

FOOD SANITATION ACT

Wholly Amended by Act No. 9432, Feb. 6, 2009

Amended by Act No. 9692, May 21, 2009

Act No. 9932, Jan. 18, 2010

Act No. 10022, Feb. 4, 2010

Act No. 10191, Mar. 26, 2010

Act No. 10219, Mar. 31, 2010

Act No. 10310, May 25, 2010

Act No. 10787, jun. 7, 2011

Act No. 11000, Aug. 4, 2011

Act No. 11048, Sep. 15, 2011

Act No. 11690, Mar. 23, 2013

Act No. 11819, May 22, 2013

Act No. 11873, jun. 7, 2013

Act No. 11985, Jul. 30, 2013

Act No. 11986, Jul. 30, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12390, Jan. 28, 2014

Act No. 12496, Mar. 18, 2014

Act No. 12719, May 28, 2014

Act No. 13201, Feb. 3, 2015

Act No. 13277, Mar. 27, 2015

Act No. 13332, May 18, 2015

Act No. 14022, Feb. 3, 2016

Act No. 13983, Feb. 3, 2016

Act No. 14026, Feb. 3, 2016

Act No. 14262, May 29, 2016

Act No. 14355, Dec. 2, 2016

Act No. 14476, Dec. 27, 2016

Act No. 14835, Apr. 18, 2017

Act No. 15277, Dec. 19, 2017

Act No. 15484, Mar. 13, 2018

Act No. 15943, Dec. 11, 2018
Act No. 16296, Jan. 15, 2019
Act No. 16431, Apr. 30, 2019
Act No. 16568, Aug. 27, 2019
Act No. 16717, Dec. 3, 2019
Act No. 17091, Mar. 24, 2020
Act No. 17472, Aug. 11, 2020

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of public health by preventing sanitary risk caused by foods, promoting the qualitative improvement of food nutrition and giving accurate information on foods.

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jun. 7, 2011; May 22, 2013; Jul. 30, 2013; Feb. 3, 2015; Feb. 3, 2016; Apr. 18, 2017>*

1. The term "foods" means all types of foods and beverages (excluding food and beverage taken as medicine);
2. The term "food additives" means substances used in foods for the purpose of sweetening, coloring, bleaching or antioxidation in the process of manufacturing, processing, cooking or preserving foods. In such cases, the food additives shall include materials used in sterilizing or disinfecting apparatus, containers or packages, which may be transmitted to foods in an indirect manner;
3. The term "chemical synthetics" means materials obtained by chemical reactions, other than a degradation reaction to elements or compounds through chemical means;
4. The term "apparatus" means machines or utensils which come into direct contact with foods or food additives, or other goods (excluding machines, utensils or other goods used for collecting foods in agriculture or fisheries, and the hygiene products under subparagraph 1 of Article 2 of the Hygiene Products Control Act), and which fall under any of the following:
 - (a) Goods used for eating or packing foods;
 - (b) Goods used for collecting, manufacturing, processing, cooking, storing, subdividing (referring to dividing finished products and repackaging such products for distribution; hereinafter the same shall apply), transporting or displaying foods or food additives;

5. The term "containers and packages" means goods used for packing or wrapping foods or food additives, which are delivered with foods and food additives;

6. The term "risk" means harmful factors existing in foods, food additives, apparatus, containers or packages, which cause or are likely to cause any harm to human health;

7. Deleted; <Mar. 13, 2018>

8. Deleted; <Mar. 13, 2018>

9. The term "business" means collecting, manufacturing, processing, cooking, storing, subdividing, transporting or selling foods or food additives, or manufacturing, transporting or selling (excluding business of collecting foods belonging to agriculture or fisheries) apparatus, containers or packages;

10. The term "business operator" means a person who has obtained a business license under Article 37 (1), who has reported business under Article 37 (4), or who has registered business under paragraph 5 of the same Article;

11. The term "food sanitation" means the sanitation related to foods, food additives, apparatus, containers or packages;

12. The term "meal service facilities" means the facilities of any of the following that continue to provide meals to many and specified persons without seeking profits, which are prescribed by Presidential Decree:

(a) Dormitories;

(b) Schools;

(c) Hospitals;

(d) Social welfare facilities under subparagraph 4 of Article 2 of the Social Welfare Services Act;

(e) Industrial enterprises;

(f) The State, local governments, and public institutions under Article 4 (1) of the Act on the Management of Public Institutions;

(g) Other welfare institutions, etc.;

13. The term "food traceability" means tracking foods with safety issues to identify their causes and controlling such foods to take necessary measures by recording and managing information on the foods at each stage of their production, processing and distribution;

14. The term "food poisoning" means any infectious or toxic disease that breaks out or is deemed to have broken out by any microbe or toxic substance harmful to the human body as a consequence of taking in food;

15. The term "menu of a meal service facility" means a meal serving plan prepared in consideration of the names, ingredients, nutritional content, preparation methods, preparation personnel of foods according to the nutrition standards for groups that will have the meals.

Article 3 (Handling Foods)

(1) Any person shall collect, manufacture, process, use, cook, store, subdivide, transport or display foods or food additives for the purpose of sale (including offering such foods or food additives to many, unspecified persons for purposes, other than sale; hereinafter the same shall apply) in a clean and sanitary manner.

(2) Apparatus, containers and packages used for business purpose shall be handled cleanly and sanitarily.

(3) Criteria for sanitary handling of foods, food additives, apparatus, containers or packages (hereinafter referred to as "food, etc.") as referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013>

CHAPTER II FOODS AND FOOD ADDITIVES

Article 4 (Prohibition against Sale of Harmful Foods)

No one shall sell, collect, manufacture, import, process, use, cook, store, subdivide, transport or display any of the following foods, etc. for the purpose of sale: <Amended on Mar. 23, 2013; Feb. 3, 2015; Feb. 3, 2016>

1. Rotten, stale or unripe foods, which are likely to harm a human body;
2. Foods that contain or are likely to contain poisonous or harmful substances, or are smeared or are likely to be smeared with such substances: Provided, That foods that are deemed not to cause any harm to human body by the Minister of Food and Drug Safety are excluded herefrom;
3. Foods that are or may be contaminated with microbes causing diseases, which are likely to cause harm to a human body;
4. Foods that are likely to harm a human body due to their uncleanness, other substances mixed with or added to such foods or other grounds;
5. Foods which have failed to undergo safety examination, among agricultural, livestock or fishery products subject to safety examination under Article 18 or foods that are deemed to be inedible as a result of safety examination;
6. Foods, the import of which is prohibited, or foods imported without making an import declaration under Article 20 (1) of the Special Act on Imported Food Safety Control;
7. Foods that are manufactured, processed or subdivided by persons, other than business operators.

Article 5 (Prohibition against Sale of Meat Affected by Diseases)

No one shall sell, as food, meat, bones, milk, organs or blood of animals which have contracted or are likely to contract diseases prescribed by Ordinance of the Prime Minister or animals which died of such diseases, or collect, import, process, use, cook, store, subdivide, transport or display them for the purpose of sale. <Amended on Jan. 18, 2010; Mar. 23, 2013>

Article 6 (Prohibition against Sale of Chemical Synthetics without Prescribed Standards and Specifications)

No one shall engage in any of the following acts: Provided, That the same shall not apply to cases that are deemed not to cause any harm to a human body by the Minister of Food and Drug Safety through a deliberation by the Food Sanitation Deliberation Committee under Article 57 (hereinafter referred to as the "Deliberation Committee"): *<Amended on Mar. 23, 2013; Feb. 3, 2016>*

1. Using additives that are chemical synthetics, standards and specifications of which are not prescribed pursuant to Article 7 (1) and (2), and substances containing such chemical synthetics as food additives;
2. Selling foods containing food additives under subparagraph 1 or manufacturing, importing, processing, using, cooking, storing, subdividing, transporting or displaying such foods for sale.

Article 7 (Standards and Specifications concerning Foods or Food Additives)

(1) The Minister of Food and Drug Safety shall determine and publicly announce the following matters concerning foods or food additives for sale, if necessary for public health: *<Amended on Mar. 23, 2013; Feb. 3, 2016>*

1. Standards for manufacturing, processing, using, cooking or storing foods or food additives;
2. Specifications for ingredients of foods or food additives.

(2) The Minister of Food and Drug Safety may require a person who intends to obtain approval of standards and specifications of foods or food additives the standards and specifications of which are not publicly announced pursuant to paragraph (1) to submit matters under each subparagraph of paragraph (1), and recognize such matters as the standards and specifications of such foods or food additives, until the standards and specifications under paragraph (1) are publicly announced, subject to the review by an institution specializing in food testing and inspection designated by the Minister of Food and Drug Safety pursuant to Article 6 (3) 1 of the Act on Testing and Inspection in the Foods and Drug Industry or by a testing and inspection institution prescribed by Presidential Decree pursuant to the proviso of paragraph (4) of the aforementioned Article. *<Amended on Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2016>*

(3) Notwithstanding paragraphs (1) and (2), the standards and specifications for foods or food additives to be exported may follow the standards and specifications stipulated by importers.

(4) Foods or food additives, the standards and specifications for which are determined under paragraphs (1) and (2) shall be manufactured, imported, processed, used, cooked or preserved in accordance with such standards, and no one shall sell foods or food additives, which fail to meet such standards and specifications, or manufacture, import, process, use, cook, store, subdivide, transport, preserve or display such foods or food additives for sale.

Article 7-2 (Illustrations of Recommended Specifications)

(1) Where the Minister of Food and Drug Safety deems that foods, etc. for sale, for which standards and specifications mentioned in Articles 7 and 9 have not been determined, might cause harm to the national

health and thus require preventative measures, he or she may present specifications for recommending safe management of the allegedly harmful ingredients, etc. (hereinafter referred to as "recommended specifications") until the relevant standards and specifications are determined. *<Amended on Mar. 23, 2013>*

(2) The Minister of Food and Drug Safety shall present recommended specifications pursuant to paragraph (1) in consideration of the specifications stipulated by the Codex Alimentarius Commission and other countries as well as similar ingredients, the specifications for which have already established in other foods, etc., subject to deliberation by the Deliberation Committee. *<Amended on Mar. 23, 2013>*

(3) The Minister of Food and Drug Safety may require business operators to comply with the recommended specifications under paragraph (1); where any business operator fails to comply therewith, he or she may disclose such fact. *<Amended on Mar. 23, 2013>*

Article 7-3 (Request for Establishment of Residue Limit Standards of Pesticides)

(1) Any person who needs the establishment of residue limit standards of pesticides under the Pesticide Control Act that remain on or in food, or veterinary drugs under the Pharmaceutical Affairs Act shall file an application with the Minister of Food and Drug Safety.

(2) Any person who intends to establish residue limit standards of pesticides on imported food and veterinary drugs may request the Minister of Food and Drug Safety to establish such standards by submitting related data.

(3) Where the Minister of Food and Drug Safety establishes residue limit standards in accordance with a request under paragraph (1), he or she may request the heads of related administrative agencies to provide cooperation, such as the provision of data. In such cases, the heads of related administrative agencies who have received a request shall comply therewith unless there is a compelling reason not to do so.

(4) Detailed matters concerning procedures and methods for filing an application, the scope of data to be submitted, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister.

Article 7-4 (Management Plans of Standards and Specifications of Foods)

(1) The Minister of Food and Drug Safety may formulate and promote a master plan for management of standards and specifications of foods, etc. (hereinafter referred to as "management plan") every five years, subject to consultations with the heads of related central administrative agencies and deliberation by the Deliberative Committee. *<Amended on Feb. 3, 2016>*

(2) Management plans shall include the following:

1. Basic objectives and directions for implementation of the management of standards and specifications of foods, etc.;
2. Evaluation of the amount of exposure of foods, etc. to harmful substances;
3. A plan for appropriate management of the total amount of exposure of foods, etc. to harmful substances;

4. Matters concerning reevaluation of standards and specifications of foods, etc.;

5. Other necessary matters concerning the management of standards and specifications of foods, etc.

(3) In order to implement a management plan, the Minister of Food and Drug Safety shall formulate an action plan for management of standards and specifications of foods, etc. (hereinafter referred to as "action plan") every year in consultation with the heads of related central administrative agencies.

(4) When necessary to formulate and implement a management plan and an action plan, the Minister of Food and Drug Safety may request the heads of related central administrative agencies and local governments to provide cooperation. In such cases, the heads of related central administrative agencies, etc. that are requested to provide cooperation shall comply therewith unless there is a compelling reason not to do so.

(5) The types of harmful substances subject to the evaluation and management of the amount of exposure included in a management plan, and matters necessary for the formulation, implementation, etc. of a management plan and an action plan shall be prescribed by Ordinance of the Prime Minister.

Article 7-5 (Reevaluation of Standards and Specifications of Foods)

(1) The Minister of Food and Drug Safety shall reevaluate standards and specifications pertaining to foods, etc. in accordance with a management plan in a periodic manner.

(2) Matters necessary for objects, methods of and procedures for reevaluation under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

CHAPTER III APPARATUS, CONTAINERS AND PACKAGES

Article 8 (Prohibition against Sale and Use of Poisonous Apparatus)

No one shall sell apparatus, containers or packages containing or tainted with poisonous or harmful materials, which are likely to cause harm to human bodies, or apparatus, containers or packages, which cause harm to human bodies when they are in contact with foods or food additives, or manufacture, import, store, transport, display such apparatus, containers or packages for sale or use them for business.

Article 9 (Standards and Specifications concerning Apparatus, Containers and Packages)

(1) The Minister of Food and Drug Safety shall determine and publicly announce the following matters concerning apparatus, containers and packages sold or used for business, when necessary for public health: <Amended on Mar. 23, 2013>

1. Standards for manufacturing methods;

2. Specifications for apparatus, containers, packages and the raw materials thereof.

(2) The Minister of Food and Drug Safety may require a person who intends to obtain approval of standards and specifications of apparatus, containers or packages, the standards and specifications of which are not publicly announced under paragraph (1), to submit matters falling under each subparagraph

of paragraph (1), and recognize such matters as the standards and specifications for the relevant apparatus, containers and packages, until the standards and specifications under paragraph (1) are publicly announced, subject to the review by an institution specializing in food testing and inspection designated by the Minister of Food and Drug Safety pursuant to Article 6 (3) 1 of the Act on Testing and Inspection in the Foods and Drug Industry or by a testing and inspection institution prescribed by Presidential Decree pursuant to the proviso of paragraph (4) of the aforementioned Article. <Amended on Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2016>

(3) Notwithstanding paragraphs (1) and (2), the standards and specifications for apparatus, containers and packages to be exported may follow the standards and specifications stipulated by importers.

(4) Apparatus, containers and packages, the standards and specifications for which are determined under paragraphs (1) and (2), shall be manufactured, in accordance with such standards, and no one shall sell apparatus, containers and packages that fail to meet such standards and specifications, or manufacture, import, store, transport, display such apparatus, containers and packages for sale or use them for business.

CHAPTER IV LABELING

Article 10 Deleted. <Mar. 13, 2018>

Article 11 Deleted. <Mar. 13, 2018>

Article 11-2 Deleted. <Mar. 13, 2018>

Article 12 Deleted. <Feb. 4, 2010>

Article 12-2 (Labeling of Genetically Modified Foods)

(1) Foods or food additives that are manufactured or processed with agricultural products, livestock products, fishery products, etc. cultivated or bred by utilizing biological engineering technologies falling under any of the following as their raw materials (hereinafter referred to as "genetically modified foods, etc.") shall be labelled as genetically modified foods: Provided, That the foregoing shall be limited to genetically modified foods, etc. in which genetically engineered DNA (Deoxyribonucleic acid) or genetically engineered protein remains after the manufacturing or processing thereof: <Amended on Feb. 3, 2016>

1. Technology to artificially recombine genes, or to insert a nucleic acid forming a gene directly into a cell or into a cell organelle;
2. Cell fusion technology that goes beyond families in taxonomy.

(2) Genetically modified foods, etc. that are required to be labelled pursuant to paragraph (1) shall not be sold, or imported, displayed, transported or used for business for sale unless they have been labeled.

<Amended on Feb. 3, 2016>

(3) Matters necessary for persons that are obliged to label, objects and methods for labeling, etc. pursuant to paragraph (1) shall be determined by the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013>*

Article 12-3 Deleted. *<Mar. 13, 2018>*

Article 12-4 Deleted. *<Mar. 13, 2018>*

Article 13 Deleted. *<Mar. 13, 2018>*

CHAPTER V CODE OF FOODS

Article 14 (Code of Foods)

The Minister of Food and Drug Safety shall formulate and distribute the code of foods, etc., including the following standards: *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

1. Standards and specifications of foods or food additives, which are determined under Article 7 (1);
2. Standards and specifications of apparatus, containers or packages, which are determined under Article 9 (1);
3. Deleted. *<Mar. 13, 2018>*

CHAPTER VI INSPECTIONS

Article 15 (Risk Assessment)

(1) When foods, etc. that are likely to cause a risk and has been known to contain harmful materials in Korea and overseas, are suspected to fall under the category of foods, etc. under Article 4 or 8, the Minister of Food and Drug Safety shall swiftly assess the risk of such foods, etc. and determine whether such foods, etc. are harmful. *<Amended on Mar. 23, 2013>*

(2) The Minister of Food and Drug Safety may temporarily prohibit business operators from selling foods, etc., for which preventive measures are required for public health, or collecting, manufacturing, importing, processing, using, cooking, storing, subdividing, transporting or displaying such foods, etc. for sale until risk assessment under paragraph (1) is completed: Provided, That he or she shall take such prohibitive measures, when he or she deems that foods, etc. have caused or are likely to cause imminent harm to public health. *<Amended on Mar. 23, 2013>*

(3) Where the Minister of Food and Drug Safety intends to take temporary prohibitive measures under paragraph (2), he or she shall undergo a prior deliberation and resolution by the Deliberation Committee: Provided, That in urgent need of prohibitive measures due to the probability of imminent harm to public health, he or she may take such prohibitive measures, and then undergo a deliberation and resolution by

the Deliberation Committee. *<Amended on Mar. 23, 2013>*

(4) When the Deliberation Committee makes a deliberation under the main sentence of or proviso of paragraph (3), it shall consider the opinions of interested persons prescribed by Presidential Decree.

