

AGRICULTURAL PRODUCTS QUALITY CONTROL ACT

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to secure the safety of agricultural products and enhance the commercial value of agricultural products through the proper quality control of agricultural products and to contribute to the increase of farmers' incomes and to the protection of consumers through inducing fair and transparent trade.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "agricultural product" means unprocessed agricultural products, forest products (excluding stone and aggregate; hereinafter the same shall apply), livestock products and others determined by Presidential Decree;
2. The term "producers' organization" means the cooperatives and their federation under Article 2 of the Agricultural Cooperatives Act, and the cooperatives and their federation under Article 2 of the Forestry Cooperatives Act, and other organizations determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries;
3. The term "standards" means the packaging standards and grading standards for agricultural products;
4. The term "logistics standardization" means standardizing apparatuses, containers, facilities, information, etc. which are used in each stage of logistics, such as the transportation, storage, cargo work and pack-aging of agricultural products to facilitate interoperability and connection between them;
5. The term "good agricultural practice" means properly managing agricultural environments, such as soil and water and hazardous elements that could persist in agricultural products, such as agricultural chemicals, heavy metals, persistent organic pollutants or noxious organisms in each stage of the production, management after harvest (including the storage, cleaning, dry, sorting, cutting, mixing and packaging of agricultural products) and distribution of agricultural products to secure the safety of agricultural products and preserve agricultural environments;
6. The term "agricultural traceability" means recording and managing agricultural products' information in each stage starting from production to sale so that, when a problem related to the safety of agricultural products arises, it is possible to clarify the cause thereof and make necessary measures through tracing the relevant agricultural products;
7. The term "geographical indication" means an indication displaying that agricultural products or processed agricultural products (excluding processed agricultural products in which marine products are used as a principal material or main ingredient: hereinafter the same shall apply) the reputation, quality and other attributes of which are essentially originated from the geographical characteristics of a specific region are produced and processed in the specific region;
8. The term "homonymic geographical indication" means a geographical indication, the pronunciation of which is identical to that of another person's geographical indication for the same item but means a different region;
9. The term "right to geographical indication" means an intellectual property right to exclusively use geographical indications registered pursuant to this Act (including homonymic geographical indications: hereinafter the same shall apply);
10. The term "place of origin" means the state or region in which an agricultural product is produced or collected;
11. The term "place of origin, etc." means place of origin and kinds of goods;
12. The term "genetically modified agricultural product" means an agricultural product with intended properties obtained by artificially separating and recombining its genes;

13. The term "noxious substance" means a substance determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, which could persist in or contaminate foods to do harm to people's health, such as agricultural chemicals, heavy metals, antibiotics, persistent organic pollutants, pathogenic microorganism, mycotoxins and radioactivity.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 3 (Establishment of Agricultural Product Quality Control Deliberation Committee)

(1) The Agricultural Product Quality Control Deliberation Committee (hereinafter referred to as the "Deliberation Committee") shall be established under the Minister for Food, Agriculture, Forestry and Fisheries to deliberate on matters concerning the quality control of agricultural products under this Act.

(2) The Deliberation Committee shall be comprised of 60 members or less, including one chairperson and one vice chairperson.

(3) The chairperson shall be elected by mutual vote, and the chairperson shall appoint the vice chairperson among the members.

(4) The persons in each of the following subparagraphs shall become members: <Amended by Act No. 9932, Jan. 18, 2010>

1. Public officials belonging to the Ministry of Education, Science and Technology, the Ministry of Knowledge Economy, the Ministry of Health and Welfare, the Ministry of Environment, the Rural Development Administration, the Korea Forest Service, the Korean Intellectual Property Office, the Korea Food & Drug Administration, and the Korea Fair Trade Commission and nominated by the heads of the organs to which they belong and public officials belonging to the Ministry for Food, Agriculture, Forestry and Fisheries and nominated by the Minister for Food, Agriculture, Forestry and Fisheries;

2. Officers and employees nominated by the heads of the organizations and institutions in each of the following items, to which they belong:

- (a) National Agricultural Cooperative Federation under the Agricultural Cooperatives Act;
- (b) National Forestry Cooperatives Federation under the Forestry Cooperatives Act;
- (c) Korea Agro-Fisheries Trade Corporation under the Korea Agro-Fisheries Trade Corporation Act;
- (d) Korea Food Industry Association under the Food Sanitation Act;
- (e) Korea Rural Economic Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions;
- (f) Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions;
- (g) Korea Health Industry Development Institute under the Korea Health Industry Development Institute Act;

3. Persons with abundant professional knowledge and experience in the production, processing, distribution or consumption of agricultural products who are commissioned by the Minister for Food, Agriculture, Forestry and Fisheries;

4. Persons recommended by non-governmental organizations (referring to the non-profit, non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act; hereinafter the same shall apply) and commissioned by the Minister for Food, Agriculture, Forestry and Fisheries.

(5) The term of office of the members under paragraph (4) 3 and 4 shall be three years.

(6) The Deliberation Committee shall have a subcommittee for deliberation on the registration of geographical indications, to deliberate on the registration of geographical indications of agricultural products.

(7) The Deliberation Committee may have subcommittees determined by Presidential Decree by area to efficiently carry out the duties of the Deliberation Committee.

(8) Matters deliberated on by the subcommittee for deliberations on the registration of geographical indications under paragraph (6) shall be deemed to have been deliberated on by the Deliberation Committee.

(9) Matters necessary for the organization, operation, etc. of the Deliberation Committee and subcommittees, other than those prescribed in paragraphs (1) through (8) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No 9759, Jun. 9, 2009]

Article 3-2 (Duties of Agricultural Product Quality Control Deliberation Committee)

The Deliberation Committee shall deliberate on the matters in each of the following subparagraphs:

1. Matters related to standardization;
2. Matters related to logistics standardization;
3. Matters related to good agricultural practices;
4. Matters related to agricultural traceability;
5. Matters related to deliberations on the registration of geographical indications;
6. Matters related to geographical indications, indication of places of origin, and indication of genetically modified agricultural products;
7. Matters related to agricultural safety inspections (excluding livestock products);
8. Matters related to inspections of agricultural products (excluding livestock products);
9. Matters related to the provision of information on the safety and quality control of agricultural products;
10. Other matters referred to by the chairperson for the quality control of agricultural products.

[This Article Newly Inserted by Act No 9759, Jun. 9, 2009]

CHAPTER II STANDARDIZATION OF AGRICULTURAL PRODUCTS, ETC.

Article 4 (Standardization)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may determine standards for agricultural products to enhance the commercial value of agricultural products (excluding livestock products; hereafter the same shall apply in this Article), improve the efficiency of distribution of agricultural products and realize fair trade of agricultural products.

(2) Any person who ships agricultural products that conform to the standards under paragraph (1) (hereinafter referred to as "standard product") may indicate "standard product" on the surface of the packing thereof.

(3) Matters necessary for the procedures and criteria for setting standards under paragraphs (1) and (2), methods of indication, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 5 (Certification of Good Agricultural Practices)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall determine and publish standards for good agricultural practices (hereinafter referred to as "standards for good agricultural practices") and teach them to farmers, etc.

(2) Any person who produces and manages agricultural products in accordance with the standards for good agricultural practices may obtain certification of good agricultural practices (hereinafter referred to as "certification of good agricultural practices") from a good agricultural practice-certifying institution designated pursuant to Article 6 (hereinafter referred to as "certifying institution").

(3) Any person who intends to obtain certification of good agricultural practices shall file an application for certification of good agricultural practices to a certifying institution: Provided, That no person who falls under any of the following subparagraphs shall apply for certification of good agricultural practices:

1. A person for whom one year has not passed since his/her certification of good agricultural practices was cancelled;
2. A person for whom one year has not passed since a fine or heavier punishment was made final and conclusive in connection with certification of good agricultural practices.

(4) Every certifying institution shall, upon receiving an application for certification of good agricultural practices pursuant to paragraph (3), examine whether the application conforms to the standards for good agricultural practices under paragraph (10) and notify the applicant of the results thereof.

(5) Every certifying institution shall, when it grants certification of good agricultural practices pursuant to paragraph (4), investigate, verify, etc. whether the person who has obtained certification of good agricultural practices observes the standards for good agricultural practices.

(6) Any person who has obtained certification of good agricultural practices may place an indication of certification of good agricultural practices on the packing, containers, invoices, specification on transaction, signboards, vehicles, etc. of agricultural products that he/she produces and manages in accordance with the standards for good agricultural practices (hereinafter referred to as "agricultural product with good agricultural practice certification") during the validity of certification of good agricultural practices under paragraph (7).

(7) The validity of certification of good agricultural practices shall be one year from the date on which good agricultural practices are certified: Provided, That such validity may apply differently to cases where it is necessary to apply a different validity due to the characteristics of items.

(8) Any person who intends to extend the validity of certification of good agricultural practices shall renew the certification of good agricultural practices by undergoing the examination of the certifying institution concerned.

(9) When changing production schedules, etc. prior to the expiration of the validity of certification of good agricultural practices under paragraph (7), an application for the change of certification of good agricultural practices shall be made to the certifying institution concerned for approval.

(10) Detailed matters necessary for certification of good agricultural practices, such as the criteria, procedures, methods, validity, etc. of certification of good agricultural practices, shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 5-2 (Cancellation of Certification of Good Agricultural Practices, etc.)

(1) Every certifying institution may, when it confirms the matters in each of the following subparagraphs in the course of conducting the investigation, verifying, etc. under Article 5 (5) for certification of good agricultural practices it has granted, cancel the certification of good agricultural practices concerned or suspend the certification of good agricultural practices concerned, by fixing a period not longer than three months: Provided, That it shall cancel certification of good agricultural practices in cases falling under subparagraph 1:

1. Where the certification of good agricultural practices is obtained by false or other unjust methods;
2. Where the standards for good agricultural practices fail to be observed;
3. Where producing agricultural products with good agricultural practice certification is deemed difficult due to change of business, closing of business, etc.

(2) Every certifying institution shall, when suspending or cancelling certification of good agricultural practices pursuant to paragraph (1), notify the person who has obtained the certification of good agricultural practices and the Minister for Food, Agriculture, Forestry and Fisheries of such fact without delay.

