

# AQUATIC LIFE DISEASE CONTROL ACT

Act No. 10888, Jul. 21, 2011

Amended by Act No. 11690, Mar. 23, 2013

Act No. 11755, Apr. 5, 2013

Act No. 12480, Mar. 18, 2014

Act No. 12822, Oct. 15, 2014

Act No. 13269, Mar. 27, 2015

## Article 1 (Purpose)

The purpose of this Act is to contribute to the stable production and supply of aquatic organisms, protection of aquatic ecosystems and the enhancement of citizens' health by preparing a comprehensive control system to prevent outbreaks or the spread of aquatic organism diseases.

## Article 2 (Definitions)

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

1. The term "aquatic organisms" means aquatic animals and aquatic plants;
2. The term "aquatic animals" means live fishes, shellfishes, crustaceans, other species specified by Presidential Decree and the semen and eggs thereof;
3. The term "aquatic plants" means live marine algae, other species specified by Presidential Decree and spores thereof;
4. The term "aquatic organism disease" means a state in which abnormality occurs to an aquatic organism on account of infection by a pathogen or other causes;
5. The term "contagious aquatic organism disease" means contagious aquatic animal diseases and contagious aquatic plant diseases;
6. The term "contagious aquatic animal diseases" means Yellow Head Disease, Spring Viremia of Carp, Koi Herpesvirus Disease, Red Sea Bream Iridoviral Disease, Viral Hemorrhagic Septicemia, Epizootic Ulcerative Syndrome, Taura Syndrome, White Spot Disease, and other aquatic animal diseases specified by Ordinance of the Ministry of Oceans and Fisheries that cause mass mortality with a high spreading rate and thus continuous surveillance and control of which are required;
7. The term "contagious aquatic plant diseases" means aquatic plant diseases specified by Ordinance of the Ministry of Oceans and Fisheries that cause mass mortality with a high spreading rate and thus continuous surveillance and control of which are required;

8. The term "disease identification" means pathological diagnostic activities conducted to discover the cause of a contagious disease through an autopsy or other biochemical tests on an aquatic organism where a reasonable ground exists to believe that the aquatic organism is infected with a contagious aquatic organism disease;

9. The term "epidemiological investigation" means the following activities performed to prevent outbreaks and the spread of a contagious aquatic organism disease when it is found that such contagious aquatic organism disease has broken out or is likely to break out:

- (a) Grasping the scale of the outbreak of a contagious disease;
- (b) Tracing the source of infection of a contagious disease;
- (c) Activities for discovering the cause of allergic reactions that may appear after vaccination for a contagious disease;

10. The term "aquaculture facilities" means water tanks (including water tanks with running water), piping systems and other structures installed in farms or reservoirs for farming aquatic organisms;

11. The term "facilities for gathering aquatic organisms" means joint markets for live fishes, wholesale markets for fishery products, and other facilities specified by Ordinance of the Ministry of Oceans and Fisheries in which aquatic organisms shall be gathered and exchanged for sale, trade, etc.;

12. The term "quarantine area" means a place designated and announced by the Minister of Oceans and Fisheries as a place in which quarantine measures shall be taken for aquatic organisms designated for quarantine purposes under Article 23, among aquatic organisms exported and imported;

13. The term "aquatic organism disease inspector" means a person who conduct the duty to diagnose and treat aquatic organisms (including examination of carcasses; hereinafter the same shall apply) or the duty to prevent aquatic organism diseases, upon obtaining the license therefor from the Minister of Oceans and Fisheries under Article 37-2.

14. The term "aquatic organism medical service" means the business to treat organisms or to prevent aquatic organism diseases;

15. The term "organization related to aquatic organisms" means the National Federation of Fisheries Cooperatives established under the Fisheries Cooperatives Act, the Korean Aquatic Organism Disease Inspector Association established under Article 32 of the Civil Act, the Korean Veterinarian Medical Association established under Article 23 of the Veterinarians Act, or other legal entity or organization designated and announced by the Minister of Oceans and Fisheries that carries out activities relating to aquatic organism diseases and the control of such diseases.

### **Article 3 (Measures for Control of Aquatic Organism Diseases)**

(1) In order to prevent outbreaks and the spread of aquatic organism diseases, the Minister of Oceans and Fisheries shall establish and implement comprehensive control measures (hereinafter referred to as "measures for the control of aquatic organism diseases") every five years. In such cases, the Minister of Oceans and Fisheries shall consult in advance with the heads of related central administrative agencies.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Measures for the control of aquatic organism diseases shall include the following matters: *<Amended by Act No. 10888, Jul. 21, 2011>*

1. Establishment of a reporting system for the prevention and early detection of aquatic organism diseases;
2. Establishment and implementation of emergency measures for the control of each aquatic organism disease;
3. Cooperation with related agencies in the control of aquatic organism diseases;
4. Education and public relations activities for the control of aquatic organism diseases;
5. Collection and analysis of information about the control of aquatic organism diseases;
6. Nurturing of professional human resources for the control of aquatic organism diseases;
7. Other matters concerning measures for the control of aquatic organism diseases.

(3) The Minister of Oceans and Fisheries shall notify the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, and the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") of the measures established pursuant to paragraph (1) for the control of aquatic organism diseases. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 4 (Council for Control of Aquatic Organism Diseases)**

(1) There is hereby established a Council for the Control of Aquatic Organism Diseases (hereinafter referred to as the "Control Council") under the jurisdiction of the Minister of Oceans and Fisheries to provide advice to the Minister of Oceans and Fisheries with respect to major policies relating to the control of aquatic organism diseases. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) The Control Council shall invite persons who have expertise in an area relating to the farming of aquatic organisms or aquatic organism diseases to participate in the Council. *<Amended by Act No. 10888, Jul. 21, 2011>*

(3) Matters necessary for the composition and operation of the Control Council shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 5 (Comprehensive Plan, etc.)**

(1) The Minister of Oceans and Fisheries shall establish and implement a comprehensive plan to develop medicines for prevention, diagnosis, and treatment of aquatic organism diseases and to develop technology for the improvement of the sanitary environment for aquatic organisms. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment and implementation of a comprehensive plan under paragraph (1) shall be prescribed by Presidential Decree. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 6 (Duties and Responsibilities of State and Local Governments)**

(1) The State and each local government shall take measures necessary for developing and distributing medicines for the prevention and treatment of aquatic organism diseases. *<Amended by Act No. 10888, Jul. 21, 2011>*

(2) The owner, manager, or operator of an aquaculture facility (hereinafter referred to as "aquaculture business entity") and workers therein shall take rigorous preventive measures to prevent outbreaks or the spread of aquatic organism diseases by keeping clean the aquaculture facility and its surroundings and by periodically cleaning his/her farm and shall proactively cooperate with the State and local governments in their measures for the control of aquatic organism diseases. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 7 (Aquatic Organism Disease Control Officers)**

(1) The Minister of Oceans and Fisheries and a Mayor/Do Governor shall assign aquatic organism disease control officers to administrative agencies specified by Presidential Decree in order to carry out duties relating to the control of aquatic organism diseases, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) In order for a person to become an aquatic organism disease control officer, he/she shall be either an aquatic organism disease inspector or a veterinarian as prescribed in the Veterinarians Act (hereinafter referred to as "veterinarian"), who has received education on the control of aquatic organism diseases, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Notwithstanding paragraph (2), if deemed necessary for the control of aquatic organism diseases that cause mass mortality, the Minister of Oceans and Fisheries and a Mayor/Do Governor may commission persons who have a career in an area directly related to the control of aquatic organism diseases as aquatic organism disease control officers, in accordance with the classification in the following subparagraphs. In such cases, career requirements for persons who can be commissioned as aquatic organism disease control officers shall be prescribed by Presidential Decree: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11755, Apr. 5, 2013>*

1. Commission of aquatic organism disease control officers who are to be employed at an institution which conducts the control of aquatic organism diseases under the jurisdiction of the Minister of Oceans and Fisheries: The Minister of Oceans and Fisheries;

2. Commission of aquatic organism disease control officers who are to be employed at an institution which conducts the control of aquatic organism diseases under the jurisdiction of the Mayor/Do Governor: The Mayor/Do Governor.

(4) If deemed necessary for preventing an aquatic organism disease, an aquatic organism disease control officer may enter a place in which aquatic organisms are gathered, such as aquaculture facilities and facilities for gathering aquatic organisms, and inspect aquatic organisms or other things or collect necessary samples, as minimum as possible, free of charge in order to ensure whether an aquatic organism disease has broken out, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(5) When an aquatic organism disease control officer conducts an inspection or collects samples for the prevention of an aquatic organism disease pursuant to paragraph (4), no one shall refuse, interfere with, or evade such inspection or collection without a justifiable ground. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 8 (Aquatic Organism Disease Controllers)**

(1) The Minister of Oceans and Fisheries or the head of a local government may commission a person who has finished the educational course prescribed by Ordinance of the Ministry of Oceans and Fisheries as an aquatic organism disease controller to assign him/her to assist aquatic organism disease control officers in carrying out their duties. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) An aquatic organism disease controller may exercise the authority prescribed in Article 7 (4) under the guidance and supervision of an aquatic organism disease control officer to the extent prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Article 7 (5) shall apply mutatis mutandis to aquatic organism disease controllers. In such cases, the term "aquatic organism disease control officer" in Article 7 (5) shall be construed as "aquatic organism disease controller." *<Amended by Act No. 10888, Jul. 21, 2011>*

(4) Matters necessary for the qualification and allowances for aquatic animal disease controllers shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 9 (Reporting on Dead or Diseased Aquatic Organisms)**

(1) When any of the following aquatic organisms is discovered, an aquaculture business entity and an aquatic organism disease inspector or veterinarian who examined the relevant aquatic organism or performed an examination of the carcass of such aquatic organism, or a person who sold feed or medicines to the relevant aquaculture business entity shall report the discovery, without delay, to the head of a Si (referring to the Governor of a Special Self-Governing Province in the case of a Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) having jurisdiction over the location of the aquatic organism or carcass, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the foregoing shall not apply to cases specified by Ordinance of the Ministry of Oceans and Fisheries, such as scientific activities, research, and surveys, and cases where an aquaculture business entity has requested an aquatic organism disease inspector, veterinarian, or an institution specializing in the disease identification of aquatic organisms under Article 10 (4) to conduct diagnosis or an examination of the relevant aquatic organism, or where a person who sold the relevant feed or medicines is aware of the fact that such examination or autopsy has been requested. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. An aquatic organism died of an unidentified disease;