(5) The Minister of Food and Drug Safety shall promptly cancel temporary prohibitive measures under paragraph (2) taken against foods, etc. deemed not to cause a risk to public health as a result of a risk assessment under paragraph (1) or ex post facto deliberation and resolution of the Deliberation Committee under the proviso of paragraph (3). *<Amended on Mar. 23, 2013>*

(6) The scope, methods or procedures for a risk assessment under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 15-2 (Publication of Outcomes of Risk Assessment)

(1) The Minister of Food and Drug Safety may publish matters concerning the results of a risk assessment under Article 15. *<Amended on Mar. 23, 2013>*

(2) Where certain foods are suspected of causing a risk or publication of a risk-related fact is scheduled and thus a risk assessment under Article 15 is required, the head of a central administrative agency, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, a Do Governor or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply), or the head of a public institution prescribed by Presidential Decree shall inform in advance the Minister of Food and Drug Safety of the fact and consult with him or her thereon. *<Amended on Mar. 23, 2013; Feb. 3, 2016>*

(3) The method of publication referred to in paragraph (1) and other matters necessary for publication, shall be prescribed by Presidential Decree.

Article 16 (Requests for Sanitary Inspection by Consumers)

(1) Where more than a specified number of consumers or consumer organizations prescribed by Presidential Decree or testing and inspection institutions prescribed by Ordinance of the Prime Minister among those under Article 6 of the Act on Testing and Inspection in the Food and Drug Industry request the Minister of Food and Drug Safety (including the head of an agency under his or her authority prescribed by Presidential Decree; hereafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu to have access to, conduct an inspection, perform collection, etc. (hereinafter referred to as "sanitary inspection, etc." in this Article) of foods, etc. or business facilities pursuant to Article 22, he or she shall comply with such request: Provided, That the foregoing shall not apply to any of the following cases: *<Amended on Mar. 23, 2013; Jul. 30, 2013>*

1. Where the same consumers, consumer organizations, or testing and inspection agencies repeatedly make requests for sanitary inspection, etc., regarding the same content for the purpose of interfering with business of a specific business operator;

2. Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu deems that it is impossible to conduct a sanitary inspection, etc., due to technology, facilities, financial resources or other grounds.
- (2) Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu complies with a request for sanitary inspection, etc. pursuant to paragraph (1), he or she shall conduct a sanitary inspection, etc. within 14 days and notify the consumer, consumer organization or testing and inspection institution that has filed such request of the outcomes of the sanitary inspection, etc., as prescribed by Presidential Decree, and post the said outcomes on the Internet. <Amended on Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013>
- (3) The requirements and procedures for the requests for hygiene inspection, etc. and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Urgent Action against Harmful Foods)

- (1) When foods, etc. sold or foods, etc. collected, manufactured, imported, processed, cooked, stored, subdivided or transported (hereinafter referred to as "manufacturing, sale, etc." in this Article) for sale fall under any of the following subparagraphs, the Minister of Food and Drug Safety shall take urgent measures against such foods, etc. and necessary measures: <Amended on Jan. 18, 2010; Mar. 23, 2013>
1. When the probability of risks to foods, etc. is raised in Korea or overseas, on the basis of scientific grounds prescribed by Ordinance of the Prime Minister;
 2. When foods, etc. have caused or are likely to cause serious risks to public health, as prescribed by Presidential Decree.
- (2) The details of urgent measures under paragraph (1) shall include the following matters:
1. Types of the relevant foods, etc.;
 2. Types and levels of risks to human health by the relevant foods, etc.;
 3. Matters concerning prohibitions against manufacturing, sale, etc. under paragraph (3), when such prohibitions are needed;
 4. Matters concerning education or publicity for consumers, including taking urgent measures;
 5. Other matters necessary for preventing a risk to foods, etc. or stopping the spread thereof.
- (3) The Minister of Food and Drug Safety shall prohibit manufacturing, sale, etc. of foods, etc., which are deemed to require urgent measures under paragraph (1), until he or she confirms whether such foods, etc. are harmful. <Amended on Aug. 4, 2011; Mar. 23, 2013>
- (4) No business operator shall manufacture or sell foods, etc. under paragraph (3).
- (5) When the Minister of Food and Drug Safety intends to prohibit manufacturing, sale, etc. under paragraph (3), he or she shall consider the opinions of interested persons prescribed by Presidential Decree in advance. <Amended on Mar. 23, 2013>
- (6) Any business operator may request the Minister of Food and Drug Safety to cancel, fully or partially, the relevant prohibition measures, as prescribed by Presidential Decree, when he or she files an objection

against prohibition measures under paragraph (3). *<Amended on Mar. 23, 2013>*

(7) The Minister of Food and Drug Safety shall cancel, fully or partially, prohibition measures under paragraph (3), when he or she deems that foods, etc. have not caused or are not likely to cause a risk to public health. *<Amended on Mar. 23, 2013>*

(8) Where information concerning foods deemed to cause or be likely to cause imminent harm to public health shall be promptly notified to the public, and when it falls under any of the requirements prescribed by Presidential Decree, the Minister of Food and Drug Safety may request a broadcasting business operator prescribed by Presidential Decree, who falls under subparagraph 3 of Article 2 of the Broadcasting Act, to quickly broadcast such information or request a key telecommunications business operator prescribed by Presidential Decree, who falls under Article 5 of the Telecommunications Business Act, to promptly send a text or voice message that states such information to nationals. *<Amended on Mar. 23, 2013>*

(9) Upon receipt of a request under paragraph (8), a broadcasting business operator or a key telecommunications business operator shall comply with such request unless there is a compelling reason not to do so.

Article 18 (Safety Examination of Genetically Modified Foods)

(1) In cases prescribed by Presidential Decree, such as where a person who imports, develops or manufactures genetically modified foods, etc. for the purpose of eating imports genetically modified food, etc. for the first time, he or she shall undergo a safety examination of the relevant foods, etc. by the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013; Feb. 3, 2016>*

(2) The Minister of Food and Drug Safety shall establish the Safety Examination Committee (hereinafter referred to as the "Safety Examination Committee") at the Ministry of Food and Drug Safety, so as to examine the safety of genetically modified foods, etc. under paragraph (1). *<Amended on Mar. 23, 2013; Feb. 3, 2016>*

(3) The Safety Examination Committee shall consist of up to 20 members including one chairperson. In such case, the members who are not public officials shall be a majority of the total number of members. *<Newly Inserted on Jan. 15, 2019>*

(4) The Minister of Food and Drug Safety shall commission or appoint members of the Safety Examination Committee from among any of the following persons who have sufficient knowledge and experience in genetically modified foods, etc.: *<Newly Inserted on Jan. 15, 2019>*

1. Persons who are recommended by an academic association relating to genetically modified foods or by the universities, colleges or industrial colleges under subparagraph 1 or 2 of Article 2 of the Higher Education Act;
2. Persons recommended by the non-profit, non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act;

3. Public officials relating to food sanitation.

(5) The chairperson of the Safety Examination Committee shall be elected by mutual vote of the members.

<Newly Inserted on Jan. 15, 2019>

(6) The term of office of the members shall be two years: Provided, That the term of office of the members who are public officials shall continue while they hold office. *<Newly Inserted on Jan. 15, 2019>*

(7) Other matters necessary for the organization, functions or operation of the Safety Examination Committee shall be prescribed by Presidential Decree. *<Amended on Feb. 3, 2016; Jan. 15, 2019>*

(8) Foods, etc. subject to safety examination under paragraph (1), the scope of data submitted for safety examination, procedures for examination, etc. shall be determined and publicly notified by the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013; Feb. 3, 2016; Jan. 15, 2019>*

Article 19 Deleted. *<Feb. 3, 2015>*

Article 19-2 Deleted. *<Feb. 3, 2015>*

Article 19-3 Deleted. *<Feb. 3, 2015>*

Article 19-4 (Inspection Orders)

(1) The Minister of Food and Drug Safety may order business operators that gather, manufacture, process, use, cook, store, subdivide, transport or display any of the following foods, etc. to undergo inspections conducted by an institution specializing in food testing and inspection under Article 6 (3) 1 of the Act on Testing and Inspection in the Food and Drug Industry or an overseas testing and inspection institution under Article 8 of the aforementioned Act (hereinafter referred to as "inspection order"): Provided, That any related data, etc. may be substituted for such inspection where the Minister of Food and Drug Safety acknowledges that hazardous ingredients cannot be detected through an inspection: *<Amended on Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2015>*

1. Foods, etc. from which hazardous substances are detected at home and abroad;

2. Deleted; *<Feb. 3, 2015>*

3. Other foods, etc. over which concern that such foods, etc. might cause harm is or was raised at home and abroad.

(2) Business operators in receipt of an inspection order shall undergo an inspection within the inspection period determined by Ordinance of the Prime Minister, or submit related data, etc. *<Amended on Mar. 23, 2013>*

(3) Detailed matters pursuant to paragraphs (1) and (2), such as the extent of foods, etc. subject to an inspection order and related data shall be determined and publicly announced by the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013>*

Article 20 Deleted. <Feb. 3, 2015>

Article 21 (Prohibition against Import or Sale of Specific Foods)

(1) Where foods, etc. that are collected, manufactured, processed, used, cooked or stored in a specific nation or region are found to or are likely to be harmful in such nation or region, the Minister of Food and Drug Safety may prohibit importing or selling such foods, etc. or manufacturing, processing, using, cooking, storing, subdividing, transporting or displaying such foods, etc. for sale. <Amended on Mar. 23, 2013>

(2) Where poisonous or harmful materials prescribed in subparagraph 2 of Article 4 are detected in foods, etc. after hazard evaluations under Article 15 (1) or inspections under Article 21 (1) of the Special Act on Imported Food Safety Control, the Minister of Food and Drug Safety shall prohibit importing such foods, etc.: Provided, That the same shall not apply where the Minister of Food and Drug Safety deems that foods, etc. do not cause any harm to human body. <Amended on Mar. 23, 2013; Feb. 3, 2015>

(3) Where the Minister of Food and Drug Safety intends to take prohibitive measures under paragraphs (1) and (2), he or she shall consider the opinions of the heads of the relevant central administrative agencies in advance, and undergo a deliberation and resolution by the Deliberation Committee: Provided, That in urgent need of prohibitive measures due to the probability of imminent harm to public health, he or she may take such prohibitive measures, and then undergo a deliberation and resolution by the Deliberation Committee. <Amended on Mar. 23, 2013>

(4) Where the Deliberation Committee makes a deliberation under the main sentence of and proviso of paragraph (3), interested persons prescribed by Presidential Decree may attend a meeting of the Deliberation Committee to state their opinions or present their written opinions.

(5) Where foods, etc., the import or sale of which is prohibited under paragraphs (1) and (2) are recognized to cause no harm to a human body, the Minister of Food and Drug Safety may cancel all or some of prohibitive measures under paragraphs (1) and (2), either ex officio or upon requests of an interested nation or a business operator who has imported such foods, etc., after undergoing a deliberation and resolution by the Deliberation Committee. <Amended on Mar. 23, 2013>

(6) Where the Minister of Food and Drug Safety takes prohibitive measures under paragraphs (1) and (2) or cancels such measures under paragraph (5), he or she shall publicly announce such fact. <Amended on Mar. 23, 2013>

(7) Where a business that manufactures foods, etc., the import or sale of which is prohibited under paragraphs (1) and (2), an interested nation or a business operator who has imported such foods, etc. ascertain the causes of harm or suggest improvement measures, the Minister of Food and Drug Safety may cancel all or some of prohibitive measures under paragraphs (1) and (2). In such cases, he or she may conduct a field investigation, where necessary for checking whether such improvement measures are taken. <Amended on Mar. 23, 2013>

Article 22 (Visit, Inspections and Collection)

(1) The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may take the following measures, where necessary for preventing harm caused by foods, etc., managing sanitation or maintaining business order: *<Amended on May 21, 2009; Jun. 7, 2011; Mar. 23, 2013>*

1. Requesting a business operator or other related persons to submit necessary documents or data;
2. Ordering the relevant public officials to take any of the following measures, such as visit, inspections or collection:
 - (a) Inspecting foods, etc. for sale or business, or business facilities, etc. by visiting places of business (including offices, warehouses, factories, storage places, selling places or other places similar thereto);
 - (b) Collecting the minimum amounts of foods, etc. necessary for inspections under item (a) without any consideration;
 - (c) Reading of books or documents related to business.

(2) Where it is necessary for a Mayor/Do Governor or the head of a Si/Gun/Gu to effectively prevent sanitation-related harm caused by foods, etc., while conducting the visit, inspection, collection, etc. under paragraph (1), the Minister of Food and Drug Safety may request the heads of the relevant administrative agencies, other Mayors/Do Governors or the heads of Sis/Guns/Gus to assist the performance of administrative duties. In such cases, upon receipt of a request for assistance, the heads of the relevant administrative agencies, Mayors/Do Governors or the heads of Sis/Guns/Gus shall comply with such request, unless there is a compelling reason not to do so. *<Amended on Mar. 23, 2013>*

(3) In cases under paragraphs (1) and (2), a public official who intends to have access, conduct inspections, perform collection or perusal shall carry a certificate indicating his or her authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to related persons. *<Amended on Feb. 3, 2016>*

(4) Procedures for providing administrative support under paragraph (2), methods for sharing expenses, and other necessary matters shall be prescribed by Presidential Decree.

Article 22-2 Deleted. *<Feb. 3, 2015>*

Article 23 (Reinspection of Foods)

(1) Where foods, etc. fails to meet the standards or specifications of foods, etc. under Article 7 or 9 as a result of inspecting such foods, etc. pursuant to Article 22 or Article 21 or 25 of the Special Act on Imported Food Safety Control, the Minister of Food and Drug Safety (including the heads of the affiliated organizations prescribed by Presidential Decree; hereafter the same shall apply in this Article), a

Mayor/Do Governor or the head of a Si/Gun/Gu shall notify the relevant business operator of the results of such inspection, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Feb. 3, 2015>

(2) Where a business operator who has been notified under paragraph (1) has an objection to the results of the relevant inspection, he or she may have the same product (limited to a product manufactured and produced through the same manufacturing process at the same business facility on the same day) as the inspected product undergo an inspection by at least two domestic or overseas inspection institutions recognized by the Minister of Food and Drug Safety for the same inspection items and, if the results of such inspection is different from those of the inspection notified under paragraph (1), may request the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu to reinspect foods, etc., attaching a written inspection results or inspection certificate issued by such institutions: Provided, That the inspection items prescribed by Ordinance of the Prime Minister shall be excluded from those to be reinspected, such as an inspection item for which the inspection results can vary with the lapse of time.

<Amended on Mar. 23, 2013; May 28, 2014>

(3) When the results of an inspection submitted by a business operator is found to be different from those of the inspection under paragraph (1) or when it is deemed that collection of samples for the inspection under the same paragraph, methods of handling such samples, methods and process of inspection, etc. fail to meet the standards and specifications of foods, etc. under Article 7 (1) or 9 (1), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receipt of a request for reinspection under paragraph (2), conduct an reinspection without delay and notify the relevant business operator of the results thereof. In such cases, the expenses incurred in conducting reinspections, such as fees for reinspection and bonded warehouse, shall be borne by the business operator. <Amended on Mar. 23, 2013; May 28, 2014>

(4) Matters necessary for the procedures for requesting reinspection, methods of reinspection, notification of outcomes, etc. under paragraphs (2) and (3) shall be prescribed by Ordinance of the Prime Minister.

<Newly Inserted on Dec. 11, 2018>

Article 24 Deleted. <Jul. 30, 2013>

Article 25 Deleted. <Jul. 30, 2013>

Article 26 Deleted. <Jul. 30, 2013>

Article 27 Deleted. <Jul. 30, 2013>

Article 28 Deleted. <Jul. 30, 2013>

Article 29 Deleted. <Jul. 30, 2013>

Article 30 Deleted. <Jul. 30, 2013>

Article 31 (Obligation of Self-Quality Inspection)

(1) A business operator who manufactures or processes foods, etc. shall inspect whether foods, etc. that have been manufactured or processed meet the standards and specifications under Article 7 or 9, as prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013>

(2) A business operator who manufactures or processes foods, etc. may conduct a self-quality inspection by entrusting such inspection to a self-quality testing and inspection agency under Article 6 (3) 2 of the Act on Testing and Inspection in the Food and Drug Industry. <Amended on Mar. 23, 2013; Jul. 30, 2013; Dec. 11, 2018>

(3) Where the results of an inspection under paragraph (1) suggest that the relevant foods, etc. cause or are likely to cause harm to public health due to any violation of Articles 4 through 6, Article 7 (4), 8 or 9 (4), a business operator that directly conducts an inspection under paragraph (1) shall report thereon to the Minister of Food and Drug Safety without delay. <Newly Inserted on Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013>

(4) The items and procedures for inspections under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013>

Article 31-2 (Exemption from Obligations to Conduct Self-Quality Inspection)

Where a business adopting HACCP under Article 48 (3) falls under the following subparagraphs, notwithstanding Article 31 (1), the Minister of Food and Drug Safety or each Mayor/Do Governor may exempt such business from self-quality inspection:

1. Where a business adopting HACCP under Article 48 (3) applies HACCP including inspection under Article 31 (1);
2. Where the Minister of Food and Drug Safety deems the results of examination and evaluation under Article 48 (8) excellent, as prescribed by Ordinance of the Prime Minister.

Article 32 (Food Sanitation Supervisors)

(1) Food sanitation supervisors shall be assigned to the Ministry of Food and Drug Safety (including affiliated organizations prescribed by Presidential Decree), the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, a Special Self-Governing Province (hereinafter referred to as "City/Do") or a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) to provide instruction concerning the duties of the relevant public officials under Article 22 (1) and food sanitation.

<Amended on Mar. 23, 2013; Feb. 3, 2016>

(2) Qualification, appointment, and the scope of duties of food sanitation supervisors under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 33 (Consumer Food Sanitation Supervisors)

(1) The Minister of Food and Drug Safety (including the heads of the affiliated organizations prescribed by Presidential Decree; hereafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may appoint, as consumer food sanitation supervisors, persons recommended by the heads of consumer organizations registered under Article 29 of the Framework Act on Consumers or persons with expertise in food sanitation, from among executive officers or employees of the relevant organizations. *<Amended on Mar. 23, 2013>*

(2) The duties of consumer food sanitation supervisors appointed under paragraph (1) (hereinafter referred to as "consumer food sanitation supervisor") shall be as follows: *<Amended on Mar. 13, 2018>*

1. Checking the sanitation management of persons engaged in food service business (hereinafter referred to as "food service business operators") under Article 36 (1) 3;
2. Filing a report with or providing related data to the competent administrative agency, where foods, etc. in circulation fail to meet the labeling and advertising standards under Articles 4 through 7 of the Act on Labeling and Advertising of Foods or violate the provisions concerning prohibition against unjust labeling or advertising under Article 8 of the same Act;
3. Supporting the collection and inspection of foods, etc. by food sanitation supervisors under Article 32;
4. Other matters concerning food sanitation, prescribed by Presidential Decree.

