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**ACT ON THE PROMOTION OF ENVIRONMENT-FRIENDLY AGRICULTURE
AND FISHERIES AND THE MANAGEMENT OF AND SUPPORT FOR**

[Enforcement Date 03. Jun, 2017.] [Act No.14305, 02. Dec, 2016., Partial
Amendment]

농림축산식품부 (친환경농업과)044-201-2436, 2437



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ACT ON THE PROMOTION OF ENVIRONMENT-FRIENDLY AGRICULTURE AND FISHERIES AND THE MANAGEMENT OF AND SUPPORT FOR ORGANIC FOODS, ETC.

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to pursue sustainable environment-friendly agriculture and fisheries by increasing the environmental conservation role of agriculture and fisheries, reducing environmental pollution caused by agriculture and fisheries, and fostering farmers and fishermen who engage in environment-friendly practices as well as to manage environment-friendly agricultural and fishery products and organic food products, thereby protecting producers and consumers all together.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>

1. The term "environment-friendly agriculture and fisheries" means the industry producing safe agricultural, fishery, livestock, and forestry products (hereinafter referred to as "agro-fishery products") by strictly limiting or minimizing the use of chemical substances, such as synthetic pesticides, chemical fertilizers, antibiotics, and antimicrobials, and maintaining and preserving the ecosystems and the environment by reusing or recycling of the by-products of agricultural, fishery, livestock, and forestry industries (hereinafter referred to as "agriculture and fisheries");
2. The term "environment-friendly agro-fishery products" means either of the following products obtained from environment-friendly agriculture and fisheries:
 - (a) Organic agro-fishery products;

- (b) Pesticide-free agricultural products, antibiotic-free livestock products, antibiotic-free fishery products, and fishery products without the use of active ingredient (hereinafter referred to as "pesticide-free agro-fishery products, etc.);
3. The term "organic" means a series of activities and processes of producing, manufacturing or processing, or handling organic food or organic processed products not intended for human consumption (hereinafter referred to as "organic food, etc.") using a minimum amount of permitted substances in compliance with the certification standards set under Article 19 (2);
4. The term "organic food" means any organic agro-fisheries food or organic processed food (referring to any food that is manufactured, processed, or distributed using an organic agro-fishery product as the raw material or ingredient; the same shall apply hereinafter) produced by organic methods, from among the foods listed in subparagraph 7 of Article 3 of the Framework Act on Agriculture, Rural Community, and Food Industry;
5. The term "organic processed product not intended for human consumption" means any processed product produced, manufactured, processed, or handled organically using any organic agro-fishery product as the raw material or ingredient, which is intended for human use or consumption but not directly ingested by humans: Provided, That this shall not apply to apparatuses, containers, and packages as defined in the Food Sanitation Act, quasi-drug as defined in the Pharmaceutical Affairs Act, and cosmetics as defined in the Cosmetics Act;
6. The term "organic agro-fishery material" means any product made by using permitted substances allowed to be used in the production, manufacture, processing, or handling of an organic agro-fishery product as the raw material or ingredient;
7. The term "permitted substance" means any substance allowed for use throughout the process of producing, manufacturing, processing, or treating organic foods, etc., pesticide-free agro-fishery products, etc., or organic agro-fishery materials, which is prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries;
8. The term "handling" means any operation that stores, packages (including subdividing and repacking; the same shall apply hereinafter), ships, imports, or sells agro-fishery products, food products, processed products not intended for human consumption, or agro-fishery materials;

9. The term "business entity" means an individual or corporation engaged in the business of producing, manufacturing, processing, or handling environment-friendly agro-fishery products, organic foods, etc., or organic agro-fishery materials.

Article 3 (Duties of State and Local Governments) (1) The State shall implement comprehensive measures to promote environment-friendly agriculture and fisheries and organic food, etc., which includes formulating basic plans and policies on environment-friendly agriculture and fisheries and organic food, etc. as well as facilitating voluntary participation by local governments, farmers, fishermen, etc.

(2) Local governments shall formulate policies to promote environment-friendly agriculture and fisheries and organic food, etc., in consideration of the regional characteristics of the areas under their jurisdiction, and shall actively promote such policies.

Article 4 (Obligations of Business Entities)

Business entities shall endeavor to ensure environmental conservation and sustainable agriculture and fisheries while minimizing environmental pollution by environment-friendly production, manufacturing, processing, or handling practices, including efforts to avoid or minimize using chemically synthesized materials, and shall endeavor to produce and supply various environment-friendly agro-fishery products, organic food, etc., or organic agro-fishery materials.

Article 5 (Roles of Non-Governmental Organizations)

Non-governmental organizations formed to promote research of technologies related to environment-friendly agriculture and fisheries, and the production, distribution, and consumption of environment-friendly agro-fishery products, organic food, etc., or organic agro-fishery materials (hereinafter referred to as "non-governmental organizations"), shall endeavor to develop environment-friendly agriculture and fisheries as well as organic food, etc., by cooperating with the State and local governments in implementing policies to promote environment-friendly agriculture and fisheries and organic food, etc. and by providing education and training, technological development, management guidance, etc. necessary for their members, business entities, etc.

Article 5-2 (Day of Soil) (1) The 11th day of March every year is designated as the Day of Soil to raise public awareness of soil which is the basis of agriculture.

(2) The State and local governments shall endeavor to implement projects including events suitable for the Day of Soil under Article (1).

[This Article Newly Inserted by Act No. 13258, Mar. 27, 2015]

Article 6 (Relationship to Other Acts)

Provisions of this Act concerning the indication and the management of environment-friendly agro-fishery products, organic food, etc., and organic agro-fishery materials shall prevail over provisions of other Acts.

CHAPTER II FOSTERAGE OF AND SUPPORT FOR ENVIRONMENT-FRIENDLY AGRICULTURE AND FISHERIES AND ORGANIC FOOD, ETC.

Article 7 (Environment-Friendly Agriculture and Fisheries Promotion Plan) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate a plan to promote environment-friendly agriculture or a plan to promote environment-friendly fisheries (hereinafter referred to as "promotion plan") every five years in consultation with the heads of the relevant central administrative agencies. <Amended by Act No. 11705, Mar. 23, 2013>

(2) Each promotion plan shall include the following:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Policy objectives and basic direction-setting for environmental protection in the fields of agriculture and fisheries;
2. Current status of environmental pollution associated with agriculture and fisheries, and measures for its improvement;
- 3-2. Environment-friendly medicines, and measures to prevent inspections;
3. Measures to reduce the use of chemical substances, such as synthetic pesticides, chemical fertilizers, antibiotics, antimicrobials, etc.;
4. Measures to develop, disseminate, educate on, and provide guidance on various technologies, etc. for the advancement of environment-friendly agriculture and fisheries;
5. Measures to develop a model industrial complex of environment-friendly agriculture and fisheries;
6. Measures to facilitate the production, distribution, and exportation of environment-friendly agro-fishery products, processed products thereof, and organic food, etc.;

measures to strengthen their links; and measures to facilitate consumption thereof;

7. Measures to enhance public benefit from environment-friendly agriculture and fisheries;
8. Measures to strengthen international cooperation for the development of environment-friendly agriculture and fisheries;
9. Measures to raise funds to implement the promotion plan;
10. Measures to foster certification bodies under Articles 26 and 35;
11. Other matters prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries for the development of environment-friendly agriculture and fisheries.

(3) The Minister of Agriculture, Food and Rural Affairs or Minister of Oceans and Fisheries shall inform the Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayor, Do Governors, or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") of the promotion plan formulated under paragraph (1). <Amended by Act No. 11705, Mar. 23, 2013>

- Article 8 (Action Plan to Promote Environment-Friendly Agriculture and Fisheries)** (1) Each Mayor/Do Governor shall formulate and implement an action plan to promote environment-friendly agriculture and fisheries (hereinafter referred to as "action plan") for the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province (hereinafter referred to as "City/Do") in accordance with the promotion plan.
- (2) Where a Mayor/Do Governor formulates a City/Do action plan under paragraph (1), he/she shall submit such plan to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and notify such fact to the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu"). <Amended by Act No. 11705, Mar. 23, 2013>
- (3) The head of a Si/Gun/Gu shall formulate a Si/Gun/Gu action plan for the development of environment-friendly agriculture and fisheries in accordance with the City/Do action plan and submit such plan to the Mayor/Do Governor, and shall actively promote it.

Article 9 (Prevention of Environmental Pollution from Agriculture and Fisheries)

In order to prevent environmental pollution from agricultural and fishery-based sources, including pesticides, fertilizers, animal manure, waste agro-fishery materials, and waste water, the State and local governments shall intensely promote policies to encourage

compliance with standards for the safe use of pesticides and the maximum residue limits thereon, compliance with the maximum limits on fertilizers sprayed on crops, compliance with animal effluent quality standards, prevention of dumping wasted agro-fishery materials, and unauthorized discharge of waste water.

Article 10 (Conservation of Agricultural and Fishery Resources and Improvement of

Environment) (1) In order to conserve farmland, water used for agriculture and fisheries, atmosphere, and other agricultural and fishery resources as well as to improve the agricultural and fishery environment, such as soil and water quality, the State and local governments shall actively apply measures to improve farmland, prevent pollution of water used for agriculture and fisheries, and minimize greenhouse gas emission.