2. An aquatic organism discovered or believed to have been infected with a contagious aquatic organism disease as a result of an epidemiological investigation or a close examination or in view of its clinical symptom.
- (2) A person who transports aquatic organisms by vehicle, ship, train, or other means of transportation (hereinafter referred to as "aquatic organism transporter") shall, if he/she discovers, or has a reasonable ground to believe, that an aquatic organism in transit is infected with a contagious aquatic organism disease, report it, without delay, to the head of a Si/Gun/Gu having jurisdiction over the place of departure or the place of arrival of such aquatic organism. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (3) An aquatic organism disease inspector or veterinarian in receipt of a request to conduct diagnosis or an examination in accordance with the main sentence of paragraph (1), excluding its subparagraphs, shall notify the relevant aquaculture business entity of the results of his/her examination without delay. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (4) The head of a Si/Gun/Gu (excluding the Governor of a Special Self-Governing Province) who has received a report under paragraphs (1) and (2) shall report it to the competent Mayor/Do Governor.
- (5) The head of an administrative agency who has received a report under paragraphs (1), (2), and (4) shall not disclose the identity of a reporting person to the public, if the reporting person requests not to disclose it.

#### **Article 10 (Disease Identification, etc.)**

- (1) A person who has filed a report or the head of a Si/Gun/Gu who has received a report in accordance with the main sentence of Article 9 (1), excluding its subparagraphs, and Article 9 (2) may request the head of a State agency specified by Presidential Decree that carries out the control of aquatic organism diseases (hereinafter referred to as "contagious aquatic organism disease control agency") or the head of an institution designated pursuant to paragraph (4) as one specializing in the disease identification of aquatic organism diseases to conduct the disease identification of the aquatic organism in question. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (2) If the head of an aquatic organism disease control agency or the head of an institution specializing in the disease identification of aquatic organism diseases, in receipt of a request for disease identification in accordance with paragraph (1), identifies a contagious aquatic organism disease as a result of the disease identification of the aquatic organism in question, he/she shall report the results thereof to the Minister of Oceans and Fisheries and shall notify the person who requested the identification of the results. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (3) In receipt of an application from an aquaculture business entity or if it is deemed necessary for understanding the current state of domestic outbreaks of a contagious aquatic organism disease, the head of an aquatic organism disease control agency may conduct examinations on the pathogens of the contagious aquatic organism disease throughout the country or in a designated area. *<Amended by Act No. 10888, Jul. 21, 2011; Act No. 10888, Jul. 21, 2011>*

(4) The Minister of Oceans and Fisheries may designate a research institute affiliated to a State agency or local government, a college, or private research institute as an institution specializing in the disease identification of aquatic organism diseases (hereinafter referred to as "disease identification institution"), which is equipped with facilities and capacity for conducting the disease identification of aquatic organisms as prescribed in paragraphs (1) through (3). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(5) If a disease identification institution falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may revoke the designation or order it to suspend its business for a specified period of no more than six months: Provided, That the designation shall be revoked if it falls under subparagraph 1 or 2: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. If it obtains the designation as a disease identification institution by fraud or other wrongful means;
2. If it conducts disease identifications during a business suspension period;
3. If it discovers through diagnosis or an examination that an aquatic organism is infected with a contagious aquatic organism disease but fails to report such discovery;
4. If it fails to apply the methods of conducting disease identifications under paragraph (6);
5. If it fails to meet the criteria for designation under paragraph (6).

(6) Matters necessary for the methods of conducting disease identifications under paragraphs (1) and (3) and criteria and procedures for the designation of disease identification institutions under paragraph (4) shall be determined and publicly announced by the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 11 (Epidemiological Investigations)**

(1) The Minister of Oceans and Fisheries shall conduct an epidemiological investigation without delay, if he/she finds that a contagious aquatic organism disease specified by Ordinance of the Ministry of Oceans and Fisheries has broken out or is likely to break out. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries conducts an epidemiological investigation under paragraph (1), no one shall refuse, interfere with, or evade it without a justifiable ground. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the period and method of conducting an epidemiological investigation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 12 (Reporting on Isolation of Pathogens and Preservation and Management of Pathogens)**

(1) When the head of an aquatic organism disease control agency or the head of a disease identification institution has isolated pathogens as a result of disease identification under Article 10, he/she shall report such fact to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Procedures for reporting the pathogens of a contagious aquatic organism disease isolated pursuant to paragraph (1) and matters necessary for the preservation and management of pathogens shall be determined and announced by the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 13 (Inspection of Aquaculture Facilities, Medication, etc.)**

(1) If deemed necessary for preventing outbreaks or the spread of a contagious aquatic organism disease, the Minister of Oceans and Fisheries, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu may inspect aquaculture facilities or order aquaculture business entities to administer medicines for aquatic organisms under Article 85 of the Pharmaceutical Affairs Act (hereinafter referred to as "medicines for aquatic organisms"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu who has conducted an inspection or issued an order to administer medicines pursuant to paragraph (1) shall, if requested by an aquaculture business entity, issue a certificate of the results of the inspection on aquaculture facilities or a certificate of the fact that medicines for aquatic organisms have been administered (hereinafter referred to as "certificate of inspection or medication"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 14 (Preparation, Preservation, etc. of Records of Transactions of Aquatic Organisms)**

(1) If deemed necessary for preventing outbreaks and the spread of contagious aquatic organism diseases, the Minister of Oceans and Fisheries may require aquaculture business entities to prepare and preserve the records of transactions of aquatic organisms. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(2) When the Minister of Oceans and Fisheries requires aquaculture business entities to prepare and preserve the records of transactions of aquatic organisms pursuant to paragraph (1), he/she shall determine and publicly announce the area subject to recording, the kinds of aquatic organisms subject to recording, and the form and preservation period of the records of transactions of aquatic organisms. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(3) If deemed necessary for preventing the spread of a contagious aquatic organism disease, the Minister of Oceans and Fisheries, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu may require aquaculture business entities and aquatic organism transporters to carry with them a certificate of inspection or medication under Article 13 (2), whenever they transport aquatic organisms. In such cases, aquatic organisms transported with a certificate of inspection or medication may be exempted from the control of aquatic organism diseases, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the method of carrying a certificate of inspection or medication under paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852,



**Article 15 (Isolation, Restriction on Transportation, etc. of Aquatic Organisms)**

(1) The head of a Si/Gun/Gu may order an aquaculture business entity to isolate, or refrain from transporting, aquatic organisms, if deemed necessary for preventing the spread of a contagious aquatic organism disease, because an aquaculture facility is in the proximity of another aquaculture facility which it is found or believed, as a result of an epidemiological investigation or close examination or in view of clinical symptoms, that aquatic organisms are infected with a contagious aquatic organism disease that causes mass mortality and is within the area to which the contagious aquatic organism disease is likely to spread. *<Amended by Act No. 10888, Jul. 21, 2011>*

(2) The head of a Si/Gun/Gu may block the traffic of aquatic organisms or means of transportation that come to an area within a specified distance from a place where it is found or believed, as a result of an epidemiological investigation or close examination or in view of clinical symptoms, that aquatic organisms are or were infected with a contagious aquatic organism disease that causes mass mortality, place restrictions on the introduction of such aquatic organisms, or take measures for disinfection. *<Amended by Act No. 10888, Jul. 21, 2011>*

(3) If an aquaculture business entity violates an order to isolate, or refrain from transporting, aquatic organisms under paragraph (1), the head of a Si/Gun/Gu may order him/her to close his/her aquaculture facility or take measures to refrain from farming aquatic organisms for a specified period of no more than six months. *<Amended by Act No. 10888, Jul. 21, 2011>*

(4) If a person fails to comply with an order to close or to take measures to refrain from farming under paragraph (3), the head of a Si/Gun/Gu may assign public officials in charge to close the aquaculture facilities and to take the following measures: *<Amended by Act No. 10888, Jul. 21, 2011>*

1. Posting a notice that the aquaculture facility has violated an order issued under paragraph (3);
2. Putting seals to prohibit the use of the aquaculture facility.

(5) The head of a Si/Gun/Gu may order an aquatic organism transporter to suspend his/her business completely or partially for a specified period of no more than six months, if the aquatic organism transporter has aided an aquaculture business entity actively in the latter's violation of an order to isolate, or to refrain from transporting, aquatic organism under paragraph (1). *<Amended by Act No. 10888, Jul. 21, 2011>*

(6) Matters necessary for issuing an order to close or taking measures to refrain from farming under paragraph (3), detailed procedures and criteria for measures under the subparagraphs of paragraph (4), and business suspension under paragraph (5) shall be prescribed by Presidential Decree.

**Article 16 (Culling Order)**

(1) If deemed necessary for preventing the spread of a contagious aquatic organism disease specified by Ordinance of the Ministry of Oceans and Fisheries, because it is found or believed, as a result of an epidemiological investigation or close examination or in view of clinical symptoms, that aquatic organisms in an aquaculture facility are infected with a contagious aquatic organism disease, the head of a

Si/Gun/Gu shall order the relevant aquaculture business entity to cull such aquatic organisms, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) In any of the following cases, the head of a Si/Gun/Gu shall assign aquatic organism disease control officers to cull aquatic organisms without delay: Provided, That culling may be suspended for a period specified by Ordinance of the Ministry of Oceans and Fisheries if necessary for disease identification: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. When an aquaculture business entity fails to comply with an order issued under paragraph (1);
2. When it is impossible to issue an order under paragraph (1) because the identity of the aquaculture business entity is uncertain or his/her whereabouts is unknown;
3. Other cases specified by Ordinance of the Ministry of Oceans and Fisheries for which an emergency measure is required to prevent the spread of a contagious aquatic organism disease.