(3) Detailed matters necessary for the criteria, procedures, methods, etc. of the cancellation of certification of good agricultural practices, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 6 (Designation of Good Agricultural Practice-Certifying Institutions, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may designate persons having manpower, facilities, etc. which are necessary for certifying good agricultural practices as certifying institutions and have them grant certification of good agricultural practices. In such cases, foreign institutions meeting the standards determined by the Minister for Food, Agriculture, Forestry and Fisheries may be designated as certifying institutions to certify good agricultural practices for agricultural products imported from foreign countries.

(2) Any person who intends to be designated as a certifying institution shall file an application to the Minister for Food, Agriculture, Forestry and Fisheries and, when any matter in the application is changed after he/she is designated as a certifying institution, report the change: Provided, That no person shall file an application for whom two years have not passed since his/her designation of the certifying institution was cancelled pursuant to Article 6-2.

(3) The validity of the designation of certifying institutions under paragraph (1) shall be five years, and such designation shall be renewed prior to the expiration of the validity in order to continue to carry out the business of certification of good agricultural practices.

(4) Detailed matters necessary for the criteria, procedures, methods, etc. of the designation of certifying institutions shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 6-2 (Cancellation of Designation of Good Agricultural Practice-Certifying Institutions, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when a certifying institution falls under any of the following subparagraphs, cancel the designation thereof, or order the suspension of business, by fixing a period not longer than six months: Provided, That he/she shall cancel designation in cases falling under any of subparagraphs 1 through 3:

1. Where the certifying institution is designated by false or other unjust methods;
2. Where the certifying institution conducts business of certification of good agricultural practices under suspension of business;
3. Where the certifying institution is unable to carry out business of certification of good agricultural practices because of dissolution or bankruptcy;
4. Where the certifying institution fails to meet the criteria for designation under Article 6 (4);
5. Where the certifying institution continues to conduct business of certification of good agricultural practices without reporting the change under Article 6 (2);
6. Where the certifying institution applies the standards for certification of good agricultural practices falsely or makes a mistake in conducting business of certification of good agricultural practices intentionally or by gross negligence;
7. Where the certifying institution has no record of certification of good agricultural practices for one year or more without any justifiable reason;
8. Where the certifying institution makes a mistake in conducting business of certification of good agricultural practices or is unable to conduct business of certification of good agricultural practices due to other causes.

(2) Detailed criteria for the cancellation of designation under paragraph (1), etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 7 (Designation of Good Agricultural Practice Facilities, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may designate the facilities that meet the standards prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries among the facilities in each of the following subparagraphs as good agricultural practice facilities (hereinafter referred to as "good agricultural practice facility") for the sanitation and safety control of harvested agricultural products:

1. Rice processing complexes under Article 22 of the Grain Management Act;
2. Local distribution centers for agricultural and fishery products under Article 51 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
3. Others, such as harvested agricultural product managing facilities determined and published by the Minister for Food, Agriculture, Forestry and Fisheries.

(2) Any person who intends to be designated as a good agricultural practice facility pursuant to paragraph (1) shall file an application to the Minister for Food, Agriculture, Forestry and Fisheries with agricultural product items that he/she intends to manage and, when any matter in the application is changed after he/she is designated as a good agricultural practice facility, report the change: Provided, That no person shall file an application in cases where one year has not passed since his/her designation of the good agricultural practice facility was cancelled pursuant to Article 7-2.

(3) Any person who operates a good agricultural practice facility shall manage agricultural products subject to certification of good agricultural practices in accordance with standards for good agricultural practices.

(4) The validity of the designation of good agricultural practice facilities under paragraph (1) shall be five years, on condition that such designation shall be renewed prior to the expiration of the validity in order to continue to put the designation of good agricultural practice facilities in force.

(5) Detailed matters necessary for the conditions, procedures, etc. of the designation of good agricultural practice facilities shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 7-2 (Cancellation of Designation of Good Agricultural Practice Facilities, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when a good agricultural practice facility falls under any of the following subparagraphs, cancel the designation thereof, or order the suspension of business of good agricultural practices for agricultural products subject to certification of good agricultural practices, by fixing a period not longer than six months: Provided, That he/she shall cancel designation in cases falling under any of subparagraphs 1 through 3:

1. Where the good agricultural practice facility is designated by false or other unjust methods;
2. Where the good agricultural practice facility conducts business of good agricultural practices under suspension of business;
3. The person who operates the good agricultural practice facility is unable to conduct business of good agricultural practices due to dissolution or bankruptcy;
4. Where the good agricultural practice facility fails to meet the standards for designation under Article 7 (1);
5. Where the good agricultural practice facility handles (including simple processing, such as washing, packing, storage, trade and sales; hereinafter the same shall apply) agricultural products subject to certification of good agricultural practices without reporting the change under Article 7 (2);

6. Where the good agricultural practice facility fails to manage agricultural products subject to certification of good agricultural practices or agricultural products with good agricultural practice certification in accordance with standards for good agricultural practices;
7. Where the good agricultural practice facility is unable to carry out business of good agricultural practices due to other causes.

(2) Detailed matters concerning the criteria, procedures, etc. for designation under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 7-3 (Succession to Position, etc.)

(1) In cases where a person entitled to rights or assuming duties which result from designation falling under any of the following subparagraphs passes away or transfers such rights or duties to another person or a corporation is merged with another corporation, the successors and transferees thereof or any corporation surviving merger or corporation established through merger may succeed such position:

1. Designation of certifying institutions under Article 6;
2. Designation of good agricultural practice facilities under Article 7.

(2) Any person who intends to succeed a position pursuant to paragraph (1) shall report to each institution that granted designation under the conditions prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries within one month from the date on which the cause of succession occurred.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 7-4 (Report and Checking, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when he/she deems necessary for good agricultural practices, have certifying institutions, persons operating good agricultural practice facilities or persons who have obtained certification of good agricultural practices (hereafter referred to as "certifying institution, etc." in this Article) report (including reports by using information and communications networks under the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.) matters concerning their businesses or submit (including submission by using information and communications networks under the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.) data, or have relevant public officials enter offices, etc. to check facilities, equipment, etc. or investigate relevant account books or documents.

(2) No certifying institution, etc. shall refuse, interfere with or evade the reporting, checking, etc. under paragraph (1) without any justifiable ground.

(3) When conducting the checking or investigation pursuant to paragraph (1), the date and time, purpose, object, etc. of checking or investigation shall be notified to relevant persons in advance: Provided, That the same shall not apply to cases where urgency is required, or achieving the objectives thereof is deemed impossible if advance notice is given.

(4) Every relevant public official checking or investigating pursuant to paragraph (1) shall carry a certificate indicating his/her authority and display it to relevant persons and, when entering offices, etc., issue a document indicating his/her name, time and purpose of entrance, etc.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 7-5 (Agricultural Traceability)

(1) Any agricultural product producer, distributor or seller (excluding distributors and sellers who does not change indications or packing) that intends to operate an agricultural traceability system (hereinafter referred to as "traceability") shall be registered with the Minister for Food, Agriculture,

Forestry and Fisheries: Provided, That those who produce, distribute or sell agricultural products determined by Presidential Decree shall file for registration of traceability with the Minister for Food, Agriculture, Forestry and Fisheries.

(2) Any person who obtained registration pursuant to paragraph (1) may place an indication of traceability on agricultural traceability products under the conditions prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That any person who obtained registration pursuant to the proviso to paragraph (1) shall place an indication of traceability on agricultural products concerned.

(3) Any person who produces, distributes or sells agricultural traceability products shall observe the standards determined and published by the Minister for Food, Agriculture, Forestry and Fisheries (hereinafter referred to as "traceability standards") for keeping records on ware- housing, shipping and management necessary for traceability: Provided, That the same shall not apply to peddlers, street vendors and those determined by Presidential Decree among those who distribute or sell agricultural traceability products.

(4) Any person who obtained registration pursuant to paragraph (1) shall, when there is change in matters determined to be registered by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, report thereon to the Minister for Food, Agriculture, Forestry and Fisheries within one month from the date on which the cause thereof occurred.

(5) The validity of the registration of traceability under paragraph (1) shall be three years from the date on which registration is obtained, and such registration shall be renewed prior to the expiration of the validity of the registration in order to continue to use the traceability system.

(6) The procedures for the registration and renewal of traceability, matters to be registered, and other necessary matters for registration shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 7-6 (Cancellation of Registration of Traceability, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when a person who obtained registration pursuant to Article 7-5 falls under any of the following subparagraphs, cancel the registration concerned, or order prohibition of placing an indication of traceability, by fixing a period not longer than six months: Provided, That he/she shall cancel registration in cases falling under subparagraph 1 or 2:

1. Where the person is registered by false or other unjust methods;
2. Where the person continues to indicate traceability, in violation of the order for prohibition of placing an indication of traceability;
3. Where the person fails to observe the traceability standards.

(2) Detailed matters, such as the criteria, procedures, etc. of the cancellation of registration under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 7-7 (Submission of Traceability Data, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may request the submission of data on the production, warehousing and shipment of agricultural products and others necessary for traceability from those who produce, distribute or sell agricultural traceability products under Article 7-5 (3).

(2) Any person who produces, distributes or sells agricultural traceability products shall, when requested to submit data pursuant to paragraph (1), comply with such request unless he/she has a special cause that prevents him/her from doing so.

(3) Matters necessary for the scope, method, procedures, etc. of the submission of data under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8 (Registration of Geographical Indications)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall implement a geographical indication registration system to seek the improvement of quality of agricultural products or processed agricultural products having geographical characteristics, to foster regional specialty industries, and to protect consumers.

(2) Any person who intends to file for registration of a geographical indication under paragraph (1) shall submit a registration application form determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, along with annexed documents to the Minister for Food, Agriculture, Forestry and Fisheries. The same shall apply to cases of altering important matters determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries among registered matters.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall, when receiving an application for registration pursuant to paragraph (2), have it undergo deliberation of the subcommittee for deliberations on the registration of geographical indications under Article 3 (6) and unless it falls into the grounds of rejecting registration under paragraph (7), make a determination of publication of application for registration of geographical indication (hereinafter referred to as "determination of publication"). In such cases, the Minister for Food, Agriculture, Forestry and Fisheries shall listen to opinions of the Commissioner of the Korean Intellectual Property Office in advance on whether the geographical indication applied conflicts with any trademark under the Trademark Act.

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall, when a determination of publication is made, publish the details of the determination in an official gazette or Internet homepage and submit the application documents for the registration of geographical indication and the annexed documents thereof for public reading for two months from the date of publication.

(5) When publication under paragraph (4) is made, anyone may raise an objection to the Minister for Food, Agriculture, Forestry and Fisheries by attaching a document stating the grounds of objection and necessary evidence within two months from the date of publication.