(3) No consumer food sanitation supervisor shall abuse his or her authority, when performing his or her duties under each subparagraph of paragraph (2).

(4) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu who has appointed consumer food sanitation supervisors under paragraph (1) shall provide education necessary for the performance of duties to consumer food sanitation supervisors. *<Amended on Mar. 23, 2013>*

(5) Where consumer food sanitation supervisors fall under any of the following subparagraphs, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall dismiss the relevant consumer food sanitation supervisors: *<Amended on Mar. 23, 2013>*

1. Where they retire from or are dismissed by consumer organizations that have recommended them;
2. Where they commit any misconduct or abuse their authority, with regard to the duties under each subparagraph of paragraph (2);
3. Where they are unable to perform their duties due to diseases, injuries, etc.

(6) Where a consumer food sanitation supervisor intends to solely access a food service business operator's place of business to perform the duties under paragraph (2) 1, he or she shall obtain prior approval therefor from the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu. *<Amended on Mar. 23, 2013>*

(7) Where a consumer food sanitation supervisor solely accesses a food service business operator's place of business after obtaining approval under paragraph (6), he or she shall carry with him or her a written approval, a certificate proving his or her identity, and a document stating the matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related statutes or regulations, and shall produce them to the relevant persons. *<Amended on Feb. 3, 2016>*

(8) Qualifications for consumer food sanitation supervisors, the scope of their duties, education for them and other necessary matters shall be prescribed by Presidential Decree.

Article 34 Deleted. *<Mar. 27, 2015>*

Article 35 (Participation in Sanitary Inspection by Customers)

(1) Any business operators prescribed by Presidential Decree may undergo a sanitary inspection conducted by persons with expertise on food sanitation or persons recommended by the head of a consumer organization registered under Article 29 of the Framework Act on Consumers and determined by the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013>*

(2) Where the findings of an inspection under paragraph (1) indicate that business operators meet the criteria prescribed by the Minister of Food and Drug Safety and pass the inspection, they may label or advertise such fact on foods, etc. that have been manufactured and processed at the relevant place of business, as prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(3) The Minister of Food and Drug Safety (including the heads of affiliated organizations prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection and collection under Article 22 at a place of business that has been inspected pursuant to paragraph (1) and is rated excellent by the Minister of Food and Drug Safety, for a specific period prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016>*

(4) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may have consumers who wish to participate in access, inspection, collection, etc. under Article 22 (1) participate therein and inspect sanitary conditions. *<Newly Inserted on Jul. 30, 2013; Feb. 3, 2016>*

(5) The timing, etc. of sanitary inspections under paragraph (1) shall be prescribed by Presidential Decree. *<Amended on Jul. 30, 2013>*

CHAPTER VII BUSINESS

Article 36 (Facility Standards)

(1) Any person who intends to engage in business falling under any of the following subparagraphs shall be equipped with facilities which meet the criteria for facilities prescribed by Ordinance of the Prime

Minister: <Amended on Jan. 18, 2010; Mar. 23, 2013>

1. Manufacturing, processing, transporting, selling and preserving foods or food additives;
2. Manufacturing apparatus, containers or packages;
3. Food service business:

(2) The detailed types and scope of business under each subparagraph of paragraph (1) shall be determined by Presidential Decree.

Article 37 (Business Licenses)

(1) Any person who intends to engage in the business prescribed by Presidential Decree, which falls under any of the subparagraphs of Article 36 (1), shall obtain a license from the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, by type of business or place of business, as prescribed by Presidential Decree. The same shall also apply to revisions to the important matters prescribed by Presidential Decree among the matters licensed. <Amended on Mar. 23, 2013; Feb. 3, 2016>

(2) The Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may attach necessary conditions when he or she grants a business license under paragraph (1). <Amended on Mar. 23, 2013; Feb. 3, 2016>

(3) Where any person who has obtained a business license under paragraph (1) discloses business or revises insignificant matters, other than the important matters under the latter part of the same paragraph among the matters licensed, he or she shall report such business closure or revisions to the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu. <Amended on Mar. 23, 2013; Feb. 3, 2016>

(4) Any person who intends to engage in the business prescribed by Presidential Decree, which falls under any of the subparagraphs of Article 36 (1), shall report such business to the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu by type of business or place of business. The same shall also apply to revisions to the important matters prescribed by Presidential Decree among the matters reported, or to business closure. <Amended on Mar. 23, 2013; Feb. 3, 2016>

(5) Any person who intends to engage in the business prescribed by Presidential Decree, which falls under any of the subparagraphs of Article 36 (1), shall register such business with the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu by type of business or place of business, as prescribed by Presidential Decree, and the same shall also apply to revisions to the important matters prescribed by Presidential Decree among the matters registered: Provided, That business closure or revisions to insignificant matters excepting the important matters prescribed by Presidential Decree shall be reported to the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu. <Newly Inserted on Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2016>

(6) Where any person who has obtained a business license or filed a report or registration to manufacture or process foods or food additives under paragraph (1), (4) or (5) manufactures or processes foods or food additives, he or she shall report such manufacturing or processing to the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister. The same shall also apply to revisions to the important matters prescribed by Ordinance of the Prime Minister among the matters reported.

<Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2016>

(7) Where a business operator (limited to a person who has reported business under paragraph (4) or registered business under paragraph (5)) reports business closure to the head of the competent tax office under Article 8 of the Value-Added Tax Act, or the head of the competent tax office cancels the registration of a business operator, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may cancel ex officio the matters reported or registered. *<Amended on Jun. 7, 2011; Mar. 23, 2013; Jun. 7, 2013; Feb. 3, 2016>*

(8) No person who intends to close his or her business pursuant to paragraphs (3) through (5) shall report business closure while an administrative disciplinary disposition under Articles 71 through 76, such as business suspension, is in force or the process for such disposition is underway (referring to the period from the time the prior notice of disposition is given under Article 21 of the Administrative Procedures Act until the disposition becomes finalized). *<Newly Inserted on Jun. 7, 2011; Apr. 30, 2019>*

(9) Where necessary for ex officio cancellation pursuant to paragraph (7), the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may request the head of the competent tax office to provide him or her with information about whether a business operator has closed his or her business. In such cases, the head of the competent tax office requested shall provide him or her with information about whether the business operator has closed his or her business pursuant to Article 39 of the Electronic Government Act. *<Newly Inserted on Mar. 27, 2015; Feb. 3, 2016>*

(10) The Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the applicant of whether a license is granted, within the period prescribed by Ordinance of the Prime Minister from the date he or she receives an application for a license or for revisions to a license under paragraph (1). *<Newly Inserted on Dec. 11, 2018>*

(11) Where the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu fails to notify the applicant of whether a license is granted within the period under paragraph (10) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, a license shall be deemed granted on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. *<Newly Inserted on Dec. 11, 2018>*

(12) The Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the reporter or applicant of whether his or her report or registration is accepted or made, within three days from the day he or she receives such report or the application for such registration falling under any of the following: <Newly Inserted on Dec. 11, 2018>

1. Report on revisions under paragraph (3);
2. Report on business or on revisions under paragraph (4);
3. Registration of business, registration of revisions or report on revisions under paragraph (5).

(13) Where the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu fails to notify the reporter or applicant of whether his or her report or registration is accepted or made within the period under paragraph (12) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, such report or registration shall be deemed accepted or made on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. <Newly Inserted on Dec. 11, 2018>

Article 38 (Restrictions on Permission for Business)

(1) In any of the following cases, no business license under Article 37 (1) shall be granted: <Amended on Mar. 18, 2014; Mar. 13, 2018; Apr. 30, 2019>

1. Where the relevant business facilities fail to meet the criteria for facilities under Article 36;
2. Where a business operator intends to engage in the same type of business in the same place before six months have elapsed since the business license was canceled under Article 75 (1) or (2) (excluding where a business license was canceled due to a violation of Article 44 (2) 1 or canceled under Article 75 (1) 19) or under Article 16 (1) or (2) of the Act on Labeling and Advertising of Foods: Provided, That the same shall not apply where a business license is canceled after all of business facilities are removed;
3. Where a business operator intends to engage in food service business under Article 36 (1) 3 in the same place before two years have elapsed since the business license was canceled due to a violation of Article 44 (2) 1 or canceled under Article 75 (1) 19;
4. Where the same business operator (in the case of a corporation, including its representative) intends to engage in the same type of business before two years have elapsed since the business license was canceled under Article 75 (1) or (2) (excluding where a business license was canceled due to a violation of Articles 4 through 6, 8 or 44 (2) 1 or canceled under Article 75 (1) 19) or under Article 16 (1) or (2) of the Act on Labeling and Advertising of Foods;
5. Where the same business operator (in the case of a corporation, including its representative) intends to engage in food service business under Article 36 (1) 3 before three years have elapsed since the business license was canceled due to a violation of Article 44 (2) 1 or canceled under Article 75 (1) 19;

6. Where the same business operator (in the case of a corporation, including its representative) intends to engage in the same type of business before five years have elapsed since the business license was canceled due to a violation of Articles 4 through 6 or 8;
7. Where food service business under Article 36 (1) 3 falls under any business that a Mayor/Do Governor designates and publicly notifies as he or she deems it significantly necessary to the granting of a license therefor for public health;
8. Where any person who intends to obtain a business license is under adult guardianship or was declared bankrupt and has not yet been reinstated.

(2) In any of the following cases, no business report under Article 37 (4) or business registration under Article 37 (5) shall be filed: *<Amended on Jun. 7, 2011; Mar. 13, 2018; Apr. 30, 2019>*

1. Where a business operator intends to engage in the same type of business in the same place before six months have elapsed since his or her registration was cancelled or an order to close down his or her place of business was issued under Article 75 (1) or (2) (excluding where an order to close down his or her place of business was issued due to a violation of Article 44 (2) 1 or issued under Article 75 (1) 19) or under Article 16 (1) through (4) of the Act on Labeling and Advertising of Foods: Provided, That the same shall not apply where his or her registration is cancelled or an order to close down his or her place of business is issued after all of business facilities are removed;
2. Where a business operator intends to engage in food service business under Article 36 (1) 3 in the same place before one year has elapsed since an order to close down his or her place of business was issued due to a violation of Article 44 (2) 1 or issued under Article 75 (1) 19;
3. When the same business operator (in the case of a corporation, including its representative) intends to engage in the same type of business as the business subject to cancellation of registration or an order to close down his or her place of business, before two years have elapsed since his or her registration was cancelled or an order to close down his or her place of business was issued under Article 75 (1) or (2) (excluding where his or her registration was cancelled or an order to close down his or her place of business was issued due to a violation of Articles 4 through 6, Article 8 or 44 (2) 1 or issued under Article 75 (1) 19) or under Article 16 (1) through (4) of the Act on Labeling and Advertising of Foods;
4. Where the same business operator (in the case of a corporation, including its representative) intends to engage in food service business under Article 36 (1) 3 before two years have elapsed since an order to close down his or her place of business was issued due to violation of Article 44 (2) 1 or issued under Article 75 (1) 19;
5. Where a business operator (in the case of a corporation, its representative), for whom five years have not elapsed since his or her registration was cancelled or an order to close down his or her place of business was issued due to a violation of Articles 4 through 6 or 8, intends to engage in the same type of business as the business subject to the cancellation of registration or the order to close down his or her place of business.

Article 39 (Succession to Business)

(1) Where a business entity transfers its business or is dissolved, or corporations are merged, the transferee or successor of such business, or the corporation surviving the merger or the corporation incorporated according to the merger shall succeed to the status of such business entity.

(2) A person who has acquired all of business facilities in accordance with any of the following procedures shall succeed to the status of the relevant business operator. In such cases, the business license, registration, or report granted to or filed by the former business operator shall lose their effect: *<Amended on Jun. 7, 2011; Feb. 3, 2016; Dec. 27, 2016>*

1. Auction under the Civil Execution Act;

2. Realization under the Debtor Rehabilitation and Bankruptcy Act;

3. Sales of seized property provided in the National Tax Collection Act, the Customs Act or the Local Tax Collection Act;

4. Other procedures equivalent to the procedures referred to in subparagraphs 1 through 3.

(3) A person who has succeeded to the status of the relevant business operator under paragraph (1) or (2) shall report such succession to the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu within one month, as prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016>*

(4) The Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the reporter of whether his or her report is accepted, within three days from the day he or she receives the report under paragraph (3).

<Newly Inserted on Dec. 11, 2018>

(5) Where the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu fails to notify the reporter of whether his or her report is accepted within the period under paragraph (4) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, such report shall be deemed accepted on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. *<Newly Inserted on Dec. 11, 2018>*

(6) Article 38 shall apply mutatis mutandis to the succession under paragraphs (1) and (2): Provided, That where the successor falls under Article 38 (1) 8, this shall not apply for three months from the date of succession.

Article 40 (Medical Examination)

(1) A business operator and his or her employees prescribed by Ordinance of the Prime Minister shall undergo medical examination: Provided, That where they undergo the same medical examination as that prescribed by other Acts and subordinate statutes, they shall be deemed to have undergone medical

examination under this Act. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(2) No person, who is recognized to have a disease likely to cause harm to third persons as a result of medical examination under paragraph (1), shall be engaged in the relevant business.

(3) No business operator may order persons, who have failed to undergo medical examination, in violation of paragraph (1), or who have a disease likely to cause harm to third persons as a result of medical examination under paragraph (2), to work in the relevant business.

(4) Methods of conducting medical examination under paragraph (1) and the types of diseases likely to cause harm to third persons under paragraphs (2) and (3) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

Article 41 (Education on Food Sanitation)

(1) Any person employed by a business operator prescribed by Presidential Decree or by a food service business operator who may employ entertainment workers shall receive education concerning food sanitation (hereinafter referred to as "education on food sanitation") each year.

(2) Any person who intends to engage in business under any of the subparagraphs of Article 36 (1) shall receive education on food sanitation in advance: Provided, That when he or she is unable to receive such education in advance due to inevitable grounds, he or she may receive such education, as prescribed by the Minister of Food and Drug Safety, after starting business. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(3) When any person who shall receive education under paragraphs (1) and (2), does not directly engage in business or engages in business at not less than two places, a person in charge of food sanitation may be designated, from among employees, and receive education on behalf of a business operator: Provided, That where any cook or dietician (referring to a licensed dietician pursuant to Article 15 of the National Nutrition Management Act; hereinafter the same shall apply) working for meal service facilities is designated as a person in charge of food sanitation and receives education under the proviso of Article 56 (1), he or she shall be deemed to have received education on food sanitation of the relevant year under paragraphs (1) and (2). *<Amended on Mar. 26, 2010>*

(4) Where any person who has obtained a license falling under any of the following intends to engage in food service business under Article 36 (1) 3, he or she need not receive education on food sanitation, notwithstanding paragraph (2): *<Amended on Mar. 27, 2015; Feb. 3, 2016>*

1. Cooking license under Article 53;
2. Dietitian's license under Article 15 of the National Nutrition Management Act;
3. Sanitarian's license under Article 6 (2) of the Public Health Control Act.

(5) No business operator shall allow persons, who fail to receive education on food sanitation, to engage in the relevant business, unless there is a compelling reason not to do so.

(6) Matters necessary for the details or expenses of education and an institution providing education under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

Article 41 (Education on Food Sanitation)

(1) Any person employed by a business operator prescribed by Presidential Decree or by a food service business operator who may employ entertainment workers shall receive education concerning food sanitation (hereinafter referred to as "education on food sanitation") each year.

(2) Any person who intends to engage in business under any of the subparagraphs of Article 36 (1) shall receive education on food sanitation in advance: Provided, That when he or she is unable to receive such education in advance due to inevitable grounds, he or she may receive such education, as prescribed by the Minister of Food and Drug Safety, after starting business. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(3) When any person who shall receive education under paragraphs (1) and (2), does not directly engage in business or engages in business at not less than two places, a person in charge of food sanitation may be designated, from among employees, and receive education on behalf of a business operator: Provided, That where any cook or dietician (referring to a licensed dietician pursuant to Article 15 of the National Nutrition Management Act; hereinafter the same shall apply) working for meal service facilities is designated as a person in charge of food sanitation and receives education under the proviso of Article 56 (1), he or she shall be deemed to have received education on food sanitation of the relevant year under paragraphs (1) and (2). *<Amended on Mar. 26, 2010>*

(4) Where any person who has obtained a license falling under any of the following intends to engage in food service business under Article 36 (1) 3, he or she need not receive education on food sanitation, notwithstanding paragraph (2): *<Amended on Mar. 27, 2015; Feb. 3, 2016>*

1. Cooking license under Article 53;
2. Dietitian's license under Article 15 of the National Nutrition Management Act;
3. Sanitarian's license under Article 6 (2) of the Public Health Control Act.

(5) No business operator shall allow persons, who fail to receive education on food sanitation, to engage in the relevant business, unless there is a compelling reason not to do so.