#### **Article 17 (Restrictions, etc. on Disposal of Carcasses)**

(1) No aquaculture business entity shall transport, bury, or incinerate the carcass of an aquatic organism that died of an unidentified disease without the instruction from an aquatic organism disease control officer: Provided, That the foregoing shall not apply where it is verified, as a result of an examination conducted by an aquatic organism disease inspector, veterinarian, or disease identification institution on the carcass of an aquatic organism, that the aquatic organism did not die of a contagious aquatic organism disease. *<Amended by Act No. 10888, Jul. 21, 2011>*

(2) An aquaculture business entity who has culled aquatic organisms because it was found or believed, as a result of an epidemiological investigation or close examination or in view of clinical symptoms, that the aquatic organisms were infected with a contagious aquatic organism disease, and an aquatic organism disease control officer who has culled aquatic organisms pursuant to Article 16 (2) shall incinerate or bury such aquatic organisms without delay, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the foregoing shall not apply where permission therefor has been obtained or a report thereon has been filed for the disease identification of such aquatic organisms or scientific research in accordance with any other Act or where such aquatic organisms are disposed of for recycling, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) A person who intends to incinerate, bury, or recycle aquatic organisms in accordance with paragraph (2) shall take measures specified by Ordinance of the Ministry of Oceans and Fisheries for preventing contamination of the surrounding environment. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(4) Aquatic organisms subject to incineration, burial, or recycling under paragraph (2) shall not be moved to another place without the instruction from an aquatic organism disease control officer. *<Amended by Act No. 10888, Jul. 21, 2011>*

## **Article 18 (Incineration, etc. of Contaminated Things)**

(1) If deemed necessary for preventing the spread of a contagious aquatic organism disease, an aquatic organism disease control officer may order any of the following persons to disinfect, incinerate, or bury a facility or thing that is found or believed, as a result of an epidemiological investigation or close examination or in view of clinical symptoms, to have been infected with a contagious aquatic organism disease, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. An aquaculture business entity;
2. The manager of a facility for gathering aquatic organisms;
3. An aquatic organism transporter;
4. The owner of a thing related to the storage of aquatic organisms, such as a water tank for live fish.

(2) The owner or manager of a facility or thing under paragraph (1) shall not move such facility or thing to another place or cleanse it without the instruction from an aquatic organism disease control officer.

*<Amended by Act No. 10888, Jul. 21, 2011>*

(3) If an emergency measure is required to prevent the spread of a contagious aquatic organism disease or if a person referred to in any subparagraph of paragraph (1) fails to comply with the instruction of an aquatic organism disease control officer, the aquatic organism disease control officer him/herself may disinfect, incinerate, or bury a facility or thing under paragraph (1). *<Amended by Act No. 10888, Jul. 21, 2011>*

## **Article 19 (Prohibition of Excavation)**

(1) The land in which aquatic organisms or things have been buried pursuant to the main sentence of Article 17 (1), the main sentence of Article 17 (2), and Article 18 shall not be excavated for two years: Provided, That the foregoing shall not apply where the head of a Si/Gun/Gu permits such excavation.

*<Amended by Act No. 10888, Jul. 21, 2011>*

(2) The head of a Si/Gun/Gu shall erect the sign prescribed by Ordinance of the Ministry of Oceans and Fisheries on the land in which excavation is prohibited pursuant to paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

## **Article 20 (Inspection, etc. of Aquatic Organisms for Stocking)**

(1) A person who intends to stock waters with seeds or fries for the restoration of aquatic resources (hereinafter referred to as "aquatic organisms for stocking") shall undergo an inspection from the Minister of Oceans and Fisheries to ensure whether such aquatic organisms for stocking are infected with a contagious aquatic organism disease. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) If it is found, as a result of an inspection conducted under paragraph (1), that aquatic organisms for stocking are infected with a contagious aquatic organism disease, the Minister of Oceans and Fisheries shall order a person who intends to stock the aquatic organisms to disinfect, isolate, or cull them, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008;*

*Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the kinds of aquatic organisms for stocking, which are subject to an inspection on infection under paragraph (1), and inspection procedures shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 21 (Assessment of Ratings for Control of Diseases)**

(1) The Minister of Oceans and Fisheries may evaluate the actual conditions of the control of contagious aquatic organism diseases and sanitary management in each aquaculture facility or each area specified by Ordinance of the Ministry of Oceans and Fisheries and assess the rating of the control level of contagious aquatic organism diseases (hereinafter referred to as "ratings of the control of diseases"). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for standards for and the method of the ratings of the control of diseases shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 22 (Quarantine of Exported and Imported Organisms)**

(1) Any State agency specified by Presidential Decree (hereinafter referred to as "agency for the quarantine of aquatic organisms") shall have aquatic organism quarantine officers to carry out its affairs related to the quarantine of exported and imported aquatic organisms. *<Amended by Act No. 10888, Jul. 21, 2011>*

(2) In order for a person to become an aquatic organism quarantine officer, he/she shall be qualified as an aquatic organism disease inspector or veterinarian, who has received education on the quarantine of aquatic organisms, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Notwithstanding paragraph (2), the head of an agency for the quarantine of aquatic organisms may, if deemed necessary for the quarantine of aquatic organisms, commission or appoint persons (including public officials) who have served in the field directly related to the quarantine of aquatic organisms for a period prescribed by Presidential Decree as aquatic organism quarantine officers. In such cases, career requirements for a person who may be commissioned or appointed as an aquatic organism quarantine officer shall be prescribed by Presidential Decree. *<Amended by Act No. 10888, Jul. 21, 2011>*

(4) If deemed necessary for taking a quarantine measure, an aquatic organism quarantine officer may enter a ship, an aircraft, an automobile, a train, a bonded area, or any other place as may be necessary, in which things designated for a quarantine purpose under Article 23 are loaded or stored, and disinfect such things and take other necessary measures. *<Amended by Act No. 10888, Jul. 21, 2011>*

(5) An aquatic organism quarantine officer may inspect things designated for a quarantine purpose under Article 23, their containers and packages, and other things hand-carried by a traveler as may be necessary for quarantine measures or ask questions to relevant persons and may collect things, containers, and packages, as minimum as necessary for inspection free of charge. *<Amended by Act No. 10888, Jul. 21, 2011>*

(6) No one shall, without a justifiable ground, refuse, interfere with, or evade an inspection or collection conducted by an aquatic organism quarantine officer pursuant to paragraph (5). *<Amended by Act No. 10888, Jul. 21, 2011>*

### **Article 23 (Things Designated for Quarantine Purpose)**

Aquatic organisms or things subject to quarantine measures for export or import shall be those specified by Ordinance of the Ministry of Oceans and Fisheries (hereinafter referred to as "things designated for a quarantine purpose") among the following: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. Aquatic animals for transplant, eating, ornament, testing, research, or surveys;
- 1-2. Aquatic plants which are approved for transplant under Article 35 (1) 5 of the Fishery Resources Management Act;
2. Aquatic organism products that are likely to spread pathogens of a contagious aquatic organism disease;
3. Feed, instruments, water, or other similar things that are likely to spread the pathogens of a contagious aquatic animal disease in the course of transportation or storage of aquatic organisms referred to in subparagraphs 1 and 1-2 or aquatic organism products referred to in subparagraph 2.

### **Article 24 (Prohibition of Import)**

(1) No one shall import any of the following things: Provided, That the foregoing shall not apply to aquatic organisms or things permitted by the Minister of Oceans and Fisheries for test, research, surveys, or manufacturing of medicines for the treatment and prevention of an aquatic organism disease: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13269, Mar. 27, 2015>*

1. Things designated for a quarantine purpose, which have been produced in, have been sent from, or have passed through an area determined and publicly announced by the Minister of Oceans and Fisheries as an area from which imports are prohibited (excluding cases where a thing has passed through an area from which imports are prohibited due to an ordinary stopover of an aircraft or a ship);
  2. Aquatic organisms infected with the pathogens of a contagious aquatic organism disease;
  3. Aquatic organisms, the transplant of which is restricted or prohibited pursuant to Article 35 (1) 5 of the Fishery Resources Management Act and aquatic organisms, the transplant of which has not been approved although they were subject to the approval for transplant.
- (2) The Minister of Oceans and Fisheries may attach conditions regarding the importing method, the follow-up control of imported things or aquatic organisms designated for a quarantine purpose, and other matters to his/her permission granted pursuant to the proviso to paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (3) Matters necessary for permission procedures referred to in paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

## **Article 25 (Countermeasures against Prohibited Imports, etc.)**

(1) If an imported thing designated for a quarantine purpose falls under any of the following subparagraphs, the competent aquatic organism quarantine officer may order its consignee (including his/her agent; hereinafter the same shall apply) to return it or, if it is deemed that returning will hinder the control of a contagious aquatic organism disease or it is impractical to return it, order its consignee to incinerate, bury, or dispose of it by the method determined and announced by the Minister of Oceans and Fisheries as safe for the purpose of disease control (hereinafter referred to as "incinerate, bury, dispose of, etc."): Provided, That in the case falling under subparagraph 3, the competent aquatic organism quarantine officer shall obtain prior approval from the Minister of Oceans and Fisheries: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. Where a thing is prohibited from importing under Article 24 (1);
  2. Where a thing is not accompanied by a quarantine certificate required under the main sentence of Article 26 (1);
  3. Where importing a thing designated for a quarantine purpose is likely to cause a serious hazard otherwise to the domestic control of contagious aquatic organism diseases.
- (2) A consignee in receipt of an order under paragraph (1) shall return, incinerate, bury, dispose of, etc. the thing but if he/she fails to comply with such order within a period specified by Ordinance of the Ministry of Oceans and Fisheries, the competent aquatic organism quarantine officer him/herself may incinerate, bury, dispose of, etc. the thing. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (3) Notwithstanding paragraph (1), if an aquatic organism quarantine officer is unable to issue an order under paragraph (1), because the identity of the consignee of a thing designated for quarantine purpose is uncertain or the whereabouts of the consignee is unknown, the aquatic organism quarantine officer him/herself may incinerate, bury, dispose of, etc. the thing. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (4) When an aquatic organism quarantine officer takes a countermeasure against a thing designated for a quarantine purpose pursuant to paragraphs (2) and (3), he/she shall notify the head of the agency for customs clearance of the thing designated for a quarantine purpose of the fact. In such cases, if deemed necessary to take a measure for disease control, the aquatic organism quarantine officer shall also notify the head of the agency for the control of aquatic organism diseases of the fact. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (5) A thing designated for a quarantine purpose, which shall be returned, incinerated, buried, or disposed of, etc. pursuant to paragraphs (2) and (3), shall not be moved to another place without the instruction from an aquatic organism quarantine officer. *<Amended by Act No. 10888, Jul. 21, 2011>*
- (6) Costs and expenses for storing and returning, burying, disposing of, etc. a thing designated for a quarantine purpose, which shall be disposed of pursuant to paragraphs (2) and (3), shall be borne by its consignee: Provided, That if the identity of the consignee is uncertain, the whereabouts of the consignee is unknown, or the thing is in small quantity and the aquatic organism quarantine officer shall inevitably

dispose of it, costs and expenses for such disposal shall be borne by the national treasury. <Amended by Act No. 10888, Jul. 21, 2011>