(6) In cases falling under the following subparagraphs, the Minister for Food, Agriculture, Forestry and Fisheries shall make a determination to register geographical indications and notify the applicant concerned thereof:

1. Where it is determined through the deliberation of the subcommittee for deliberations on the registration of geographical indications that there is no justifiable ground to reject registration even though an objection is raised pursuant to paragraph (5);
2. Where no objection is raised within the period under paragraph (5).

(7) When a geographical indication applied for registration pursuant to paragraph (2) falls under any of the following subparagraphs, the Minister for Food, Agriculture, Forestry and Fisheries shall make a determination to reject its registration and notify the applicant concerned thereof:

1. Where an advance application for registration is filed pursuant to paragraph (2) or the geographical indication is identical or similar to other person's geographical indication registered pursuant to paragraph (6);

2. Where an advance application is filed pursuant to the Trademark Act or the geographical indication is identical or similar to another person's registered trademark (including collective marking of geographical indication);
3. Where the geographical indication is identical or similar to another person's trademark (including geographical indications) widely known in Korea;
4. Where the geographical indication is a general term (referring to the name of an agricultural product or processed agricultural product which has become a common noun after long use even though it originated from the place where it is produced or sold);
5. Where the geographical indication is in discord with the definitions of the geographical indication under subparagraph 7 of Article 2 or homonymic geographical indication under subparagraph 8 of the same Article;
6. Where the applicant for the registration of a geographical indication prohibits persons, who engage in the production, manufacture or processing of agricultural products or processed agricultural products for which the geographical indication may be used, from affiliating with the organization concerned or does not allow them to affiliate with the organization concerned by stipulating difficult conditions of affiliation.

(8) Matters necessary for qualifications, deliberation, publication and public reading of applications for the registration of geographical indications, procedures for raising objections, detailed criteria for grounds of rejecting registration, etc. pursuant to paragraph (1) through (7) (excluding paragraph (2)) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 8-2 (Right to Geographical Indication)

(1) Any person who made a geographical indication registered pursuant to Article 8 (6) (hereinafter referred to as "owner of right to geographical indication") shall own rights to geographical indication for the items that he/she registered.

(2) Every right to geographical indication shall, when falling under any of the following subparagraphs, be ineffective among the interested persons in each subparagraph:

1. Homonymic geographical indication: Provided, That this shall not apply to cases where the users undoubtedly believe that the geographical indication concerned indicates products from a specific area and a relevant product is mistaken to be originating from a place which is not its place of origin;
2. A trademark registered pursuant to the Trademark Act before the application for the registration of the geographical indication concerned is submitted or a trademark the application of which is being examined;
3. The name of a seed which has been registered pursuant to the Seed Industry Act before the application for the registration of the geographical indication concerned is submitted or the name of a seed the application of which is being examined;
4. A geographical appellation used for items identical to agricultural products or processed agricultural products for which a geographical indication is registered pursuant to Article 8 (6) (hereinafter referred to as "geographical indication product") and also used for agricultural products and processed agricultural products produced in the area for which the geographical indication is registered.

(3) Every owner of right to geographical indication may place geographical indications on geographical indication products as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That in cases of the ginseng under the Ginseng Industry Act from among geographical indication products, terms including "Goryeo", such as "Goryeo ginseng", "Goryeo fresh ginseng", "Goryeo red ginseng", "Goryeo Taegeuk ginseng", or "Goryeo white ginseng" may be used on ginseng and its containers, packing, etc. for geographical indications besides the methods of indication determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-3 (Transfer of and Succession to Right to Geographical Indication)

No right to geographical indication shall be transferred to or succeeded by another person: Provided, That in cases falling under any of the following subparagraphs, rights to geographical indication may be transferred or succeeded under approval of the Minister for Food, Agriculture, Forestry and Fisheries:

1. Where an owner of right to geographical indication who is registered as a juristic person changes the name of the corporation or is merged with other corporation;
 2. Where an owner of right to geographical indication who is registered as an individual person dies.
- [This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-4 (Claim for Prohibition of Infringement of Rights, etc.)

(1) Every owner of right to geographical indication may claim against persons who infringe or are feared to infringe on his/her rights the prohibition or prevention of such infringement.

(2) Any act that falls under any of the following subparagraphs shall be deemed to have infringed right to geographical indication:

1. The use of an indication identical or similar to a registered geographical indication (in cases of homonymic geographical indications, limited to geographical indications that, because the users undoubtedly believe that the geographical indications indicate products from a specific area, cause the users to be confused so that a relevant product is mistaken to be originating from a place which is not its place of origin) by a person without a geographical indication right for the products, packing, containers, advertisements or relevant documents of items identical or similar to registered items;
2. Forging or imitating registered geographical indications;
3. Delivering, selling or carrying registered geographical indications for forgery or imitating purposes;
4. Others, such as the direct or indirect use of geographical indications for items identical or similar to registered geographical indication products for commercial purposes to impair the reputation of geographical indications.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-5 (Claim for Compensation, etc.)

(1) Any owner of right to geographical indication may claim compensation against those who infringe upon his/her right to geographical indication intentionally or by mistake. In such cases, those who infringed the right to geographical indication of the owner of right to geographical indication shall, with respect to the act of infringement concerned, be presumed to be aware of the fact that the geographical indication has been already registered.

(2) The provisions of Articles 67 and 70 of the Trademark Act shall apply mutatis mutandis to the estimation of the amount of loss under paragraph (1), etc.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-6 (Prohibition of False Indications, etc.)

(1) No geographical indication nor any indication similar thereto shall be placed on the packing, containers, advertisements and relevant documents of agricultural products or processed agricultural products that are not geographical indication products.

(2) Agricultural products or processed agricultural products that are not geographical indication products shall be neither sold by mixing with geographical indication products nor kept or displayed by mixing with geographical indication products for sales purposes.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-7 (Post-Management of Geographical Indication Products)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may order the matters in each of the following subparagraphs, etc. to public officials under his/her control for the maintaining of the level of quality of geographical indication products and protection of consumers:

1. Examination of the appropriateness of geographical indication products;
2. Inspection of relevant account books or documents of the owners, occupiers, managers, etc. of geographical indication products;
3. Collection of samples of geographical indication products for examination or entrustment of testing to specialized testing institutions, etc.

(2) The provisions of Article 7-4 (2) and (3) shall apply mutatis mutandis to examinations, inspections or collections under paragraph (1).

(3) The provisions of Article 7-4 (4) shall apply mutatis mutandis to relevant public officials examining, inspecting or collecting pursuant to paragraph (1).

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-8 (Correction of Indication of Geographical Indication Products, etc.)

When he/she deems that meeting the production schedule of geographical indication products is difficult because the standards for or specifications of an indication of geographical indication products are not satisfied or there is a sharp decrease in the production of the geographical indication products concerned, the Minister for Food, Agriculture, Forestry and Fisheries may order correction, prohibit sales, suspend indication or cancel registration, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-9 (Geographical Indication Protection Judgment Committee)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall establish the Geographical Indication Protection Judgment Committee (hereinafter referred to as the "Judgment Committee") to supervise trials on the matters in each of the following subparagraphs:

1. Trials and retrials on the protection of geographical indications;
2. Trials and retrials on the rejection of registration of geographical indications, or cancellation of registration under Article 8-8;
3. Other matters concerning the protection of geographical indications determined by Presidential Decree.

(2) The Judgment Committee shall be comprised of not more than ten judges (hereinafter referred to as "member judges") including one chair-person.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall appoint the chairperson of the Judgment Committee from among the member judges.

(4) The Minister for Food, Agriculture, Forestry and Fisheries shall commission member judges from among relevant public officials and those with abundant knowledge and experience in the areas of intellectual property rights or protection of geographical indications.

(5) The organization and operation of the Judgment Committee, term of office of member judges and other necessary matters shall be determined by Presidential Decree.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-10 (Adjudgment for Nullity of Protection of Geographical Indications)

(1) Any person who has an interest in the protection of a geographical indication or the subcommittee for deliberations on the registration of geographical indications may, when the protection of the geographical indication falls under any of the following subparagraphs, apply for adjudgment for nullity:

1. Where the geographical indication concerned is registered in spite of the fact that it falls into the grounds of rejecting registration under Article 8 (7);
2. Where the protection of a geographical indication which is registered pursuant to Article 8 is suspended or such geographical indication is not in use any more in the country of origin.

(2) The adjudgment under paragraph (1) may be claimed any time as far as such adjudgment yields profits.

(3) When a trial decision is made final and conclusive to the effect that the protection of a geographical indication is nullified pursuant to paragraph (1) 1, the protection right shall be deemed to have not existed from the beginning, and, when a trial decision is made final and conclusive to the effect that the protection of a geographical indication is nullified pursuant to paragraph (1) 2, the protection right shall be deemed to have not existed since the time such geographical indication fell under paragraph (1) 2.

(4) The chairperson of the Judgment Committee shall, when the adjudgment under paragraph (1) is claimed, notify the owner of right to geo- graphical indication concerned of the purpose thereof.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-11 (Adjudgment for Cancellation of Protection of Geographical Indications)

(1) When a geographical indication falls under any of the following sub- paragraphs, adjudgment for the cancellation of such geographical indication may be claimed:

1. Where after a geographical indication is registered, the person who registered the geographical indication prohibits the persons engaging in the production, manufacture or processing of agricultural products or processed agricultural products for which such geographical indication may be used from affiliating with the organization or does not actually allow them to affiliate with the organization by stipulating difficult conditions of affiliation, etc. or where such person allows persons who are unable to use such geographical indication to affiliate with the organization concerned;

2. Where an organization that registered a geographical indication or the members thereof cause users to misunderstand the quality of products or be confused as to geographical locations of origin by making mistakes in the use of geographical indications.

(2) The adjudgment for cancellation under paragraph (1) shall not be claimed three years after the date on which the fact of falling under the grounds for cancellation disappears.

(3) In cases where adjudgment for cancellation is claimed pursuant to paragraph (1), the disappearance of the fact of falling under the grounds for applying for such adjudgment after the claim is raised shall have no effect on the grounds for cancellation.

(4) Anyone may apply for the adjudgment for cancellation under paragraph (1).

(5) When a trial decision is made final and conclusive to the effect that the registration of a geographical indication is to be cancelled, the right to geographical indication concerned shall become extinct thereafter.