(2) In applying measures under paragraph (1), the standards referred to in Articles 4-2 and 16 of the Soil Environment Conservation Act and Article 12 of the Framework Act on Environmental Policy shall apply.

Article 11 (Inspection and Evaluation of Current Status of Agricultural and Fishery Resources

and Environment) (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall conduct routine inspections and evaluations of the following, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, so as to conserve agricultural and fishery resources and improve the agricultural and fisheries environment: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Changes in farmland fertility, heavy metals, pesticide ingredients, soil microbes, etc. remaining or found therein;
2. Quality of surface water and groundwater used for agriculture and fisheries;
3. Current status of materials used for agriculture and fisheries, such as pesticides, fertilizers, antibiotics, etc.;
4. Current status of public benefit from agriculture and fisheries, such as water resources fosterage and soil conservation;
5. Current status of circulatory use of resources in the relevant agricultural and fishery areas, including composting animal manure;
- 5-2. Current status of environment-friendly agriculture and fisheries, and distribution, consumption, etc. of environment-friendly agro-fishery products;

6. Other matters necessary to conserve agricultural and fishery resources and improve the agricultural and fishery environment.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may authorize the head of its affiliated agency, or any other person prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries for Food, Agriculture, Forestry and Fisheries to inspect and evaluate the items listed in the subparagraphs of paragraph (1). <Amended by Act No. 11705, Mar. 23, 2013>

Article 12 (Inspection of Operation Areas) (1) If necessary to inspect the current status of agricultural and fishery resources and environment under Article 11, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may direct the relevant public officials to access workplace of business entities in the relevant area or workplace of other business entities adjacent thereto, or to collect the minimum amount of samples necessary for such inspection and evaluation.

<Amended by Act No. 11705, Mar. 23, 2013>

(2) No owner, occupant, or manager of a workplace subject to inspection shall refuse, obstruct, or evade such inspection conducted under paragraph (1) without justifiable grounds.

(3) Any person who intends to access workplace of other business entities pursuant to paragraph (1) shall carry a certificate indicating his/her authority, and produce it to the relevant persons.

Article 13 (Development and Dissemination of Technologies for Environment-Friendly Agricultural and Fisheries) (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall, in order to develop environment-friendly agriculture and fisheries, formulate policies for the research and development, dissemination, or education and guidance of technologies, materials, etc. necessary for environment-friendly agriculture and fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

(2) The Minister for Agriculture, Food, and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may subsidize necessary expenses to persons who conduct research, development, dissemination, education, or guidance of technologies

and materials necessary for environment-friendly agriculture and fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Article 14 (Education and Training on Environment-Friendly Agriculture and Fisheries)

The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may, for the development of environment-friendly agriculture and fisheries, provide education and training to farmers, fishermen, consumers of environment-friendly agro-fishery products, and the relevant public officials.<Amended by Act No. 11705, Mar. 23, 2013>

Article 15 (Technology Exchange for Environment-Friendly Agricultural and Fisheries, Publicity, etc.)

(1) The State, local governments, non-governmental organizations, and business entities shall endeavor to develop environment-friendly agriculture and fisheries by exchanging technologies for environment-friendly agriculture and fisheries.

(2) In order to efficiently promote environment-friendly agriculture and fisheries, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments shall discover and publicize best practices.<Amended by Act No. 11705, Mar. 23, 2013>

Article 16 (Support for Production, Distribution, and Exportation of Environment-Friendly Agricultural and Fishery Products, etc.)

The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments may, within budgetary limits, provide subsidies to cover expenses incurred in relation to the installation of necessary facilities, etc. to such producers, producers' organizations, distributors, exporters, or certification bodies of the following products in tiered rates according to their contribution to environmentally-friendly agriculture and fisheries, and their assessment grades referred to in Article 32-2 (1):<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Organic food, etc., or environment-friendly agro-fishery products certified pursuant to this Act;
2. Organic agro-fishery materials publicly disclosed pursuant to this Act.

Article 17 (International Cooperation)

The State and local governments shall, for the sustainable development of environment-friendly agriculture and fisheries, intensely participate in international endeavors for the development of environment-friendly agriculture and fisheries in cooperation with environment-related international organizations and relevant countries by exchanging information of and technology for environment-friendly agriculture and fisheries; cooperating in manpower exchanges, joint investigation, research and development, etc.; and regulating agricultural and fishery activities or trade of materials potentially adverse to the environment.

Article 18 (Formulation of Standards and Objectives of Domestic Environment-Friendly Agriculture and Fisheries)

The State and local governments shall formulate standards and objectives for effective domestic environment-friendly agriculture and fisheries in consideration of international conditions, domestic conditions of resources, environment, economic circumstances, etc.

CHAPTER III CERTIFICATION AND MANAGEMENT OF ORGANIC FOOD, ETC.

Section 1 Certification of Organic Food, etc., and Certification Procedures Thereof,

etc.

Article 19 (Certification of Organic Food, etc.) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may certify organic food, etc. for the promotion of the organic food industry, etc. and consumer protection, as prescribed by Presidential Decree. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) The types of organic food, etc. subject to certification under paragraph (1), and criteria necessary for certification of the production, manufacture, processing, or handling of organic food, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Article 20 (Application for Certification of Organic Food, etc. and Certification Audits, etc.) (1)

If a person engaged in the production, manufacture, processing, or handling of organic food, etc. intends to receive certification of organic food, etc., he/she shall make an application for certification with the Minister of Oceans and Fisheries, or a certification body designated pursuant to Article 26 (1) (hereafter in this Chapter referred to as

“certification body”), together with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries: Provided, That any person who stores, ships, imports, or sells certified organic food, etc. without repacking it may choose not to make an application for certification.

<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) The following persons are not eligible to apply for certification under paragraph (1):

<Amended by Act No. 14305, Dec. 2, 2016>

1. A person for whom one year has not yet elapsed since his/her certification was cancelled pursuant to Article 24 (1): Provided, That such person refers to one for whom two years have not yet elapsed since the last cancellation of his/her certification where the total number of cancellations of his/her certification is two or more.;
2. A person who is in a period of disposition after an order of removal or suspension of the use of a certification label or an order of prohibition or suspension of sale of the certified product under Article 24 (1) or 31 (4);
3. A person for whom one year has not passed from the date his/her punishment becomes final and conclusive after having been sentenced to a fine or heavier punishment under Article 60.

(3) The Minister of Oceans and Fisheries, or a certification body shall, upon receipt of an application under paragraph (1), conduct an audit of its compliance with the certification criteria for organic food, etc. referred to in Article 19 (2) and inform the audit findings to the applicant, and shall grant certification if it satisfies the certification criteria. In such cases, the person entering the applicant’s place of business shall carry with him/her a certificate indicating his/her authority and present it to the applicant.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(4) A person who has an objection to the findings of a certification audit under paragraph (3) may apply for re-audit to the Minister of Oceans and Fisheries, or the certification body, whoever has conducted the relevant audit.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(5) A business entity who has obtained certification of organic food, etc. pursuant to paragraph (3) (hereinafter referred to as “certified business entity”) shall, in case of changing any detail of the certification, obtain approval for change of the original

certification from the Minister of Oceans and Fisheries, or the relevant certification body, whoever has granted the original certification, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(6) Detailed procedures, methods, etc. necessary for applications for certification, the restrictions, audit and re-audit thereof, and approval for certification change, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 21 (Validity, etc. of Certification) (1) The validity of certification under Article 20 shall be one year from the date of receiving certification.

(2) A certified business entity who intends to maintain certification of organic food, etc. (hereinafter referred to as "certified product") granted pursuant to Article 20 (3) even after expiration of the certification shall renew the certification prior to the expiration date by making an application for renewal to the Minister of Oceans and Fisheries, or the certification body, whoever has granted the original certification: Provided, That in cases where it becomes impossible to make such application for renewal to the certification body which has granted the certification, owing to its discontinuation or suspension of business, or any other extenuating circumstances, the certified business entity may make such application to the Minister of Oceans and Fisheries, or other certification bodies.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(3) Where a certified business entity who does not pursue an application for renewal under paragraph (2) has any certified product the shipment of which has not been completed by the expiration date, the validity may be extended by up to one year only for the relevant product with the approval of the Minister of Oceans and Fisheries, or the relevant certification body: Provided, That for a certified product the shipment of which is completed prior to the expiration date, the operator may maintain the certification label until the expiration date of the product.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(4) Detailed procedures, methods, etc. necessary for certification renewal under paragraph (2), and extension of the validity of certified products under paragraph (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by

Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 22 (Matters to Be Complied with by Certified Business Entities) (1) A certified business entity shall inform the Minister of Oceans and Fisheries, or the head of the relevant certification body of the records of the production, manufacture or processing, or handling of certified products on a regular basis, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) A certified business entity shall preserve documents related to the certification audit, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 23 (Labelling, etc of Organic Food, etc.) (1) A certified business entity may directly mark on a certified product that he/she produces, manufactures, processes, or handles, or on the package, container, sales note, specification of transaction, and letter of guaranty (hereinafter referred to as "package, etc.") of the certified product, indication of "organic" or letters or figures of similar intent (hereinafter referred to as "organic label"). In such cases, if the sale of a product is non-packaged or apiece, an organic label may be placed on a display marker or sign.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may recommend certified business entities to display information on the method of producing certified products and the materials used, etc. so as to be readily noticeable by consumers.<Amended by Act No. 11705, Mar. 23, 2013>

