

1. Main Contents

A. The scope of food business operators who are subject to indicate the place of origin of livestock products. (Article 25-2 of the Proposal. To be added.)

- (1) The law has entrusted this ministry to designate food service businesses and group meal facilities that are required to indicate the place of origin, therefore it is necessary to designate them.
- (2) Among the food service businesses, proprietors who are operating snack bars, regular diners and contract food services, proprietors who are set up and operating group meal facilities shall be required to indicate the place of origin of livestock products. And proprietors who are operating snack bars, regular diners, contract food services where the size of service area is over 100m² shall be required to indicate the place of origin of rice and Kimchi.
- (3) By designating food service businesses and group meal facilities, where the main consumption places of livestock products, rice and Kimchi are subject to indication of the place of origin in a material way, consumers' right of choice will be secured and the effectiveness of the place of the origin indication system will be improved.

B. The scope of subjects to indicate the place of origin of livestock products, rice and Kimchi (Article 25-3 of the Proposal. To be added.)

- (1) The law had entrusted this ministry to designate target livestock products/rice/cabbage Kimchi, of which the place of origin is to be indicated, therefore it is necessary to designate them.
- (2) Beef that has undergone a cooking process to broil, to make soup, to steam, to fry, and for seasoned raw minced meat etc., then to be sold/served shall be subject to indication of the place of origin and its kind. Pork and chicken that has undergone a cooking process to broil, to make soup, to steam and to fry etc., then to be sold/served shall be subject to indication of the place of origin and their kind.
- (3) Rice that has undergone a cooking process while retaining its original form and then to be sold/served as a meal (porridge, Sikhye, rice cake and noodle are excluded) shall be subject to indication of the place of origin. Cabbage Kimchi, which has been salted, seasoned and then to be served immediately as a side dish, or cabbage Kimchi, which has been salted, seasoned and to be served after fermentation or processing as a side dish shall be subject to indication of the place of origin.
- (4) By designating subjects to indicate the place of origin and kind in a material way, it is expected that this shall strengthen the consumers' right to know about relevant food and shall contribute to establishment of order in the food circulation.

Executive Ord. 20

Enforcement Decree of Agricultural Products Quality Management Act Proposed Order of Partial Revision

Herein propose to make the following revisions to a part of the Enforcement Decree of Agricultural Products Quality Management Act.

In Article 1 “about the enforcement of the” shall be revised to “to enforce the”.

In Article 24 Clause 1, but not in its sub-clauses, “by the provision of Article 13 Clause 3 of the Act” shall be revised to “in accordance with the provision of Article 15 Clause 3 of the Act”, and “Product of Korea” in Sub-clause 1 of the same clause shall be revised to “ ‘Product of Korea’ or ‘domestic product’ ”.

Article 25-2 and Article 25-3 shall be added as below respectively.

Article 25-2 (Subject proprietors) • In Article 15-2 Clause 1 of the Act, “Persons who run businesses and set up and run group meal facilities that were defined by Executive Order” means snack bars in Article 7 Clause 8 Sub-clause 1 of • Enforcement Decree of Food Sanitation Act • , regular diners in Sub-clause 2 of the same clause, contract food service providers in Sub-clause 5 of the same clause and the persons who set up and run group meal facilities in Article 2 of • Enforcement Decree of Food Sanitation Act • .

• In Article 15-2 Clause 2, but not in its sub-clauses, of the Act, “Persons who run businesses that were defined by Executive Order” means snack bars in Article 7 Clause 8 Sub-clause 1 of • Enforcement Decree of Food Sanitation Act • , regular diners in Sub-clause 2 of the same clause, contract food service providers in Sub-clause 5 of the same clause.

Article 25-3 (Subject products) Livestock products that are subject to indication of the place of origin and the like in accordance with Article 15 -2 Clause 1 are specified in sub-sections below.

