require public officials under his/her control to investigate or inspect facilities, account books, documents, and other articles, or collect samples necessary for inspections of producers' organizations, ginseng manufacturers, collectors, exporters, importers, distributors, or the persons who have obtained quality certification, and others. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A public official who conducts the investigation, inspection, or collection under paragraph (1), shall carry an identification verifying his/her authority and show it to interested persons.

Article 30 Deleted. <by Act No. 6380, Jan. 26, 2001>

Article 30-2 (Legal Fiction as Public Official in Application of Penalty Provisions)

Executive Officers and employees of the Cooperative engaged in the duties of confirming the age of root under Article 9 and those of a ginseng varieties inspection agency and a ginseng seeds and seedlings inspection agency engaged in inspection under Article 17 (1) and (6) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

Article 31 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor of not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 13142, Feb. 3, 2015>

1. Any manufacture who sells ginseng by falsely marking the age of its root, in violation of Article 15 (1);
2. Any person who sells red, Taegeuk or white ginseng, or other ginseng by removing or modifying markings of age of root, or stores or displays such ginseng for the purpose of sale, in violation of Article 19 (1);
3. Any person who sells or exports the products which have yet to undergo an inspection or failed to pass an inspection, or keeps or displays them for sales and export purposes, in violation of Article 19 (2);
4. Any person who opens a package containing goods inspected on which a self-inspection certificate or an inspection stamp is affixed or printed, keeps or displays them for the purpose of sale, or changes the contents or packing unit thereof, in violation of Article 19 (4).

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

1. Any person who manufactures and sells red, Taegeuk or white ginseng, or other ginseng whose root is at least five years old, without filing a report under in Article 12 (1);
2. Any person who manufactures red, Taegeuk or white ginseng, or other ginseng, in violation of the manufacturing standards under Article 15 (2);
3. Any person who refuses, obstructs, or evades, without good cause, the confirmation of manufacture conducted by any relevant employee under Article 15 (3);
4. Any person who violates the order issued under Article 17-4 (2), or refuses, obstructs, or evades any seizure;
5. Any person who violates the order issued under Article 19 (3), or refuses, obstructs, or evades any seizure.

Article 32 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent or employee of, or any other person employed, by a corporation or an individual commits an offense prescribed in Article 31 in connection with the business affairs of the said corporation or individual, not only shall such offender be punished, but also the said corporation or individual shall be subject to a fine prescribed in the relevant provisions: Provided, That the same shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

Article 33 (Administrative Fines)

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

1. Any person who uses residual agricultural chemicals or chemical fertilizers, in violation of Article 8 (3);
 2. Any person who manufactures and sells Taegeuk or white ginseng, or other ginseng of no more than four-year old root without filing a report pursuant to Article 12 (1);
 3. Any manufacturer of ginseng varieties who fails to file a report on modification of important matters, or on suspension or resumption of his/her business, in violation of Article 12 (3);
 4. Any person who manufactures and sells red, Taegeuk or white ginseng, or other ginseng without filing a report under Article 14 (2) as one who has succeeded to the status of a manufacturer of ginseng varieties;
 5. Any ginseng varieties inspection agency or self-inspection enterprise which fails to keep a record of inspection under Article 17 (2);
 6. Any person who sells red, Taegeuk or white ginseng, or other ginseng without a self-inspection certificate affixed or printed thereon, in violation of Article 17 (4);
 7. Any person who fails to submit self-inspection results, etc., in violation of Article 17 (5);
 8. Any person who fails to file a report of change under Article 17-2 (3);
 9. Any self-inspection enterprise which requires an inspector who has failed to receive training to conduct an inspection, in violation of Article 17-5 (1);
 10. Any person who, without good cause, refuses to cooperate with the investigation, etc. pursuant to Article 29 (1).
- (2) An administrative fine under paragraph (1) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, the head of the national agricultural product inspection agency, or the head of a Si/Gun, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1996.

Article 2 (Repeal of Other Act)

The Ginseng Business Act shall hereby be repealed.

Article 3 (Transitional Measures concerning Fund)

The Ginseng Promotion Fund, which was established pursuant to the previous provisions at the time this Act enters into force, shall be deemed the Ginseng Industry Promotion Fund established under this Act.

Article 4 (Transitional Measures concerning Designation of Cultivation)

(1) With respect to the red-ginseng cultivation field designated by the Korea Tobacco and Ginseng Corporation pursuant to the previous Ginseng Business Act, as at the time this Act enters into force, the cultivation of red ginseng in the said field shall be deemed to have been contracted between the Korea Tobacco and Ginseng Corporation and the producers' organization concerned; and the red ginseng

cultivated in the said field shall be purchased by the president of the Korea Tobacco and Ginseng Corporation.

(2) With respect to the white-ginseng field or the ginseng sapling field under cultivation after having been designated by the Korea Tobacco and Ginseng Corporation pursuant to the previous Ginseng Business Act, as at the time this Act enters into force, the cultivation of the said field shall be deemed to have been designated or reported under this Act.

Article 5 (Transitional Measures concerning Inspection, etc.)

The inspection or other dispositions made or taken pursuant to the previous Ginseng Business Act, as at the time this Act enters into force, shall be deemed the inspection or other dispositions made or taken under the relevant provisions of this Act.

Article 6 (Transitional Measures concerning Manufacturing, Processing, Quality Control, etc. of Red-Ginseng Products)

Matters concerning the permission for the manufacturing and processing of red ginseng products, the application of standards thereto, and other quality control, as prescribed in the previous Ginseng Business Act, shall be governed by the Food Sanitation Act.

Article 7 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions for acts committed before this Act enters into force shall be governed by the previous Ginseng Business Act.

Article 8 Omitted.