(6) The education on food sanitation shall be implemented through collective education or distance education using information and communications media: Provided, That the education on food sanitation required to be completed by a person intending to engage in business pursuant to paragraph (2) (including cases applied mutatis mutandis under Article 88 (3)) shall be provided through collective education. *<Newly Inserted on Dec. 3, 2019>*

(7) Notwithstanding paragraph (6), business operators and employees in islands, remote areas, etc., who are difficult to receive education on food sanitation may receive education on food sanitation, as prescribed by Ordinance of the Prime Minister. *<Newly Inserted on Dec. 3, 2019>*

(8) Matters necessary for the curricular or expenses of education and an institution providing education under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Dec. 3, 2019>*

Article 42 (Reporting of Results)

(1) Deleted. <Jun. 3, 2016>

(2) Any business operator who manufactures or processes foods or food additives shall report the output, etc. of foods or food additives manufactured to the Minister of Food and Drug Safety or a Mayor/Do Governor, as prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016>

Article 43 (Restrictions on Business Operations)

(1) If necessary to maintain business order and good custom, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the heads of Sis/Guns/Gus may restrict business hours or activities of food service business operators and their employees. <Amended on Jan. 15, 2019>

(2) Details of the restrictions under paragraph (1) shall be prescribed by ordinance of the relevant Special Self-Governing City, Special Self-Governing Province or Sis/Guns/Gus, within the scope prescribed by Presidential Decree. <Amended on Jan. 15, 2019>

Article 44 (Matters to Be Observed by Business Operators)

(1) Among persons who conduct business under any subparagraph of Article 36 (1), the business operators prescribed by Presidential Decree and their employees shall comply with the following matters depending on types of business so as to control the sanitation of business, maintain order and improve public health and sanitation: <Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016; Dec. 19, 2017; Dec. 11, 2018>

1. No business operator shall transport, keep, display or sell livestock products which have not undergone inspection under Article 12 of the Livestock Products Sanitary Control Act or animals used for experiments, etc., or use such livestock products or animals for manufacturing or processing foods;
2. No business operator shall use or sell wildlife captured or gathered in violation of the Wildlife Protection and Management Act for manufacturing or processing foods;
3. No business operator shall subdivide, transport, display or keep products, foods or the raw materials thereof whose shelf life has expired for manufacturing, processing, cooking or selling purposes, or sell or use them for manufacturing, processing or cooking foods;
4. Where a business operator uses ground water, etc. which is not tap water as drinking water or for cooking foods, washing, etc., he or she shall use water recognized as fit for drinking after tested by a drinking water quality testing institution under Article 43 of the Drinking Water Management Act, as prescribed by Ordinance of the Prime Minister: Provided, That where at least food service establishments use the same water source in the same building, the result of testing on one food service establishment may take the place of testing on the other food service establishments;
5. No business operator shall manufacture, process, sell, import, use and transport foods, etc. which have been temporarily prohibited until a risk assessment is completed pursuant to Article 15 (2);

6. Where food poisoning occurs, no business operator shall damage the site by discarding or disinfecting foods being kept or used until an epidemiological investigation is completed, shall preserve such foods in the original condition and shall not interfere with any act to investigate the cause of food poisoning;

7. No business operator shall tempt and solicit customers;

8. Other matters prescribed by Ordinance of the Prime Minister for the management of raw materials for business, manufacturing process, sanitary control, the maintenance of order, the promotion of public health and sanitation, etc.

(2) No food service business operator shall commit any of the following acts against the youth under Article 2 of the Youth Protection Act (hereafter referred to as "youth" in this paragraph): <Amended on Sep. 15, 2011>

1. Having a youth provide entertainment services by employing them as entertainment workers;

2. Employing a youth in or giving them access to business establishments banned from employing youth or giving them access under subparagraph 5 (a) (iii) of Article 2 of the Youth Protection Act;

3. Employing a youth in business establishments banned from employing youth under subparagraph 5 (b) (iii) of Article 2 of the Youth Protection Act;

4. Providing alcoholic beverages to a youth.

(3) No person shall drink alcoholic beverages with customers, provide entertainment services (excluding performance by singers, musicians, dancers, chorus girls, etc.) which add to pleasure with songs or dance, or request a third person to provide such services at a place providing food services under Article 36 (1) 3 (excluding a place of business which may employ entertainment workers pursuant to Presidential Decree) for business purpose.

(4) No food service business operator under paragraph (3) shall employ entertainment workers, help them find a job or solicit business.

(5) Deleted. <Feb. 3, 2015>

Article 45 (Recall of Harmful Foods)

(1) Any business operator who has manufactured, processed, subdivided, imported or sold foods, etc. for sale (including an importer or dealer of imported food registered pursuant to Article 15 of the Special Act on Imported Food Safety Control; hereafter the same shall apply in this Article) shall recall the relevant foods, etc. in circulation without delay or take measures necessary for recalling such foods, etc., when he or she becomes aware that he or she violates Articles 4 through 6, Article 7 (4), 8, 9 (4) or 12-2 (2) (excluding violations not related to harmful foods, etc.) with regard to the foods, etc. In such cases, such business operator shall report a plan for such recall to the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu in advance, and the Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receipt of reports on the outcomes of such recall, report such outcomes to the Minister of Food and Drug Safety, without delay: Provided, That where the relevant foods, etc. are foods, etc. imported

pursuant to the Special Act on Imported Food Safety Control, and a person responsible to make a report is the importer of the relevant foods, etc., he or she shall report to the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013; Feb. 3, 2015; Feb. 3, 2016; Mar. 13, 2018>*

(2) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may wholly or partially exempt a business operator who has faithfully implemented measures necessary for recall under paragraph (1) from the administrative dispositions under Article 75 or 76 taken due to the relevant foods, etc., as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(3) Matters necessary for foods, etc. subject to recall under paragraph (1), plans or procedures for recall, reports on the outcomes of recall, etc. shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

Article 46 (Reporting on Detection of Foreign Substances in Foods)

(1) Where a business operator who has manufactured, processed, subdivided, imported or sold foods, etc. for sale receives a report from consumers on the detection of substances (hereinafter referred to as "foreign substances"), other than raw materials or ingredients normally used in the process of manufacturing, processing, cooking or distributing foods, which are likely to cause harm to sanitation in the process of ingestion or which are not suitable for ingestion, he or she shall report such detection to the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu, without delay. *<Amended on Mar. 23, 2013>*

(2) The Korea Consumer Agency and consumer organizations under the Framework Act on Consumers and mail order brokers under the Act on the Consumer Protection in Electronic Commerce who exclusively intermediate the sale by mail order of foods cooked by food service establishments shall, upon receipt of a report on the detection of foreign substances from consumers, notify such detection to the Minister of Food and Drug Safety, without delay. *<Amended on Mar. 23, 2013; Jan. 15, 2019>*

(3) Any Mayor/Do Governor or the head of each Si/Gun/Gu shall, upon receipt of a report on the detection of foreign substances from consumers, notify such fact to the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013>*

(4) The Minister of Food and Drug Safety shall, upon receipt of a report on the detection of foreign substances under paragraphs (1) through (3), take measures necessary to investigate the causes of including such foreign substances in foods, etc. *<Amended on Mar. 23, 2013>*

(5) Matters necessary for the standards, subject matters, procedures, etc. for reporting foreign substances under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

Article 47 (Sanitation Grade)

(1) The Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may designate places of manufacturing or

processing foods, etc., food service establishments or meal service facilities, which show excellent sanitation management, as excellent or exemplary businesses, in accordance with the standards for sanitation grade prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016>

(2) The Minister of Food and Drug Safety (including the heads of the affiliated organizations prescribed by Presidential Decree), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection or collection under Article 22 at excellent or exemplary businesses designated under paragraph (1) for a specific period prescribed by Ordinance of the Prime Minister, and the Mayor/Do Governor or the head of a Si/Gun/Gu may preferentially support loan projects for improving sanitation management facilities and sanitation equipment and facilities of business operators under Article 89 (3) 1 and projects for improving food culture and providing good menus under Article 89 (3) 6. <Amended on Jan. 18, 2010; Mar. 23, 2013>

(3) Where businesses designated as excellent or exemplary businesses under paragraph (1) fail to meet the standards for designation or are subject to business suspension or heavier administrative disposition, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall revoke such designation without delay. <Amended on Mar. 23, 2013; Feb. 3, 2016>

(4) Matters concerning the designation of excellent or exemplary businesses and the revocation of such designation under paragraphs (1) and (3) shall be prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013>

Article 47-2 (Designation of Sanitation Grade of Food Service Establishments)

(1) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may evaluate the sanitary conditions of food service establishments and designate the sanitation grade thereof upon receiving requests from food service operators in order to improve standards for sanitation of food service establishments.

(2) The Minister of Food and Drug Safety shall prescribe and publicly notify standards, methods, etc. necessary to evaluate the sanitary conditions and designate the sanitary grade of food service establishments under paragraph (1).

(3) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may publish the result of designation of sanitation grades under paragraph (1).

(4) A food service operator who receives the designation of a sanitation grade shall indicate such grade and may advertise it.

(5) The effective period of the sanitation grade shall be two years from the date on which a food service operator receives the designation of a sanitation grade: Provided, That the effective period may be extended, as prescribed by Ordinance of the Prime Minister.

(6) Where a food service operator who has received the designation of a sanitation grade pursuant to paragraph (1) falls under any of the following, the Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may revoke the designation thereof or order him or her to make corrections:

1. Where he or she fails to meet standards for sanitation after he or she has received the designation of the sanitation grade;
2. Where he or she fails to indicate the sanitation grade or make a false indication or advertisement;
3. Where he or she is subject to administrative disposition higher than the suspension of business pursuant to Article 75;
4. Where they fail to comply with the matters prescribed by Ordinance of the Prime Minister, corresponding to those referred to in subparagraphs 1 through 3.

(7) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may provide technical assistance to food service operators who has received or intends to receive the designation of a sanitation grade.

(8) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may choose not to require public officials under his or her jurisdiction to have access, conduct inspections, or perform collection under Article 22 regarding food service establishments whose sanitation grade has been designated pursuant to paragraph (1) during the period prescribed by Ordinance of the Prime Minister.

(9) Each Mayor/Do Governor or the head of each Si/Gun/Gu may first provide funds from the Food Promotion Fund under Article 89 for financing for the improvement of sanitary management facilities and sanitary equipment and facilities of business operators under paragraph (3) 1 of the aforesaid Article and for the designation of sanitation grades of food service establishments under subparagraph 7-2 of the aforesaid paragraph.

(10) The Minister of Food and Drug Safety, each Mayor/Do Governor or the head of each Si/Gun/Gu may entrust affairs concerning the designation of sanitation grades to related professional institutions or organizations prescribed by Presidential Decree. In such cases, he or she may allocate a necessary budget.

(11) Matters necessary for sanitation grades and procedures for the designation thereof under paragraph (1), the publication of the result of the designation of sanitation grades under paragraph (3) and technical assistance, etc. under paragraph (7) shall be prescribed by Ordinance of the Prime Minister.

Article 48 (Hazard Analysis and Critical Control Points)

(1) The Minister of Food and Drug Safety may determine and publicly notify standards of each food for intensively managing harmful elements by checking and evaluating such elements at all stages of food production process, including management of raw materials, manufacturing, processing, cooking, subdividing or distribution (hereinafter referred to as "hazard analysis and critical control points (HACCP)"), to ensure that harmful materials are not mixed with foods or that foods are not contaminated in the whole process. <Amended on Jun. 7, 2011; Mar. 23, 2013; May 28, 2014>

(2) Any business operator who manufactures, processes, cooks, subdivides, or distributes the foods prescribed by Ordinance of the Prime Minister shall apply HACCP of each food publicly notified by the Minister of Food and Drug Safety under paragraph (1). *<Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; May 28, 2014>*

(3) The Minister of Food and Drug Safety may certify business operators obliged to apply HACCP under paragraph (2) and the places of business of business operators who intend to apply HACCP as businesses which adopt HACCP (hereinafter referred to as "businesses adopting HACCP") of each food. In such cases, where a business operator who has been certified as a business adopting HACCP intends to modify the matters prescribed by Ordinance of the Prime Minister among the matters certified, he or she shall obtain certification of the modification thereof from the Minister of Food and Drug Safety. *<Amended on Mar. 23, 2013; May 28, 2014; Feb. 3, 2016>*

(4) The Minister of Food and Drug Safety shall issue documents that prove certification to business operators certified as businesses adopting HACCP, as prescribed by Ordinance of the Prime Minister. The foregoing shall also apply where business operators obtain certification of any modification pursuant to the latter part of paragraph (3). *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 28, 2014; Feb. 3, 2016>*

(5) Any business operator and employee of businesses adopting HACCP shall receive the education and training prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 28, 2014>*

(6) The Minister of Food and Drug Safety may provide technological or economic support necessary for intensively managing harmful elements to business operators who are or intend to be certified as businesses adopting HACCP under paragraph (3). *<Amended on Mar. 23, 2013; May 28, 2014>*

(7) Matters necessary for requirements or procedures for certification of businesses adopting HACCP, institutions providing education to business operators and employees, methods or procedures for providing education and training or expenses of education and training under paragraph (5) and technological or economic support under paragraph (6) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 28, 2014>*

(8) The Minister of Food and Drug Safety may examine and evaluate whether HACCP prescribed by Ordinance of the Prime Minister are applied for the efficient operation of businesses adopting HACCP and, where such businesses fall under any of the following subparagraphs, as a result of such examination or evaluation, he or she may revoke certification or order them to take corrective measures: Provided, That where such businesses fall under subparagraphs 1-2 and 2, he or she shall revoke certification: *<Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; May 28, 2014; Feb. 3, 2016; Mar. 13, 2018>*

1. Where they fail to apply HACCP;

1-2. Where they obtain certification by fraud or other improper means;

2. Where they are subject to an administrative disposition of business suspension for at least two months pursuant to Article 75, or Article 16 (1) or (3) of the Act on Labeling and Advertising of Foods;

3. Where business operators and their employees fail to receive education and training under paragraph (5);
4. Where they fail to comply with the matters prescribed by Ordinance of the Prime Minister, corresponding to those referred to in subparagraphs 1 through 3.
- (9) No operator of a business, other than businesses adopting HACCP, shall use the expression "business adopting HACCP" in his or her trade name. *<Amended on May 28, 2014>*
- (10) No operator of a business adopting HACCP shall manufacture or process certified foods by entrusting the manufacturing and processing thereof to other businesses: Provided, That the same shall not apply to the cases prescribed by Presidential Decree, such as where business operators entrust the manufacturing or processing of foods to businesses that are certified as businesses adopting HACCP for the same foods as foods which they intend to entrust. *<Amended on May 28, 2014>*
- (11) The Minister of Food and Drug Safety (including the heads of the affiliated organizations prescribed by Presidential Decree), a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to suspend visit, inspection or collection under Article 22 at businesses adopting HACCP for a specific period prescribed by Ordinance of the Prime Minister, and the Mayor/Do Governor or the head of a Si/Gun/Gu may preferentially support loan projects for improving sanitation management facilities and sanitation equipment and facilities of business operators under Article 89 (3) 1. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 28, 2014>*
- (12) The Minister of Food and Drug Safety may entrust the work of analysis of harmful elements for each process or item of businesses adopting HACCP or technological support, certification, etc. to the institutions prescribed by Presidential Decree, such as the Korea Agency of HACCP Accreditation and Services under the Act on the Establishment and Operation of the Korea Agency of HACCP Accreditation and Services. *<Amended on Mar. 23, 2013; May 28, 2014; Feb. 3, 2016>*
- (13) The Minister of Food and Drug Safety may provide institutions entrusted with work under paragraph (12) with subsidies to cover all or some of their expenses within budgetary limits. *<Amended on Mar. 23, 2013>*
- (14) Matters necessary for the duties, etc. of institutions entrusted with work under paragraph (12) shall be prescribed by Presidential Decree.

Article 48-2 (Effective Period of Accreditation)

- (1) The effective period of certification under Article 48 (3) shall be three years from the date on which certification is obtained, and the effective period of certification of any modification under the latter part of the aforesaid paragraph shall be the remainder of the effective period of original certification.
- (2) Any person who intends to obtain extension of the effective period of accreditation under paragraph (1) shall file an application for extension with the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister.

(3) Where the Minister of Food and Drug Safety receives an application for extension under paragraph (2), he or she may extend the period within three years when he or she deems the application therefor meeting safety management certification standards.

Article 48-3 (Examination and Evaluation of Business Adopting HACCP)

(1) The Minister of Food and Drug Safety shall examine and evaluate whether businesses certified as businesses adopting HACCP apply HACCP and whether they complete education and training under Article 48 (5) at least once a year.

(2) The Minister of Food and Drug Safety may provide administrative and financial support, such as exemption from examination and evaluation under paragraph (1), to businesses adopting HACCP in which cases the results of examination and evaluation under paragraph (1) are excellent: Provided, That where a business adopting HACCP is subject to administrative dispositions, such as the suspension of business or the revocation of permission, because it violates this Act within the effective period of certification under Article 48-2 (1), the Minister of Food and Drug Safety shall not exempt it from examination or evaluation under paragraph (1).

(3) Other matters necessary for methods, procedures, etc. for examination and evaluation shall be prescribed by Ordinance of the Prime Minister.

Article 49 (Standards for Registration of Food Traceability)

(1) Where a person who manufactures, processes or sells foods intends to implement food traceability, he or she may register the relevant foods with the Minister of Food and Drug Safety, satisfying the standards for registration prescribed by Ordinance of the Prime Minister: Provided, That the persons prescribed by Ordinance of the Prime Minister, such as manufacturers and processors of baby food and food sellers with more than a certain amount of sales and more than a certain store space, shall register relevant foods with the Minister of Food and Drug Safety. <Amended on Jan. 18, 2010; Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2015>

(2) Any person who manufactures, processes or sells the foods registered under paragraph (1) shall comply with the standards determined and publicly notified by the Minister of Food and Drug Safety, with regard to preparing, retaining and managing records necessary for the food traceability (hereinafter referred to as "standards for food traceability"). <Amended on Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2015>

(3) Where the matters that a person has registered under paragraph (1) are changed, such person shall report such change to the Minister of Food and Drug Safety, within one month from the date the grounds for such change occur. <Amended on Mar. 23, 2013>

(4) Food traceability may be labelled on the foods registered under paragraph (1), as prescribed and publicly notified by the Minister of Food and Drug Safety. <Amended on Mar. 23, 2013>

(5) The Minister of Food and Drug Safety shall examine and evaluate every three years whether a person who manufactures, processes or sells the foods registered pursuant to paragraph (1) complies with the standards for food traceability and other matters: Provided, That the Minister of Food and Drug Safety

shall examine and evaluate persons who manufacture, process or sell the foods registered pursuant to the proviso of paragraph (1) every two years. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 22, 2013; Jul. 30, 2013; Feb. 3, 2015>*

(6) The Minister of Food and Drug Safety may provide funds necessary for food traceability to persons who have registered foods under paragraph (1), within budgetary limits. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(7) Where any person who has registered foods under paragraph (1) fails to meet the standards for food traceability, the Minister of Food and Drug Safety may revoke such registration or issue an order to take corrective measures. *<Amended on Mar. 23, 2013>*

(8) The Minister of Food and Drug Safety shall notify the applicant or reporter of whether his or her registration is made or his or her report on changes is accepted, within 40 days from the day an application for such registration under paragraph (1) is received or 15 days from the day such report under paragraph (3) is received. *<Newly Inserted on Dec. 11, 2018>*

(9) Where the Minister of Food and Drug Safety fails to notify the applicant or reporter of whether his or her registration is made or his or her report is accepted within the period under paragraph (8) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, such registration or report shall be deemed made or accepted on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. *<Newly Inserted on Dec. 11, 2018>*

(10) Procedures for registration of food traceability, matters to be registered, criteria for revocation, etc. of registration, examination and evaluation, and other matters necessary for registration shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 22, 2013; Jul. 30, 2013; Dec. 11, 2018>*

Article 49-2 (Recording and Storing of Food Traceability Information)

(1) Any person who has registered food (hereinafter referred to as "registrant") pursuant to Article 49 (1) shall record and store food traceability information under food traceability standards, in an electronic recording device, as prescribed by Ordinance of the Prime Minister.