(3) With respect to food or organic processed product not intended for human consumption of which the ingredient or raw material is an organic agro-fishery product, and which is not certified under Article 20 (3), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may allow organic labelling on a limited basis according to the content of the organic agro-fishery product used therein. <Amended by Act No. 11705, Mar. 23, 2013>

(4) Notwithstanding paragraphs (1) and (3), the "organic" label may be placed on the organic food, etc. falling under any of the following subparagraphs according to any foreign state's statute on organic labelling or the details of the demand made by any

foreign purchaser:<Newly Inserted by Act No. 14305, Dec. 2, 2016>

1. Organic food, etc. imported as raw materials or materials for earning foreign currencies pursuant to Article 16 of the Foreign Trade Act;

2. Organic food, etc. exported to a foreign state.

(5) Detailed matters necessary for such diagrams or letters, details of labelled information, and methods of labelling as are required for organic labelling referred to in paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 23-2 (Reporting of Imported Organic Food, etc.) (1) A person who intends to import, for the purpose of sale or business, a certified product labelled as organic pursuant to Article 23, or organic processed food that has obtained equivalency recognition pursuant to Article 25 shall report the items, quantities, etc. of the relevant product to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, before the customs clearance of such products or food is completed.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, with respect to the product or food reported pursuant to paragraph (1), have the relevant public officials inspect the suitability of its certification and labelling standards before the customs clearance thereof is completed.

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, notwithstanding paragraph (2), fully or partially omit inspection, if the product or food reported pursuant to paragraph (1) falls under any of the following subparagraphs:

1. Where the relevant certificate issued by a foreign government or certification body operating the certification system the equivalency of which is recognized pursuant to Article 25 is submitted;

2. Where the relevant certificate issued by the certification body designated pursuant to Article 26 is submitted;

3. In such other cases equivalent to those provided for in paragraph (1) or (2), as are determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

(4) Procedures, methods, and other necessary matters concerning the receipt and inspection of the reports under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted by Act No. 12515, Mar. 24, 2014]

Article 24 (Revocation, etc. of Certification) (1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the certification body may, in cases where any certified business entity falls under any of the following subparagraphs, revoke the relevant certification, or issue an order to remove or suspend the use of the certification label: Provided, That in cases falling under subparagraph 1, the certification must be revoked: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Where the business entity obtains the certification in a false or other unjustifiable manner;
2. Where the business entity fails to meet any of the certification criteria referred to in Article 19 (2);
3. Where the business entity fails to comply with an order issued under Article 31 (4) without any justifiable reason;
4. Where it is deemed difficult for the business entity to produce certified products due to change, discontinuation, etc. of his/her/its business.

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a certification body shall, in cases of revocation of certification under paragraph (1), notify the fact to the relevant certified business entity without delay, and if a certification body revokes certification, it shall also inform the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

(3) Detailed procedures, standards for disposition and others necessary for the revocation of certification and the removal, suspension of use, etc. of a certification label, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 25 (Equivalency Recognition) (1) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries recognizes that any foreign government or certification body operating an organic food certification program achieves an equivalent or higher level of compliance to the organic food certification standards set forth in this Act by adopting principles and guidelines that could guarantee an equivalent level of compliance required by the Republic of Korea, he/she may acknowledge equivalency for organic processed food certification awarded by said foreign government or certification body, subject to the verification of the relevant program. In such cases, the principle of reciprocity shall apply. <Amended by Act No. 11705, Mar. 23, 2013>

(2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries recognizes equivalency pursuant to paragraph (1), he/she shall, without delay, publish such fact on the official website of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

(3) Standards and procedures necessary for equivalency recognition under paragraph (1), types of organic processed food subject to equivalency recognition, obligations, and methods of post-certification surveillance of countries or certification bodies which recognize equivalency, methods of indicating organic processed food, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Section 2 Certification Bodies for Organic Food, etc.

Article 26 (Designation, etc. of Certification Bodies) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, with respect to certification of organic food, etc., designate institutions or organizations having certification auditors, etc. under Article 26-2 and other necessary human resources and facilities as certification bodies and may authorize such bodies to certify organic food, etc. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014>

(2) Each institution or organization intending to be designated as certification bodies pursuant to paragraph (1) shall make an application for designation of certification bodies to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and

Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014>

(3) Designation under paragraph (1) shall remain in force for five years from the date of designation; where a certification body intends to engage in certification service after the expiry of the designation, it shall apply for renewal of designation prior to the expiration date.

(4) In order to ensure certification bodies' efficient management of activities concerning designation under paragraph (1) and renewal of designation under paragraph (3), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may delegate or entrust the business of evaluations on the designation of certification bodies and the renewal of designation, to the institutions or organizations determined by Presidential Decree.<Amended by Act No. 11705, Mar. 23, 2013>

(5) Certification bodies shall, where any change in designated matters occurs, make a report on changes to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: Provided, That in cases of intending to change any important matter determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, they shall obtain approval from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

(6) Detailed matters concerning the standards for designation of certification bodies under paragraphs (1) through (5), the scope of certification service, procedures for designation and renewal of designation of certification bodies, entrustment of the evaluation affairs concerning the designation and renewal of designation of certification bodies, and reports on changes of certification bodies shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 26-2 (Certification Auditors) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may grant the qualification for conducting certification audits under Article 20 (hereinafter referred to as "certification auditor") to persons who meet the eligibility requirements prescribed by Ordinance of the Ministry of

Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

(2) Any person who intends to be qualified as a certification auditor under paragraph (1) shall make an application to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries after receiving education conducted by either of the above two Ministers, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

(3) Where a certification auditor falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may cancel his/her qualification or suspend his/her qualification for a fixed period not exceeding six months: Provided, That in cases falling under any of subparagraphs 1 through 3, his/her qualification shall be cancelled:<Amended by Act No. 14305, Dec. 2, 2016>

1. Where he/she is granted qualification for certification audit in a false or other improper means;
2. Where he/she conducts certification audits in by fraud or other improper means;
3. Where he/she certifies organic food, etc. which fails to meet the certification criteria under Article 19 (2) by intention or gross negligence;
4. Where he/she fails to meet any qualification criteria for certification auditor referred to in paragraph (1);
5. Where he/she allows any other person to use his/her name with respect to the business of certification audit, or lend his/her certificate of certification auditor to other person;
6. Where he/she fails to receive the education referred to in Article 26-4 (1).

(4) No person whose certification auditor qualification has been cancelled pursuant to paragraph (3) shall obtain such qualification until three years elapse since such qualification is cancelled.<Amended by Act No. 14305, Dec. 2, 2016>

(5) Procedures for granting the certification auditor qualification, standards for cancellation and suspension of such qualification, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted by Act No. 12515, Mar. 24, 2014]

Article 26-3 (Grounds for Disqualification for Executive Officers and Employees of Certification Bodies)

Any of the following persons may not be an executive officer or employee (limited to an employee in charge of certification affair) of a certification body:

1. A person who was the representative of any certification body for which three years have not elapsed since its designation was cancelled pursuant to Article 29 (1);
2. A person in whose case three years have not elapsed since, with respect to certification services referred to in this Act, his/her sentence to a fine or greater punishment became final and decisive.

[This Article Newly Inserted by Act No. 14305, Dec. 2, 2016]

Article 26-4 (Education to Certification Auditors) (1) The certification auditors determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries shall receive the education necessary for enhancing their capabilities for performing the duties and consciousness of occupational ethics.

(2) Matters necessary for the education referred to in paragraph (1) such as the content, method and conducting institution thereof shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted by Act No. 14305, Dec. 2, 2016]

Article 27 (Matters to Be Complied with by Certification Bodies, etc.)