#### **Article 26 (Accompanying Quarantine Certificate for Import)**

(1) A person who intends to import a thing designated for a quarantine purpose shall submit a quarantine certificate issued by a governmental agency of the exporting country to certify that the thing is free from the likelihood of spreading the pathogens of a contagious aquatic organism disease (hereinafter referred to as "quarantine certificate"); Provided, That the foregoing shall not apply to imports from a country that does not have a governmental agency responsible for the quarantine of aquatic organisms and other cases specified by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(2) If deemed necessary for the control of contagious aquatic organism diseases, the Minister of Oceans and Fisheries may determine and announce sanitary conditions separately, such as the details of quarantine measures taken by an exporting country and the sanitary state which shall be included in the contents of a quarantine certificate. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 27 (Quarantine Inspection on Imports)**

(1) A person who intends to import a thing designated for a quarantine purpose shall submit an application and a cargo manifest, without delay, to the head of an agency for the quarantine of aquatic organisms to apply for a quarantine inspection and shall undergo the quarantine inspection conducted by an aquatic organism quarantine officer (hereinafter referred to as "import quarantine inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That a person who imports a thing designated for a quarantine purpose as a traveler's hand-carried thing shall declare it to the head of the agency for the quarantine of aquatic organisms having jurisdiction over the airport or port of entry immediately after his/her entry to undergo an import quarantine inspection, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13269, Mar. 27, 2015>

(2) If it is found or believed, as a result of an epidemiological investigation or close examination, that a thing not designated for a quarantine purpose is contaminated by the pathogens of a contagious aquatic organism disease, the competent aquatic organism quarantine officer shall conduct an import quarantine inspection without delay. <Amended by Act No. 10888, Jul. 21, 2011>

(3) If deemed necessary for effectively conducting an import quarantine inspection, an aquatic organism quarantine officer may conduct a quarantine inspection in his/her discretion on a thing designated for a quarantine purpose and stored in a bonded area even without an application or a declaration filed under paragraph (1) or a request from the cargo manager of the bonded area under Article 154 of the Customs Act. <Amended by Act No. 10888, Jul. 21, 2011>

#### **Article 28 (Dispatched Quarantine Inspection)**

(1) If any of the following events occurs in connection with quarantine measures for imported aquatic organisms, the Minister of Oceans and Fisheries may dispatch an aquatic organism quarantine officer to the country concerned to conduct a quarantine inspection (hereinafter referred to as "dispatched quarantine inspection"): *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. When a person who intends to import an aquatic organism under subparagraphs 1 and 1-2 of Article 23 asks to conduct a quarantine inspection in the exporting country before importing the aquatic organism;
  2. When the government of the country exporting an aquatic organism under subparagraphs 1 and 1-2 of Article 23 asks to conduct a quarantine inspection in the exporting country before exporting the aquatic organism.
- (2) Expenses incurred in conducting a dispatched quarantine inspection under paragraph (1) shall be borne by a person or the government of a country that requested the dispatch for quarantine inspection.
- (3) A thing that has successfully passed a dispatched quarantine inspection under paragraph (1) may be exempted wholly or partially from an import quarantine inspection under Article 27, as prescribed by Presidential Decree.
- (4) Matters necessary for detailed procedures for the dispatched quarantine inspections under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 29 (Restriction on Importing Places)**

- (1) A thing designated for a quarantine purpose shall be imported through a port, an airport, or other place specified by Ordinance of the Ministry of Oceans and Fisheries (hereinafter referred to as "importing place"): Provided, That the foregoing shall not apply where the head of the agency for the quarantine of aquatic organisms designates a specific importing place upon a request from the person who imports the thing designated for a quarantine purpose. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (2) Matters necessary for making requests for designating a specific importing place under the proviso to paragraph (1) and the designation method shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 30 (Issuance, etc. of Import Quarantine Certificate)**

If it is found, as a result of an import quarantine inspection conducted under Article 27 that a thing is free from the likelihood of spreading the pathogens of a contagious aquatic organism disease, the competent aquatic organism quarantine officer shall issue an import quarantine certificate, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That if a quarantine inspection has been conducted pursuant to Article 27 (2), a quarantine certificate shall be issued only when an application for the certificate is filed. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*



### **Article 31 (Quarantine Inspection for Exports, etc.)**

(1) A person who intends to export a thing designated for a quarantine purpose shall undergo a quarantine inspection conducted by an aquatic organism quarantine officer (hereinafter referred to as "export quarantine inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the foregoing shall not apply where the importing country does not require a quarantine inspection on the thing designated for a quarantine purpose. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) A person who intends to undergo an export quarantine inspection of an aquatic organism or a product from such an aquatic organism, which is not a thing designated for a quarantine purpose, may undergo an export quarantine inspection upon filing an application. *<Amended by Act No. 10888, Jul. 21, 2011>*

(3) An export quarantine inspection under paragraphs (1) and (2) may be conducted in compliance with the standards and method that the governmental agency of the counterpart country or an importer demands to follow.

(4) If it is found, as a result of an export quarantine inspection conducted under paragraphs (1) through (3), that a thing is not contaminated by the pathogens of a contagious aquatic organism disease, the competent aquatic organism quarantine officer shall issue an export quarantine certificate, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

### **Article 32 (Quarantine Area)**

(1) An import quarantine inspection or an export quarantine inspection under Article 27 (1) or 31 (1) or (2) shall be conducted respectively in a designated quarantine area: Provided, That a quarantine inspection may be conducted in any place other than a quarantine area in any of the following cases: *<Amended by Act No. 10888, Jul. 21, 2011>*

1. Where it is deemed impractical or inappropriate to conduct a quarantine inspection on a thing subject to the import quarantine inspection under Article 27 (1) in a quarantine area;
2. Where a thing subject to the export quarantine inspection under Article 31 (1) or (2) is in an aquaculture facility or a facility for gathering aquatic organisms that meets the requirements for facilities and equipment necessary for the quarantine inspection;
3. Where it is found that a thing subject to the relevant quarantine inspection is free from the likelihood of spreading the pathogens of a contagious aquatic organism disease in view of the current domestic state of disease control.

(2) Matters necessary for places in which a quarantine inspection may be conducted pursuant to the proviso to paragraph (1) other than a quarantine area shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) A person who intends to have a place other than a quarantine area designated as a quarantine place pursuant to the proviso to paragraph (1) shall appoint an aquatic organism disease inspector or a veterinarian specially as an agent (hereinafter referred to as "quarantine agent"), as prescribed by

Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the duties of a quarantine agent shall be prescribed by Presidential Decree.

(5) The head of the agency for the quarantine of aquatic organisms may issue an order to take corrective measures, if a quarantine place other than a quarantine area under the proviso to paragraph (1) falls under any of the following subparagraphs: <Amended by Act No. 10888, Jul. 21, 2011>

1. Where any facility, equipment, etc. for quarantine inspections fails to meet the standards;
2. Where no quarantine agent has been appointed.

(6) The head of the agency for the quarantine of aquatic organisms may reject a request for a quarantine place other than a quarantine area under the proviso to paragraph (1), if the place falls under any of the following subparagraphs: Provided, That no quarantine inspection shall be conducted in the case falling under subparagraph 1: <Amended by Act No. 10888, Jul. 21, 2011>

1. If a place was approved as a quarantine place by fraud or other wrongful means;
2. If an order to take corrective measures under paragraph (5) has not been complied with.

### **Article 33 (Designation, etc. of Custodian)**

(1) If deemed necessary for maintaining order in a quarantine area and safeguarding things designated for a quarantine purpose, the head of the agency for the quarantine of aquatic organisms may designate a custodian or transport vehicles. <Amended by Act No. 10888, Jul. 21, 2011>

(2) A custodian designated under paragraph (1) may collect expenses incurred in the management of a thing designated for a quarantine purpose from a consignee. In such cases, the collectible amount shall be subject to prior approval from the head of the agency for the quarantine of aquatic organisms. <Amended by Act No. 10888, Jul. 21, 2011>

(3) None of the following persons shall be qualified for a custodian under paragraph (1):

1. A person who falls under any subparagraph of Article 33 of the State Public Officials Act;
2. A person in whose case three years have not passed since his/her designation as a custodian under this Act was revoked.

(4) The head of the agency for the quarantine of aquatic organisms may revoke designation, if a custodian designated pursuant to paragraph (1) falls under any of the following subparagraphs: Provided, That the designation shall be revoked in the case falling under subparagraph 1 or 2: <Amended by Act No. 10888, Jul. 21, 2011>

1. When a custodian is designated by fraud or other wrongful means;
2. When a custodian violates paragraph (2) in collecting expenses;
3. When a custodian violates the standards for safeguard under paragraph (7).