(2) Any registrant shall store the recording of food traceability information under paragraph (1) for at least two years from the date on which the shelf life of the relevant product has expired.

(3) Any registrant shall provide cooperation so that information recorded and stored pursuant to paragraph (1) may be connected with a food traceability system under Article 49-3 (1).

Article 49-3 (Establishment of Food Traceability System)

(1) The Minister of Food and Drug Safety shall establish and operate the food traceability system and ensure that the food traceability system is connected with food traceability information under Article 49-2

(1).

(2) The Minister of Food and Drug Safety shall ensure that consumers, etc. easily check information prescribed by Ordinance of the Prime Minister among the information connected with the food traceability system pursuant to paragraph (1) via the Internet website.

(3) Information under paragraph (2) shall be provided so that consumers, etc. can check such information for at least one year from the date on which the shelf life or the best-before date of the relevant product has expired.

(4) No person shall use information that is connected pursuant to paragraph (1) for purposes other than food traceability.

Article 50 Deleted. <Mar. 27, 2015>

CHAPTER VIII COOKS

Article 51 (Cooks)

(1) The meal service facility operators and the food service business operators prescribed by Presidential Decree shall employ cooks: Provided, That they may choose not to employ cooks where any of the following is applicable: <Amended on Jun. 7, 2011; May 22, 2013>

1. Where a meal service facility operator or a food service business operator prepares food and drink in person as a cook;
2. Where an industrial enterprise provides meals for less than 100 persons per mealtime;
3. Where a dietician under Article 52 (1) has a cooking license.

(2) Cooks working for meal service facilities shall perform the following duties: <Newly Inserted on Jun. 7, 2011>

1. Culinary affairs according to menus of meal service facilities (referring to all stages of cooking, including pre-treatment of ingredients, cooking and distribution);
2. Assisting examination of purchased foods;
3. Practical matters for maintaining hygiene and safety of meal service equipment and utensils;
4. Other practical matters related to cooking.

Article 52 (Dieticians)

(1) Meal service facility operators shall employ dieticians: Provided, That they may choose not to employ dieticians where any of the following is applicable: <Amended on Jun. 7, 2011; May 22, 2013>

1. Where a meal service facility operator directly provides guidance on nutrition as a dietician;
2. Where an industrial enterprise provides meals for less than 100 persons per mealtime;
3. Where a cook under Article 51 (1) is licensed as a dietician.

(2) Dieticians working for meal service facilities shall perform the following duties: <Newly Inserted on Jun. 7, 2011>

1. Preparation and examination of meals, and management of food distribution at meal service facilities;
2. Examination and management of purchased foods;
3. Hygienic management of meal facilities;
4. Preparation of a daily record of the operation of meal service facilities;
5. Nutritional guidance and food sanitation education for employees.

Article 53 (Cooking Licenses)

(1) Any person who intends to become a cook shall obtain a license from the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, after obtaining qualification in the relevant technical field under the National Technical Qualifications Act. <Amended on Feb. 3, 2016>

(2) Matters necessary for cooking licenses under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended on Mar. 26, 2010; Mar. 23, 2013>

(3) Deleted. <Mar. 26, 2010>

(4) Deleted. <Mar. 26, 2010>

Article 54 (Grounds for Disqualification)

None of the following persons shall obtain a cooking license: <Amended on Dec. 29, 2009; Mar. 26, 2010; Mar. 27, 2018; Dec. 11, 2018>

1. Any mental patient under subparagraph 1 of Article 3 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients: Provided, That the same shall not apply to any person recognized to be suitable as a cook by a medical specialist;
2. Any patient with an infectious disease under subparagraph 13 of Article 2 of the Infectious Disease Control and Prevention Act: Provided, That patients with hepatitis B under subparagraph 4 (b) of the same Article shall be excluded herefrom;
3. Any narcotic or drug addict under subparagraph 2 of Article 2 of the Narcotics Control Act;
4. Any person for whom one year has not elapsed since his or her license was canceled.

Article 55 (Prohibition against Use of Titles)

No one, other than a cook shall use the title "cook." <Amended on Mar. 26, 2010>

Article 56 (Education)

(1) The Minister of Food and Drug Safety may order cooks and dieticians to receive education (in cases of cooks, including continuing education: hereinafter the same shall apply in this Article), when necessary for improving the level of food sanitation and their job skills: Provided, That cooks and dieticians working

for meal service facilities shall receive education every two years. *<Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013>*

(2) Matters necessary for those eligible to receive education, institutions, details and methods of education under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(3) The Minister of Food and Drug Safety may entrust some of his or her duties, including education under paragraph (1), to the relevant specialized institutions or organizations, as prescribed by Presidential Decree. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

CHAPTER IX FOOD SANITATION DELIBERATION COMMITTEE

Article 57 (Establishment of Food Sanitation Deliberation Committee)

The Food Sanitation Deliberation Committee shall be established under the jurisdiction of the Ministry of Food and Drug Safety to investigate and deliberate on the following matters, in response to requests for consultation by the Minister of Food and Drug Safety: *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

1. Matters concerning the prevention of food poisoning;
2. Matters concerning the maximum residue limits of toxic or harmful substances, such as agricultural pesticides or heavy metals;
3. Matters concerning the standards and specifications of foods, etc.;
4. Other important matters concerning food sanitation.

Article 58 (Organization and Operation of Deliberation Committee)

(1) The Deliberation Committee shall be comprised of no more than 100 members, including one chairperson and two vice-chairpersons. *<Newly Inserted on Aug. 4, 2011>*

(2) Members of the Deliberation Committee shall be appointed or commissioned from among the following persons by the Minister of Food and Drug Safety: Provided, That at least one third of all members shall be commissioned from among persons falling under subparagraph 3, and at least one third of all members shall be commissioned from among persons falling under both subparagraphs 2 and 4: *<Newly Inserted on Aug. 4, 2011; Mar. 23, 2013>*

1. Public officials relating to food sanitation;
2. Persons that engage in business concerning foods, etc.;
3. Persons recommended by civic groups;
4. Persons recommended by the trade association under Article 59 or recommended by the Korea Food Industry Association (hereinafter referred to as the "Food Sanitation Organization") under Article 64;
5. Persons who have abundant knowledge and experience concerning food sanitation.

(3) The term of office of members of the Deliberation Committee shall be two years, but a public official member shall be in office while he or she is in office in the position. Provided, That where a vacancy occurs, the term of office of the member appointed to fill such vacancy shall be the remaining period of his or her predecessor. *<Newly Inserted on Aug. 4, 2011>*

(4) The Deliberation Committee may have research members who investigate and study the international standards and specifications of foods, etc. *<Amended on Aug. 4, 2011>*

(5) Duties of research members mentioned in paragraph (4) shall be as follows: Provided, that relevant duties performed pursuant to other Acts and subordinate statutes shall be excluded herefrom: *<Newly Inserted on Jun. 7, 2011; Aug. 4, 2011>*

1. Examination and research of standards and specifications prescribed by the Codex Alimentarius Commission;
2. Bilateral collaboration with foreign governments, related consumer organizations and international organizations as necessary for the investigation and research of international food standards;
3. Examination and research of information and data concerning the foreign standards and specifications of foods;
4. Other matters prescribed by Presidential Decree as equivalent to those falling under subparagraphs 1 through 3.

(6) Except as otherwise expressly provided in this Act, matters necessary for the organization and operation of the Deliberation Committee shall be prescribed by Presidential Decree. *<Amended on Jun. 7, 2011; Aug. 4, 2011>*

CHAPTER X FOOD SANITATION ORGANIZATIONS

SECTION 1 Trade Associations

Article 59 (Establishment)

(1) A business operator may incorporate a trade association (hereinafter referred to as "trade association") by type of business or food determined by Presidential Decree, in order to contribute to the development of business and the improvement of public health.

(2) The Cooperative shall be a juristic person.

(3) In order to incorporate a trade association, at least 1/10 (20 persons, in cases of more than 20 persons) of persons who are qualified for membership in the trade association as promoters, shall prepare its articles of association and obtain authorization of the incorporation from the Minister of Food and Drug Safety. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

(4) The Minister of Food and Drug Safety shall notify the applicant of whether the incorporation is authorized within 30 days from the day an application for the incorporation under paragraph (3) is received. *<Newly Inserted on Dec. 11, 2018>*

(5) Where the Minister of Food and Drug Safety fails to notify the applicant of whether the incorporation is authorized within the period under paragraph (4) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, authorization shall be deemed granted on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. *<Newly Inserted on Dec. 11, 2018>*

(6) A trade association shall be duly formed on the date it obtains authorization of incorporation under paragraph (3) or the date authorization of incorporation is deemed granted under paragraph (5). *<Amended on Dec. 11, 2018>*

(7) A trade association may have suborganizations, as stipulated by its articles of association. *<Amended on Dec. 11, 2018>*

Article 60 (Projects of Trade Association)

Any trade association shall conduct the following projects: *<Amended on Jan. 18, 2010; Aug. 4, 2011; Mar. 23, 2013>*

1. Projects for the sound development of business and the common interests of members;
2. Guidance on improving members' business facilities;
3. Guidance on management for members;
4. Education and training for members and their employees;
5. Projects for improving the welfare of members and their employees;
6. Research and study projects entrusted by the Minister of Food and Drug Safety;
7. Mutual aid projects to stabilize the livelihood and promote the welfare of members;
8. Projects incidental to those under subparagraphs 1 through 5.

Article 60-2 (Establishment and Operation of Mutual Aid Organization of Trade Associations)

(1) Any trade association may establish a mutual aid organization after obtaining approval from the Minister of Food and Drug Safety and perform mutual aid projects in order to contribute to the stabilization of livelihood and the promotion of welfare for members. *<Amended on Mar. 23, 2013; Dec. 19, 2017>*

(2) Members of a mutual aid organization (hereinafter referred to as "Mutual Aid Member") shall contribute the fund necessary for mutual aid projects.

(3) Matters necessary for procedures for authorizing the establishment of a mutual aid organization, the operation thereof, etc. shall be prescribed by Presidential Decree. *<Amended on Dec. 19, 2017>*

(4) Where a trade association intends to establish a mutual aid organization in order to perform mutual aid projects pursuant to paragraph (1), it shall prepare the articles of association of mutual aid including matters necessary for the operation of a mutual aid organization, such as qualifications of members of a mutual aid organization, standards for investment of capital, methods of providing mutual aid, a legal

reserve, contingent reserve, etc. to appropriate for mutual aid projects and shall obtain approval of the articles of association of mutual aid from the Minister of Food and Drug Safety. The foregoing shall also apply where it intends to amend the articles of association of mutual aid. <Amended on Mar. 23, 2013; Dec. 19, 2017>

(5) A mutual aid organization shall be a corporation and be formed by obtaining registration of the incorporation thereof at the location of its head office. <Newly Inserted on Dec. 19, 2017>

Article 60-3 (Details of Mutual Aid Projects)

A mutual aid organization shall perform the following projects:

1. Payment of the salary for mutual aid members;
2. Projects to improve the welfare benefits for mutual aid members;
3. Business to raise funds;
4. Inspection, study or educational work to improve management of business operators engaged in food sanitation;
5. Contribution to juristic persons, including food sanitation organization, etc.;
6. Profit-making business prescribed by Presidential Decree necessary for achieving the purpose of a mutual aid association.

Article 60-4 (Supervision over Mutual Aid Organizations)

(1) Where it is necessary for supervision over mutual aid organizations, the Minister of Food and Drug Safety may require mutual aid organizations to report matters concerning their affairs or to submit data, or require any public official under his or her jurisdiction to inspect their books, papers and other articles. <Amended on Mar. 23, 2013; Dec. 19, 2017>

(2) Public officials, etc. who conduct an inspection or examination pursuant to paragraph (1) shall carry a certificate indicating their authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related statutes, and produce them to the relevant persons. <Amended on Feb. 3, 2016>

(3) Where the Minister of Food and Drug Safety deems that the inadequate operation of a mutual aid organization or its poor asset condition is likely to harm the rights and interests of members of the mutual aid organization, he or she may order the mutual aid organization to take necessary measures, such as changing methods of performing its duties, changing an institution to deposit assets, handling loss of assets deemed to be valueless, etc. <Amended on Mar. 23, 2013; Dec. 19, 2017>

(4) Where a mutual aid organization fails to comply with an order to make improvements under paragraph (3), the Minister of Food and Drug Safety may request the mutual aid organization to dismiss or take disciplinary action against its executive officers and employees. <Amended on Mar. 23, 2013; Dec. 19, 2017>

Article 61 (Board of Representatives)

- (1) If a trade association has more than 500 members, it may have a board of representatives which may replace a general meeting, as prescribed by the articles of association.
- (2) The representatives shall be the members of an association.

Article 62 (Application Mutatis Mutandis of Other Statutes)

- (1) Except as provided in this Act, the provisions of the Civil Act governing incorporated associations shall apply mutatis mutandis to trade associations. *<Amended on Dec. 19, 2017; Apr. 30, 2019>*
- (2) Except as provided in this Act, the provisions of the Civil Act governing incorporated associations and of the Commercial Act governing the accounting of stock companies shall apply mutatis mutandis to mutual aid organizations. *<Newly Inserted on Apr. 30, 2019>*

Article 63 (Voluntary Advisors)

- (1) Any trade association may have voluntary advisors to efficiently conduct projects for improving members' business facilities and guidance on management.
- (2) Standards necessary for the management and operation of trade associations shall be prescribed by Presidential Decree.

SECTION 2 Korea Food Industry Association

Article 64 (Establishment)

- (1) The Korea Food Industry Association (hereinafter referred to as the "Association") shall be incorporated to develop the food industry and improve food sanitation. *<Amended on Aug. 4, 2011>*
- (2) The Association incorporated under paragraph (1) shall be a juristic person.
- (3) Persons eligible as the members of the Association shall be those who manufacture, process, transport, sell or preserve foods or food additives, and others who operate food-related industry from among business operators. *<Amended on Aug. 4, 2011>*
- (4) Except as otherwise expressly provided in this Act concerning the Association, the provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to the Association.

Article 65 (Business Affairs of Association)

The Association shall perform the following projects: *<Amended on Aug. 4, 2011>*

1. Research and study on the food industry;
2. Tests and inspections of foods, food additives and raw materials thereof;
3. Education concerning food sanitation;
4. Guidance concerning the improvement of business facilities of those who manufacture, process, transport, sell or preserve foods or food additives, among business operators;

5. Guidance on management for members;
6. Projects on food safety and promotion, support and nurture of the food industry;
7. Projects incidental to those under subparagraphs 1 through 5.

Article 66 (Application Mutatis Mutandis)

@Article 63 (1) shall apply mutatis mutandis to the Association. In such cases, "trade association" shall be construed as "Association", and "members of a trade association" shall be construed as "members of the Association."

SECTION 3 National Food Safety Information Service

Article 67 (Establishment of the National Food Safety Information Service)

(1) The National Food Safety Information Service (hereinafter referred to as the "Information Service") shall be established to efficiently perform the duties under the subparagraphs of Article 68 (1), among the duties concerning food traceability and food safety under Article 49, upon entrustment of the Minister of Food and Drug Safety. *<Amended on Aug. 4, 2011; Mar. 23, 2013>*

(2) The Information Service shall be a corporation. *<Amended on Aug. 4, 2011>*

(3) The articles of incorporation of the Information Service shall state the following matters: *<Newly Inserted on Dec. 11, 2018>*

1. Objectives;
2. Name;
3. The location of its principal place of business;
4. Matters regarding assets;
5. Matters concerning officers and staff;
6. Operation of the board of directors;
7. Scope of business, details, and the execution thereof;
8. Accounting;
9. The methods of public announcement;
10. Amendments to the articles of incorporation;
11. Other important matters concerning the operation of the Information Service.

(4) Where the Information Service intends to revise the articles of incorporation, it shall obtain authorization thereof from the Minister of Food and Drug Safety. *<Newly Inserted on Dec. 11, 2018>*

(5) Except as provided in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Information Service. *<Amended on Aug. 4, 2011; Dec. 11, 2018>*

Article 68 (Projects of Information Service)

(1) The Information Service shall perform the following projects: *<Amended on Aug. 4, 2011; Mar. 23, 2013; Feb. 3, 2016>*

1. Collection, analysis or provision of information concerning food safety in Korea and overseas;
 - 1-2. Surveys, research, etc. to support the formulation of food safety policy;
 2. Establishment and operation of an information system for the collection and analysis of food safety information, food traceability, etc.;
 3. Registration and management of food traceability;
 4. Education and promotion concerning food traceability;
 5. Swift investigations into the causes of accidents where food accidents have occurred and the provision of information for recall and discard of the relevant foods;
 6. Establishment and operation of a cooperative network with institutions, organizations and consumer groups for common utilization of information on harmful foods and response thereto;
 7. Support for guidance on, receipt of, consultation about reporting related to consumer food safety;
 8. Other projects prescribed by the Minister of Food and Drug Safety, which are related to information on food safety and food traceability.
- (2) The Minister of Food and Drug Safety may subsidize expenses incurred in establishing and operating the Information Service. *<Amended on Aug. 4, 2011; Mar. 23, 2013>*

Article 69 (Submission of Business Plans)

- (1) The Information Service shall submit project plans and budget bills to the Minister of Food and Drug Safety before the commencement of each business year, as prescribed by Ordinance of the Prime Minister, and obtain approval therefor from the Minister. *<Amended on Jan. 18, 2010; Aug. 4, 2011; Mar. 23, 2013>*
- (2) The Information Service shall submit to the Minister of Food and Drug Safety the written settlements of accounts concerning revenues and expenditures of each business year, which have been inspected by certified public accountants designated by the Minister of Food and Drug Safety, finalize such written settlements after obtaining approval and report the outcomes thereof to the National Assembly by no later than the end of May of the following business year. *<Amended on Aug. 4, 2011; Mar. 23, 2013>*

Article 70 (Guidance and Supervision)

- (1) The Minister of Food and Drug Safety may require the Information Service to report matters concerning its affairs or submit data, or issue other necessary orders, and order public officials under his or her jurisdiction to inspect books and documents by visiting offices, where necessary for supervision. *<Amended on Aug. 4, 2011; Mar. 23, 2013>*
- (2) Public officials who have access to offices and conduct inspections pursuant to paragraph (1) shall carry a certificate indicating their authority and a document stating matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related Acts and subordinate statutes, and produce them to the relevant persons. *<Amended on Feb. 3, 2016>*

(3) Matters necessary for guidance and supervision of the Information Service shall be prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Aug. 4, 2011; Mar. 23, 2013>

SECTION 4 Deleted.