The Minister of Oceans and Fisheries, or certification bodies shall comply with each of the following requirements: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. No information and data procured in the course of certification shall be disclosed to the public or provided to any third party without the written consent of the certification applicant: Provided, That this shall not apply where information or data is disclosed or provided as prescribed by this Act or other Acts;
2. A certification body shall allow access to its office or facility or provide necessary information and data upon request by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries (including agencies or organizations delegated or entrusted with evaluation affairs concerning designation or renewal of designation of

certification bodies pursuant to Article 26 (4));

3. Records of certification applications, certification audits, and certified business entities shall be maintained, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
4. A certification body shall report the findings of certification audit and post-certification surveillance, etc. to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
5. In order to manage certified business entities' compliance with the certification criteria, random audits of certified business entities shall be conducted, and the findings thereof must be documented and maintained, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

Article 28 (Suspension or Discontinuation of Certification Service)

Where any certification body intends to suspend or discontinue all or part of its certification service, it shall report it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of the Ministry of Oceans and Fisheries, and also shall inform those certified business entities whose certification granted by such certification body has yet to expire of such intent. <Amended by Act No. 11705, Mar. 23, 2013>

Article 29 (Revocation of Designation, etc. of Certification Body) (1) The Minister of

Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, in cases where any certification body falls under any of the following subparagraphs, revoke its designation, or issue an order to suspend all or part of its certification business for a fixed period not exceeding six months: Provided, That in cases falling under any of subparagraphs 1, 1-2 and 2 through 5, its designation shall be cancelled: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014>

1. Where it is designated in a false or other unjustifiable manner;

- 1-2. Where its head is sentenced to a fine or heavier punishment with respect to its certification service and the sentence becomes final and conclusive;
2. Where it is unable to engage in certification service due to bankruptcy or discontinuation of its business;
3. Where it grants certification while its service is suspended, in violation of the order for suspension of business;
4. Where it fails to grant certification during a period of not less than one year without any justifiable reason;
5. Where it certifies organic food, etc. which fails to meet the certification criteria referred to in Article 19 (2) by intention or gross negligence;
6. In cases where it fails to comply with any of the procedures and methods of conducting certification audits or re-audits under Article 20 or the procedures, methods, etc. of certification renewal or extension of the term of validity of certified products under Article 21 by intention or gross negligence;
7. Where it fails to make a disposition under Article 24 (1), without any justifiable reason;
8. In cases where it fails to meet the designation standards referred to in Article 26 (6);
9. In cases where it fails to comply with an order or disposition for corrective measures under Article 32 (2).

(2) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries issues a disposition for revocation of designation or suspension of business under paragraph (1), he/she shall publish such disposition on the official website of the Ministry of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

(3) No person whose designation is revoked under paragraph (1) shall be designated as a certification body unless three years has elapsed since the revocation of designation: Provided, That this shall not apply where designation is revoked due to the cause specified in paragraph (1) 2. <Amended by Act No. 14305, Dec. 2, 2016>

(4) Detailed criteria for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, severity, etc. of violations. <Amended by Act No. 11705, Mar. 23, 2013>

Section 3 Post-Certification Surveillance of Organic Food, etc., Certified Business Entities, and Certification Bodies

Article 30 (Prohibition of Unjust Acts Related to Certification, etc.)

No person shall engage in any of the following acts:<Amended by Act No. 12515, Mar. 24, 2014>

1. Obtaining certification under Article 20 or being designated as a certification body under Article 26 (1), by fraud or other improper means;
- 1-2. Conducting certification audits or granting certification under Article 20, or assisting to obtain certification, by fraud or other improper means;
- 1-3. Obtaining the certification auditor qualification by fraud or other improper means;
2. Affixing an organic label or similar mark (including any mark likely to mislead people to believe the relevant product is a certified product, and any mark using a foreign language or loanwords to the same effect) to a non-certified product;
3. Making indications on a certified product inconsistent with certified details;
4. Issuing documents necessary for making an application for certification under Article 20 (1), in a false manner;
5. Selling certified products and non-certified products, etc. together or storing, conveying or displaying them together for sale;
6. Selling any product as a certified product with knowledge that it falls under subparagraph 2 or 3, or storing, shipping, or exhibiting such product for sale;
7. Selling any product as a certified product despite being aware that its certification has been revoked;
8. Advertising any non-certified product as a certified product or advertising in a manner that would mislead people to believe any non-certified product as certified, or advertising inconsistently with the certification details.

Article 31 (Post-Certification Surveillance of Certified Products and Certified Business Entities)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, if deemed necessary, have a public official under his/her supervision or a certification body conduct the following inspections (limited to the inspection referred to in subparagraph 2 where a certification body conducts an inspection): <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Inspection on certified products on the market;
2. Inspection to ascertain whether the process of producing, manufacturing or processing, or handling certified products in the business places of any certified business entity complies with any of the certification criteria referred to in Article 19 (2).
 - (2) Where an inspection is conducted pursuant to paragraph (1), the date and time, purpose, objects, etc. of inspection shall be notified to the persons concerned in advance: Provided, That this shall not apply in case of an emergency, or where the purpose of inspection is deemed unattainable if prior notification is made.
 - (3) Where an inspection is conducted or a certified business entity is required to submit the materials concerned pursuant to paragraph (1), he/she shall not reject, obstruct, or evade it without unjustifiable grounds. In such cases, a person entering the business places to conduct an inspection referred to paragraph (1) shall carry a document indicating his/her authority and present it to interested persons. <Amended by Act No. 14305, Dec. 2, 2016>
 - (4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems, as a result of inspection under paragraph (1), that a certified business entity fails to comply with any of the certification criteria referred to in Article 19 (2) or the labelling standard for organic food, etc. specified in Article 23, he/she may order the relevant certified business entity or distributor of the relevant certified product to remove, suspend, or change the certification label of the relevant certified product, suspend, or prohibit its sales, collect or destroy the certified product, change the details of its label, or take any other necessary measure. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>
 - (5) Where there exists any certification body in exclusive charge of the certified products with respect of which an order to take any measures is issued under paragraph (4), the Minister of Agriculture, Food and Rural Affairs, or the Minister of Oceans and Fisheries may request such body to take necessary measures. In such cases, the certification body in receipt of a request shall comply therewith except in extenuating circumstances. <Amended by Act No. 14305, Dec. 2, 2016>
 - (6) Necessary matters concerning the detailed standards for the dispositions issued under paragraph (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and

Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Article 32 (Post-Certification Surveillance of Certification Bodies) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have a public official under his/her supervision conduct an inspection as to whether the certification bodies engage in certification service in a proper manner pursuant to Article 20, whether they meet the designation standards for certification bodies under Article 26 (6), or whether they observe matters to be complied with set forth in Article 27. <Amended by Act No. 11705, Mar. 23, 2013>

(2) Where a result of inspection under paragraph (1) shows that a certification body falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may issue an order for corrective measures, or make a disposition of cancelling its designation or suspending its business pursuant to Article 29: <Amended by Act No. 11705, Mar. 23, 2013>

1. Where it fails to engage in certification service in a proper manner pursuant to Article 20;
2. Where it fails to meet the designation standards referred to in Article 26 (6);
3. Where it fails to observe matters to be complied with as specified in Article 27.

Article 32-2 (Assessment and Grading on Certification Bodies) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may determine the grades of such certification bodies by assessing the status of their operation and services performance and publish the results of such determination in order to improve the level of certification services and promoting certification bodies conducting excellent services.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall reflect the results of the evaluation and grade determination referred to in paragraph (1) in managing, supporting and promoting certification bodies.

(3) Matters necessary for the standards, methods and procedures for the assessment and grade determination referred to paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted by Act No. 14305, Dec. 2, 2016]

Article 33 (Succession to Certification Body, etc.) (1) A person who falls under any of the following subparagraphs shall succeed to the status of a certified business entity or certification body:

1. Where an operator of certified business entity dies, the successors who intend to continue to produce, manufacture or process, or handle the relevant product;
2. Where a certified business entity or certification body has transferred his/her/its business, the transferee;
3. Where a certified business entity or certification body has merged with another certified business entity or certification body, the corporation that survives the merger, or is newly incorporated in the course of the merger.

(2) A person who has succeeded to a certified business entity pursuant to paragraph (1) shall report the fact to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the certification body (referring to the Minister of Oceans and Fisheries or other certification body, where the designation of such certification body is revoked), whoever has examined the certification for such business entity, and a person who has succeeded to a certification body shall report such fact to the Minister of Oceans and Fisheries or other certification body. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(3) Where succession to the legal status of a certified business entity or a certification body is made under paragraph (1), the effect of an administrative disposition under Article 24 (1), 29 (1) or 31 (4) which has been taken against the previous certified business entity or the previous certification body shall succeed to the successors thereof, and if the procedures of any administrative disposition is in progress, it may be proceeded with against the successors to the status thereof.

(4) Those matters necessary for reports under paragraph (2) shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

CHAPTER IV CERTIFICATION, ETC. OF PESTICIDE-FREE AGRO-FISHERY PRODUCTS, ETC.

- Article 34 (Certification, etc. of Pesticide-Free Agro-Fishery Products, etc.)** (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may certify pesticide-free agro-fishery products, etc. <Amended by Act No. 11705, Mar. 23, 2013>
- (2) The objects for which certification may be granted, such as pesticide-free agro-fishery products, etc., and the certification criteria, etc. necessary for the production or handling of pesticide-free agro-fishery products, etc., for the purpose of granting certification under paragraph (1), shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>
- (3) Where a person who produces or handles pesticide-free agro-fishery products, etc. intends to receive certification of pesticide-free agro-fishery products, etc., he/she shall make an application to the Minister of Oceans and Fisheries, or a certification body designated pursuant to Article 35 (1) (hereinafter referred to as "certification body" in this Chapter): Provided, That any person who stores, ships, or sells certified pesticide-free agro-fishery products, etc., without repacking them, may choose not to make an application. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>
- (4) Articles 20 through 22 and 24 shall apply mutatis mutandis to the following matters: applications for certification under paragraph (3); restrictions on certification; audits or re-audits of certification; approval of application for change of certification; validity of certification; renewal and extension of certification; matters to be complied with by certified business entities; revocation of certification and suspension of the use, etc, of certification labels. In this regard, a reference to "organic food, etc." shall be deemed to refer to "pesticide-free agro-fishery products, etc."
- (5) Articles 30 through 33 shall apply mutatis mutandis to the following matters: prohibition of unjust acts concerning the certification of pesticide-free agro-fishery products, etc.; post-certification surveillance of certified products and certified business entities; post-certification surveillance of certification bodies; succession, etc. to the status of certified business entities or certification bodies. In this regard, a reference to "organic food, etc." shall be deemed to refer to "pesticide-free agro-fishery products, etc."