(5) The head of the agency for the quarantine of aquatic organisms may revoke designation, if a transport vehicle designated pursuant to paragraph (1) falls under any of the following subparagraphs: Provided, That the designation shall be revoked in the case falling under any of subparagraphs 1 through 3: <Amended by Act No. 10888, Jul. 21, 2011>

1. Where the registration of the trucking transport business under the Trucking Transport Business Act is revoked with respect of the owner of a transport vehicle;
  2. Where the registration of a bonded transporter under the Customs Act is revoked with respect to the owner of a transport vehicle;
  3. The automobile registration is cancelled pursuant to Article 13 of the Automobile Management Act;
  4. Where an order to disinfect a transport vehicle under paragraph (6) was violated;
  5. Where a transport vehicle fails to meet the standards for the equipment of transport vehicles for things designated for a quarantine purpose under paragraph (7).
- (6) If deemed necessary for quarantine measures, the head of the agency for the quarantine of aquatic organisms may order the consignee of a thing designated for a quarantine purpose or an aquatic organism transporter to disinfect the thing designated for a quarantine purpose or the transport vehicle at the expense of the consignee of the thing designated for a quarantine purpose, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (7) The head of the agency for the quarantine of aquatic organisms may establish standards necessary for the transportation (including standards for the equipment of transport vehicles), storage in and release from a warehouse, and safeguard of things designated for a quarantine purpose, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 34 (Disposal of Rejected Things, etc.)**

- (1) When an aquatic organism quarantine officer finds that a thing subject to quarantine inspection falls under any of the following subparagraphs while conducting a quarantine inspection pursuant to Articles 27 and 31, he/she shall order the consignee to return, incinerate, bury, or dispose of, etc. it wholly or partially: Provided, That the aquatic organism quarantine officer him/herself may discard it, if the consignee fails to comply with the order: *<Amended by Act No. 10888, Jul. 21, 2011>*
1. A thing that does not meet the sanitary conditions under Article 26 (2);
  2. A thing that is found or believed to be contaminated by the pathogens of a contagious aquatic organism disease;
  3. A thing that is found or believed to contain a toxic or hazardous substance;
  4. A thing that is found to have become stale or have been spoiled and thus is likely to cause a hazard to public health;
  5. A thing that is believed to cause a hazard to public health because of adulteration by or addition of other substance or other cause.
- (2) When the head of the agency for the quarantine of aquatic organisms issues an order to dispose of a thing subject to quarantine inspection or discard such a thing on his/her own pursuant to paragraph (1), he/she shall notify the head of the agency for customs clearance of the thing designated for a quarantine purpose of the fact. *<Amended by Act No. 10888, Jul. 21, 2011>*

(3) Article 25 (6) shall apply mutatis mutandis to expenses incurred in disposing of rejected things subject to quarantine inspection pursuant to paragraph (1).

### **Article 35 (Re-Inspection)**

(1) A person who is dissatisfied with the results of a quarantine inspection conducted pursuant to Articles 27 and 31 may file an application for re-inspection with the Minister of Oceans and Fisheries within 14 days after receipt of the notice of the results. In such cases, another aquatic organism quarantine officer who is not the aquatic organism quarantine officer conducted the initial inspection shall be assigned to conduct the re-inspection, unless another aquatic organism quarantine officer is not available or extenuating circumstances exist. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) A re-inspection under paragraph (1) may be conducted only in any of the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

1. When the head of the agency for the quarantine of aquatic organisms admits that the method applied for collecting samples for the quarantine inspection or conducting the quarantine inspection was wrong;
2. When the results of a quarantine inspection submitted by a research institute specified and announced by the Minister of Oceans and Fisheries as one specializing in quarantine inspection differs from the results of the initial quarantine inspection.

(3) As regards to the results of a re-inspection under paragraph (1), no application may be filed for another re-inspection on an identical ground.

(4) Matters necessary for the method, procedures, etc. for re-inspections under paragraphs (1) through (3) shall be prescribed by Ordinance of Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

### **Article 36 (Revocation of Quarantine Inspection Ruling)**

If it is discovered that a person has passed an import quarantine inspection under Article 27, a dispatched quarantine inspection under Article 28, an export quarantine inspection under Article 31, or a re-inspection under Article 35 by fraud or other wrongful means, the Minister of Oceans and Fisheries shall revoke the quarantine inspection ruling and shall conduct another import quarantine inspection, dispatched quarantine inspection, export quarantine inspection, or re-inspection. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 37 (Import Risk Analysis)**

(1) If deemed necessary for effectively conducting quarantine inspections, the Minister of Oceans and Fisheries may assess the degree of a risk that the pathogens of a contagious aquatic organism disease transmitted into the Republic of Korea are likely to affect aquatic organisms and aquatic environments, and may conduct an analysis and assessment on the importation of aquatic organisms (hereafter referred to as "import risk analysis" in this Article), by including the details for lowering the degree of such risk. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the method and procedures for conducting an import risk analysis shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 37-2 (License of Aquatic Organism Disease Inspector)**

Any person who intends to be an aquatic organism disease inspector shall obtain the relevant license from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, after passing the national examination for the license of aquatic organism disease inspector pursuant to Article 37-5. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 37-3 (Grounds for Disqualification)**

None of the following persons shall be an aquatic organism disease inspector: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12480, Mar. 18, 2014>

1. A mentally ill person defined in subparagraph 1 of Article 3 of the Mental Health Act: Provided, That a person who is deemed appropriate for an aquatic organism disease inspector by a psychiatrist shall be excluded herefrom;
2. A person under adult guardianship or a person under limited guardianship;
3. An addict to narcotics, hemp, or other psychotropic drugs who the Minister of Oceans and Fisheries deems as inappropriate for carrying out the duties of an aquatic organism disease inspector;
4. A person in whose case imprisonment without labor or heavier punishment as declared by a court in violation of this Act, the Veterinarians Act, the Fisheries Act, the Fishery Resources Management Act, the Agricultural and Marine Products Quality Control Act, the Medical Service Act, the Pharmaceutical Affairs Act, or the Act on the Control of Narcotics, Etc. has not been completely executed (including cases where such execution is deemed to have been completed) or exempted;
5. A person whose license was cancelled for reasons falling under any of subparagraphs 2 through 4 of Article 37-16 (1) and for whom two years have not passed since the date of cancellation of his/her license.

#### **Article 37-4 (License, etc.)**

- (1) When the Minister of Oceans and Fisheries grants a license pursuant to Article 37-2, he/she shall enter matters concerning the license in the license register and deliver a certificate of license. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) No aquatic organism disease inspector shall lend his/her certificate of license referred to in paragraph (1) to a third person.
- (3) Matters necessary for entries in the license register and issuance of the certificates of license shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 37-5 (National Examination for License of Aquatic Organism Disease Inspector)**

- (1) National examination for the license of aquatic organism disease inspector shall be conducted by the Minister of Oceans and Fisheries every year. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The national examination for the license of aquatic organism disease inspector shall test knowledge of aquatic organism medical science necessary for the diagnosis and treatment of aquatic organisms and knowledge and skills in the aquaculture of aquatic organisms necessary to become an inspector.

(3) The Minister of Oceans and Fisheries may cause a relevant specialized institution recognized to have examination management capabilities to manage the national examination for the license of aquatic organism disease inspector under paragraph (1), as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Except as otherwise prescribed in paragraphs (1) through (3), other necessary matters concerning the conduct of the national examination for the license of aquatic organism disease inspector shall be prescribed by Presidential Decree.

#### **Article 37-6 (Qualifications for Examination)**

Any person who does not fall under any subparagraph of Article 37-3 and graduated from an aquatic organism disease-related department (referring to the departments of the universities or colleges determined by Ordinance of the Ministry of Oceans and Fisheries through consultations with the Minister of Oceans and Fisheries and relevant central administrative agencies, such as the department of aquatic organism medicine) of a university or college (including foreign universities or colleges recognized by the Minister of Education) with a bachelor's degree, or a person who has the academic background equivalent thereto or higher under the Act on the Acquisition of Academic Degrees through Self-Education, shall be qualified to apply for the national examination for the license of aquatic organism disease inspector provided for in Article 37-5. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 37-7 (Misconduct of Examinees)**

(1) A person who has applied for the national examination for the license of aquatic organism disease inspector under Article 37-5 by unjustifiable means or who engages in misconduct in such examination shall be suspended from the relevant examination, or such person's pass in the examination shall be nullified.

(2) No person for whom the examination is suspended or whose pass in the examination is nullified pursuant to paragraph (1) shall apply for two national examinations for the license of aquatic organism disease inspector conducted consecutively thereafter.

#### **Article 37-8 (Prohibition of Unlicensed Medical Treatment)**

No person who is not an inspector shall provide medical treatment to aquatic organisms: Provided, That any of the following medical treatments may be provided by a person who is not an aquatic organism disease inspector:

1. Medical treatments for aquatic animals provided by a person who has a veterinarian's license pursuant to Article 4 of the Veterinarians Act in accordance with the same Act;
2. Non-profit medical treatments prescribed by Presidential Decree.

#### **Article 37-9 (Prohibition, etc. of Refusal of Medical Treatment)**

(1) No aquatic organism disease inspector providing the aquatic organism medical service for aquatic organisms shall refuse to provide medical treatment for any aquatic organism without any justifiable ground, when requested to treat it.