1. Beef meat/packed beef/processed beef: Beef that has undergone a cooking process to broil, to make soup, to steam, to fry, and for seasoned raw minced meat etc., then to be sold/served (Including keeping or displaying cooked food for the purpose of selling/serving. The same shall apply hereinafter.) (Including raw minced meat that is to be sold/served without seasoning).
2. Pork meat/packed pork: Pork that has undergone a cooking process to broil, to make soup, to fry, and then to be sold /served.
3. Chicken meat/packed chicken: Chicken that has undergone a cooking process to broil, to make soup, to fry, and then to be sold /served.

In Article 15-2 Clause 2 Sub-clause 1 of the Act, “defined by Executive Order” means providing the food as boiled rice (porridge, Sikhye, rice cake and noodle are excluded) .

In Article 15-2 Clause 2 Sub-clause 2 of the Act, “defined by Executive Order” means providing cabbage Kimchi that has been salted, seasoned and then served as a side dish immediately or served after being fermented or processed.

In Article 27-2 Clause 1, “the place of origin by regulations in Article 18 Clause 1 of the Act” shall be revised to “the place of origin and the like s complying with Article 18 Clause 1 of the Act”, “its processed products” shall be revised to “its processed products or livestock products /rice/Kimchi”.

Article 33 shall be revised as below.

Article 33 (Standard of imposing negligence fines) The standard of imposing negligence fines in accordance with Article 38 of the Act is detailed on Table 3.

In the heading of Table 3 , “in relation to the Article 33 Clause 3” shall be revised to “in relation to the Article 33”, and the general standard in Sub-clause 1 of the same table shall be revised as below.

1. General Standard

The levier, paying due regard to the degree of negligence, number of offences, motive and the result of negligence, may reduce or surcharge the fine within ½ of the corresponding amount. However, when surcharging the fine, it should not exceed the maximum limit of the fine complying with the Article 38 Clause 1 of the Act.

In Table3 Section 2, Subsection H and Subsection J shall be changed to Subsection J and Subsection K respectively. In the negligence column of Subsection I of the same section, “I” shall

be changed to “H.”. Subsection I shall be added as below in the same section. In Section 3 heading of the same table, “Section 2 Subsection I” shall be changed to “Section 2 Subsection H”.

<p>I. Persons who failed to indicate the place of origin and the like, neglecting Sub-clause 1/Sub-clause 2 of Article 15 Clause 2.</p> <p>1) Persons who did not indicate both the place of origin and the kind of beef</p> <p>2) Persons who did not indicate the place of origin of beef</p> <p>3) Persons who did not indicate the kind of beef</p> <p>4) Persons who did not indicate the place of origin of pork</p> <p>5) Persons who did not indicate the place of origin of chicken</p> <p>6) Persons who did not indicate the place of origin of rice</p> <p>7) Persons who did not indicate the place of origin of cabbage Kimchi</p>	<p>Article 38 Clause 1 Sub-clause 3 of the Act.</p>	<p>5 Million Won</p> <p>3 Million Won</p> <p>1 Million Won</p> <p>1 Million Won</p> <p>1 Million Won</p> <p>1 Million Won</p> <p>1 Million Won</p>
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Bylaws

This Act shall be come into force from the day of promulgation. However, revised regulations in the Clause 1 Sub-clause 2/3, and Clause 3 of Article 25-3 shall be enforced from December 22nd, 2008.

Comparison Table of New-Old Provisions

Current	Proposal
<p>Article 1 (Purpose) This decree aims to ordain needful regulations for the provisions that were entrusted from • Agricultural Products Quality Management Act • and <u>about the enforcement of the Act.</u></p> <p>Article 24 (Methods of origin indication) Methods to indicate the place of origin <u>by the provision of Article 13 Clause 3 of the Act</u> are specified in sub-clauses below.</p> <p>1.Home-grown agricultural product shall be indicated as <u>“Product of Korea”</u> or shall be indicated by the name of Special city/Metropolitan city/province (referred as “city/province” hereinafter) or name of the city/province/autonomous district (referred as “city/province/district” hereinafter)” where the product was produced .</p> <p>2. ~ 4. (Omitted)</p> <p style="padding-left: 40px;">(Omitted)</p> <p><u><to be added></u></p>	<p>Article 1 (Purpose) ----- ----- ----- ----- <u>to enforce the</u> ----- .</p> <p>Article 24 (Origin Labelling and the like) ----- ----- <u>in accordance with the provision of Article 13 Clause 3 of the Act</u> ----- ----- .</p> <p>1.----- ----- <u>“ ‘Product of Korea’ or ‘Domestic Product’”</u> or ----- ----- ----- ----- ----- .</p> <p>2. ~ 4. (The same as at present)</p> <p style="padding-left: 40px;">(The same as at present)</p> <p><u>Article 25-2 (Subject proprietors) • In Article 15-2 Clause 1 of the Act, “Persons who run businesses and set up and run group meal facilities that were defined by Executive Order” means snack bars in Article 7 Clause 8 Sub-clause 1 of • Enforcement Decree of Food Sanitation Act • , regular diners in Sub-clause 2 of the same clause, contract food service providers in Sub-clause 5 of the same clause and the persons who set up and run group meal facilities in Article 2 of • Enforcement Decree of Food Sanitation Act • .</u></p>