Article 35 (Designation, etc. of Pesticide-Free Agro-Fishery Products, etc.) (1) With respect to the certification of pesticide-free agro-fishery products, etc., the Minister of Agriculture,

Food and Rural Affairs or the Minister of Oceans and Fisheries may designate an entity equipped with certification auditors and other necessary human resources and facilities as certification bodies and authorize such entity to certify pesticide-free agro-fishery products, etc. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014>

(2) Articles 26, 26-2 and 27 through 29 shall apply mutatis mutandis to the following matters: designation of certification bodies; validity of designation; renewal and change of designation; matters to be complied with by certification bodies, etc.; suspension and discontinuation of certification service; revocation, etc. of designation of certification bodies. In this regard, a reference to "organic food, etc." shall be construed as "pesticide-free agro-fishery products, etc." <Amended by Act No. 12515, Mar. 24, 2014>

Article 36 (Labelling Standards, etc. for Pesticide-Free Agro-Fishery Products, etc.) (1) A person who has received certification pursuant to Article 34 (3) may directly display on pesticide-free agro-fishery products, etc. that he/she produces or handles, or on the package, etc. thereof, any written, printed, or graphic matter indicating "pesticide-free," "antibiotic-free" (applicable only to livestock products or fishery products), "no activating treatment agent used" (applicable only to seaweeds), or words to similar effect (hereinafter referred to as "label for pesticide-free agro-fishery product, etc."). In such cases, if a product is sold in an unpackaged manner or apiece, a label of pesticide-free agro-fishery product, etc. may be placed on an indicator board or signpost.

(2) Article 23 (2) and (5) shall apply mutatis mutandis to detailed matters concerning the display of information on the methods of producing pesticide-free agro-fishery products, etc., and other labelling items. In this regard, a reference to "organic label" shall be construed as "label of pesticide-free agro-fishery products, etc." <Amended by Act No. 14305, Dec. 2, 2016>

CHAPTER V PUBLIC DISCLOSURE OF ORGANIC AGRO-FISHERY MATERIALS

Article 37 (Public Disclosure and Quality Certification of Organic Agro-Fishery Materials) (1) After ascertaining whether any organic agro-fishery materials are produced by using permitted substances, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may publicly disclose the relevant information, including their name, main ingredients and contents, methods of use, etc. <Amended by Act No. 11705, Mar. 23, 2013>

(2) Deleted.<by Act No. 14305, Dec. 2, 2016>

(3) In case of making public disclosure pursuant to paragraph (1) (hereinafter referred to as "public disclosure"), it shall be made in conformity with the standards for public disclosure under paragraph (4).<Amended by Act No. 14305, Dec. 2, 2016>

(4) Subject-matter for public disclosure under paragraphs (1) and standards necessary for public disclosure shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.<Amended by Act No. 14305, Dec. 2, 2016>

Article 38 (Application for and Audit, etc. of Public Disclosure of Organic Agro-Fishery

Materials) (1) Where any person engaged in the production, or importation and sale of organic agro-fishery materials intends to obtain certification for public disclosure, he/she shall make an application to an institute for public disclosure designated pursuant to Article 44 (1) (hereinafter referred to as "institute for public disclosure") with a test report issued by a testing and research institution officially recognized pursuant to Article 41 (1) and other documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries: Provided, That The following persons are not eligible to apply for public disclosure: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Persons for whom one year has not yet elapsed since public disclosure was revoked pursuant Article 43 (1);
2. Persons against whom any disposition ordering the prohibition of sale of organic agro-fishery materials, the collection and destruction thereof, or the removal or suspension of the use of a certification label for public disclosure pursuant to Article 43 (1) or 49 (4) has been taken and is still in force;
3. Persons for whom one year has not yet elapsed since a sentence to a fine or heavier punishment passed pursuant to Article 60 became final and conclusive.

(2) An institute for public disclosure in receipt of an application under paragraph (1) shall conduct an audit of its compliance with the standards for public disclosure referred to in Article 37 (4) and inform the applicant of the audit result, and shall make public disclosure, if it satisfies the standards for public disclosure.<Amended by Act No. 14305, Dec. 2, 2016>

(3) Any person who has an objection to the results of an audit of application for public disclosure under paragraph (2) may make an application for re-audit to the institute for public disclosure which has conducted the original audit of such public disclosure.

<Amended by Act No. 14305, Dec. 2, 2016>

(4) Where a person who has obtained public disclosure pursuant to paragraph (2) (hereinafter referred to as "business entity which has obtained public disclosure") changes any detail of the public disclosure, he/she shall obtain approval for the change from the head of the institute for public disclosure that has audited the relevant public disclosure, as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(5) Other detailed procedures, methods, etc. necessary for applications for, restrictions on, audits and re-audits of public disclosure, and approval for change thereof shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 39 (Term of Validity, etc. of Public Disclosure) (1) Public disclosure shall remain valid for three years from the date when such public disclosure is made. <Amended by Act No. 14305, Dec. 2, 2016>

(2) Where a business entity which has obtained public disclosure intends to maintain the certification even after the expiry of the term of validity, he/she shall apply for the renewal to the institute for public disclosure that has made the relevant public disclosure prior to the expiration date: Provided, That where it becomes impossible to make an application for renewal to the institute for public disclosure which has made such public disclosure, etc, owing to its discontinuation or suspension of the business, or any other inevitable ground, the renewal application may be made to any other institute for public disclosure.<Amended by Act No. 14305, Dec. 2, 2016>

(3) Detailed procedures, methods, etc. necessary for renewal of public disclosure. under paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 40 (Matters to Be Complied with by Business Entities Which Have Obtained Public

Disclosure) (1) A business entity which has obtained public disclosure shall notify the head of the institute for public disclosure that has audited the relevant public disclosure of the records of production, or import and sale of the relevant product on a regular basis, as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) A business entity which has obtained public disclosure shall maintain documents, etc. relating to the audit of such public disclosure, as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 41 (Designation of Testing and Research Institution for Organic Agro-Fishery

Materials) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate any college/university, non-governmental research institute, etc. as a testing and research institution which conducts tests for organic agro-fishery materials. <Amended by Act No. 11705, Mar. 23, 2013>

(2) A person who intends to be designated as testing and research institution pursuant to paragraph (1) shall make an application to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, after being equipped with facilities and equipment prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

(3) The term of validity of designation of a testing and research institution referred to in paragraph (1) shall be four years from the date on which it is designated as such, and an entity who intends to continue to conduct tests for organic agro-fishery materials even after the term of validity expires shall renew the designation before then. <Newly Inserted by Act No. 14305, Dec. 2, 2016>

(4) Where an entity designated as a testing and research institution referred to in paragraph (1) intends to change any important matter prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries, it shall file an application for the change of designation with the Minister of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries. <Newly Inserted by Act No.

14305, Dec. 2, 2016>

(5) Where any testing and research institution designated pursuant to paragraph (1) falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke its designation, or suspend all or part of its business for a fixed period not exceeding six months: Provided, That in case of falling under subparagraph 1, its designation shall be revoked:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Where it is designated in a false or other unjustifiable means;
 2. Where it issues any of the following documents inconsistently with the actual facts, by intention or gross negligence;
 - (a) Test reports;
 - (b) Documents indicating the physicochemical analysis and toxicity test results of the relevant technical concentrates;
 - (c) Documents indicating the physicochemical analysis, etc. of pest control equipment;
 - (d) Documents indicating heavy metals content and the results of their physicochemical analysis;
 - (e) Other documents related to the testing and analysis of organic agro-fisheries materials;
 3. Where it ceases to meet any of the criteria for designation of testing and research institutions;
 4. Where it fails to initiate testing for the designated testing items within a period of one year after designated as a testing and research institution without justifiable grounds, or to have no business record for a period of not less than two years;
 5. Where it engages in business in violation of the order for suspension of business.
- (6) Other matters necessary for designation of testing and research institutions, revocation of designation, suspension of business, etc. shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.
<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 42 (Labelling, etc. of Public Disclosure)

A business entity who has obtained public disclosure may display on the packages, etc. of organic agro-fishery materials any written, printed, or graphic matter indicating the public

disclosure of organic agro-fishery materials, as prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs, or by Ordinance of Ministry of Oceans and Fisheries. In such cases, the relevant information, such as public disclosure number, name of the organic agro-fishery materials, methods of use, etc. shall be indicated together with such written, printed, or graphic matter, and the efficacy and effect of the relevant materials may be indicated in accordance with the standards for publication disclosure referred to in Article 37 (4). <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 43 (Cancellation, etc. of Public Disclosure) (1) Where any business entity who has obtained public disclosure falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure may cancel the public disclosure, or issue a disposition to prohibit sale of the relevant product: Provided, That where a business entity falls under subparagraph 1, the Minister shall cancel the relevant public disclosure: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Where he/she makes public disclosure in a false or other unjustifiable means;
2. Where he/she fails to meet any of the standards for public disclosure under Article 37 (4);
3. Where he/she fails to comply with an order under the former part of Article 49 (4) without justifiable grounds;
4. Where it is deemed impossible to produce organic agro-fishery materials owing to his/her change of business, discontinuation of business, or any other reason;
5. Where the result of quality control guidance under paragraph (3) reveals that the relevant product is inappropriate to be certified as a product for public disclosure.