(2) No aquatic organism disease inspector shall prescribe or medicate violent toxins, deadly poison, medicines for aquatic organisms, or biological agents, unless he/she himself/herself provides medical treatment. *<Amended by Act No. 13269, Mar. 27, 2015>*

#### **Article 37-10 (Written Diagnosis, etc.)**

(1) No aquatic organism disease inspector shall issue any written diagnosis, death certificate, certificate, or prescription unless he/she provides a medical treatment or performs an examination by himself/herself: Provided, That where an aquatic organism disease inspector who has provided any medical treatment or conducted an examination by himself/herself is unable to issue the written diagnosis, death certificate, or certificate due to an inevitable reason, another aquatic organism disease inspector of the same aquatic organism disease inspection center may issue the aforementioned documents based on a relevant medical treatment register, etc. *<Amended by Act No. 13269, Mar. 27, 2015>*

(2) A mortality certificate to be issued when an aquatic organism falls dead while being provided with the medical treatment under paragraph (1) may be issued by another aquatic organism disease inspector who is working for the same aquatic organism disease inspection center. *<Amended by Act No. 13269, Mar. 27, 2015>*

(3) When an aquatic organism disease inspector is requested to issue a written diagnosis, death certificate, certificate, or prescription for an aquatic organism treated or examined by himself/herself, he/she shall not refuse such request without good cause. *<Amended by Act No. 13269, Mar. 27, 2015>*

(4) If necessary to administer medicines for aquatic organisms to aquatic organisms, an aquatic organism disease inspector shall issue a prescription to the owner or manager of the aquatic organisms (hereinafter referred to as "owner, etc. of aquatic organisms"): Provided, That this shall not apply where the aquatic organism disease inspector himself/herself directly prescribes or administers medicine. *<Newly Inserted by Act No. 13269, Mar. 27, 2015>*

(5) Notwithstanding paragraph (1), an aquatic organism disease inspector who is reported as an full-time employee of an aquaculture facility to the Minister of Oceans and Fisheries may issue a prescription concerning medicines for aquatic organisms in order to administer medicine to the aquatic organisms living in the relevant aquaculture facility. In such cases, the scope of full-time aquatic organism disease inspectors, methods of reporting, issuing, and archiving prescriptions, making and reporting a statement of medical treatment, education, matters to be observed, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 13269, Mar. 27, 2015>*

(6) Where an aquatic organism disease inspector directly prescribes or administers medicines for aquatic organisms in accordance with paragraphs (4) and (5), he/she shall state in the statement of medical treatment the name, usage, dose, etc. of the medicines for aquatic organisms. In such cases, the Minister of Oceans and Fisheries may, if deemed necessary, require such inspector to report the matters concerning the

statement of medical treatment or require relevant public officials to access the aquatic organism disease inspection center, aquaculture facility, etc. and conduct an investigation. <Newly Inserted by Act No. 13269, Mar. 27, 2015>

(7) The standard forms and matters to be stated in the written diagnosis, death certificate, certificate, or prescription referred to in paragraphs (1) through (4) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Newly Inserted by Act No. 13269, Mar. 27, 2015>

(8) A person who has established an aquatic organism disease inspection center shall notify or post the service fees for issuance of a written diagnosis and other documents as prescribed by Ordinance of the Ministry of Oceans and Fisheries and may not collect any fees exceeding the notified and posted amount.

<Newly Inserted by Act No. 13269, Mar. 27, 2015>

#### **Article 37-11 (Medical Treatment Registers and Carcass Examination Registers)**

Each aquatic organism disease inspector shall keep a medical treatment register and a carcass examination register and enter matters concerning medical treatments therein and preserve them for one year.

#### **Article 37-12 (Establishment of Aquatic Organism Disease Inspection Center)**

(1) No person shall be allowed to provide the aquatic organism medical service without establishing an aquatic organism disease inspection center.

(2) Any of the following persons may establish an aquatic organism disease inspection center:

1. An aquatic organism disease inspector (excluding those who were declared bankrupt and have not yet been reinstated);
2. The State or a local government;
3. A corporation established for the purpose of providing aquatic organism medical service;
4. A university defined in subparagraph 1 of Article 2 of the Higher Education Act which has established and operates any curriculum related to aquatic organism disease;
5. An organization related to aquatic organisms.

(3) A person who intends to open an aquatic organism disease inspection center shall meet the criteria for facilities prescribed by Presidential Decree and file a report thereon with the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. The same shall also apply when it is intended to revise any reported matter. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 37-13 (Matters to be Observed, etc. by Establishers)**

(1) Where an aquatic organism disease inspector has established an aquatic animal disease inspection center pursuant to Article 37-12 (2) 1, if the establisher is temporarily unable to manage the aquatic organism disease inspection center due to unavoidable circumstances, such as a disease, he/she shall designate a person to manage the institute from among the aquatic organism disease inspectors working for such institute.

(2) When managing an aquatic organism disease inspection center, the establisher thereof and the manager designated under paragraph (1) shall comply with the matters prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>



#### **Article 37-14 (Reporting on Suspension or Closure of Business)**

When any establisher of an aquatic organism disease inspection center suspends or quits the practice of aquatic organism medical service, he/she shall report thereon to the head of the competent Si/Gun/Gu within seven days: Provided, That such report may be omitted in cases of suspending a business for not longer than 30 days.

#### **Article 37-15 (Public Aquatic Organism Disease Inspectors)**

(1) In order to facilitate the appropriate operation of the medical treatment system for aquatic organisms, the Minister of Oceans and Fisheries or each Mayor/Do Governor may commission the following duties to any aquatic organism disease inspector who runs or works for an aquatic organism disease inspection center, or a veterinarian who runs works for a veterinary clinic under the Veterinarians Act: Provided, That the affairs related to aquatic plants shall not be commissioned to any veterinarian: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Medical treatment for aquatic organisms;
2. Surveys and research of aquatic organism diseases;
3. Prevention and treatment of contagious aquatic organism diseases;
4. Promotion of health of aquatic organisms and management of environmental hygiene;
5. Other matters that the Minister of Oceans and Fisheries or each Mayor/Do Governor deems necessary for the medical treatment for aquatic organisms.

(2) The Minister of Oceans and Fisheries or each Mayor/Do Governor shall direct and supervise the aquatic organism disease inspectors or veterinarians to whom the duties set forth in subparagraphs of paragraph (1) are commissioned (hereinafter referred to as "public aquatic organism disease inspectors"). *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for commissioning of, and performing the duties of public aquatic organism disease inspectors under paragraph (1) shall be prescribed by the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 37-16 (Revocation or Suspension of License)**

(1) If any aquatic organism disease inspector falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may suspend or revoke such person's license for a fixed period within one year: Provided, That in cases falling under subparagraph 1, the license shall be revoked: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. If he/she falls under any subparagraph of Article 37-3;
2. If he/she lends his/her certificate of license to a third person, in violation of Article 37-4 (2);
3. If he/she provides medical treatment for aquatic organisms during the period of suspension of his/her license;
4. If he/she has been issued the disposition of suspension of his/her license at least three times during a period prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) If any aquatic organism disease inspector falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may suspend or revoke his/her license for a fixed period within one year:

*<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13269, Mar. 27, 2015>*

1. If he/she refuses to provide medical treatment, in violation of Article 37-9 (1);
2. If he/she prescribes or administers violent toxins, deadly poison, medicines for aquatic organisms, or biological agents, in violation of Article 37-9 (2);
3. If he/she issues a written diagnosis, death certificate, certificate, or prescription, in violation of Article 37-10 (1);
4. If he/she refuses to issue any written diagnosis, death certificate, certificate, or prescription, in violation of Article 37-10 (3);
5. If he/she provides aquatic organism medical service without establishing an aquatic organism disease inspection center, in violation of Article 37-12 (1);
6. If he/she fails to comply with the matters to be observed, in violation of Article 37-13 (2);
7. If he/she refuses to file a report under Article 44 (3) without any justifiable ground;
8. If any written diagnosis or certificate is issued by fraud or other improper means;
9. If any medical treatment fee is charged by an unjustifiable means, such as forgery or modification of the relevant documents;
10. If any medical treatment which is not recognized in medical science of aquatic organisms is performed;
11. If any degree awarded to him/her is made public by falsehood.

(3) When granting an administrative disposition in accordance with paragraph (2) 10, the Minister of Oceans and Fisheries shall hear the opinions of the relevant experts in advance concerning the matters that require a judgment on diagnostic techniques. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) When two years have passed after the license of a person was revoked under paragraph (1), the Minister of Oceans and Fisheries may re-grant the license: Provided, That such license may be granted after the ground for revocation ceases to exist where a license was revoked by reason of paragraph (1) 1. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The detailed criteria for dispositions, such as revocation of license, referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 37-17 (Suspension of Business)**

If an aquatic organism disease inspector falls under any of the following subparagraphs, the head of a Si/Gun/Gu may order him/her to suspend his/her business within a fixed period up to one year, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where he/she fails to satisfy the criteria for facilities referred to in the former part of Article 37-12 (3);

2. Where he/she fails to file a report on any revision referred to in the latter part of Article 37-12 (3);
3. Where he/she has his/her aquatic organism disease inspection center managed, in violation of Article 37-13 (1);
4. Where he/she fails to commence the business without any justifiable ground within three months after filing the report on establishment;
5. Where there exists a fact that he/she has allowed any medical treatment to be provided without license.

#### **Article 38 (Education on Disease Control)**

(1) The State or a local government shall provide education on the control of contagious aquatic organism diseases (hereinafter referred to as "disease control education") for aquaculture business entities specified by Ordinance of the Ministry of Oceans and Fisheries, and their workers. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the contents of the disease control education and the education method shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 39 (Testing and Analysis of Technology for Prevention of Diseases)**

(1) The Minister of Oceans and Fisheries may, upon request from a local government, an organization related to aquatic organisms, or an aquaculture business entity, test and analyze any technology for the prevention of aquatic organism diseases. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for standards for testing and analysis under paragraph (1) and the testing and analysis methods shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 40 (Restrictions, etc. on Use of Unapproved Medicines, etc.)**

If it is found that the misuse or abuse of a medicine for aquatic organisms or the use of an unapproved medicine or chemical substance in aquaculture facilities is likely to cause a serious hazard specified by Ordinance of the Ministry of Oceans and Fisheries to public health, the Minister of Oceans and Fisheries may order aquaculture business entities to suppress, or refrain from, the use of such a medicine for aquatic organisms or such an unapproved medicine or chemical substance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 41 (Effect of Dispositions to Successors)**

(1) This Act or an order issued or a disposition made pursuant to this Act shall be also effective to a person who has succeeded to a right from the owner of an aquatic organism or a thing subject to the order or disposition or a person who takes the custody of such an aquatic organism or a thing as a result of the creation of a new right. *<Amended by Act No. 10888, Jul. 21, 2011>*

(2) A person who transfers an aquatic organism or a thing subject to this Act or an order issued or a disposition made pursuant to this Act to a third person or who allows another person to take the custody of

such an aquatic organism or a thing pursuant to paragraph (1) shall notify the person who acquires a new right or the person who takes the custody of such an aquatic organism or a thing as a result of the creation of a new right of the fact that such an order or a disposition exists and the details of such an order or a disposition. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 42 (Compensation, etc.)**