(6) The provisions of Article 8-10 (4) shall apply mutatis mutandis to claims for adjudgment under paragraph (1).

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-12 (Claims for Adjudgment on Rejection of Registration, etc.)

Any person who is notified of the rejection of registration of a geographical indication pursuant to Article 8 (7) or any person whose registration is cancelled pursuant to Article 8-8 may, if he/she has an objection to it, apply for adjudgment within 30 days from the date on which he/she is notified of the rejection of registration or cancellation of registration.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-13 (Method of Applying for Adjudgment)

(1) Any person who intends to apply for adjudgment for the nullity of protection of a geographical indication, adjudgment for cancellation, or adjudgment for the cancellation of registration of a geographical indication shall submit an application for adjudgment in which the matters in each of the following subparagraphs are entered, along with application material to the chairperson of the Judgment Committee:

1. The name and address of the person in question (in cases of a corporation, its names, the name of representative and location of business site);
2. When there is an attorney, the name and address or location of business site of the attorney (in cases where the attorney is a corporation, its name, the name of representative and location of business site);
3. Appellation of the geographical indication;
4. Date of registration of protection of the geographical indication and registration number;
5. Date on which a decision on the cancellation of registration is made final and conclusive (limited to claims for adjudgment for the cancellation of registration);
6. Purposes and grounds of claim.

(2) Any person who intends to apply for adjudgment for the rejection of registration of a geographical indication shall submit an application for adjudgment in which the matters in each of the following subparagraphs are entered, along with application material to the chairperson of the Judgment Committee:

1. The name and address of the person in question (in cases of a corporation, its name, the name of representative and location of business site);
2. When there is an attorney, the name and address or location of business site of the attorney (in cases where the attorney is a corporation, its name, the name of representative and location of business site);
3. Date of application for registration;
4. Date on which a decision on the rejection of registration is made;
5. Purposes and grounds of claim.

(3) In cases of revising an application for adjudgment which is submitted pursuant to paragraphs (1) and (2), the purport thereof shall not be changed: Provided, That the grounds of claim under paragraph (1) 6 and paragraph (2) 5 may be changed.

(4) The chairperson of the Judgment Committee shall, when matters concerning an objection against the protection of a geographical indication is included in the adjudgment claimed pursuant to paragraph (1) or (2), inform the opponents to the objection against the protection of the geographical indication of such purposes.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-14 (Adjudgment, etc.)

(1) The chairperson of the Judgment Committee shall, when the adjudgment under Article 8-13 (1) or (2) is claimed, have adjudgment rendered pursuant to Article 8-16.

(2) Every judge member shall adjudicate independently in view of his/her duties.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-15 (Designation of Member Judges, etc.)

(1) The chairperson of the Judgment Committee shall designate member judges to constitute the collegiate body under Article 8-16 for each case of application for adjudgment and have them adjudicate.

(2) The chairperson of the Judgment Committee may, when anyone who is feared to impair the fairness of trial from among the judgment members under paragraph (1), have other judge member adjudicate.

(3) The chairperson of the Judgment Committee shall designate one person out of the member judges designated pursuant to paragraph (1) as a chief judge.

(4) The chief judge designated pursuant to paragraph (3) shall supervise the administrative affairs concerning the cases of adjudgment designated to him/her by the chairperson of the Judgment Committee.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-16 (Collegiate Trial Body)

(1) Every adjudgment shall be rendered by a collegiate body comprised of three member judges.

(2) The mutual agreements of the collegiate body under paragraph (1) shall be made by a majority vote.

(3) No mutual agreement on adjudgment shall be open to the public.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-17 (Applications for Retrial)

(1) Any party to a trial may, when he/she has an objection to the trial decision made by the Judgment Committee, apply for a retrial.

(2) The provisions of Articles 451 and 453 (1) of the Civil Procedure Act shall apply mutatis mutandis to the application for retrial under paragraph (1).

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-18 (Petition for Dissatisfaction with Trial Decision on Fraudulent Act)

(1) In cases where the parties to a trial acted in collusion to have a trial decision rendered for the purpose of infringing upon the rights or interests of a third party, the third party may apply for a retrial against a trial decision final and conclusive.

(2) In cases of applying for a retrial pursuant to paragraph (1), the parties to the trial shall be joint defendants.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-19 (Restrictions on Effects of Geographical Indication Protection Right Reinstated by Retrial)

In cases falling under any of the following subparagraphs, no geographical indication protection right shall have effect on the acts conducted in good faith before the application for retrial is registered after the trial decision concerned is made final and conclusive:

1. Where a nullified geographical indication protection right is reinstated by retrial;

2. Where the establishment of a geographical indication protection right is registered in accordance with retrial for the registration of protection of the geographical indication on which a trial decision was made to the effect that the application for adjudgment for the rejection of registration is not accepted.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-20 (Litigation against Trial Decisions, etc.)

- (1) The Patent Court of Korea shall have jurisdiction over litigation against trial decisions.
- (2) Litigation under paragraph (1) shall be brought only by the parties to the litigation, interveners or those who applied to intervene in the trial or retrial concerned but are rejected.
- (3) Litigation under paragraph (1) shall be brought within 60 days from the date on which a certified copy of the trial decision or decision is received.
- (4) The period under paragraph (3) shall be unchangeable.
- (5) No litigation shall be brought unless it relates to matters for which a trial may be claimed.
- (6) An appeal against a ruling of the Patent Court of Korea may be made to the Supreme Court.
[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 8-21 (Application Mutatis Mutandis of Patent Act, etc.)

- (1) The provisions of Articles 180 and 184 of the Patent Act and the provisions of Article 459 (1) of the Civil Procedure Act shall apply mutatis mutandis to the procedure and application for a retrial on the protection of geographical indications.
- (2) The provisions of Articles 187, 188 and 189 of the Patent Act shall apply mutatis mutandis to litigation for the protection of geographical indications.
- (3) In case of paragraph (2), "Commissioner of the Korean Intellectual Property Office" in the main sentence of Article 187 of the Patent Act shall be read as "Minister for Food, Agriculture, Forestry and Fisheries", "president of the Korean Intellectual Property Tribunal" in Article 188 of the same Act as "chairperson of the Geographical Indications Protection Judgment Committee", and "Article 186 (1)" in Article 189 (1) of the same Act as "Article 8-20 (1)".
[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 9 (Prohibition of False Indications, etc.)

- (1) No one shall conduct any act falling under any of the following subparagraphs:
 1. Placing an indication of standard product or indications similar thereto on agricultural products which are not standard products;
 2. Placing an indication of agricultural product with good agricultural practice certification or indications similar thereto on agricultural products (including agricultural products not approved pursuant to Article 5 (9)) which are not agricultural products with good agricultural practice certification;
 3. Placing any indication of traceability or indications similar thereto on agricultural products which are not agricultural traceability products.
- (2) No one shall conduct any act falling under any of the following subparagraphs:
 1. Selling agricultural products which are not standard products by mixing with agricultural products carrying an indication of standard product or keeping or displaying agricultural products which are not standard products by mixing with agricultural products carrying an indication of standard product for sales purposes;
 2. Selling agricultural products which are not agricultural products with good agricultural practice certification by mixing with agricultural products carrying an indication of agricultural product with good agricultural practice certification or keeping or displaying agricultural products which are not agricultural products with good agricultural practice certification by mixing with agricultural products carrying an indication of agricultural product with good agricultural practice certification for sales purposes;
 3. Selling agricultural products which are not agricultural traceability products by mixing with agricultural products carrying an indication of traceability or keeping or displaying agricultural

products which are not agricultural traceability products by mixing with agricultural products carrying an indication of traceability for sales purposes.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 10 (Post-Management of Standard Products, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, if necessary, have relevant public officials conduct the examination, etc. in each of the following subparagraphs for maintaining the level of quality of standard products, agricultural products with good agricultural practice certification and agricultural traceability products (hereafter referred to as "indicated products" in this Article and Article 11) and protection of consumers:

1. Examination of the standards and quality as indicated in indicated products, appropriateness of criteria for certification and registration, etc.;
2. Inspection of relevant account books or documents of those who place indications;
3. Collection of samples of indicated products.

(2) The provisions of Article 7-4 (2) and (3) shall apply mutatis mutandis to examinations, inspections or collections under paragraph (1).

(3) The provisions of Article 7-4 (4) shall apply mutatis mutandis to relevant public officials examining, inspecting or collecting pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 11 (Correction of Indications of Standard Products, etc.)

The Minister for Food, Agriculture, Forestry and Fisheries may, when an indicated product fails to meet the indicated standards concerned or producing the indicated product concerned is deemed difficult or when an indicated product contravenes the method of indication, order correction, prohibit sales, suspend indication, or cancel certification and registration, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 12 (Safety Control Plans, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall formulate and implement a safety control plan to improve the quality of agricultural products (excluding livestock products; hereafter the same shall apply in this Chapter) and to produce and supply safe agricultural products (hereinafter referred to as "safety control plan") each year.

(2) Special Metropolitan City Mayors, Metropolitan City Mayors, Do Governors, Governors of Special Self-Governing Provinces (hereinafter referred to as "Mayor/Do Governor") and the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus; hereinafter the same shall apply) shall formulate and implement detailed action plans to secure the safety of agricultural products produced and distributed in the areas under their jurisdiction (hereafter referred to as "detailed action plan" in this Chapter).

(3) The safety control plan and detailed action plans shall include the agricultural products safety inspection under Article 12-2, risk assessment and examination of persistence under Article 14-6, education of farmers and other matters determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(4) The Minister for Food, Agriculture, Forestry and Fisheries may have Mayors/Do Governors and the heads of Sis/Guns/Gus report detailed action plans and the results of the implementation thereof.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 12-2 (Safety Inspections)

(1) With respect to noxious substances which may persist or be included in agricultural products or farmland, water, materials, etc. which are used for the production of agricultural products, the Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall conduct an inspection in each of the following subparagraphs (hereinafter referred to as "safety inspection") for the safety control of agricultural products:

1. In the production stage, whether the safety standards determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries are complied with;
2. In the distribution and sales stages, whether the persistent noxious substances under relevant Acts and subordinate statutes, such as the Food Sanitation Act exceed permissible levels concerned.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, when determining the safety standards for the production stage under paragraph (1), consult with the heads of relevant central governmental administrative organs.