Article 70-2 Deleted. <Feb. 3, 2016>

Article 70-3 Deleted. <Feb. 3, 2016>

Article 70-4 Deleted. <Feb. 3, 2016>

Article 70-5 Deleted. <Feb. 3, 2016>

Article 70-6 Deleted. <Feb. 3, 2016>

SECTION 5 Management of Nutrients That May Be Harmful to Health

Article 70-7 (Management of Nutrients That May Be Harmful to Health)

- (1) The State and local governments shall endeavor to prevent public health hazards due to excessive intake of nutrients (hereinafter referred to as "nutrients that may be harmful to health"), such as sodium, sugars, and trans fats, in foods.
- (2) The Minister of Food and Drug Safety shall develop and disseminate technologies for the management of nutrients that may be harmful to health and conduct education, public relations, etc. on methods for practicing adequate intake in consultation with the heads of related central administrative agencies.
- (3) Types of nutrients that may be harmful to health shall be prescribed by Presidential Decree.

Article 70-8 (Establishment and Designation of Institution in Charge of Management of Nutrients That May Be Harmful to Health)

- (1) The Minister of Food and Drug Safety may establish an institution that manages and conducts the following activities (hereinafter referred to as "institution in charge") or designate an institution, organization or corporation conducting activities related to the management of nutrients that may be harmful to health as an institution in charge in order to manage nutrients that may be harmful to health:
 1. Education, public relations on and inducement of people's participation in methods for practicing adequate intake of nutrients that may be harmful to health;
 2. Monitoring of and the provision of information on content of nutrients that may be harmful to health;
 3. Catering meals containing less nutrients that may be harmful to health, eating such meals in food service establishments, and the revitalization of the manufacturing and purchasing processed foods

containing less nutrients that may be harmful to health;

4. Support for the operation of business establishments practicing the management of nutrients that may be harmful to health;

5. Other activities for the management of nutrients that may be harmful to health the Minister of Food and Drug Safety deems necessary.

(2) The Minister of Food and Drug Safety may subsidize all or some expenses incurred in establishing and operating an institution in charge and conducting activities under the subparagraphs of paragraph (1) within the budgetary limits.

(3) An institution in charge that is established pursuant to paragraph (1) shall be a corporation.

(4) Except as provided in this Act, the provisions of the Civil Act concerning incorporated foundations shall apply mutatis mutandis to an institution in charge that is established pursuant to paragraph (1).

(5) Where an institution in charge designated pursuant to paragraph (1) falls under any of the following, the Minister of Food and Drug Safety may revoke the designation thereof: Provided, That where the institution in charge falls under subparagraph 1, he or she shall revoke the designation thereof:

1. Where the trading agency has obtained the designation by fraud or other improper means;

2. Where the institution no longer complies with the standards for designation of specialized manpower fostering institutions under paragraph (6).

(6) Matters necessary for criteria, procedures, etc. for establishment, designation and revocation of designation of an institution in charge shall be prescribed by Presidential Decree.

Article 70-9 (Submission of Business Plan)

An institution in charge shall prepare a report on the performance of business operations in the preceding year and a business plan for the relevant year, and submit the report and the business plan to the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister: Provided, That in case of an institution in charge designated pursuant to Article 70-8 (1), the foregoing shall be limited to matters related to the performance of activities under the subparagraphs of the aforesaid paragraph.

Article 70-10 (Guidance and Supervision)

(1) Where it is necessary for the supervision of an institution in charge, the Minister of Food and Drug Safety may require the institution in charge to report on matters concerning its affairs or submit data, or gives necessary orders to the institution in charge: Provided, That guidance to and supervision over the institution in charge designated pursuant to Article 70-8 (1) shall be limited to matters related to the performance of activities under the subparagraphs of the aforesaid paragraph.

(2) Other necessary matters concerning guidance to and supervision over an institution in charge shall be prescribed by Ordinance of the Prime Minister.

CHAPTER XI ADMINISTRATIVE SANCTIONS, INCLUDING CORRECTIVE ORDERS AND CANCELLATION OF LICENSES

Article 71 (Corrective Orders)

(1) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall issue a corrective order to persons who fail to conduct business in accordance with standards concerning the sanitary handling of foods, etc. under Article 3 and persons who fail to comply with this Act. *<Amended on Mar. 23, 2013>*

(2) When the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu issues a corrective order under paragraph (1), he or she may notify the head of the administrative agency in charge of the relevant business thereof and request him or her to provide cooperation for such corrective order to be implemented. *<Amended on Mar. 23, 2013>*

(3) Upon receipt of a request under paragraph (2), the head of the relevant administrative agency shall comply with such request unless there is a compelling reason not to do so, and notify the head of the administrative agency that has made such request of the results of the measures taken without delay. *<Newly Inserted on Jun. 7, 2011>*

Article 72 (Dispositions of Discarding)

(1) Where a business operator (including an importer or dealer of imported food, etc. registered pursuant to Article 15 of the Special Act on Imported Food Safety Control; hereafter the same shall apply in this Article) violates Articles 4 through 6, 7 (4), 8, 9 (4), 12-2 (2) or 44 (1) 3, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu shall have the relevant public officials seize or discard such foods, etc., or order the business operator to take measures to eliminate any harm by determining their use or methods of processing such foods, etc. *<Amended on Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2015; Mar. 13, 2018; Dec. 11, 2018>*

(2) The Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the relevant public officials to seize or discard foods or food additives manufactured, processed or cooked without obtaining a license or filing a report or registration, in violation of Article 37 (1), (4) or (5), or apparatus, containers or packages used therefor. *<Amended on Jun. 7, 2011; Mar. 23, 2013>*

(3) Where foods, etc. in circulation have caused or are likely to cause any harm to food sanitation, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the relevant business operator to recall and discard such foods, etc. or change the raw materials, manufacturing methods, ingredients or the mixing ratio of such foods, etc. *<Amended on Mar. 23, 2013>*

(4) Any public official who seizes or discards foods, etc. under paragraphs (1) and (2) shall carry with him or her a certificate indicating his or her authority and a document stating the matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection,

and related statutes and regulations, and produce them to relevant persons. <Amended on Feb. 3, 2016>

(5) Matters necessary for seizure or discarding under paragraphs (1) and (2), and standards for foods, etc. to be recalled and discarded under paragraph (3) shall be prescribed by Ordinance of the Prime Minister. <Amended on Jan. 18, 2010; Mar. 23, 2013>

(6) Where any person who receives an order to discard foods, etc. under paragraph (1) fails to comply with such order, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may perform vicarious execution under the Administrative Vicarious Execution Act and collect the expenses incurred in such execution from the violator. <Amended on Mar. 23, 2013>

Article 73 (Publication of Harmful Foods)

(1) In any of the following cases, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant business operator to publish such fact: Provided, That where any harm has been caused to food sanitation, he or she shall order the relevant business operator to publish such fact: <Amended on Mar. 23, 2013; Mar. 13, 2018>

1. Where it is deemed that any harm has been caused to food sanitation, in violation of Article 4 through 6, 7 (4), 8 or 9 (4);

2. Where a plan for recall is reported under Article 45 (1), or Article 15 (2) of the Act on Labeling and Advertising of Foods.

(2) Matters necessary for publication, such as publication methods under paragraph (1), shall be prescribed by Presidential Decree.

Article 74 (Order to Repair Facilities)

(1) Where business facilities fail to meet standards for facilities under Article 36, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant business operator to repair such facilities within a fixed period. <Amended on Mar. 23, 2013>

(2) Where the owner of a building is not a business operator, etc., he or she shall fully cooperate with the business operator, etc. who receives an order to repair facilities under paragraph (1), in repairing such facilities.

Article 75 (Revocation of Permission)

(1) Where business operators fall under any of the following subparagraphs, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may cancel his or her business license or registration, as prescribed by Presidential Decree, suspend all or some of the relevant business within a fixed period of up to six months or issue an order to close down his or her place of business (limited to business reported under Article 37 (4); hereafter the same shall apply in this Article): Provided, That where a food service business operator has violated subparagraph 13 (applicable only to the part relating to Article 44 (2)), when a youth

counterfeited, altered or illegally used an identification card and thus the food service business operator did not recognize him or her to be a youth, or where it is acknowledged that the food service business operator failed to check the identity of the youth due to violence or intimidation, the food service business operator shall be exempted from the relevant administrative disposition as prescribed by Presidential Decree: <Amended on Feb. 4, 2010; Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013; May 28, 2014; May 18, 2015; Feb. 3, 2016; Mar. 13, 2018; Dec. 11, 2018; Apr. 30, 2019>

1. Where he or she violates Articles 4 through 6, 7 (4), 8, 9 (4) or 12-2 (2);
 2. Deleted; <Mar. 13, 2018>
 3. Where he or she violates Article 17 (4);
 4. Where he or she refuses, obstructs or evades the access, inspection or collection under Article 22 (1);
 - 4-2. Deleted; <Feb. 3, 2015>
 5. Where he or she violates Article 31 (1) and (3);
 6. Where it violates Article 36;
 7. Where he or she violates the latter part of paragraph (1), paragraph (3) or the latter part of paragraph (4) of Article 37, or conditions under paragraph (2) of the same Article;
 - 7-2. Where he or she fails to register revisions under Article 37 (5) or violates the proviso of the same paragraph;
 8. Where he or she falls under Article 38 (1) 8;
 9. Where he or she violates Article 40 (3);
 10. Where he or she violates Article 41 (5);
 11. Deleted; <Feb. 3, 2016>
 12. Where he or she violates restrictions on business under Article 43;
 13. Where he or she violates Article 44 (1), (2) or (4);
 14. Where he or she fails to take measures to recall foods, etc. under the former part of Article 45 (1);
 - 14-2. Where he or she fails to report a plan for recall under the latter part of Article 45 (1), or files a false report;
 15. Where he or she fails to apply HACCP under Article 48 (2);
 - 15-2. Where he or she fails to register food traceability under the proviso of Article 49 (1);
 16. Where he or she violates Article 51 (1);
 17. Where he or she violates any order issued under Article 71 (1), 72 (1) or (3), 73 (1) or 74 (1) (including Article 71 (1), 72 (1) or (3) or 74 (1) applicable mutatis mutandis under Article 88);
 18. Where he or she refuses, obstructs or evades the seizure or discarding under Article 72 (1) or (2);
 19. Where he or she commits an offense under Article 4 of the Act on the Punishment of Arrangement of Commercial Sex Acts.
- (2) Where a business operator continues to conduct business, violating an order to suspend business operations under paragraph (1), the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may cancel his or her

business license or registration, or issue an order to close down his or her place of business. *<Amended on Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2016>*

(3) In any of the following cases, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may cancel a business license or registration, or issue an order to close down a place of business: *<Amended on Jun. 7, 2011; Mar. 23, 2013; Jun. 7, 2013; Feb. 3, 2016>*

1. Where the business operator suspends his or her business for at least six consecutive months without justifiable grounds;

2. Where a business operator (limited to those who have obtained a business license under Article 37 (1)) reports business closure to the head of the competent tax office under Article 8 of the Value-Added Tax Act after closing down business or the head of the competent tax office cancels his or her business registration.

(4) Where necessary for revoking a business license for the reason under paragraph (3) 2, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may request the head of the competent tax office to provide him or her with information about whether a business operator has closed his or her business. In such cases, the head of the competent tax office requested shall provide him or her with information about whether the business operator has closed his or her business pursuant to Article 39 of the Electronic Government Act. *<Newly Inserted on Mar. 27, 2015; Feb. 3, 2016>*

(5) Detailed standards for administrative dispositions under paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types or degrees of violations. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Mar. 27, 2015>*

Article 76 (Suspension of Manufacturing Products)

(1) Where a business operator falls under any of the following subparagraphs, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may issue an order to suspend the manufacturing of the relevant products or kinds of products (referring to all products manufactured or processed in accordance with the same standards and specifications as those of foods, etc. determined under Article 7 or 9; hereinafter the same shall apply) within a fixed period of up to six months, as prescribed by Presidential Decree: *<Amended on Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2016; Mar. 13, 2018>*

1. Where he or she violates Article 7 (4);

2. Where he or she violates Article 9 (4);

3. Deleted; *<Mar. 13, 2018>*

- 3-2. Where it violates Article 12-2 (2);

4. Deleted; *<Mar. 13, 2018>*

5. Where he or she violates Article 31 (1);
- (2) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types or degrees of violations. *<Amended on Jan. 18, 2010; Mar. 23, 2013>*

Article 77 (Request for Cancellation of Business Licenses)

(1) Where any person who has obtained a permit or a license under the Livestock Products Sanitary Control Act, the Fisheries Act, the Aquaculture Industry Development Act or the Liquor Tax Act violates Articles 4 through 6 or Article 7 (4), the Minister of Food and Drug Safety may request the head of the central administrative agency in charge of the relevant permit or license to take any of the following measures: Provided, That alcoholic beverages shall be limited to cases falling under standards concerning harm, etc. under Article 8 of the Act on Special Measures for the Control of Public Health Crimes: *<Amended on Jan. 18, 2010; May 25, 2010; Mar. 23, 2013; Aug. 27, 2019>*

1. Cancellation of full or some of a permit or a license;
2. Suspension of business operations during a specific period;
3. Other measures necessary for sanitation.

(2) Upon receipt of a request for cancellation of business license, etc. under paragraph (1), the head of the relevant central administrative agency shall comply with such request unless there is a compelling reason not to do so, and notify the Minister of Food and Drug Safety of the outcomes of the measures taken without delay. *<Amended on Jun. 7, 2011; Mar. 23, 2013>*

Article 78 (Succession to Effects of Administrative Sanctions)

Where a business operator transfers his or her business to any other person or where corporations are merged, the effects of administrative sanctions on the previous business operator due to a violation of each subparagraph of Article 75 (1), (2) or each subparagraph of Article 76 (1), shall be succeeded to the relevant transferee or corporation surviving a merger for one year after the date on which the period for sanctions expires, and, when procedures for administrative sanctions remain in place, such procedures may remain in place for the relevant transferee or corporation surviving a merger: Provided, That the same shall not apply in cases where a transferee or corporation surviving a merger proves that he or she/it has been unaware of such sanction or violation at the time of the transfer or merger.

Article 79 (Measures for Closure)

(1) Where any person conducts business without obtaining a license or filing a report or registration in violation of Article 37 (1), (4) or (5), or continues to conduct business after his or her license or registration is cancelled or he or she is issued an order to close down his or her place of business under Article 75 (1) or (2), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may order the relevant public officials to take any of the following measures to close down the

relevant place of business: <Amended on Jun. 7, 2011; Mar. 23, 2013>

1. Removing or eliminating marking of the relevant place of business, such as signboards;
 2. Posting notices, etc. announcing that the relevant place of business is not a legitimate place of business;
 3. Sealing to make the relevant business facilities and apparatuses unavailable.
- (2) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may eliminate a seal, where it is no longer necessary to maintain the seal after affixing it under paragraph (1) 3, when a person conducting the relevant business or his or her agent promises to close down the relevant place of business or when he or she requests the elimination of the seal with justifiable grounds. The same shall apply to a notice under paragraph (1) 2. <Amended on Mar. 23, 2013>
- (3) Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to take measures under paragraph (1), he or she may give prior written notice to a person conducting the relevant business or his or her agent: Provided, That the same shall not apply where urgent grounds exist. <Amended on Mar. 23, 2013>
- (4) The measures referred to in paragraph (1) shall be permitted to such a minimum extent to disallow the business.
- (5) In cases falling under paragraph (1), the relevant public official shall carry with him or her a certificate indicating his or her authority and a document stating the matters prescribed by Presidential Decree, such as the inspection period, the scope of inspection, persons in charge of inspection, and related statutes and regulations, and produce them to the relevant persons. <Amended on Feb. 3, 2016>

Article 80 (Cancellation of Licenses)

- (1) Where a cook falls under any of the following subparagraphs, the Minister of Food and Drug Safety, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may cancel his or her license or issue an order to suspend business for a fixed period of up to six months: Provided, That he or she shall cancel the relevant license, where a cook falls under subparagraph 1 or 5: <Amended on Jan. 18, 2010; Mar. 26, 2010; Mar. 23, 2013; Feb. 3, 2016>
1. Where he or she falls under any of the subparagraphs of Article 54;
 2. Where he or she fails to receive education under Article 56;
 3. Where he or she is responsible for food poisoning or any other serious accident related to sanitation;
 4. Where he or she lends his or her license to a third party;
 5. Where he or she performs the duties of a cook during the period of business suspension.
- (2) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Prime Minister, in consideration of the types or degrees of violations. <Amended on Jan. 18, 2010; Mar. 23, 2013>

Article 81 (Hearings)

Where the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to take any of the following dispositions, he or she shall hold hearings: *<Amended on Jun. 7, 2011; Mar. 23, 2013; May 28, 2014>*

1. Deleted; *<Feb. 3, 2015>*
- 1-2. Deleted; *<Jul. 30, 2013>*
2. Revocation of the certification of a business adopting HACCP under Article 48 (8);
3. Revocation of a business license or registration, or an order to close down a place of business under Article 75 (1) through (3);
4. Revoking a license pursuant to Article 80 (1).

Article 82 (Imposition of Penalty Surcharges in Lieu of Business Suspension)

(1) Where a business operator falls under any subparagraph of Article 75 (1) or 76 (1), the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may impose penalty surcharges not exceeding one billion won on the relevant business operator, instead of suspension of business, suspension of manufacturing products or suspension of manufacturing the kinds of products, as prescribed by Presidential Decree: Provided, That the same shall not apply where a business operator violates Article 6, falling under Article 75 (1), or violates Articles 4, 5, 7, 12-2, 37, 43 and 44, falling under Article 75 (1) or 76 (1), which are prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; Feb. 3, 2016; Mar. 13, 2018>*

(2) The amounts of penalty surcharges, depending on the types, degrees, etc. of violations subject to penalty surcharges under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may submit a written request that states the following information to the head of the competent tax office to receive taxation information, if necessary for imposing penalty surcharges: *<Amended on Mar. 23, 2013>*

1. The relevant taxpayer's personal information;
2. Purpose of the use of information;
3. Sales served as a basis for assessing the penalty surcharge.