(1) The State or a local government shall pay compensation to the owner of an aquatic organism or a thing falling under any of the following, as prescribed by Presidential Decree: *<Amended by Act No. 10888, Jul. 21, 2011>*

1. An aquatic organism died or injured due to the testing or the administration of a medicine for aquatic organisms under Article 13 (1);
  2. An aquatic organism that becomes subject to an order to isolate or refrain from transportation under Article 15 (1) (limited to cases where damage has been incurred due to a restriction on market distribution);
  3. An aquatic organism culled pursuant to Article 16 (1);
  4. An aquatic organism confirmed to have died of any cause other than a contagious aquatic organism disease as a result of an examination under the proviso to Article 17 (1) (limited to cases where damage has been incurred due to a restriction on transportation);
  5. A thing incinerated or buried pursuant to Article 18;
  6. An aquatic organism that has successfully passed a re-inspection conducted pursuant to Article 35 (limited to cases where there is evidence proving that the impossibility of market distribution due to a re-inspection has caused damage).
- (2) If the State or a local government finds, when compensation for an aquatic organism or a thing under any subparagraph of paragraph (1) is to be paid, that an aquaculture business entity caused the outbreak, or the spread to other area, of a contagious aquatic organism disease as a consequence of the entity's violation of Article 9 (1) or 14 (1) or the entity's violation of an order issued pursuant to Article 13 (1), 15 (1), or 16 (1), it may reduce the total amount of compensation under paragraph (1), as prescribed by Presidential Decree. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 43 (Subsidization, etc. for Expenses)**

(1) If deemed necessary for raising aquaculture business entities' sense of responsibility for voluntary disease control, the Minister of Oceans and Fisheries may fully or partially subsidize, within budgetary limits, expenses incurred in the disinfection and control of aquatic organism diseases to fishery households or fishery communities that have excellent disease control ratings under Article 21. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) The State or a local government may fully or partially subsidize expenses incurred in any of the following cases, as prescribed by Presidential Decree:

1. Where medicines are administered pursuant to Article 13 (1);

2. Where aquatic organisms are culled pursuant to Article 16;
  3. Where aquatic organisms are incinerated or buried pursuant to Article 17 (2);
  4. Where measures are taken to prevent contamination pursuant to Article 17 (3);
  5. Where contaminated things are disinfected, incinerated, or buried pursuant to Article 18.
- (3) The State or a local government may subsidize, within budgetary limits, expenses for the stabilization of livelihood to fishery households which comply with culling orders issued under Article 16 (1).
- (4) Matters necessary for the scope of, and criteria and procedures for, the subsidy for the stabilization of livelihood under paragraph (3) shall be prescribed by Presidential Decree.

#### **Article 44 (Reporting)**

- (1) If deemed necessary for preventing a contagious aquatic organism disease, the Minister of Oceans and Fisheries or a Mayor/Do Governor may require an aquaculture business entity and the manager of a facility for gathering aquatic organisms to report necessary matters, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (2) When a Mayor/Do Governor has taken measures for preventing the outbreak or spread of a contagious aquatic organism disease pursuant to this Act, he/she shall report it to the Minister of Oceans and Fisheries and notify the head of the agency for the control of aquatic organism diseases and the relevant Mayor/Do Governor of the details of the measures, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (3) The Minister of Oceans and Fisheries, a Mayor/Do Governor or the head of a Si/Gun/Gu may require any aquatic organism disease inspector or aquatic organism disease inspection center to report on matters necessary for medical treatment for aquatic organisms, including the medical treatment register, in accordance with the Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 45 (Instruction from Minister of Oceans and Fisheries)**

- (1) If it is necessary to take emergency measures because the outbreak or spread of any infectious aquatic organism disease, other than contagious aquatic organism diseases, is likely to seriously affect the production of aquatic organisms or the maintenance of citizens' health, the Minister of Oceans and Fisheries may instruct the head of a local government to take measures prescribed in Articles 13 (1) and 15 through 18. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
- (2) If deemed necessary for preventing the transmission of a contagious aquatic organism disease into the Republic of Korea, the Minister of Oceans and Fisheries may instruct the head of the agency for the quarantine of aquatic organisms to take measures necessary for import quarantine inspections, such as the suspension of quarantine inspections and the suspension of release of things designated for a quarantine purpose which are kept in quarantine areas. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Article 34 shall apply mutatis mutandis to measures taken by the head of the agency for the quarantine of aquatic organisms pursuant to paragraph (2). In such cases, the term "aquatic organism quarantine officer" in Article 34 (1) shall be construed as "the head of the agency for the quarantine of aquatic organisms." *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 45-2 (Guidance and Orders)**

(1) When deemed necessary for the policy for the medical treatment of aquatic organisms or when any serious danger or harm to public health occurs or is deemed likely to occur, the Minister of Oceans and Fisheries, each Mayor/Do Governor or head of a Si/Gun/Gu may provide guidance or issue orders as necessary to any aquatic organism disease inspector or aquatic organism disease inspection center, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When deemed necessary to provide guidance and issuing orders under paragraph (1), the Minister of Oceans and Fisheries, each Mayor/Do Governor or head of a Si/Gun/Gu may have public officials under his/her jurisdiction inspect the state of business operation, facilities, medical treatment registers, carcass examination registers or prescriptions of any aquatic organism disease inspector or aquatic organism disease inspection center concerning the medical treatment for aquatic organisms. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 46 (Demand by Head of Agency for Control of Aquatic Organism Diseases to Take Measures for Disease Control)**

If deemed necessary to take measures for disease control as a result of a disease identification or an epidemiological investigation under Article 10 or 11, the head of the agency for the control of aquatic organism diseases may demand the competent Mayor/Do Governor or the competent head of a Si/Gun/Gu to take measures for disease control under Articles 13 (1), 15, 16, and 18. *<Amended by Act No. 10888, Jul. 21, 2011>*

#### **Article 47 (Identification Card of Aquatic Organism Disease Control Officer, etc.)**

An aquatic organism disease control officer, an aquatic organism quarantine officer, an aquatic organism disease controller who performs his/her duty pursuant to this Act or a public official who conducts an inspection under Article 45-2 (2) shall carry with him/her an identification card certifying his/her authority and shall produce it to relevant people, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 48 (Honorary Observer for Control of Aquatic Organism Diseases)**

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may commission aquaculture business entities, feed distributors, distributors of medicines for aquatic organisms, aquatic organism transporters, etc. as honorary observers for the control of aquatic organism diseases (hereinafter referred to as "honorary observers") in order to have such observers promptly report if an aquatic organism that falls under any subparagraph of Article 9 (1) is discovered and to efficiently carry out preventive observations of contagious aquatic organism diseases. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for procedures for commissioning of honorary observers, their duties, payment of allowances, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 49 (Judicial Police Power)**

Each aquatic organism disease control officer and aquatic organism quarantine officer shall perform duties as a judicial police official with respect to crimes under this Act, as provided in the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties. <Amended by Act No. 10888, Jul. 21, 2011>

#### **Article 50 (Fees)**

(1) A person who requests the disease identification under Article 10 (1) or a person who intends to undergo a quarantine inspection under Article 27 (1), 28 (1), 31 (1) or (2), or 35 (1) shall pay fees prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) A person who requests the testing and analysis under Article 39 (1) shall pay fees prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 51 (Hearings)**

When it is intended to make any of the following dispositions, a hearing shall be held: <Amended by Act No. 10888, Jul. 21, 2011>

1. Revocation of the designation of a disease identification institution under Article 10 (5);
2. An order to close or take a measure to refrain from farming under Article 15 (3);
3. Business suspension under Article 15 (5);
4. Revocation of the designation of a custodian under Article 33 (4);
5. Revocation of the designation of a transport vehicle under Article 33 (5);
6. Revocation of the license of an aquatic organism disease inspector under Article 37-16.

#### **Article 52 (Delegation and Entrustment of Authority)**

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to each Mayor/Do Governor or the head of an affiliated agency under his/her jurisdiction, as prescribed by Presidential Decree, while each Mayor/Do Governor may delegate part of his/her authority under this Act to the head of each Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries, each Mayor/Do Governor, or the head of a Si/Gun/Gu may entrust an organization related to aquatic organisms with the collection of samples under Article 7 (4) or the disease control education under Article 38 (1), as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may entrust an organization related to aquatic organisms with the assessment and management of ratings of disease control under Article 21, as prescribed by

Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10888, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>

(4) When the Minister of Oceans and Fisheries, each Mayor/Do Governor, or the head of a Si/Gun/Gu entrusts the management of affairs pursuant to paragraph (2) or (3), he/she may wholly or partially subsidize expenses incurred in the entrusted management of such affairs. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 52-2 (Legal Fiction of Public Officials in Application of Penalty Provisions)**

Any person who is not a public official among aquatic organism disease control officers under Article 7 (3) or aquatic organism disease controllers under Article 8 (1) shall be deemed a public official for the purpose of Articles 129 through 132 of the Criminal Act.

#### **Article 53 (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 thirty million won: <Amended by Act No. 10888, Jul. 21, 2011; Act No. 12822, Oct. 15, 2014>

1. A person who fails to comply with a culling order under Article 16 (1);
2. A person who imports a thing, in violation of the main sentence of Article 24 (1), excluding its subparagraphs;
3. A person who fails to comply with an order to return, incinerate, bury, dispose of, etc. under Article 25 (1);
4. A person who moves a thing to another place without the instruction from an aquatic organism quarantine officer, in violation of Article 25 (5);
5. A person who imports a thing designated for a quarantine purpose without accompanying a quarantine certificate, in violation of the main sentence of Article 26 (1);
6. A person who fails to undergo a quarantine inspection, in violation of Article 27 (1) or who passes a quarantine inspection by fraud or other wrongful means, in violation of Article 27, 28, or 31;
7. A person who imports a thing through any place other than importing places, in violation of the main sentence of Article 29 (1);
8. A person who fails to comply with an order to return, incinerate, bury, dispose of, etc. under Article 34 (1);
9. A person who fails to comply with an order to suppress, or refrain from, the use of a medicine for aquatic organisms or an unapproved medicine or chemical substance under Article 40.