(3) Detailed matters necessary for the procedure for safety inspections, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 13 (Collection of Samples, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor may, when necessary for a safety inspection, risk assessment and examination of persistence under Article 14-6 (1) and (3), etc., have relevant public officials conduct the collection of samples, examination, etc. in each of the following subparagraphs and investigate on them. In such cases, he/she may, if necessary, have samples collected without compensation:

1. Collection and examination of samples of agricultural products, and soil, water, materials, etc. which are used for the production of the agricultural products;
2. Inspection of relevant account books or documents of those who produce, keep, transport and sell agricultural products concerned.

(2) The provisions of Article 7-4 (2) and (3) shall apply mutatis mutandis to the collection of samples and examination under paragraph (1).

(3) The provisions of Article 7-4 (4) shall apply mutatis mutandis to relevant public officials who collect, examine or inspect pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 14 (Measures according to Results of Safety Inspections)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor may, when the safety standards for the production stage are found to be violated as a result of conducting a safety inspection for agricultural products in the production process, or farmland, water, materials, etc. which are used for the production of the agricultural products, have the producers or owners of such agricultural products take the measures in each of the following subparagraphs:

1. Disposal, diversion of use, postponement of shipment, etc. of the concerned agricultural products;
2. Improvement of farmland, water, materials, etc. used for the production of the agricultural products concerned or prohibition of the use thereof;
3. Other measures determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall, when the fact that the permissible levels of persistent noxious substances under the Food Sanitation Act are violated is confirmed as a result of conducting a safety inspection of agricultural products in the distribution or sales process, inform the concerned governmental administrative organs of such fact so that they may take appropriate measures.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 14-2 (Designation of Safety Inspection Institutions)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall designate safety inspection institutions to conduct part of safety inspection and the business of testing and analysis professionally and efficiently and have them conduct safety inspections and the business of testing and analysis on his/her behalf.

(2) Any person who intends to be designated as a safety inspection institution pursuant to paragraph (1) shall file an application to the Minister for Food, Agriculture, Forestry and Fisheries after equipped with facilities and manpower which are necessary for safety inspections, testing and analysis: Provided, That no person for whom three years have not passed since the designation of the safety inspection institution was cancelled pursuant to paragraph (2) shall apply for designation of a safety inspection institution.

(3) Matters necessary for the criteria and procedures for designation of safety inspection institutions under paragraph (1), scope of businesses, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 14-3 (Cancellation of Designation of Safety Inspection Institutions etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when the safety inspection institutions under Article 14-2 (1) fall under any of the following subparagraphs, cancel designation thereof, or order the suspension of business, by fixing a period not longer than six months: Provided, That he/she shall cancel designation in cases falling under subparagraphs 1 and 2:

1. Where the safety inspection institution is designated by false or other unjust methods;
2. Where the safety inspection institution continues to conduct safety inspections and the business of testing and analysis, in violation of an order for the suspension of business;
3. Where the safety inspection institution issues false written results of inspection;
4. Other cases, such as the case where the safety inspection institution violates regulations for safety inspection, which are determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) Detailed criteria for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 14-4 (Education on Agricultural Products Safety, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall teach and publicize matters necessary for the production of safety agricultural products and sound consumption activities to producers, persons engaging in distribution, consumers, relevant public officials, etc.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may entrust the education and public relations for producers, persons engaging in distribution and consumers to the organizations and institutions under Article 3 (4) 2 and non-governmental organizations under subparagraph 4 of the same paragraph. In such cases, he/she may provide subsidies to cover the expenses for the education and public relations within budgetary limits.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 14-5 (Research and Development of Analyzing Methods and Dissemination)

The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall devise measures for the research and development, and dissemination of technologies, including methods to

analyze safety for the enhancement of safety control of agricultural products and fast safety inspections of noxious substances known to be contained in agricultural products produced domestically and in foreign countries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 14-6 (Risk Assessment of Agricultural Products, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may request the food safety-related institutions in each of the following subparagraphs to assess the risks of agricultural products, or noxious substances that persist in the farmland, water, materials, etc. which are used for the production of the agricultural products for the efficient safety control of agricultural products:

1. Rural Development Administration;
2. Korea Forest Service;
3. Korea Food & Drug Administration;
4. Korea Food Research Institute under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions;
5. Korea Health Industry Development Institute under the Korea Health Industry Development Institute Act;
6. Research institutes in universities;
7. Other research institutions that the Minister for Food, Agriculture, Forestry and Fisheries deems necessary.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall announce the request for risk assessment under paragraph (1) and the results thereof.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may examine the actual state of noxious substances persisting in agricultural products (hereinafter referred to as "examination of persistence") for the scientific safety control of agricultural products.

(4) Matters concerning the announcement of requests for risk assessment and the results thereof under paragraph (2) shall be determined by Presidential Decree and detailed matters concerning the examination of persistence, such as the method, procedure, etc. of the examination of persistence shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

CHAPTER III INDICATION OF PLACES OF ORIGIN, ETC.

Article 15 (Indication of Places of Origin)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when determined by Presidential Decree as necessary for the establishment of a sound distribution order for agricultural products, have those who sell or process agricultural products or processed agricultural products indicate the places of origin thereof. <Amended by Act No. 6191, Jan. 21, 2000; Act No. 6399, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

(2) Any person who sells or processes an agricultural product or processed agricultural products prescribed to indicate the place of origin pursuant to paragraph (1) shall indicate the places of origin of such agricultural product and raw materials of such processed agricultural products. <Amended by Act No. 6399, Jan. 29, 2001>

(3) Necessary matters for items subject to indication of place of origin pursuant to paragraph (1), method of indicating places of origin, criteria for determining places of origin, etc. shall be determined by Presidential Decree.

Article 15-2 (Indication of Places of Origin, etc. in Food Service Businesses and Institutional Food Service Facilities)

(1) Any person who intends to install and operate a business and institutional food service facility determined by Presidential Decree from among the food service businesses under Article 36 (1) 3 of the Food Sanitation Act and the institutional food service facilities under Article 88 of the same Act shall, when selling and supplying (including the cases of keeping and displaying for the purposes of sales or supply after cooking; herein- after the same shall apply) the livestock products under subparagraph 2 of Article 2 of the Processing of Livestock Products Act (hereinafter referred to as "livestock product") after cooking them, indicate the places of origin, etc. thereof for the establishment of a fair trade order and protection of producers and consumers. <Amended by Act No. 9432, Feb. 6, 2009>

(2) Any person who conducts a business determined by Presidential Decree from among the food service businesses under Article 36 (1) 3 of the Food Sanitation Act in a business site 100m² or more in size (referring to the size entered in the business report) shall, when selling rice and gimchi falling under any of the following subparagraphs after cooking them, indicate the places of origin thereof for the establishment of a fair trade order and protection of producers and consumers: <Amended by Act No. 9432, Feb. 6, 2009>

1. Rice:

Cooked and sold in original form and determined by Presidential Decree;

2. Gimchi:

Made of Chinese cabbages and determined by Presidential Decree.

(3) The livestock products subject to an indication of places of origin under paragraph (1) shall be determined by Presidential Decree, and the method of indicating the places of origin, etc. under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9117, Jun. 13, 2008]

Article 15-3 (Indication of Places of Origin for Mail Orders)

(1) Any person who sells agricultural products and processed agricultural products by means of the mail orders under subparagraph 2 of Article 2 of the Act on the Consumer Protection in the Electronic Commerce Transactions, etc. (including the cases of selling by means of electronic commerce transactions under subparagraph 1 of Article 2 of the same Act; hereinafter the same shall apply) shall indicate the places of origin in a way that consumers may readily notice them from the initial stage of mail ordering for the establishment of a fair trade order and protection of producers and consumers.

(2) Matters necessary for subjects, methods, etc. of indication under paragraph (1) shall be determined by Presidential Decree.

[This Article Newly Inserted by Act No. 9667, May 8, 2009]

Article 16 (Indication of Genetically Modified Agricultural Product)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when prescribed by Presidential Decree as necessary to provide the consumers with correct purchase information, have those who sell genetically modified agricultural products place an indication of genetically modified agricultural product on the genetically modified agricultural products they sell. <Amended by Act No. 6191, Jan. 21, 2000; Act No. 6399, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

(2) Any person who sells agricultural products required to carry an indication of genetically modified agricultural product pursuant to paragraph (1) shall place an indication of genetically modified agricultural product on the agricultural products concerned. <Amended by Act No. 6399, Jan. 29, 2001>

(3) Matters necessary for items subject to an indication of genetically modified agricultural product under paragraph (1), and criteria, method, etc. of indication shall be determined by Presidential Decree. <Amended by Act No. 6399, Jan. 29, 2001>

Article 17 (Prohibition of False Indications, etc.)

(1) A person who sells or processes agricultural products or processed agricultural products required to carry an indication of place of origin pursuant to Articles 15 (1) and 16 (1) or who sells agricultural products required to carry an indication of genetically modified agricultural product shall not conduct the acts in any of the following subparagraphs: <Amended by Act No. 6399, Jan. 29, 2001>

1. Placing a false indication of place of origin or genetically modified agricultural product, or placing indications that are feared to cause people to be confused as to the places of origin or genetically modified agricultural products;
2. Impairing or altering the indications of place of origin or genetically modified agricultural product for the purpose of causing people to be confused as to the places of origin or genetically modified agricultural products;
3. Selling by disguising the places of origin, or selling agricultural products or processed agricultural products that carry an indication of place of origin by mixing with other agricultural products or processed agricultural products, or keeping or displaying agricultural products or processed agricultural products that carry an indication of place of origin by mixing them with other agricultural products or processed agricultural products for sales purposes;
4. Selling agricultural products carrying an indication of genetically modified agricultural product by mixing with other agricultural products, or keeping or displaying agricultural products carrying an indication of genetically modified agricultural product by mixing them other agricultural products for sales purpose.

(2) Persons who sell or supply the livestock products under Article 15- 2 (1) after cooking them or persons who sell the rice and gimchi under paragraph (2) of the same Article after cooking them shall not conduct any acts in any of the following subparagraphs: <Newly Inserted by Act No. 9117, Jun. 13, 2008>

1. Placing a false indication of the places of origin, etc. or placing indications that are feared to cause people to be confused as to the places of origin, etc.;
2. Cooking, selling or supplying with disguised places of origin, etc., or keeping and displaying livestock products, rice and gimchi with impaired or altered indications of place of origin, etc. for the purpose of selling and supplying them after cooking;
3. Cooking, selling and supplying livestock products, rice and gimchi which carry an indication of place of origin, etc. by mixing them with other livestock products, rice and gimchi.