(4) Where a business operator fails to pay a penalty surcharge under paragraph (1) by a deadline, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall revoke the imposition of the penalty surcharge under paragraph (1) as prescribed by Presidential Decree, and suspend his or her business or manufacturing under Article 75 (1) or 76 (1), or collect such penalty surcharge in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection of Local Administrative Penalty Charges: Provided, That, in any of the following cases, penalty surcharges shall be collected in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection of Local Administrative Penalty Charges: *<Amended on Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013>*

Aug. 6, 2013; Mar. 24, 2020>

1. Deleted; *<Jul. 30, 2013>*

2. Where it is impracticable to suspend business or manufacturing under Article 75 (1) or 76 (1) due to business closure under Article 37 (3), (4) and (5).

(5) Penalty surcharges collected and imposed by the Minister of Food and Drug Safety pursuant to paragraph (1) and the proviso of paragraph (4) shall be vested in the State, penalty surcharges collected and imposed by a Mayor/Do Governor shall be vested in the Food Promotion Fund (referring to the Food Promotion Fund under Article 89; hereafter the same shall apply in this paragraph) of the relevant City/Do and penalty surcharges collected and imposed by the head of a Si/Gun/Gu shall be vested in the Food Promotion Fund of the relevant City/Do or Si/Gun/Gu. In such cases, methods, etc. of vesting the penalty surcharges in Cities/Dos or Sis/Guns/Gus shall be prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(6) Where a Mayor/Do Governor entrusts the authority to collect and impose penalty surcharges under paragraph (1) to the head of a Si/Gun/Gu in accordance with Article 91, he or she may grant the expenses incurred in the collection or imposition to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

Article 83 (Imposition of Penalty Surcharges Due to Sale of Harmful Foods)

(1) Where Articles 4 through 6 or 8 concerning prohibition against sale of harmful foods, etc. is violated, the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall impose penalty surcharges equal to the selling prices of the relevant foods, etc. sold on any of the following persons: *<Amended on Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013; Mar. 13, 2018; Dec. 11, 2018>*

1. A person who is subject to business suspension for at least two months, revocation of his or her business license or registration or an order to close down his or her business under Article 75, in violation of subparagraph 2, 3 or subparagraphs 5 through 7 of Article 4;

2. A person who is subject to revocation of his or her business license or registration or an order to close down his or her business under Article 75, in violation of Article 5, 6 or 8;

3. Deleted. *<Mar. 13, 2018>*

(2) The calculated amount of a penalty surcharge referred to in paragraph (1) shall be assessed and imposed, as prescribed by Presidential Decree.

(3) Where a business operator fails to pay a penalty surcharge imposed under paragraph (2) by a deadline or closes down business under Article 37 (3), (4) and (5), such penalty surcharge shall be collected in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection of Local Administrative Penalty Charges. *<Amended on Jun. 7, 2011; Aug. 6, 2013; Mar. 24, 2020>*

(4) Article 82 (3), (5) and (6) shall apply mutatis mutandis to the devolvement of penalty surcharges imposed under paragraph (2), the ratio of devolvement and procedures for collection of penalty surcharges.

Article 84 (Publication of Violations)

The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu shall publicize business information related to dispositions, such as details of dispositions imposed on business operators, for whom administrative dispositions are determined under Article 72, 75, 76, 79, 82 or 83, or the trade names of the relevant businesses and foods, etc., as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

CHAPTER XII SUPPLEMENTARY PROVISIONS

Article 85 (State Subsidies)

The Minister of Food and Drug Safety may subsidize all or some of the following expenses within budgetary limits: *<Amended on Jan. 18, 2010; Aug. 4, 2011; Mar. 23, 2013>*

1. Expenses incurred in relation to collection under Article 22 (1) (including cases applicable mutatis mutandis under Article 88);
2. Deleted; *<Jul. 30, 2013>*
3. Expenses incurred in providing education and training by a trade association;
4. Expenses incurred in employing food sanitation supervisors under Article 32 (1) and private food sanitation supervisors under Article 33;
5. Expenses incurred in establishing and operating the Information Service;
6. Expenses incurred in conducting investigations and research under subparagraph 6 of Article 60;
7. Expenses incurred in employing voluntary advisors of a trade association or the Association under Article 63 (1) (including cases applicable mutatis mutandis under Article 66);
8. Expenses incurred in discarding foods, etc. under Article 72 (including cases applicable mutatis mutandis under Article 88).

Article 86 (Investigations into and Reports on Food Poisoning)

(1) Any of the following persons shall, without delay, make a report to the competent Special Self-Governing City Mayor, the head of a competent Si (including the head of an administrative city under the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereafter the same shall apply in this Article)/Gun/Gu. In such cases, doctors or herb doctors shall take necessary measures to retain the blood or excreta of patients suffering from food poisoning or persons suspected of suffering from food poisoning, as prescribed by Presidential Decree: *<Amended on May 22, 2013; Dec. 11, 2018>*

1. A doctor or herb doctor who has diagnosed patients suffering from food poisoning or persons suspected of suffering from food poisoning or conducted the examination of the dead bodies thereof;

2. A founder or operator of meal service facilities, who discovers patients suffering from food poisoning or persons showing symptoms of food poisoning due to foods, etc. provided by such facilities.
- (2) Upon receipt of a report under paragraph (1), the Special Self-Governing City Mayor, the head of a Si/Gun/Gu shall, without delay, report such fact to the Minister of Food and Drug Safety and the competent Mayor/Do Governor (excluding the Special Self-Governing City Mayor), and investigate the causes of food poisoning and report the results thereof, as prescribed by Presidential Decree. *<Amended on Jan. 18, 2010; Mar. 23, 2013; May 22, 2013; Dec. 11, 2018>*
- (3) Where any matter reported under paragraph (2) is deemed significant in public health, the Minister of Food and Drug Safety may investigate the causes of food poisoning jointly with the competent Mayor/Do Governor or head of a Si/Gun/Gu. *<Newly Inserted on May 22, 2013>*
- (4) The Minister of Food and Drug Safety may determine the procedures for investigating facilities where patients suspected of suffering from food poisoning are discovered, and matters necessary for the examination and inspection thereof, so as to identify the causes of food poisoning. *<Amended on Mar. 23, 2013; May 22, 2013>*

Article 87 (Establishment of Council on Food Poisoning Countermeasures)

- (1) The Minister of Food and Drug Safety shall establish and operate the Council on Food Poisoning Countermeasures that consist of the Ministry of Education, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Oceans and Fisheries, the Ministry of Food and Drug Safety, Korea Disease Control and Prevention Agency and Cities/Dos, so as to efficiently prevent food poisoning and stop the spread thereof. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Aug. 11, 2020>*
- (2) The organization of the Council on Food Poisoning Countermeasures under paragraph (1) and detailed matters on the operation thereof shall be prescribed by Presidential Decree.

Article 88 (Meal Service Facilities)

- (1) Any person who intends to establish and operate meal service facilities shall report thereon to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister. The same shall also apply where any change is made to the matters prescribed by Ordinance of the Prime Minister among the reported matters. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Feb. 3, 2016; Dec. 11, 2018>*
- (2) Any person who establishes and operates meal service facilities shall observe the following matters, so as to manage meals in a sanitary manner, including the maintenance or management of meal service facilities: *<Amended on Jan. 18, 2010; Mar. 23, 2013>*
1. He or she shall thoroughly manage sanitation to ensure that no patients are suffering from food poisoning;

2. He or she shall preserve a serving of foods cooked and offered each time for at least 144 hours, as prescribed by Ordinance of the Prime Minister;
 3. He or she shall not obstruct the duties of dieticians, if any;
 4. He or she shall comply with a request made by dieticians, if any, for sanitation management of meal service facilities, unless there is good cause;
 5. He or she shall follow other matters prescribed by Ordinance of the Prime Minister for the sanitary management of foods, etc.
- (3) Articles 3 through 6, 7 (4), 8, 9 (4), 22, 40, 41, 48, 71, 72 and 74 shall apply mutatis mutandis to meal service facilities. *<Amended on Mar. 13, 2018>*
- (4) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the reporter of whether his or her report or report on changes under paragraph (1) is accepted within three days from the day such report is received. *<Newly Inserted on Dec. 11, 2018>*
- (5) Where the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu fails to notify the reporter of whether his or her report is accepted within the period prescribed in paragraph (4) or of an extension of the period to handle the case pursuant to the relevant statutes and regulations governing civil petitions, the report shall be deemed accepted on the day following the day the period (where the handling period is extended or re-extended pursuant to the relevant statutes and regulations governing civil petitions, referring to such extended or re-extended period) expires. *<Newly Inserted on Dec. 11, 2018>*
- (6) Where a person who makes a report pursuant to paragraph (1) intends to discontinue the operation of a meal service facility, he or she shall make a report thereon to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu. *<Newly Inserted on Dec. 11, 2018>*
- (7) Standards for meal service facilities and other matters concerning the operation thereof shall be prescribed by Ordinance of the Prime Minister. *<Amended on Jan. 18, 2010; Mar. 23, 2013; Dec. 11, 2018>*

Article 89 (Food Promotion Fund)

- (1) A Food Promotion Fund (hereinafter referred to as "Fund") shall be established in each City/Do or Si/Gun/Gu, so as to finance projects for improving food sanitation and the national nutritional level.
- (2) The financial resources of a Fund shall be as follows: *<Amended on Mar. 13, 2018>*
1. Contributions from food sanitation organizations;
 2. Penalty surcharges collected under Articles 82 and 83 of this Act, Article 37 of the Health Functional Foods Act, or Articles 19 and 20 of the Act on Labeling and Advertising of Foods;
 3. Proceeds from the operation of the Fund;
 4. Other revenues prescribed by Presidential Decree.
- (3) A Fund shall be used for the following projects: *<Amended on Mar. 26, 2010; May 18, 2015; Dec. 2, 2016>*
1. Loan projects for improving sanitation management facilities and sanitation equipment and facilities of business operators (including business operators under the Health Functional Foods Act);

2. Projects for education and public relations (including the support of education and public relations of consumer organizations) concerning food sanitation and support for education and activities of customer food sanitation supervisors;
 3. Projects for investigations and research into food sanitation and nutrition management under the National Nutrition Management Act (hereinafter referred to as "nutrition management");
 4. Support for the payment of monetary rewards under Article 90;
 - 4-2. Granting subsidies to help repay amounts of monetary awards (limited to monetary awards to be paid in return for reporting any violation of the Health Functional Foods Act) to be paid by a local government pursuant to Article 29 (2) of the Protection of Public Interest Reporters Act;
 5. Promotion of and support for educational or research institutes concerning food sanitation;
 6. Support for projects for improving food culture and practicing good dieting;
 7. Loan projects for repairing or maintaining meal service facilities (limited to catering service facilities);
 - 7-2. Support for activities to designate sanitation grades of food service establishments under Article 47-2;
 8. Other projects concerning food sanitation, nutrition management, the promotion of the food industry or health functional foods, which are prescribed by Presidential Decree.
- (4) Each Fund shall be managed and operated by the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu, and matters necessary therefor shall be prescribed by Presidential Decree.

Article 90 (Payment of Monetary Rewards)

- (1) The Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu may pay monetary rewards of up to ten million won to a person who has reported any violation of this Act, for each case reported. *<Amended on Mar. 23, 2013>*
- (2) The standards and procedures for, and methods of, the payment of monetary rewards under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 90-2 (Information Disclosure)

- (1) The Minister of Food and Drug Safety shall endeavor to disclose information that needs to be opened to the public, among information concerning the safety of foods, which is held or managed by the Ministry of Food and Drug Safety, to the extent not violating the provisions of the Official Information Disclosure Act. *<Amended on Mar. 23, 2013>*
- (2) Matters necessary for the scope of information provided pursuant to paragraph (1), or methods and procedures for providing information shall be prescribed by Presidential Decree.

Article 90-3 (Evaluation of Food Safety Management)

- (1) The Minister of Food and Drug Safety may evaluate food safety management implemented by Cities/Dos and Sis/Guns/Gus to take measures, such as awarding commendations or prizes, to Cities/Dos or Sis/Guns/Gus whose results achieved in the implementation of food safety management are excellent.
- (2) Matters necessary for standards, methods, etc. for evaluation under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

Article 90-4 (Legal Fiction as Public Officials in Applying Penalty Provisions)

Persons who are not public officials among the members of the Safety Examination Committee and the Deliberation Committee shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

Article 91 (Delegation of Authority)

@Part of the authority of the Minister of Food and Drug Safety under this Act may be entrusted to Mayors/Do Governors, the president of the National Institute of Food and Drug Safety Evaluation or the heads of regional offices of Food and Drug Safety; and part of the authority of Mayors/Do Governors to the heads of Sis/Guns/Gus or the heads of public health centers, respectively, as prescribed by Presidential Decree. <Amended on Jan. 18, 2010; Mar. 23, 2013; Dec. 11, 2018>

Article 92 (Fees)

Any of the following persons shall pay the fees prescribed by Ordinance of the Prime Minister: <Amended on Jan. 18, 2010; Mar. 26, 2010; Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013; May 28, 2014; Feb. 3, 2016; Dec. 2, 2016>

1. A person who applies for approval of standards and specifications under Article 7 (2) or 9 (2);
- 1-2. A person who requests the establishment of residue limit standards of pesticides and veterinary drugs under Article 7-3 (2);
- 1-3. Deleted; <Mar. 13, 2018>
2. A person who undergoes a safety examination under Article 18;
3. Deleted; <Feb. 3, 2015>
- 3-2. Deleted; <Feb. 3, 2015>
- 3-3. A person who makes a request for reinspection under Article 23 (2);
4. Deleted; <Jul. 30, 2013>
5. A person who obtains a license or files a report or registration under Article 37;
6. A person who applies for certification of a business adopting HACCP, or certification of any modification under Article 48 (3) (including cases applicable mutatis mutandis under Article 88);
- 6-2. A person who applies for an extension of the effective period of certification of a business adopting HACCP under Article 48-2 (2);

7. A person who applies for registration of food traceability under Article 49 (1);
8. A person who obtains a cooking license under Article 53;
9. A person who reports the establishment and operation of meal service facilities under Article 88.

CHAPTER XIII PENALTY PROVISIONS

Article 93 (Penalty Provisions)

(1) Any person who manufactures, processes, imports, or cooks foods or food additives for sale by using animals that have suffered from any of the following diseases shall be punished by imprisonment with labor for at least three years: *<Amended on Jun. 7, 2011>*

1. Bovine spongiform encephalopathy;
2. Anthrax;
3. Avian Influenza.

(2) Any person who manufactures, processes or cooks foods or food additives for sale by using any of the following raw materials or ingredients shall be punished by imprisonment with labor for at least one year: *<Amended on Jun. 7, 2011>*

1. Ephedra herb;
2. Oriental Aconite;
3. Aconite;
4. Aconitum seoulense;
5. Aconiti koreani Rhizoma;
6. Toad Venom;
7. Dictamni radias cortex;
8. Henbane leaf.

(3) Where, in the case of paragraphs (1) and (2), a business operator sells foods or food additives that have been manufactured, processed, imported, or cooked, a fine between two and five times the relevant selling price shall be imposed concurrently. *<Amended on Jun. 7, 2011; Dec. 11, 2018>*

(4) Where a person falls under paragraph (3), who has committed the crime under paragraph (1) or (2) again within five years after he or she had been sentenced to punishment for the crime under paragraph (1) or (2) and his or her sentence was decided, he or she shall be subject to a punishment aggravated by two times the punishment provided in paragraph (3). *<Newly Inserted on Jul. 30, 2013>*

Article 94 (Penalty Provisions)

(1) Any of the following persons may be punished by imprisonment with labor for up to 10 years or by a fine not exceeding 100 million won, and imprisonment with labor and a fine may be imposed concurrently: *<Amended on Jul. 30, 2013; Mar. 18, 2014>*

1. A person who violates Articles 4 through 6 (including cases applicable mutatis mutandis under Article 88 and excluding cases falling under Article 93 (1) and (3));
 2. A person who violates Article 8 (including cases applicable mutatis mutandis under Article 88);
 - 2-2. Deleted; <Mar. 13, 2018>
 3. A person that violates Article 37 (1);
- (2) A person who commits the crime under paragraph (1) again within five years after he or she was sentenced to imprisonment without labor or heavier punishment for the crime under paragraph (1) and his or her sentence was finalized shall be punished by imprisonment with labor for between one and 10 years. <Newly Inserted on Jul. 30, 2013; Feb. 3, 2016; Dec. 11, 2018>
- (3) In the case of paragraph (2), where the person sells the relevant foods or food additives, he or she shall be punished by a fine between four and ten times the selling price thereof concurrently. <Newly Inserted on Jul. 30, 2013; Dec. 11, 2018>

Article 95 (Penalty Provisions)

Any of the following persons may be punished by imprisonment with labor for up to five years or by a fine not exceeding 50 million won, and imprisonment with labor and a fine may be imposed concurrently: <Amended on Jul. 30, 2013; Feb. 3, 2015; Feb. 3, 2016; Mar. 13, 2018>

1. A person who violates Article 7 (4) (including cases applicable mutatis mutandis under Article 88) or 9 (4) (including cases applicable mutatis mutandis under Article 88);
2. Deleted; <Jul. 30, 2013>
- 2-2. A person who violates Article 37 (5);
3. A person who violates restrictions on business under Article 43;
- 3-2. A person who violates the former part of Article 45 (1);
4. A person who violates an order issued under Article 72 (1) or (3) (including cases applicable mutatis mutandis under Article 88) or 73 (1);
5. A person who continues to conduct business, violating an order to suspend business under Article 75 (1) (limited to a person who has obtained a business license under Article 37 (1)).

Article 96 (Penalty Provisions)

Any person who violates Article 51 or 52 may be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won, and imprisonment with labor and a fine may be imposed concurrently.

Article 97 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended on Jan. 18, 2010; Jun. 7, 2011; Mar. 23, 2013; Jul. 30, 2013; Feb. 3, 2015; Mar. 27, 2015; Feb. 3, 2016; Mar. 13, 2018>

1. A person who violates Article 12-2 (2), 17 (4), 31 (1) or (3), 37 (3) or (4), 39 (3), 48 (2) or (10), the proviso of Article 49 (1) or Article 55;
2. A person who refuses, interferes with or evades inspection, visit, collection, seizure or discarding under Article 22 (1) (including applicable mutatis mutandis as under Article 88) or 72 (1) and (2) (including cases applicable mutatis mutandis under Article 88);
3. Deleted; <Feb. 3, 2015>
4. A business operator who fails to meet the criteria for facilities under Article 36;
5. A business operator who fails to meet the conditions under Article 37 (2);
6. A person who fails to comply with the matters that business operators should observe pursuant to Article 44 (1): Provided, That the foregoing shall not apply to a person who violates the insignificant matters prescribed by Ordinance of the Prime Minister;
7. A person who continues to conduct business (limited to persons who have reported or registered business under Article 37 (4) or (5)) in violation of an order to suspend business under Article 75 (1), or who continues to conduct business in violation of an order to close down the business under Article 75 (1) and (2);
8. A person who violates an order to suspend manufacturing under Article 76 (1);
9. A person who removes or damages a seal, notice, etc. posted by the relevant public official without permission under Article 79 (1).