(2) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or an institute for public disclosure cancels any public disclosure under paragraph (1), he/ she shall notify the fact to the relevant business entity who has obtained public disclosure, without delay, and an institute for public disclosure that has cancelled such public disclosure shall notify such fact to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(3) The head of an institute for public disclosure, shall provide quality control guidance with respect to those products for which it has made public disclosure. <Amended by Act No. 14305, Dec. 2, 2016>

(4) Detailed procedures and disposition standards necessary for the cancellation of public disclosure under paragraph (1), matters concerning quality control under paragraph (3), etc. shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 44 (Designation, etc. of Institutes for Public Disclosure) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate persons with human resources and facilities necessary for public disclosure to make public disclosure of organic agro-fishery materials. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) A person who intends to be designated as an institute for public disclosure pursuant to paragraph (1) shall make an application for designation to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(3) Designation of an institute for public disclosure under paragraph (1) shall remain in force for five years from the date of designation; where an institute for public disclosure intends to continue to conduct in the business of public disclosure of organic agricultural or fishery materials, it shall apply for renewal of designation prior to the expiration date. <Amended by Act No. 14305, Dec. 2, 2016>

(4) Where any change occurs to the designated matters, an institute for public disclosure shall make report on changes to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: Provided, That in case of intending to change important matters prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries, it shall obtain permission from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, correspondingly. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(5) The necessary matters concerning standards for the designation of institutes for public disclosure, application for designation, renewal of designation, report on changes, etc. shall

be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 45 (Matters to Be Complied with by Institutes for Public Disclosure)

Institutes for public disclosure shall comply with the following requirements:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. They shall not disclose or provide any information and materials obtained in the course of performing the business of public disclosure without written consent of the relevant applicants for public disclosure: Provided, That in case of disclosing or providing such information and materials pursuant to this Act or any other Act, this shall not apply;
2. They shall not permit access to their offices or facilities of institutes for public disclosure or provide necessary information and materials, if so requested by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries;
3. They shall not preserve any documentary materials regarding applications for and audits of public disclosure, and documentary materials regarding transactions of organic agro-fishery materials, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
4. They shall report all the results of public disclosure and the results of post-certification surveillance thereof to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries;
5. They shall conduct audits of the business entities who have obtained public disclosure without prior notice and record and manage the findings of such audits in order to manage such business entities so as to comply with the standards for public disclosure referred to in Article 37 (4), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.

Article 46 (Suspension or Discontinuation of Business of Public Disclosure)

Where any institute for public disclosure intends to suspend or discontinue the business of public disclosure in whole or in part, it shall report it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of

the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, and also shall notify such intent to business entities who have obtained public disclosure through the relevant institute and whose certification for public disclosure has yet to expire. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 47 (Revocation, etc. of Institutes for Public Disclosure) (1) Where any institute for public disclosure falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may revoke its designation or issue an order to suspend its business, in whole or in part, for a fixed period not exceeding six months: Provided, That in cases of falling under any of subparagraphs 1 through 3, its designation shall be revoked: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Where it is designated in a false or other unjust means;
2. Where it becomes unable to engage in the business of public disclosure due to its bankruptcy or discontinuation of business;
3. Where it engages in the business of public disclosure during the period of its suspension of business, in violation of the order for suspension of business;
4. Where it fails to engage in the business of public disclosure during a period of not less than one year without justifiable grounds;
5. Where it makes public disclosure of any products failing to meet any of the standards for public disclosure referred to in Article 37 (4), by intention or gross negligence;
6. Where it fails to comply with any of the procedures or methods for conducting the audits or re-audits for public disclosure under Article 38, or the procedures, methods, etc. for the renewal of public disclosure under Article 39, by intention or gross negligence;
7. Where it fails to take a disposition under Article 43 (1) without justifiable grounds;
8. Where it fails to meet the standards for designation of institutes for public disclosure under Article 44 (5);
9. Where it fails to conform to an order or disposition for corrective measures under Article 50 (2).

(2) In cases of making a disposition of the cancellation of designation or the suspension of business pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall publish such disposition on the official website

of the Ministry of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

(3) No person whose designation as an institute for public disclosure has been revoked, shall be designated as such institute until two years elapse since such revocation: Provided, That in cases where the designation of the institute for public disclosure is revoked on the grounds specified in paragraph (1) 2, this shall not apply.<Amended by Act No. 14305, Dec. 2, 2016>

(4) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, gravity, etc. of violations.<Amended by Act No. 11705, Mar. 23, 2013>

Article 48 (Prohibition of Unjust Acts Related to Public Disclosure)

No person shall engage in any of the following acts:<Amended by Act No. 14305, Dec. 2, 2016>

1. Making public disclosure under Article 38 or being designated as an institute for public disclosure under Article 44 (1), in a false or other unjust means;
2. Affixing any label or similar mark (including any mark likely to mislead people to believe the relevant material is an organic agro-fishery material that has obtained public disclosure and any mark using a foreign language or loan words to the same effect) to a material that has obtained public disclosure;
3. Making indications inconsistently with those certified on an organic agro-fishery material that has obtained public disclosure;
4. Issuing documents necessary for making an application for public disclosure Article 38 (1), in a false manner;
5. Selling any material with the knowledge that it falls under subparagraph 2 or 3, or storing, shipping, or exhibiting such material for sale;
6. Selling any material as an organic agro-fishery material that has obtained public disclosure while being aware that its public disclosure has been revoked;
7. Advertising any material that has not obtained public disclosure as an organic agro-fishery material that has obtained public disclosure or advertising in a manner that would mislead people to believe such material is an organic agro-fishery material that has obtained public disclosure, or advertising inconsistently with the details allowed for

public disclosure;

8. Mixing or injecting any non-permitted substance or substance that is not permitted under the standards for public disclosure referred to in Article 37 (4) into an organic agro-fishery material.

Article 49 (Post-Certification Surveillance of Organic Agro-Fishery Materials and Business

Entities Which Have Obtained Public Disclosure) (1) Where deemed necessary, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may have public officials under his/her supervision or institutes for public disclosure conduct following inspections (where a certification body conducts an inspection, only the inspections referred to in subparagraph 2 on the business entities publicly disclosed by such certification body). In such cases, the public officials may conduct an inspection after collecting samples without compensation or request the submission of data, etc.:

<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Inspection on publicly disclosed organic agro-fishery materials on the market;
2. Inspection on whether the organic agro-fishery materials meet any of the standards for public disclosure referred to in Article 37 (4), by verifying the process of their production and distribution in the business places of publicly disclosed business entities.

(2) Where an inspection is conducted pursuant to paragraph (1), the date and time, objectives, objects, etc. of inspection shall be notified to the interested persons in advance: Provided, That this shall not apply in case of an emergency, or where the purpose of inspection is deemed unattainable if prior notification is made.

(3) Where an inspection is conducted, or the submission of data is required pursuant to paragraph (1), the relevant business entities which have obtained public disclosure shall not reject, obstruct, or evade it without justifiable grounds. In such cases, a person entering the business places of such certified business entity to conduct an inspection referred to paragraph (1) shall carry a document indicating his/her authority and present it to interested persons.<Amended by Act No. 14305, Dec. 2, 2016>

(4) Where it is deemed that, as a result of inspection under paragraph (1), a business entity which has obtained public disclosure fails to comply with any of the standards for public disclosure referred to in Article 37 (4) or the labelling standard for public disclosure specified in Article 42, the Minister of Agriculture, Food and Rural Affairs or the Minister of

Oceans and Fisheries may issue an order for the prohibition from selling the relevant organic agro-fishery materials or the collection and destruction thereof, an order for the removal, suspension, or change of the label of public disclosure or the interruption of using such label, or an order for taking other necessary measures, against the relevant business entity which has obtained public disclosure, or distributors of the said organic agro-fishery materials. In such cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the institute for public disclosure which has made the relevant public disclosure to take necessary measures. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(5) The institute for public disclosure which is so requested pursuant to the latter part of paragraph (4) shall comply therewith, unless there exists any special ground not to do.
<Amended by Act No. 14305, Dec. 2, 2016>

(6) Necessary matters concerning detailed standards for dispositions under paragraph (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or by Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013>

Article 50 (Post-Certification Surveillance of Institutes for Public Disclosure) (1) The Minister of Agriculture, Food and Rural Affairs, or the Minister of Oceans and Fisheries may have public officials under his/her supervision conduct an inspection as to whether an institute for public disclosure engages in the business of public disclosure in an appropriate manner pursuant to Article 38, whether it meets any of the standards for designation of institutes for public disclosure referred to in Article 44 (5), and whether it observes matters to be complied with by institutes for public disclosure set forth in Article 45. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(2) Where any institute for public disclosure falls under any of the following subparagraphs according to the findings of an inspection under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may issue an order for corrective measures, or make a disposition for the cancellation of its designation or the suspension of its business pursuant to Article 47:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Where it fails to engage in the business of public disclosure in a proper manner pursuant to Article 38;
2. Where it fails to meet any of the designation standards under Article 44 (5);
3. Where it fails to observe any matter to be complied with by institutes for public disclosure under Article 45.