(3) No person who sells agricultural products or processed agricultural products by means of mail ordering pursuant to Article 15-3 (1) shall falsely indicate the places of origin or place indications that are feared to cause people to be confused as to an indication of place of origin. <Newly Inserted by Act No. 9667, May 8, 2009>

Article 18 (Inspection of Indications of Places of Origin, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall, in order to confirm the indication or non- indication of place of origin, etc. under Articles 15, 15-2 (1) and (2) and 15-3 and appropriateness of matters to be indicated, methods of indication, etc., have relevant public officials regularly collect or examine agricultural products or processed agricultural products subject to an indication of place of origin, livestock products, rice and gimchi, as prescribed by Presidential Decree: Provided, That he/she may, when necessary, such as the time when the distribution quantity of agricultural products increases considerably, have them collect or examine as occasion arises. <Amended by Act No. 6595, Jan. 14, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9117, Jun. 13, 2008; Act No. 9667, May 8, 2009>

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, in order to confirm the indication or non-indication of genetically modified agricultural product under Article 16 and appropriateness of matters to be indicated, methods of indication, etc., have relevant public officials regularly collect or examine agricultural products subject to an indication of genetically modified agricultural product, as

prescribed by Presidential Decree: Provided, That he/she may when necessary, such as when the distribution quantity of agricultural products increases considerably, have them collect or examine as occasion arises. <Newly Inserted by Act No. 6595, Jan. 14, 2002; Act No. 8852, Feb. 29, 2008>

(3) No person who sells or processes agricultural products or processed agricultural products subject to an indication of place of origin or sells or supplies livestock products, rice and gimchi after cooking them or sells genetically modified agricultural products shall refuse, interfere with or evade a collection or examination under paragraph (1) or (2) without any justifiable ground. <Amended by Act No. 6399, Jan. 29, 2001; Act No. 6595, Jan. 14, 2002; Act No. 9117, Jun. 13, 2008>

(4) Every relevant public official that collects or examines agricultural products or processed agricultural products subject to an indication of place of origin, livestock products, rice, gimchi, or agricultural products subject to an indication of genetically modified agricultural product, pursuant to paragraph (1) or (2), shall present a certificate that indicates his/her authority to relevant persons and, when entering offices, etc., deliver a document indicating his/her name, time and purpose of entering, etc. to relevant persons. <Amended by Act No. 6399, Jan. 29, 2001; Act No. 6595, Jan. 14, 2002; Act No. 8103, Dec. 28, 2006; Act No. 9117, Jun. 13, 2008>

Article 18-2 (Dispositions against Violations of Indication of Place of Origin, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor may impose a disposition falling under any of the following subparagraphs on those who violate the provisions of Articles 15, 15-2, 15-3, 16 and 17: Provided, That only a disposition under subparagraph 1 may be imposed on those who violate the provisions of Article 15-2 (1) or (2): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9117, Jun. 13, 2008; Act No. 9667, May 8, 2009>

1. An order for correction, such as placing, changing, or deleting indications;
2. Prohibition of transactions, such as sales of illegal agricultural products or processed agricultural products.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor may, when he/she imposes a disposition under paragraph (1) on those who violate the provisions of Article 17, order the persons imposed such dispositions to announce the fact that they are subject to such dispositions. <Amended by Act No. 8852, Feb. 29, 2008>

(3) With respect to the persons in each of the following subparagraphs for whom the dispositions under paragraph (1) are made final and conclusive by reason of falsely indicating the places of origin, etc. of agricultural products, processed agricultural products, genetically modified agricultural products, etc., in violation of Article 17, the Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor shall announce matters related to the dispositions, such as the details of the dispositions and names of concerned business establishments, agricultural products, etc. in the Internet homepage of the Ministry for Food, Agriculture, Forestry and Fisheries or the relevant Cities/Dos, as prescribed by Presidential Decree: <Newly Inserted by Act No. 9667, May 8, 2009>

1. A person who sells or processes agricultural products or processed agricultural products required to carry an indication of place of origin pursuant to Article 15 (1);
2. A person who sells and supplies the livestock products under Article 15-2 (1) after cooking them;
3. A person who sells the rice and gimchi under Article 15-2 (2) after cooking them;
4. A person who sells agricultural products or processed agricultural products by means of mail ordering pursuant to Article 15-3 (1);
5. A person who sells agricultural products required to carry an indication of genetically modified agricultural product pursuant to Article 16 (1).

(4) Matters necessary for dispositions under paragraph (1), order for announcement under paragraph (2), and criteria, method, etc. of announcement in Internet homepage under paragraph (3) shall be determined by Presidential Decree. <Amended by Act No. 9667, May 8, 2009>

[This Article Newly Inserted by Act No. 7675, Aug. 4, 2005]

Article 18-3 (Request for Administrative Restrictions, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries or every Mayor/Do Governor may, when a person who made a business report or made a report on the installation and operation of an institutional food service facility pursuant to the Food Sanitation Act fails to indicate the places of origin, etc., in violation of Article 15-2 (1) and (2), or violates the provisions of Article 17 (2), request the heads of relevant governmental administrative organs to take necessary measures for the establishment of a distribution order for agricultural products, such as the closedown of the concerned business establishment or institutional food service facility or suspension of business or operation of the concerned institutional food service facility, by fixing a period: Provided, That in cases of institutional food service facilities that are public facilities, he/she may request the heads of the relevant governmental administrative organs having jurisdiction over the concerned institutional food service facilities to take necessary measures as well.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may, when any of the following cases occurs, request the heads of relevant governmental administrative organs to take measures necessary for the establishment of a distribution orders for agricultural products, such as suspension of business: <Newly Inserted by Act No. 9667, May 8, 2009>

1. Where a place of origin is not indicated, in violation of Article 15-3 (1);
2. Where a place of origin is falsely indicated, or where indications that are likely to cause people to be confused are placed, in violation of Article 17 (3).

(3) The heads of relevant governmental administrative organs that receive a request pursuant to paragraphs (1) and (2) shall comply with it unless they have any special cause that makes them unable to do so. <Amended by Act No. 9667, May 8, 2009>

[This Article Newly Inserted by Act No. 9117, Jun. 13, 2008]

CHAPTER IV INSPECTION OF AGRICULTURAL PRODUCTS, ETC.

Article 19 (Inspection of Agricultural Products)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall inspect agricultural products determined by Presidential Decree, such as agricultural products purchased, exported or imported by the government.

(2) Matters necessary for the items, criteria and method of inspection of agricultural products under paragraph (1), procedures for application therefor, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 20 (Qualification of Inspectors)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when conducting the inspection under Article 19 (1), have persons qualified to inspect relevant agricultural products (hereinafter referred to as "inspector") conduct the inspection.

(2) Matters necessary for the qualification of inspectors, etc. shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 21 (Issuance of Inspection Certificate, etc.)

Every inspector shall, when completing the inspection under Article 19 (1), indicate the results of inspection, including the date of inspection, grade, etc. in the packing or label of relevant agricultural products or issue inspection certificates to those who received inspections, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 22 (Raising Objections, etc.)

(1) Any person who is dissatisfied with the results of an inspection of agricultural products under Article 19 (1) may request the inspector who conducted the inspection to reinspect at the inspection site. In such cases, the inspector shall conduct a reinspection immediately and inform of the results thereof.

(2) Any person who has an objection to the results of reinspection may raise an objection to the head of the inspecting institution to which the inspector concerned belongs within seven days from the date of reinspection, and the head of the institution that receives an objection shall conduct a reinspection within five days from the date on which it received the objection and inform the person who raised the objection of the results thereof.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 23 (Invalidation of Determinations on Inspection)

When an agricultural product inspected pursuant to Article 19 (1) falls under any of the following subparagraphs, the determination on inspection shall become invalid:

1. Where the validity of inspection determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries expires;
2. Where the indication of the results of inspection under Article 21 disappears or is not clear enough.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 24 (Cancellation of Determinations on Inspection)

The Minister for Food, Agriculture, Forestry and Fisheries may, when an agricultural product inspected pursuant to Article 19 (1) falls under any of the following subparagraphs, cancel the determination on inspection: Provided, That he/she shall cancel the determination on inspection in cases falling under subparagraph 1:

1. Where the fact that the agricultural product is inspected by false or other unjust methods is confirmed;
2. Where the fact that the indication of the results of inspection or inspection certificates under Article 21 are forged or changed is confirmed;
3. Where the fact that the packing or contents of the inspected agricultural product is replaced is confirmed.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 25 (Confirmation, Examination, Checking, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may have public officials under his/her control enter the warehouses, processing facilities, airplanes and ships of agricultural products determined by Presidential Decree, such as agricultural products purchased or imported by the government, and other necessary places to collect the minimum amount of samples necessary for confirmation, examination, checking, etc. without compensation or inspect relevant account books or documents.

(2) The provisions of Article 7-4 (2) and (3) shall apply mutatis mutandis to the collection of samples and inspections under paragraph (1).

(3) The provisions of Article 7-4 (4) shall apply mutatis mutandis to relevant public officials entering, etc. pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 26 (Designation of Inspecting Institutions, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may designate agricultural product producers' organizations, public institutions under Article 4 of the Act on the Management of Public Institutions (hereinafter referred to as "public institution"), agriculture-related corporations, etc. as inspecting institutions to conduct the inspections under Article 19 (1) on his/her behalf.

(2) Any person who intends to be designated as an inspecting institution under paragraph (1) shall file an application to the Minister for Food, Agriculture, Forestry and Fisheries with facilities and manpower necessary for inspection.

(3) Matters necessary for the criteria and procedure for designation of the inspecting institutions under paragraph (1), scope of business of inspection, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, when the inspecting institution under paragraph (1) falls under any of the following subparagraphs, cancel the designation thereof or order the suspension of the whole or part of its business, by fixing a period not longer than six months: Provided, That he/she shall cancel the designation thereof when it falls under subparagraph 1 or 2:

1. Where the inspecting institution is designated by false or other unjust methods;
2. Where the inspecting institution conducts business of inspection under suspension of business;
3. Where the inspecting institution fails to meet the criteria for designation under paragraph (3);
4. Where the inspecting institution conducts inspections falsely or unfaithfully;
5. Where the inspecting institution fails to conduct a designated inspection without any justifiable ground.

(5) Detailed criteria for the administrative dispositions under paragraph (4) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries in consideration of the type, seriousness, etc. of relevant offenses.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 27 (Examination of Agricultural Products, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may examine the grades, ingredients, noxious substances, etc. of agricultural products or processed agricultural products for the smooth transactions, exportation and importation of agricultural products.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may designate institutions having manpower and facilities which are necessary for examination (hereinafter referred to as "examining institution") and have them examine agricultural products and processed agricultural products on his/her behalf.