Article 98 (Penalty Provisions)

Any person who violates Article 16 shall be punished by imprisonment with labor for not more than one year, or by a fine not more than 10 million won. <Amended on Jan. 7, 2014; Dec. 18, 2014>

1. A person who provides entertainment services or requests other persons to provide such services, in violation of Article 44 (3);
2. A person who falsely reports the detection of foreign substances after receiving a report on such detection from a customer, in violation of Article 46 (1);
3. A person who falsely reports the detection of foreign substances;
4. A person who fails to report or falsely reports, in violation of the latter part of Article 45 (1).

Article 99 Deleted. <Jul. 30, 2013>

Article 100 (Joint Penalty Provisions)

If the representative of a juristic person, or an agent, an employee or any other person employed by a juristic person or individual commits any act prescribed in Article 93 (3) or Articles 94 through 97, in connection with the duties of the said juristic person or individual, not only shall the offender be punished accordingly, but the juristic person or individual shall also be punished by a fine under the respective provisions, and any juristic person or individual, who commits a violation under Article 93 (1), shall be

punished by a fine not exceeding 150 million won and any juristic person or individual, who commits a violation under Article 93 (2), shall be punished by a fine not exceeding 50 million won: Provided, That the same shall not apply in cases where the juristic person or individual has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violation.

Article 101 (Administrative Fine)

(1) Deleted. <Mar. 13, 2018>

(2) A person who falls under any of the following subparagraphs shall be subject to an administrative fine not exceeding five million won: <Amended on Jun. 7, 2011; Dec. 11, 2018>

1. A person who violates Article 3, 40 (1) or (3) (including cases applicable mutatis mutandis under Article 88), 41 (1) or (5) (including cases applicable mutatis mutandis under Article 88) or 86 (1);

1-2. Deleted; <Feb. 3, 2015>

1-3. A business operator who fails to undergo an inspection within the inspection period or to submit data, etc., in violation of Article 19-4 (2);

1-4. Deleted; <Feb. 3, 2016>

2. Deleted; <Mar. 27, 2015>

3. A person who fails to report or falsely reports, in violation of Article 37 (6);

4. A person who fails to report or falsely reports, in violation of Article 42 (2);

5. Deleted; <Jun. 7, 2011>

6. A person who violates Article 48 (9) (including cases applicable mutatis mutandis under Article 88);

7. A person who fails to receive education, in violation of Article 56 (1);

8. A person who violates an order issued under Article 74 (1) (including cases applicable mutatis mutandis under Article 88);

9. A person who fails to report or falsely reports, in violation of the former part of Article 88 (1);

10. A person that violates Article 88 (2).

(3) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended on Jan. 18, 2010; Mar. 23, 2013; May 28, 2014; Feb. 3, 2016>

1. Deleted; <Jul. 30, 2013>

2. A person who fails to observe the insignificant matters prescribed by Ordinance of the Prime Minister, among the matters to be observed by business operators under Article 44 (1);

3. A person who fails to report the detection of foreign substances after receiving a report on such detection from a customer, in violation of Article 46 (1);

4. A person who fails to report any change made to the matters registered with regard to food traceability within one month from the date the grounds for such change occur, in violation of Article 49 (3);

5. A person who uses food traceability information for purposes other than the intended purposes, in violation of Article 49-3 (4).

(4) Administrative fines under paragraphs (1) through (3) shall be collected and imposed by the Minister of Food and Drug Safety, a Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

Article 102 (Special Exemption to Application of Provisions on Administrative Fines)

For the purpose of the provisions concerning administrative fines under Article 101, no administrative fines shall be imposed on acts, for which penalty surcharges have been imposed under Article 82: Provided, That the same shall not apply where the imposition of penalty surcharges is canceled and the suspension of business or manufacture is ordered under the main clause of Article 82 (4).

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

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 6 (12) of Addenda (limited to the amended provisions of Article 11 (1)) shall enter into force on January 1, 2010.

Article 2 (Applicability to Restrictions on Permission for Business)

The amended provisions of Article 38 (1) 6 and (2) 5 shall begin to apply to the first business operator who commits any violation after July 28, 2005, which is the date on which the amended Food Sanitation Act (No. 7374) enters into force.

Article 3 (Applicability to Meal Service Facilities)

The amended provisions of Article 88 (2) 2 shall begin to apply to meal service facilities, which cooks and offers foods for the first time after this Act enters into force.

Article 4 (Transitional Measures concerning Disposition)

Permission granted by administrative agencies, other acts of administrative agencies, or reports to or other acts committed in relation to administrative agencies under the previous provisions, at the time this Act enters into force, shall be deemed acts by or in relation to administrative agencies under this Act.

Article 5 (Transitional Measures concerning Penalty Provisions or Administrative Fines)

The previous provisions shall govern acts done before this Act enters into force, in the application of provisions concerning punishment or administrative fines.

Article 6 Omitted.

Article 7 (Relationship to other Acts)

A citation of the provisions of the former Food Sanitation Act by any other statute in force at the time this Act enters into force shall be deemed a citation of the corresponding provisions of this Act in lieu of the former provisions, if such corresponding provisions exist herein.

ADDENDUM <Act No. 9692, May 21, 2009>

This Act shall enter into force on August 7, 2009.

ADDENDA <Act No. 9847, Jun. 29, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 22 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10022, Feb. 4, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10191, Mar. 26, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 10310, Jun. 25, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 10787, Jun. 7, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, that the amended provisions of Article 13 (1) 1 shall enter into force one year after the date of its promulgation, and the amended provisions of Article 37 (5) shall enter into force one year and six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Penalty Provisions or Administrative Fines)

The previous provisions shall govern acts done before this Act enters into force, in the application of provisions concerning punishment or administrative fines.

Article 3 Omitted.

ADDENDA <Act No. 11000, Aug. 4, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures Following Name Change of Information Service)

- (1) The previous Korea Food Safety Information Center as at the time this Act enters into force shall be deemed the Korea Food Safety Service under this Act.
- (2) All assets, rights and responsibilities which have belonged to the previous Korea Food Safety Information Center as at the time this Act enters into force shall be succeeded to by the Korea Food Safety Service.

Article 3 (Transitional Measures Following Name Change of Association)

- (1) The previous Korea Food Industry Association as at the time this Act enters into force shall be deemed the Korea Food Industry Association under this Act.
- (2) All properties, rights and responsibilities which have belonged to the previous Korea Food Industry Association as at the time this Act enters into force shall be succeeded to by the Korea Food Industry Association.

ADDENDA <Act No. 11048, Sep. 15, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 11819, Jun. 22, 2013>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 51 (1) and 52 (1) shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 11873, Jun. 7, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2013.

Articles 2 through 19 Omitted.

ADDENDA <Act No. 11985, Jul. 30, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11986, Jul. 30, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the part concerning the "Minister of Food and Drug Safety (including the head of an agency under his or her authority prescribed by Presidential Decree; hereinafter the same shall apply in this Article), a Mayor/Do Governor or the head of a Si/Gun/Gu" of the amended provisions of Article 16 (1) and (2) and the amended provision of Article 35 (4) shall enter into force on the date of their promulgation, and the amended provisions of Article 7-3, subparagraph 1 of Article 92 and subparagraph 2-2 of Article 95 shall enter into force three months after the date of their promulgation.

Article 2 (Transitional Measures concerning Penalty Provisions)

Where penalty provisions are applied to an act performed before this Act enters into force, the former provisions shall apply to such act.

ADDENDA <Act No. 11998, Aug. 6, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 12390, Jan. 28, 2014>

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

ADDENDA <Act No. 12496, Mar. 18, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Incompetents)

An incompetent person under adult guardianship referred to in the amended Article 38 (2) 8 shall be read as including a person, upon whom a declaration of incompetence remains effective, pursuant to Article 2 of the Addenda to the partial amendment (Act No. 10429) to the Civil Act.

ADDENDA <Act No. 12719, Jun. 28, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 23 and subparagraph 3-3 of Article 92 shall enter into force one year after the date of their promulgation.

Article 2 (Transitional Measures concerning Food Certification Service)

The Korea Food Safety Management Certification Service, which is the incorporated foundation and established by obtaining permission from the Minister of Food and Drug Safety pursuant to Article 32 of the Civil Act at the time this Act enters into force shall be construed as the Food Certification Service under this Act.

Article 3 (Transitional Measures concerning HACCP)

(1) HACCP under the former provisions at the time this Act enters into force shall be construed as food safety management certification standards under the amended provisions of Article 48.

(2) A business establishment adopting HACCP under the former provisions at the time this Act enters into force shall be construed as a business establishment adopting food safety management certification standards under the amended provisions of Article 48.

Article 4 (Relationship to Other Statutes and Regulations)

Where "HACCP" under the former provisions is cited by other statutes at the time this Act enters into force, "food safety management certification standards" under this Act shall be deemed cited.

ADDENDA <Act No. 13201, Feb. 3, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 13277, Mar. 27, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 34, 50, 97 and 101 shall enter into force six months after the date of their promulgation.

Article 2 (Transitional Measures concerning Penalty Provisions or Administrative Fines)

Any violation committed before this Act enters into force shall be governed by the previous provisions in applying penalty provisions or provisions regarding administrative fines.

ADDENDUM <Act No. 13332, Jun. 18, 2015>

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

ADDENDA <Act No. 13983, Feb. 3, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 14022, Feb. 3, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 12-2 shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Recall by Business Operators)

The amended provisions of Article 45 shall apply beginning with business operators who manufacture, process, subdivide, import or sell foods, etc. after this Act enters into force.

Article 3 (Transitional Measures concerning Labeling of Genetically Recombined Foods)

Labeling of genetically recombined foods, etc. on foods or food additives before the amended provisions of Article 12-2 enter into force shall be deemed labeling of genetically modified foods, etc. on foods or food additives pursuant to the aforesaid amended provisions.

Article 4 (Transitional Measures concerning Safety Evaluation of Genetically Recombined Foods)

(1) Safety evaluation conducted on foods, etc. before this Act enters into force shall be deemed safety examination conducted pursuant to the amended provision of Article 18 (1).

(2) The former Safety Evaluation Data Examination Committee at the time this Act enters into force shall be deemed the Safety Examination Committee under the amended provision of Article 18 (2).

Article 5 (Transitional Measures concerning Effective Period of Certification)

Notwithstanding the amended provisions of Article 48-2, the effective period of a business establishment adopting food safety management certification standards certified pursuant to the former provisions thereof at the time this Act enters into force shall be deemed four years where at least three years have passed from the date on which the business establishment was certified by counting backward from the enforcement date of this Act, and five years where at least two years have passed, and six years where less than two years have passed.

Article 6 (Transitional Measures concerning Penalties Imposed in Lieu of Suspension of Business)

Notwithstanding the amended provision of the main sentence of Article 82 (1), where a penalty is imposed because a business operator falls under any of the subparagraphs of Article 75 (1) or the subparagraphs of Article 76 (1) due to an offense committed before this Act enters into force, the former provision thereof shall apply.

ADDENDA <Act No. 14026, Feb. 3, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 14262, May 29, 2016>

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

ADDENDA <Act No. 14355, Jun. 2, 2016>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Repayment of Compensation)

The amended provision of Article 89 (3) shall apply beginning with cases where a local government receives the first request for repayment of compensation from the Anti-Corruption and Civil Rights Commission pursuant to Article 29 (2) of the Protection of Public Interest Reporters Act after this Act enters into force.

Article 3 (Applicability to Fees)

The amended provisions of subparagraphs 6 and 6-2 of Article 92 shall apply beginning with the first person who files an application for certification of modification of a business establishment adopting food safety management certification standards or an application for extension of the effective period of certification after this Act enters into force.

ADDENDA <Act No. 14476, Dec. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 14835, Apr. 18, 2017>

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

ADDENDA <Act No. 15277, Dec. 19, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 44 (1) shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Mutual Aid Projects Performed by Trade Association)

(1) A trade association that performs mutual aid projects pursuant to the former provision of Article 60-2 (1) as at the time this Act enters into force shall be deemed a mutual aid organization under the amended provision of Article 60-2 (5) until a mutual aid organization is incorporated under the same amended provision. In such cases, the mutual aid organization shall obtain approval of the incorporation thereof from the Minister of Food and Drug Safety within six months after this Act enters into force pursuant to the amended provision of Article 60-2 (1).

(2) A mutual aid organization to be incorporated pursuant to the amended provision of Article 60-2 (5) shall inherit all assets, rights and obligations related to mutual aid projects performed by a trade association pursuant to the former provision of Article 60-2 (1) as at the time this Act enters into force.

(3) An act done to or by a trade association in relation to its mutual aid projects shall be deemed an act done to or by a mutual aid organization to be incorporated pursuant to the amended provision of Article 60-2 (5), respectively.

(4) Members of a trade association who have made investments in the trade association in relation to mutual aid projects shall be deemed members of a mutual aid organization who have made investments in the mutual aid organization to be incorporated pursuant to the amended provision of Article 60-2 (5).

(5) Capital paid in a trade association in relation to mutual aid projects shall be deemed capital paid in a mutual aid organization to be incorporated pursuant to the amended provision of Article 60-2 (5).

ADDENDA <Act No. 15484, Mar. 13, 2018>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Labeling on Foods)

With regard to the foods, etc. manufactured, processed, subdivided or imported within two years from the date this Act enters into force, labeling may be performed according to the labeling standards of foods, etc. under the previous Articles 10, 11 and 11-2, notwithstanding the amended provisions of Articles 10, 11 and 11-2, and the Act on Labeling and Advertising of Foods. In such cases, the relevant foods, etc. may be sold, displayed or transported for sale, or used for business until their shelf lives expire.

Article 3 (Transitional Measures concerning Deliberation on Labeling and Advertising)

With regard to the deliberation on labeling and advertising of foods and to the objections requested or filed pursuant to the previous Articles 12-3 and 12-4 before this Act enters force, the previous provisions shall apply notwithstanding the amended provisions of Articles 12-3 and 12-4, and the Act on Labeling and Advertising of Foods.

Article 4 (Transitional Measures concerning Administrative Dispositions and Imposition and Collection of Penalty Surcharges)

The previous provisions shall apply to the administrative disposition and the imposition and collection of penalty surcharges for violations relating to the labeling and advertising of foods, etc. committed before this Act enters into force.

Article 5 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The previous provisions shall apply to penalty provisions and the imposition and collection of administrative fines for acts relating to the labeling and advertising of foods, etc. performed before this Act enters into force.

ADDENDA <Act No. 15534, Mar. 27, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2020. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 15943, Dec. 11, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 37 (10) through (13), 39 (4) through (6), 49 (8) through (10), subparagraph 1 of Article 54, 59 (4) through (7), the latter part of paragraph (1) and paragraphs (4) through (7) of Article 88, and Article 101 (2) 9 shall enter into force one month after the date of its promulgation.

Article 2 (Applicability to concerning Business License)

The amended provisions of Article 37 (10) through (13), 39 (4) and (5), 49 (8) and (9), 59 (4) through (6), and the latter part of paragraph (1) and paragraphs (4) through (6) of Article 88 shall begin to apply to cases where authorization, license or registration is applied for or reported after such amended provisions enter into force.

Article 3 (Applicability to Exempting Food Service Business Operators from Administrative Disposition)

The amended provisions of the proviso of Article 75 (1) shall begin to apply to the first violation of Article 44 (2) committed after this Act enters into force.

Article 4 (Transitional Measures concerning Administrative Dispositions)

The previous provisions shall apply to the administrative disposition for a violation of Article 37 (6) committed before this Act enters into force, notwithstanding the amended provisions of Article 75 (1) 7.

ADDENDA <Act No. 16296, Jan. 15, 2019>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Composition of Members of Safety Examination Committee)

(3) Where the Committee fails to meet the amended provisions of the latter part of Article 18 (1) as at the time of appointing or commissioning its members after this Act enters into force, it shall commission non-public official members until the requirements under the amended provisions are met.

(3) The membership composition of the Committee shall be governed by the previous provisions until the amended provisions of the latter part of Article 18 (2) are met, pursuant to paragraph (1).

Article 3 (Transitional Measures concerning Administrative Dispositions)

Where any administrative disposition is rendered or a penalty surcharge is imposed in place of an administrative disposition for violations of restrictions on business prescribed by ordinance of the Special Metropolitan City, Metropolitan Cities and Dos committed before this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of Article 43.

Article 4 (Transitional Measures concerning Penalty Provisions)

Where penalty provisions are applied to violations of restrictions on business prescribed by ordinance of the Special Metropolitan City, Metropolitan Cities and Dos committed before this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of Article 43.

ADDENDA <Act No. 16431, Apr. 30, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 62 shall enter into force three months after the date of its promulgation.

Article 2 (Applicability to Restrictions on Report on Business Closure)

The amended provisions of Article 37 (8) shall begin to apply to the first violation of this Act committed after this Act enters into force.

Article 3 (Applicability to Cancellation of License)

The amended provisions of Article 75 (1) 4 and 18 shall begin to apply to the first case where access, inspection or collection under Article 22 (1) or seizure or discarding under Article 72 (1) is refused, obstructed or evaded after this Act enters into force.

ADDENDA <Act No. 16568, Aug. 27, 2019>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 16717, Dec. 3, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2021.

Article 2 (Transitional Measures concerning Education on Food Sanitation for New Business Operators)

A person who has completed education on food sanitation under Article 41 (2) (including cases applied mutatis mutandis under Article 88 (3)) as at the time this Act enters into force shall be deemed to have completed collective education under the amended provisions of Article 41 (6).

Article 3 Omitted.

ADDENDA <Act No. 17091, Mar. 24, 2020>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 17472, Aug. 11, 2020>

Article 1 (Enforcement Date)

This Act shall enter into one month after the date of its promulgation: Provided, That ... the amended provisions of any Act, which is amended pursuant to Article 4 of the Addenda and promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of such Act.

Articles 2 through 5 Omitted.