Article 51 (Succession to Institute for Public Disclosure, etc.) (1) A person who falls under any of the following subparagraphs shall succeed to the status of a business entity which has obtained public disclosure, or an institute for public disclosure: <Amended by Act No. 14305, Dec. 2, 2016>

1. Where a business entity which has obtained public disclosure dies, the successor who intends to continue to produce or import for sale the organic agro-fishery materials;
2. Where a business entity which has obtained public disclosure or an institute for public disclosure has transferred his/her business, the transferee;
3. Where a business entity which has obtained public disclosure, or an institute for public disclosure has merged with any other business entity which has obtained public disclosure, or any other institute for public disclosure, the corporation that survives the merger, or is newly incorporated in the course of the merger.

(2) A person who has succeeded to a business entity which has obtained public disclosure pursuant to paragraph (1) shall report the fact to the head of the institute for public disclosure which has conducted the relevant audit for public disclosure for such business entity (referring to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, where the designation of such institute for public disclosure has been revoked), and a person who has succeeded to any institute for public disclosure shall report such fact to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

(3) Where any status is succeeded under paragraph (1), the effect of the administrative disposition under Articles 43 (1) or 47 (1) which has been taken against the previous business entity which has obtained public disclosure or the previous institute for public disclosure shall succeed to the successors thereof within the term of validity of such administrative disposition, and if the procedure of any administrative disposition is in progress, such procedure may be proceeded with against such successors.<Amended by Act

[No. 14305, Dec. 2, 2016](#)>

(4) Matters necessary for reporting under paragraph (2) shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Article 52 (Exclusion from Application of Pesticide Control Act, etc.) (1) Notwithstanding Articles 8 and 17 of the Pesticide Control Act, and Articles 11 and 12 of the Fertilizer Control Act, no organic agro-fishery materials which have obtained public disclosure shall be required to be registered or reported as pesticides under the Pesticide Control Act or as fertilizer under the Fertilizer Control Act. <Amended by Act No. 14305, Dec. 2, 2016>

(2) In case of obtaining public disclosure a person who intends to produce or import for sale any organic agro-fishery materials may not to make registration under Article 3 of the Pesticide Control Act. <Amended by Act No. 14305, Dec. 2, 2016>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 53 (Establishment and Operation of Information System for Managing Certification for Environment Friendliness) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may establish and operate an information system for managing certification for environment friendliness in order to perform the following affairs: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Affairs of the designation and registration of the certification bodies, the situations of certifications, the management of certificates of importation, etc.;
2. Affairs of the collection, analysis, and management of information on certified products, etc.;
3. Providing information on the list of business entities of certified products, etc., and the production, manufacture or processing, or handling thereof;
4. Providing customers with information necessary for enhancing the creditability of certified products, etc., such as the names, contact information, etc. of certified persons;
5. Publishing information on the revocation, etc. of certification in order to prevent the circulation of products not complying with the certification criteria.

(2) Matters necessary for the establishment and operation of the information system for managing certification for environment friendliness under paragraph (1) shall be prescribed

by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

Article 53-2 (Establishment and Operation of Information System for Organic Agro-Fishery

Materials) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may establish and operate an information system for organic agro-fishery materials in order to perform the following affairs:

1. Affairs regarding managing the status of the designation of institutions for public disclosure, the status of public disclosures, the status of the designation of testing and research institutions, etc.;
2. Affairs regarding analyzing, and managing information on public disclosures;
3. Affairs regarding providing information on the list of institutions for public disclosure, and on the production, manufacture or importation, or handling publicly disclosed products;
4. Affairs regarding providing customers with information necessary for enhancing the creditability of public disclosure, such as the names and contact points of institutions for public disclosure;
5. Affairs regarding publishing information on the revocation, etc. of public disclosure in order to prevent the circulation of any products not complying with standards for public disclosure.

(2) Matters necessary for the establishment and operation of the information system for organic agro-fishery materials under paragraph (1) shall be prescribed by Ordinance of Ministry of Agriculture, Food and Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries.

[This Article Newly Inserted by Act No. 14305, Dec. 2, 2016]

Article 54 (Support for Invigoration of Certification System) (1) The Minister of Agriculture,

Food and Rural Affairs or the Minister of Oceans and Fisheries shall implement the following affairs to invigorate the certification system: <Amended by Act No. 11705, Mar. 23, 2013>

1. Affairs related to the publicity of the certification system under this Act;

2. Affairs related to education and training necessary for the operation of the certification system;

3. Affairs related to the development and distribution of sample plans for the production, manufacture or processing, or handling of certified products under this Act.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, within budgetary limits, provide any of the following persons with the fund necessary for the establishment of a quality management system, or the performance of projects on technical assistances, education, training, etc.: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. Farmers and fishermen, or non-governmental organizations thereof;

2. Certified business entities of products, etc., business entities which have obtained public disclosure, certification bodies, or institutes for public disclosure;

3. Operators of educational courses related to the certification system;

4. Business entities engaged in the development of standard models and technical assistance related to the production, manufacture or processing, or handling of certified products, etc.

Article 54-2 (Honorary Monitors) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request honorary monitors of agricultural and fishery products referred to in Article 104 of the Agricultural and Fishery Products Quality Control Act to monitor, guide and publicize the distribution and production of environment-friendly agricultural and fishery products, organic food, etc. or organic agro-fishery materials.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may reimburse honorary monitors referred to in paragraph (1) for expenses incurred in monitoring activities within the budgetary limits.

[This Article Newly Inserted by Act No. 14305, Dec. 2, 2016]

Article 55 (Preferential Procurement) (1) In order to promote the procurement of certified products under this Act, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or, the heads of local governments may request the heads of public institutions (referring to public institutions specified in Article 4 of the Act on the

Management of Public Institutions; hereafter the same shall apply in this Article), the heads of agro-fisheries-related organizations, etc. to preferentially procure the certified products.

<Amended by Act No. 11705, Mar. 23, 2013>

(2) In order to promote the consumption of certified products under this Act, the State or local governments may provide necessary support, such as financial subsidies, etc., within budgetary limits, to public institutions, agro-fisheries-related organizations, etc., which preferentially procure the certified products pursuant to paragraph (1).

Article 56 (Fees) (1) A person who falls under any of the following subparagraphs shall pay fees to the Minister of Oceans and Fisheries, or the relevant certification body or institute for public disclosure. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. A person who intends to obtain certification pursuant to Article 20 (1) or 34 (3);
2. A person who intends to renew his/her certification pursuant to Article 21 (2) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis);
- 2-2. A person who intends to be designated as testing and research institution or renew the designation as testing and research institution pursuant to paragraph (1);
3. A person who intends to have his/her certification extended pursuant to Article 21 (3) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis);
4. A person who intends to obtain public disclosure pursuant to Article 38 (1);
5. A person who intends to renew public disclosure pursuant to Article 39 (2).

(2) A person who falls under any of the following subparagraphs shall pay fees to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. A foreign government or foreign certification body intending to be treated under an equivalency agreement pursuant to Article 25;
2. A person who intends to be designated as a certification body, or renew his/her designation pursuant to Article 26 or 35;
3. A person who intends to be designated as an institute for public disclosure, or renew his/her designation pursuant to Article 44.

(3) Necessary matters concerning the amounts of fees, the payment methods and due dates thereof, etc. shall be prescribed by Ordinance of Ministry of Agriculture, Food and

Rural Affairs or by Ordinance of Ministry of Oceans and Fisheries. <Amended by Act No. 11705, Mar. 23, 2013>

Article 57 (Hearing, etc.) (1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall hold a hearing, in cases where he/she intends to cancel the certification auditor qualification pursuant to Article 26-2 (3) (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis), or intends to revoke the designation of any certification body or any institute for public disclosure pursuant to Article 29 (1) (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis) or Article 47 (1). <Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014; Act No. 14305, Dec. 2, 2016>

(2) Where a certification body or an institute for public disclosure intends to revoke any certification or public disclosure pursuant to 24 (1) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis) or 43 (1), it shall provide the relevant business entity with an opportunity to present his/her opinion.<Amended by Act No. 14305, Dec. 2, 2016>

(3) With respect to providing opportunities to present the opinion under paragraph (2), Articles 22 (4) through (6) and 27 of the Administrative Procedures Act shall apply mutatis mutandis. In this regard, a reference to an "administrative agency" shall be construed as a "certification body" or an "institute for public disclosure" <Amended by Act No. 14305, Dec. 2, 2016>

Article 58 (Delegation or Entrustment of Authority) (1) Authority or functions of the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may be delegated, in part, to the Administrator of Rural Development Administration, the Minister of the Korea Forest Services, Mayors/Do Governors, or the heads of any affiliated agencies of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries, or may be entrusted, in part, to the Minister of Food and Drug Safety, the President of the Korea Food Research Institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc., the heads of any relevant non-governmental organizations. or the heads of any schools under Article 2 of the Higher Education Act. <Amended by Act No.