(3) Any person who intends to be designated as an examining institution pursuant to paragraph (2) shall file an application to the Minister for Food, Agriculture, Forestry and Fisheries with manpower and facilities which are necessary for examination: Provided, That no person for whom one year has not passed since the designation of the examining institution was cancelled pursuant to Article 27-2 (1) or (2) shall apply for designation of an examining institution.

(4) Matters necessary for the criteria and procedures for designation of examining institutions under paragraphs (2) and (3), scope of businesses, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 27-2 (Cancellation of Designation of Examining Institution, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, when an examining institution falls under any of the following subparagraphs, cancel the designation concerned or order the

suspension of business concerned, by fixing a period not longer than six months: Provided, That he/she shall cancel designation in cases falling under subparagraph 1 or 2:

1. Where the examining institution is designated by false or other unjust methods;
2. Where the examining institution conducts business of examination under suspension of business;
3. Where the examining institution issues false examination results;
4. Where the examining institution violates regulations for examination, which are determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) Detailed criteria for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

Article 28 (Prohibition of Misconduct, etc.)

No one shall commit any act in any of the following subparagraphs in connection with the inspections or examinations under Article 19 (1) or 27 (1):

1. Receiving an inspection or examination by false or other unjust methods;
2. Failing to have agricultural products inspected, which are required to be inspected pursuant to Article 19 (1);
3. Forging or changing the indications of the results of an inspection and examination, inspection certificates and examination certificates;
4. Replacing the packing, contents, etc. of inspected agricultural products intentionally;
5. Making false or exaggerated advertisements on the results of examination.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 28-2 (Provision of Information, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall make efforts to provide people with the information that he/she deems necessary to inform people, from among information related to the safety and quality of agricultural products, such as the safety inspection, places of origin, etc. of agricultural products within the scope permitted by the Official Information Disclosure Act.

(2) The Minister for Food, Agriculture, Forestry and Fisheries shall, when he/she intends to provide people with information pursuant to paragraph (1), establish and operate an information system for the collection and management of information related to the safety and quality of agricultural products (hereinafter referred to as "agricultural product safety information system").

(3) Matters necessary for the establishment and operation of the agricultural product safety information system, provision of information, etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 29 (Honorary Overseers of Agricultural Products)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may, for the establishment of a fair distribution order for agricultural products, commission members, staff, etc. of consumers' organizations or producers' organizations as honorary overseers of agricultural products to oversee, guide and enlighten on the distribution order of agricultural products.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may pay honorary overseers funds necessary for overseeing activities.

(3) Matters necessary for the qualification, method of commissioning, duties, etc. of the honorary overseers of agricultural products under paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 29-2 (Agricultural Product Quality Controller)

The Minister for Food, Agriculture, Forestry and Fisheries shall operate the agricultural product quality controller system for the enhancement of quality of agricultural products and efficient distribution of agricultural products. <Amended by Act No. 8852, Feb. 29, 2008>

[This Article Newly Inserted by Act No. 6816, Dec. 26, 2002]

Article 29-3 (Duties of Agricultural Product Quality Controller)

Every agricultural product quality controller shall perform each of the following duties:

1. Determining the grades of agricultural products;
2. Instructing technologies for the quality control of produced and harvested agricultural products;
3. Adjusting shipping time of agricultural products and giving advice on quality control technologies;
4. Other duties necessary for the improvement of quality of agricultural products and efficient distribution of agricultural products determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 29-4 (Examination and Qualification of Agricultural Product Quality Controllers, etc.)

(1) Any person who intends to become an agricultural product quality controller shall pass the agricultural product quality controller qualification examination implemented by the Minister for Food, Agriculture, Forestry and Fisheries.

(2) Matters necessary for qualifications for applying for the agricultural product quality controller qualification examination, examination subjects, methods of examination, criteria for passing, issue of license, etc. shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 29-5 (Matters to be Observed by Agricultural Product Quality Controllers)

(1) Every agricultural product quality controller shall perform his/her duties in good faith so as to benefit all producers and consumers by facilitating the improvement of quality of agricultural products and efficient distribution of agricultural products.

(2) No agricultural product quality controller shall either have another person use his/her name or lend his/her license to another person.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 29-6 (Cancellation of Qualification of Agricultural Product Quality Controller)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall cancel the qualification of agricultural product quality controllers who falls under any of the following subparagraphs:

1. A person who acquires the qualification of agricultural product quality controller by false or other unjust methods;
2. A person who is sentenced to imprisonment with prison labor or heavier punishment pursuant to subparagraph 8 of Article 36.

(2) No person whose qualification of agricultural product quality controller is cancelled pursuant to paragraph (1) shall re-apply for the qualification examination for two years from the time when his/her qualification is cancelled.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 29-7 Deleted. <by Act No. 9759, Jun. 9, 2009>

Article 30 (Rewards)

The Minister for Food, Agriculture, Forestry and Fisheries may pay rewards to those who report or accuse persons who violated the provisions of Article 15, 15-2, 16 or 17 to the competent government office or investigative agency within budgetary limits, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 31 (Financial Support and Priority Purchase)

(1) The government may, for the improvement of quality of agricultural products, facilitation of standardization of agricultural products and logistics standardization, etc. provide those who fall under any of the following subparagraphs with funds for the purchase of packing materials, facilities, automation equipment, etc. within budgetary limits:

1. Farmers;
2. Producers' organizations;
3. Persons who has obtained certification of good agricultural practices, certifying institutions or operators of the facilities for the sanitation, safety and management of harvested agricultural products;
4. Persons who made the registration of agricultural traceability or geographical indications;
5. Distribution facility operators who make efforts to improve the quality of agricultural products through employing agricultural product quality controllers, etc.;
6. Agricultural product safety inspection institutions or risk assessment institutions;
7. Agricultural product inspection and examination institutions;
8. Other business operators or organizations which are related to the distribution of agricultural products and determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may, if necessary for the smooth distribution of agricultural products and facilitation of the improvement of quality of agricultural products, have standards products, agricultural products with good agricultural practice certification, agricultural traceability products, geographical indication products, etc. preferentially listed in the agricultural and fishery products wholesale markets or agricultural and fishery products joint wholesale markets under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products.

(3) The State, local governments or public institutions may, when purchasing agricultural products or processed agricultural products, preferentially purchase standard products, agricultural products with good agricultural practice certification, agricultural traceability products, geographical indication products, etc.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 32 (Fees)

Any person who falls under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That fees for agricultural products purchased, exported or imported by the government, etc. may be reduced or exempted as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries:

1. Applicant for certification of good agricultural practices pursuant to Article 5 (3);
2. Applicant for designation of a certifying institution pursuant to Article 6 (2);
3. Applicant for designation of a good agricultural practice facility pursuant to Article 7 (2);
4. Applicant for registration of a geographical indication pursuant to Article 8 (2);
5. Applicant for an inspection of agricultural product pursuant to Article 19;
6. Applicant for designation of an agricultural product-inspecting institution pursuant to Article 26 (2);

7. Applicant for the examination of agricultural products pursuant to Article 27 (1);
 8. Applicant for designation of an examining institution pursuant to Article 27 (3).
- [This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 33 (Hearings, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when he/she intends to impose a disposition falling under any of the following subparagraphs, hold a hearing:

1. Cancellation of designation of certifying institution under Article 6-2;
2. Cancellation of designation of good agricultural practice facility under Article 7-2;
3. Prohibition of sales, suspension of indication or cancellation of registration under Article 8-8;
4. Prohibition of sales, suspension of indication or cancellation of certification and registration under Article 11;
5. Cancellation of judgment on inspection under Article 24;
6. Cancellation of designation of agricultural product-inspecting institution under Article 26 (4);
7. Cancellation of designation of agricultural product-examining institution under Article 27-2;
8. Cancellation of qualification of agricultural product quality controller under Article 29-6 (1).

(2) When a certifying institution intends to cancel certification of good agricultural practices pursuant to Article 5-2 (1), it shall provide the concerned persons who have obtained certification of good agricultural practices with an opportunity to present their opinions.

(3) The provisions of Articles 22 (4) through (6) and 27 of the Administrative Procedures Act shall apply mutatis mutandis to the submission of opinion under paragraph (2). In such cases, "administrative office" and "competent administrative office" shall be read as "certifying institution".
[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 34 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister for Food, Agriculture, Forestry and Fisheries under this Act may be delegated to the heads of the institutions under his/her control, the Administrator of the Rural Development Administration, the Minister of the Korea Forestry Service, Mayors/Do Governors, or heads of Sis/Guns/Gus as prescribed by Presidential Decree.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may entrust part of his/her authority under this Act to producers' organizations, public institutions and agriculture and forestry-related corporations as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 34-2 (Legal Fiction of Public Officials in Application of Penal Provisions)

Any person who falls under any of the following subparagraphs shall be deemed a public official in the application of the penal provisions under the provisions of Articles 129 through 132 of the Criminal Act:

1. Members who are not public officials among the members under Article 3;
2. Officers and employees of certifying institutions who engage in the business of certification of good agricultural practices pursuant to Article 6;
3. Member judges under Article 8-9 who are not public officials;
4. Officers and employees of safety inspection institutions who engage in safety inspection and the business of testing and analysis pursuant to Article 14-2;
5. Officers and employees of producers' organizations, etc. who engage in business of inspection pursuant to Article 26;
6. Officers and employees of examining institutions who engage in business of examination pursuant to Article 27;
7. Officers and employees of producers' organizations, etc. who engage in businesses entrusted pursuant to Article 34 (2).