<to be added>

• In Article 15-2 Clause 2, but not in its sub-clauses, of the Act, “Persons who run businesses that were defined by Executive Order” means snack bars in Article 7 Clause 8 Sub-clause 1 of • Enforcement Decree of Food Sanitation Act • , regular diners in Sub-clause 2 of the same clause, contract food service providers in Sub-clause 5 of the same clause.

Article 25-3 (Subject products) • Livestock products that are subjects to indicate the place of origin and the like in accordance with Article 15-2 Clause 1 are specified as in sub-sections below.

1.Beef meat/packed beef/processed beef: Beef that has undergone a cooking process to broil, to steam, to fry, and for seasoned raw minced meat etc., then to be sold/served (Including the case of keeping or displaying cooked food for the purpose of selling/serving. The same shall apply hereinafter.) (Including r aw minced meat that is to be sold/served without cooking).

2.Pork meat/packed pork: Pork that has undergone a cooking process to broil, to make soup, to fry, and then to be sold/served.

3.Chicken meat/packed chicken: Chicken that has undergone a cooking process to broil, to make soup, to fry, and then to be sold/served.

In Article 15-2 Clause 2 Sub-clause 1 of the Act, “defined by Executive Order” means providing the food as cooked rice (porridge, Sikhye, rice cake and noodle are excluded).

In Article 15-2 Clause 2 Sub-clause 2 of the Act, ”defined by Executive Order” means providing cabbage Kimchi that has been salted, seasoned and then served as a side dish immediately or after ferment ation or processing.

Article 27-2 (Inspecting the place of origin and the like) The regular collection/inspection of agricultural products or its processed products, that the place of the origin must to be indicated by the regulations in Article 18 Clause 1 of the Act, shall be done once per year against the food service businesses that came under the standard defined by Minister of MIFAFF or mayor/governor of a province taking the type of business/scale/dealing items and the form of transaction into account.

(Omitted)

Article 33 (Process to impose/collect negligence fines) When imposing negligence fines complying with regulations in Article 38 of the Act, levier must investigate/confirm the pertinent negligence and give a written notice to the offender who is the subject of fine, clearly describing the facts of negligence fines and the amount of fine.

When Minister of MIFAFF or mayor/governor of a province (referred as “levier” hereinafter) is to impose negligence fines in accordance with Clause 1, the levier must give the offender an opportunity to express his/her opinion, allowing the offender more than 10 days. The offender can submit verbal indication or a written document (including electronic document). If the offender fails to express the opinion, it is regarded that the offender does not have any objection to negligence fines.

The levier must take motive of the pertinent offense and the result into consideration when decide the amount to charge, and the standard of negligence fines is listed in Table 3.

The penalty collection process shall be decided by Ministry for Food, Agriculture, Forestry and Fisheries Order.

Article 27-2 (Inspecting the place of origin and the like) -----

----- its processed products or livestock products/rice/Kimchi -----
----- the place of origin and the like complying with the regulations in Article 18 Clause 1 of the Act -----

(The same as at present)

Article 33 (Standard of imposing negligence fines) The standard of imposing negligence fines in accordance with Article 38 of the Act is detailed on Table 3.