11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014; Act No. 14305, Dec. 2, 2016>

(2) The head of any affiliated agency of the Ministry of Agriculture, Food and Rural Affairs, or the Ministry of Oceans and Fisheries, the Minister of Food and Drug Safety, or the Administrator of Rural Development Administration, to whom authority is delegated or entrusted pursuant to paragraph (1) may re-delegate or re-entrust the delegated or entrusted authority, in whole or in part, to any other affiliated agency or to any relevant non-governmental organization. <Amended by Act No. 11705, Mar. 23, 2013; Act No. 12515, Mar. 24, 2014; Act No. 14305, Dec. 2, 2016>

Article 59 (Legal Fiction, etc. as Public Official in Application of Penalty Provisions)

Any of the following persons shall be deemed a public official in the application of penalty provisions under Articles 129 through 132 of the Criminal Act:<Amended by Act No. 14305, Dec. 2, 2016>

- 1.? An executive officer or employee of a certification body engaged in the certification service pursuant to Article 26 (1) or 35 (1);
- 1-2. An executive officer or employee of a testing and research institution designated pursuant to Article 41 (1) who is engaged in the business of testing of organic agro-fishery materials;
2. An executive officer or employee of an institute for public disclosure engaged in the business of public disclosure pursuant to Article 44 (1);
3. An executive officer or employee of an agency, organization, corporation, or school under Article 2 of the Higher Education Act, engaged in the business entrusted pursuant to Article 26 (4) or 58.

CHAPTER VII PENALTY PROVISION, ETC.

Article 60 (Penalty Provisions) (1) Any of the following persons shall be sentenced to imprisonment with labor for not more than three years, or to a fine not exceeding thirty million won: <Amended by Act No. 12515, Mar. 24, 2014; Act No. 14305, Dec. 2, 2016>

1. A person who engages in the certification service without designation as a certification body pursuant to Article 26 (1) or 35 (1), or engages in the business of public disclosure without designation as an institute for public disclosure pursuant to Article 44 (1);

2. A person who engages in the certification service even after the expiry of the designation as a certification body pursuant to Article 26 (3) (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis), or engages in the business of public disclosure even after the expiry of the designation as an institute for public disclosure pursuant to Article 44 (3);
3. A person who engages in the certification service despite revocation of its designation as a certification body pursuant to Article 29 (1) (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis), or engages in the business of public disclosure despite revocation of its designation as an institute for public disclosure pursuant to Article 47 (1);
4. A person who obtains certification or designation as a certification body, or obtains public disclosure of organic agro-fishery materials or designation as an institute for public disclosure in a false or other unjustifiable manner, in violation of subparagraph 1 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or subparagraph 1 of Article 48;
- 4-2. A person who has helped others grant or obtain certification under Article 20 by fraud or other improper means in violation of subparagraph 1-2 of Article 30 (including a case applied mutatis mutandis in Article 34 (5));
- 4-3. A person who has obtained the certification auditor qualification by fraud or other improper means in violation of subparagraph 1-3 of Article 30 (including a case applied mutatis mutandis in Article 34 (5));
5. A person who affixes an organic label or similar mark, or any mark likely to mislead people to believe the relevant product is a certified product, and any mark using a foreign language or loanword to the same effect to a non-certified product, in violation of subparagraph 2 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis);
6. Affixing any label or similar mark, or any mark likely to mislead people to believe the relevant material is an organic agro-fishery material that has obtained public disclosure and any mark using a foreign language or loan words to the same effect to a material that has not obtained public disclosure, in violation of subparagraph 2 of Article 48;

7. A person who makes indications inconsistently with those certified on a certified product or on an organic agro-fishery material that has obtained public disclosure, in violation of subparagraph 3 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or subparagraph 3 of Article 48;
8. A person who issues documents necessary for application for certification or public disclosure in a false manner, in violation of subparagraph 4 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or subparagraph 4 of Article 48;
9. A person who sells certified products and non-certified products, etc. together or stores, ships, or exhibits them together for sale, in violation of subparagraph 5 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis);
10. A person who sells any product as a certified product with knowledge that an organic label or similar mark is affixed to the product although it has not been certified, or stores, ships, or exhibits such product for sale, in violation of subparagraph 6 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis);
11. A person who sells any material as an organic agro-fishery material that has obtained public disclosure with knowledge that a label of public disclosure or similar mark is affixed to the material although it has not obtained public disclosure or sells any material that has obtained public disclosure with knowledge that indications are made inconsistently with those certified, or stores, ships, or exhibits such material for sale, in violation of subparagraph 5 of Article 48;
12. A person who sells any product as a certified product while knowing that its certification has been revoked or sells any material as an organic agro-fishery material that has obtained public disclosure while knowing that its public disclosure has been revoked, in violation of subparagraph 7 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or subparagraph 6 of Article 48;
13. A person who advertises any non-certified product as a certified product or advertises in a manner that would mislead people to believe any non-certified product is a certified product, or advertises inconsistently with the certification details, in violation of subparagraph 8 of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis);

14. A person who advertises any material that has not obtained public disclosure as an organic agro-fishery material that has obtained public disclosure or advertises in a manner that would mislead people to believe such material is an organic agro-fishery material that has obtained public disclosure, or advertises inconsistently with the details allowed for public disclosure, in violation of subparagraph 7 of Article 48;

15. A person who mixes or injects any non-permitted substance or substance not permitted under the standards for public disclosure referred to in Article 37 (4) to an organic agro-fishery material, in violation of subparagraph 8 of Article 48.

(2) Any of the following persons shall be sentenced to imprisonment with labor for not more than one year, or to a fine not exceeding ten million won:<Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. A person who sells, or uses, for business any imported products (referring to certified products on which the organic labels are placed pursuant to Article 23, or organic processed food that has obtained equivalency recognition pursuant to Article 25) without reporting, in violation of Article 23-2 (1);

2. A person who engages in the business of certification or public disclosure during the period of the suspension of the said business under Article 29 (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis) or Article 47;

3. A person who fails to comply with an order for removal, suspension of use, or change of the label of certified products, or the label of organic agro-fishery materials that have obtained public disclosure, an order for suspension or prohibition of their sale, an order for collection and destruction, or an order for changing the detailed indications of such labels under Article 31 (4) (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or Article 49 (4).

Article 61 (Joint Penalty Provisions)

If the representative of a corporation, or an agent, or employee of, or other persons employed by the corporation or an individual commits a violation falling under any subparagraph of Article 30 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis), or Article 48 in connection with the business of the corporation or the individual, the corporation, or the individual shall be punished by a fine under the relevant Articles in addition to the punishment of such violator: Provided, That where such

corporation or individual has not been negligent in giving due attention to and supervision over the relevant duties to prevent violations, this shall not apply.

Article 62 (Administrative Fines) (1) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 11705, Mar. 23, 2013; Act No. 14305, Dec. 2, 2016>

1. A person who changes any detail of the certification or public disclosure without obtaining approval from the head of the relevant certification body or the head of the institute for public disclosure, in violation of Article 20 (5) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis) or 38 (4);
2. A person who fails to inform the records of production, manufacture, processing, or handling of certified products or organic agricultural or fishery materials certified for public disclosure to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of the relevant certification body or institute for public disclosure, in violation of Article 22 (1) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis) or 40 (1);
3. A person who fails to record, manage, or maintain relevant documents, data, etc., in violation of Article 22 (2) (including cases to which provisions specified in Article 34 (4) apply mutatis mutandis), subparagraph 3 or 5 of Article 27 (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis), 40 (2), or subparagraph 3 or 5 of Article 45;
4. A person who unpacks the package of a certified product, repacks it, and affix a label thereto under Article 23 (1) or 36 (1) after failing to obtain certification;
5. A person who violates the labelling standard set forth in Article 23, 36 or 42;
6. A person who fails to make a report of change or changes any important matter without obtaining approval, in violation of Article 26 (5) (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis) or 44 (4);
7. A person who fails to report the results of certification audit or audit for public disclosure and post-certification surveillance, etc., or makes a false report thereon, in violation of subparagraph 4 of Article 27 (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis) or subparagraph 4 of Article 45;

8. A person who suspends or closes all or any part of its certification service or public disclosure without reporting, in violation of Article 28 (including cases to which provisions specified in Article 35 (2) apply mutatis mutandis) or 46;
 9. A person who, without justifiable grounds, refuses, obstructs, or evades an inspection under Article 31 (1) (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis), Article 32 (1) (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis), Article 49 (1), or Article 50 (1);
 10. A person who succeeds to the legal status of a certification body, institute for public disclosure, certified business entity, or business entity which has obtained public disclosure and fails to report such fact, in violation of Article 33 (including cases to which provisions specified in Article 34 (5) apply mutatis mutandis) or 51.
- (2) The Ministry of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries, or Mayors/Do governors shall impose and collect administrative fines under paragraph (1), as prescribed by Presidential Decree. <Amended by Act No. 11705, Mar. 23, 2013>