[This Article Newly Inserted by Act No. 9759, Jun. 9, 2009]

CHAPTER VI PENAL PROVISIONS

Article 34-3 (Penal Provisions)

Any person who violates the provisions of Article 17 (1) or (3) shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 100 million won, or punished by both of them concurrently. <Amended by Act No 7675, Aug. 4, 2005; Act No. 9117, Jun. 13, 2008; Act No. 9667, May 8, 2009>

[This Article Newly Inserted by Act No. 6816, Dec. 26, 2002]

Article 35 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who places an indication of geographical indication product on the packing, containers, advertisements and relevant documents of agricultural products or processed agricultural products that are not geographical indication products or places any indication similar thereto, in violation of Article 8-6 (1);
2. A person who sells agricultural products or processed agricultural products that are not standards products, agricultural products with good agricultural practice certification, agricultural traceability products or geographical indication products by mixing with standards products, good agricultural practice-certified products, agricultural traceability products or geographical indication products or keeps or displays agricultural products or processed agricultural products or processed agricultural products that are not standards products, agricultural products with good agricultural practice certification, agricultural traceability products or geographical indication products by mixing with standards products, good agricultural practice-certified products, agricultural traceability products or geographical indication products for sales purposes, in violation of Article 8-6 (2) or 9 (2);
3. A person who places any indication of standard product, agricultural product with good agricultural practice certification and agricultural traceability product on agricultural products or processed agricultural products that are not standard products, agricultural products with good agricultural practice certification, and agricultural traceability products, or places indications similar thereto, in violation of Article 9 (1);
4. A person who violates the provisions of Article 17 (2);
5. A person who receives an agricultural product inspection under Article 19 or examination under Article 27 by false or other unjust methods, in violation of subparagraph 1 of Article 28;
6. A person who forges or changes an indication of the results of inspection and examination, etc., in violation of subparagraph 3 of Article 28.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 36 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won:

1. A person who fails to obtain registration, in violation of the proviso to Article 7-5 (1);
2. A person who fails to obey a disposition under Article 8-8 or 11, such as an order for correction, suspension of indication or prohibition of sales (excluding an order for correction of method of indication);
3. A person who fails to carry out measures under Article 14 (1);
4. A person who fails to obey a disposition under Article 18-2 (1);
5. A person who fails to carry out an order for announcement under Article 18-2 (2);
6. A person who fails to have agricultural products inspected, which are required to be inspected pursuant to Article 19 (1), in violation of subparagraph 2 of Article 28;
7. A person who replaces the packing or contents of inspected agricultural products, in violation of subparagraph 4 of Article 28;

8. A person who has another person use his/her name as an agricultural product quality controller or lends his/her license to another person, in violation of Article 29-5 (2).

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 37 (Joint Penal Provisions)

When a representative of a corporation, or an attorney, employee or other worker of a corporation or an individual person commits an offense falling under Article 34-2, 35 or 36 in connection with a business of the corporation or the individual person, not only the offender is punished but also the corporation or the individual person shall be punished by a fine as provided for in the corresponding Article: Provided, That the same shall not apply to cases where the corporation or the individual person paid a considerable attention to and diligently supervised the business concerned to prevent such offense.

[This Article Wholly Amended by Act No. 9759, Jun. 9, 2009]

Article 38 (Fines for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: <Amended by Act No. 7675, Aug. 4, 2005; Act No. 9117, Jun. 13, 2008; Act No. 9667, May 8, 2009; Act No. 9759, Jun. 9, 2009>

1. A person who obtained registration pursuant to the proviso to Article 7-5 (1) and falls under any of the following items:

(a) A person who fails to place an indication of traceability, in violation of the proviso to Article 7-5 (2);

(b) A person who fails to observe the traceability standards, in violation of Article 7-5 (3);

(c) A person who fails to report within one month, in violation of Article 7-5 (4);

2. A person who refuses, interferes with or evades collection, examination, inspection, etc., in violation of Article 7-4 (2) (including cases where the provisions of Article 7-4 (2) applies mutatis mutandis in Articles 8-7 (2), 10 (2), 13 (2) and 25 (2)) or Article 18 (3);

3. A person who fails to place an indication of place of origin, etc. or genetically modified agricultural product, in violation of Article 15 (2), 15-2 (1) and (2), 15-3 (1) or 16 (2);

4. A person who violates the method of indication of place of origin or method of indication of genetically modified agricultural product under Article 15 (3), 15-2 (3) or 16 (3);

5. A person who makes a false or exaggerated advertisement on the results of examination, in violation of subparagraph 5 of Article 28;

6. A person who violates an order for correction of method of indication among the orders for correction under Article 8-8 or 11.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister for Food, Agriculture, Forestry and Fisheries, Mayors/Do Governors or the heads of Sis/Guns/Gus, as prescribed by Presidential Decree. <Amended by Act No. 9759, Jun. 9, 2009>

(3) through (5) Deleted. <by Act No. 9667, May 8, 2009>

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Repeal of other Acts)

The Agricultural Products Inspection Act shall be repealed.

Article 3 (Transitional Measures concerning Standards of Agricultural and Fishery Products)

(1) The shipping standards stipulated by the provisions of Article 12 (1) of the former Act on the Fostering of Agricultural and Marine Products Processing Industries and Quality Control at the time this Act enters into force shall be deemed the standards under Article 4 (1) of this Act.

(2) The quality of agricultural and marine products which is certified pursuant to Article 13 of the former Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control at the time this Act enters into force shall be deemed to have been certified pursuant to Article 5 (1) of this Act.

(3) Any person who is imposed a disposition of change of indication pursuant to Article 15 of the former Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control at the time this Act enters into force shall be deemed to have been imposed a disposition of change of indication, etc. pursuant to Article 11 of this Act.

(4) The items subject to indication of place of origin under Article 17 (1) of the former Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control at the time this Act enters into force shall be deemed items subject to indication of place of origin under Article 15 (1) of this Act.

Article 4 (Transitional Measures concerning Inspection, etc.)

(1) The agricultural products inspected pursuant to the former Agricultural Products Inspection Act at the time this Act enters into force shall be deemed to have been inspected pursuant to this Act.

(2) The inspecting public officials under Article 9 of the former Agricultural Products Inspection Act at the time this Act enters into force shall be deemed to have the qualification of inspector under Article 20 of this Act.

(3) The results of inspection or inspection certificates which are indicated or issued pursuant to Article 13 of the former Agricultural Products Inspection Act at the time this Act enters into force shall be deemed to have been indicated or issued pursuant to Article 21 of this Act.

Article 5 (General Transitional Measures)

The actions conducted by governmental administrative organs, other acts conducted by governmental administrative organs or various kinds of application, and other acts conducted toward governmental administrative organs under the former Agricultural Products Inspection Act and former Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control at the time this Act enters into force shall be deemed acts conducted by governmental administrative organs or acts against governmental administrative organs under this Act, which correspond thereto.

Article 6 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

In the application of penal provisions or fines for negligence to acts committed before this Act enters into force, the provisions of the former Agricultural Products Inspection Act and former Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control shall prevail.

Article 7 Omitted.

Article 8 (Relations with Other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes cited the former Agricultural Products Inspection Act or the Act on the Fostorage of Agricultural and Marine Products Processing Industries and Quality Control or the provisions thereof at the time this Act enters into force, if this Act has provisions corresponding thereto, they shall be deemed to have cited this Act or the corresponding provisions of this Act in lieu of the former provisions.

ADDENDUM <Act No. 6191, Jan. 21, 2000>

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

ADDENDA <Act No. 6378, Jan. 26, 2001>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 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. 6595, Jan. 14, 2002>

(1) (Enforcement Date)

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

(2) (Transitional Measures concerning Fines for Negligence) In the application of fines for negligence to acts committed before this Act enters into force, the former provisions shall prevail.

ADDENDA <Act No. 6816, Dec. 26, 2002>

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

(2) (Transitional Measures concerning Penal Provisions) Any person who violates the former provisions of Article 17 before this Act enters into force shall be governed by the former penal provisions.

ADDENDUM <Act No. 7675, Aug. 4, 2005>

This Act shall enter into force on January 1, 2006.

ADDENDA <Act No. 7996, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 8103, Dec. 28, 2006>

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

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.

ADDENDUM <Act No. 9117, Jun. 13, 2008>

This Act shall enter into force on the date of its promulgation: Provided, That the rice in the amended provisions of Article 15-2 (2) shall enter into force on June 22, 2006, and the livestock products excluding beef in the amended provisions of paragraph (1) of the same Article and gimchi in the amended provisions of paragraph (20) of the same Article on December, 22, 2008.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9667, May 8, 2009>

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

(2) (Examples of Application) The amended provisions of Article 15-3 (1) shall apply, starting from the first commencement of mail ordering after this Act enters into force.

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

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Registration of Geographical Indication)

The amended provisions of Article 8 (3) shall apply, starting from the first application for the registration of a geographical indication, which is made after this Act enters into force.

Article 3 (Transitional Measures concerning Validity of Registration of Agricultural Traceability)

Any person who has the validity of registration of agricultural traceability extended pursuant to the former provisions at the time this Act enters into force shall follow the former provisions, notwithstanding the amended provisions of Article 7-5 (5).

Article 4 (Transitional Measures concerning Certification of Good Agricultural Practices, etc.)

(1) Any person who has obtained certification of good agricultural practices, designation of a good agricultural practice-certifying institution, and designation of a good agricultural practice facility pursuant to the former provisions of Articles 7-2 through 7-4 at the time this Act enters into force shall be deemed to have obtained the certification of good agricultural practices, designation of the certifying institution and designation of the good agricultural practice facility pursuant to the amended provisions of Articles 5, 6 and 7 of this Act.

(2) Any institution that is designated as a good agricultural practice- certifying institution pursuant to the former provisions of Article 7-4 at the time this Act enters into force shall be deemed to be designated as a certifying institution for five years from the date on which this Act enters into force pursuant to the amended provisions of Article 6 (3).

(3) Any facility that is designated as a good agricultural practice facility pursuant to the former provisions of Article 7-3 at the time this Act enters into force shall be deemed to be designated as a good agricultural practice facility for five years from the date on which this Act enters into force pursuant to the amended provisions of Article 7 (4).

(4) Any person who place a geographical indication pursuant to the former provisions at the time this Act enters into force shall be deemed to have made the registration of the geographical indication under the amended provisions of Article 8: Provided, That when the registered geographical indication falls into the grounds of rejecting registration under the amended provisions of

Article 8 (7), neither the right to claim the prohibition of infringement nor the right to claim compensation under the amended provisions of Article 8-5 shall come into existence.

Article 5 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

In the application of penal provisions and fines for negligence to acts committed before this Act enters into force, the former provisions shall prevail.

Article 6 Omitted.

Article 7 (Relations with other Act and Subordinate Statutes)

When other Acts and subordinate statutes (including Acts and subordinate statutes promulgated before this Act enters into force but the enforcement date of which has not yet arrived) cited the provisions of the former Agricultural Products Quality Control Act at the time this Act enters into force, if this Act has provisions corresponding thereto, they shall be deemed to have cited the corresponding provisions of this Act in lieu of the former provisions.

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.