Article 9 (Relations to Other Statutes)

Where provisions of the previous Ginseng Business Act are cited by other statutes, as at the time this Act enters into force, and the provisions corresponding thereto exist in this Act, this Act or the corresponding provisions of this Act shall be deemed cited in lieu of the previous provisions.

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force, within 30 days from the date of its promulgation, on the date Presidential Decree on the Organization of the Ministry of Maritime Affairs and Fisheries and the National Marine Police Agency prescribed by the amended provisions of Article 41 enters into force.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 5667, Jan. 21, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1999.

Articles 2 through 8 Omitted.

ADDENDA <Act No. 5664, Jan. 21, 1999>

(1) (Enforcement Date) This Act shall enter into force on July 1, 1999.

(2) (Transitional Measures concerning Report of Manufacturing Business) Any person who registered or reported ginseng manufacturing business under the previous provisions of Article 12 at the time this Act enters into force, shall be deemed to have reported the ginseng manufacturing business in accordance with the amended provisions of Article 12.

(3) (Transitional Measures concerning Designation of Self-inspection Enterprise) Any person who was notified after having been selected as a self inspection enterprise in accordance with the previous provisions of Article 17 (5) at the time this Act enters into force shall be deemed to have been designated as a self-inspection enterprise in accordance with the amended provision of Article 17 (2).

(4) (Transitional Measures concerning Penalty Provisions) The application of penalty provisions for acts committed before this Act enters into force shall be governed by the previous provisions.

(5) Omitted.

ADDENDA <Act No. 6189, Jan. 21, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on June 1, 2000.

Article 2 (Transitional Measures concerning Termination of Ginseng Industry Promotion Fund)

(1) The Agricultural and Fishery Product Price Stabilization Fund referred to in Article 54 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products shall succeed to all rights and duties and properties belonging to the Ginseng Industry Promotion Fund established under the Ginseng Industry Act at the time this Act enters into force.

(2) A loan inherited to the Agricultural and Fishery Product Price Stabilization Fund from the Ginseng Industry Promotion Fund under paragraph (1), shall be deemed the loan furnished to the former with such an interest rate and loan period prescribed in Article 60 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products under Article 57 (3) of the same Act.

(3) Projects conducted according to the 2000 year plan for the Ginseng Industry Promotion Fund referred to in the previous provisions of Article 25 (2) before this Act enters into force, may be financed by the Agricultural and Fishery Product Price Stabilization Fund until December 31, 2000, notwithstanding the provisions of Article 57 (1) of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products.

Article 3 Omitted.

Article 4 (Relations to Other Acts according to Termination of Fund)

Where other Acts quote the previous Ginseng Industry Promotion Fund at the time this Act enters into force, it shall be deemed that the Agricultural and Fishery Product Price Stabilization Fund referred to in Article 54 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products has instead been quoted.

ADDENDA <Act No. 6380, Jan. 26, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2001.

Article 2 (Transitional Measures concerning Ginseng Manufacturer)

The ginseng manufacturer under the previous provisions at the time this Act enters into force shall be regarded as the manufacturer of ginseng varieties under the amendments to Article 12.

Article 3 (Transitional Measures concerning Geographical Indication)

A person who is using geographical indications by making registration under the previous provisions of Article 22 at the time this Act enters into force shall be considered to have registered geographical indications under the Agricultural Product Quality Control Act not later than five years after this Act enters into force.

Article 4 (Transitional Measures concerning Change of Title of Agricultural Product Quality Control Act)

The Agricultural Product Quality Control Act referred to in Article 22, and Articles 3 and 6 of the Addenda at the time this Act enters into force shall be regarded as the Agricultural and Marine Products Quality Control Act, until the day preceding the day Act No. 6399, the Fishery Products Quality Control Act enters into force.

Article 5 (Transitional Measures concerning Penalty Provisions)

The application of the penalty provisions for acts committed before this Act enters into force shall be governed by the previous provisions.

Article 6 Omitted.

ADDENDA <Act No. 6399, Jan. 29, 2001>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 6998, Dec. 11, 2003>

(1) (Enforcement Date) This Act shall enter into force on July 1, 2004.

(2) (Transitional Measures concerning Administrative Fines) The application of the administrative fine provisions for acts committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 7275, Dec. 31, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2005.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8505, Jul. 13, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures for Self-Inspection Enterprise) Any person who has been designated as a self-inspection enterprise pursuant to the previous provisions at the time this Act enters into force shall be deemed to have been designated as a self-inspection enterprise pursuant to this Act: Provided, That it shall be designated as a self-inspection enterprise again pursuant to the amended provisions of Article 17-2 within three years after this Act enters into force.

(3) (Transitional Measures concerning Closure of Business) The previous provisions shall apply to orders for closure of business or such for acts done before this Act enters into force.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9432, Feb. 6, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9664, May 8, 2009>

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

ADDENDA <Act No. 9759, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 10123, Mar. 17, 2010>

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

ADDENDA <Act No. 10885, Jul. 21, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 10948, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 12 (3), (7) through (9), and 33 (1) 3 shall enter into force on the date of its promulgation.

Article 2 (Applicability concerning Administrative Fines)

The amended provisions of Article 33 (1) 3 shall also apply to the violations committed before this Act enters into force: Provided, That it shall not affect the validity of the imposition of an administrative fine which has already been made before this Act enters into force.

ADDENDUM <Act No. 11099, Nov. 22, 2011>

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 through 7 Omitted.

ADDENDUM <Act No. 12417, Mar. 11, 2014>

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

ADDENDUM <Act No. 13142, Feb. 3, 2015>

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

ADDENDUM <Act No. 13360, Jun. 22, 2015>

This Act shall enter into force on October 1, 2015.