#### **Article 53-2 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding twenty million won: <Amended by Act No. 12822, Oct. 15, 2014>

1. A person who lends his/her certificate of aquatic organism disease inspector's license to a third person, in violation of Article 37-4 (2);



2. A person who provides medical treatment, in violation of Article 37-8.

#### **Article 54 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 10888, Jul. 21, 2011; Act No. 12822, Oct. 15, 2014>

1. A person who fails to report, in violation of Article 9 (1) or (2);
2. A person who obtains the designation as a disease identification institution by fraud or wrongful means, in violation of Article 10 (4);
3. A person who fails to comply with an order for isolation or restriction on transportation under Article 15 (1);
4. A person who fails to perform incineration or burial, in violation of the main sentence of Article 17 (2);
5. A person who fails to take a necessary measure, in violation of Article 17 (3);
6. A person who moves a thing to another place without the instruction from an aquatic organism quarantine officer, in violation of Article 17 (4);
7. A person who fails to comply with an order for disinfection, incineration, or burial under Article 18 (1);
8. A person who fails to undergo an inspection, in violation of Article 20 (1);
9. A person who fails to comply with an order for disinfection, isolation, or culling under Article 20 (2);
10. A person who moves an aquatic organism, which shall be inspected in a quarantine area, to any place other than the quarantine area, in violation of Article 32 (1);
11. A person who obtains approval for a quarantine inspection place other than a quarantine area under the proviso to Article 32 (1) by fraud or other wrongful means;
12. A person who obtains the designation as a custodian under Article 33 (1) by fraud or other wrongful means.

#### **Article 55 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding three million won: <Amended by Act No. 10888, Jul. 21, 2011>

1. A person who refuses, interferes with, or evades an epidemiological investigation without a justifiable ground, in violation of Article 11 (2);
2. A person who moves, buries, or incinerates the carcass of an aquatic organism without the instruction from an aquatic organism quarantine officer, in violation of the main sentence of Article 17 (1);
3. A person who moves a thing to another place or cleanses it without the instruction from an aquatic organism quarantine officer, in violation of Article 18 (2);
4. A person who excavates the land within two years, in violation of the main sentence of Article 19 (1).

#### **Article 56 (Joint Penalty Provisions)**

If the representative of a corporation, or an agent or employee of, or any other person employed by, a corporation or individual commits a violation described in Article 53, 53-2, 54 or 55 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but also the corporation or individual shall be punished by a fine prescribed in each relevant provision: Provided, That the same shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation.

#### **Article 57 (Administrative Fines)**

(1) A person who provides aquatic organism medical service without filing a report on the establishment of an aquatic organism disease inspection center, in violation of the former part of Article 37-12 (3), shall be punished by an administrative fine not exceeding five million won.

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

1. A person who refuses, interferes with, or evades an inspection, or who fails to comply with an order to administer a medicine, under Article 13 (1);
2. A person who imports a thing without filing a declaration, in violation of the proviso to Article 27 (1);
3. A person who exports a thing designated for a quarantine purpose without undergoing a quarantine inspection, in violation of the main sentence of Article 31 (1).

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

1. A person who refuses, interferes with, or evades an inspection conducted by an aquatic organism disease control officer, in violation of Article 7 (5) (including cases to which the aforesaid paragraph shall apply mutatis mutandis pursuant to Article 8 (3));
2. A person who refuses, interferes with, or evades the entry of an aquatic organism quarantine officer, in violation of Article 22 (4);
3. A person who refuses, interferes with, or evades an inspection or collection conducted by an aquatic organism quarantine officer, in violation of Article 22 (6);

(4) Any of the following persons shall be punished by an administrative fine not exceeding one million won: *<Amended by Act No. 13269, Mar. 27, 2015>*

1. A person who prescribes or administers violent toxins, deadly poison, medicines for aquatic organisms, or biological agents, in violation of Article 37-9 (2);
2. A person who refuses to issue a written diagnosis, death certificate, certificate, or prescription without good cause, in violation of Article 37-10 (3);
3. A person who fails to issue a prescription to the owner, etc. of an aquatic organism, in violation of Article 37-10 (4);
4. A person who issues a prescription without reporting to the Minister of Oceans and Fisheries, in violation of Article 37-10 (5);

5. A person who fails to prepare or falsely prepare a medical treatment register, in violation of Article 37-10 (6), or who refuses, interferes with, or evades reporting or investigation referred to in the later part of the same Article;
  6. A person who fails to notify and post the issuance fees or collects the fees exceeding the notified and posted amount, in violation of Article 37-10 (8);
  7. A person who fails to keep and preserve a medical treatment register or a carcass examination register or to enter matters that have been treated therein, in violation of Article 37-11;
  8. A person who fails to file a report on the suspension or closure of business of his/her aquatic organism disease inspection center, in violation of Article 37-14.
- (5) Administrative fines referred to in paragraphs (1) through (4) shall be imposed and collected by the Minister of Oceans and Fisheries, the head of the agency for the quarantine of aquatic organisms, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 58 (Common Provisions)**

- (1) The term "misdemeanor" in this Chapter means an act that constitutes a crime prescribed in subparagraph 7 of Article 54.
- (2) The term "misdemeanor offender" in this Chapter means a person who does not fall under any of the following subparagraphs:
  1. A person who commits another identical offense within one year after having committed a misdemeanor;
  2. A person against whom the disposition of a notice under Article 59 is deemed inappropriate in light of the motive, means, and consequence of the crime committed.
- (3) The term "penalty" in this Chapter means an amount of money that a misdemeanor offender shall pay to the national treasury pursuant to Article 59.
- (4) Investigations into misdemeanors shall be conducted exclusively by prosecutors and public officials appointed pursuant to the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties (hereinafter referred to as "special judicial police officials").

#### **Article 59 (Disposition of Notice)**

- (1) The head of the agency for the control of aquatic organism diseases may demand a person recognized as a misdemeanor offender to pay a penalty by dispatching a written notice of the payment of penalty, specifying the ground therefor: Provided, That the foregoing shall not apply to any of the following persons: *<Amended by Act No. 10888, Jul. 21, 2011>*
  1. A person whose name or address is not certainly verified;
  2. A person who refuses to receive the notice of the payment of penalty.
- (2) The amount of penalty that shall be notified pursuant to paragraph (1) shall be prescribed by Presidential Decree within the maximum of the fine prescribed by this Act according to the degree of each misdemeanor committed.

## **Article 60 (Payment of Penalty)**

(1) A person who receives a notice of the payment of penalty under Article 59 shall pay the penalty to the head office or a branch office of the Bank of Korea, an agency or a receiving agency for the national treasury designated by the Bank of Korea, or a post office within ten days after receipt of the notice of the payment of penalty: Provided, That if it is impossible to pay the penalty within the period due to a natural disaster or any other unavoidable cause or event, it shall be paid within five days from the day on which the cause or event terminates.

(2) A person who is dissatisfied with a notice of the payment of penalty under paragraph (1) may file an objection to the head of the agency for the control of aquatic organism diseases within the period given for the payment. *<Amended by Act No. 10888, Jul. 21, 2011>*

## **Article 61 (Effect of Disposition of Notice)**

(1) A person who has paid the penalty under Article 60 (1) shall not be punished again for the same misdemeanor.

(2) In any of the following cases, the competent special judicial police official shall transfer the case to the competent district public prosecutors' office or district public prosecutors' branch office without delay:

1. If a case falls under any subparagraph of Article 59 (1);
2. If the penalty has not been paid within the period given for the payment under Article 60 (1): Provided, That the foregoing shall not apply to cases where an objection has been filed in accordance with paragraph (2) of the same Article.

## **ADDENDA**

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Import and Export Quarantine Inspections)**

The import quarantine inspections under Article 27 shall apply to things designated for a quarantine purpose and brought in for importation on or after the enforcement date of this Act, while the export quarantine inspections under Article 31 shall apply to things designated for a quarantine purpose and taken out for exportation on or after the enforcement date of this Act.

### **Article 3 (Transitional Measure concerning Quarantine Inspections on Aquatic Animals for Transplant)**

An aquatic animal for transplant that has successfully passed, or is currently under, a quarantine inspection pursuant to Article 36 (1) of the former Quality Control of Fishery Products Act as at the time this Act enters into force shall be deemed to have successfully passed, or to be currently under, an import quarantine inspection under Article 27.

### **Article 4 (Transitional Measure concerning Penalty Provisions and Administrative Fines)**

For the purposes of penalty provisions and the imposition of administrative fines, acts done before this Act enters into force shall be governed by the previous provisions.

## **Article 5 Omitted.**

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

### **Article 1 (Enforcement Date)**

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

## **Articles 2 through 7 Omitted.**

ADDENDA <Act No. 10888, Jul. 21, 2011>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Repeal of other Act)**

The Fish Farming Development Act shall be hereby repealed.

### **Article 3 (General Transitional Measures)**

Any disposition, procedure and other acts made, taken or done under the former Fish Farming Development Act before it is repealed under Article 2 of the Addenda (hereinafter referred to as "former Fish Farming Development Act") and the Quality Control of Fishery Products Act before it is repealed under Article 2 of the Addenda to the wholly amended Agricultural Products Quality Control Act (Act No. 10885) (hereinafter referred to as "former Quality Control of Fishery Products Act") as at the time this Act enters into force shall be deemed made, taken or done under this Act, if provisions corresponding thereto exist herein.

### **Article 4 (Transitional Measures concerning Measures for Control of Contagious Aquatic Animal Diseases)**

Measures for control of contagious aquatic animal diseases established under the former provisions as at the time this Act enters into force shall be deemed measures for control of aquatic organism diseases established under the amended provisions of Article 3.

### **Article 5 (Transitional Measures concerning the Council for Control of Aquatic Animal Diseases)**

The Council for the Control of Aquatic Animal Diseases established under the former provisions as at the time this Act enters into force shall be deemed the Council for the Control of Aquatic Organism Diseases established under the amended provisions of Article 3.

### **Article 6 (Transitional Measures concerning Plan for Development of Technology)**

A plan for development of technology established under the former provisions as at the time this Act enters into force shall be deemed a comprehensive plan established under the amended provisions of Article 5.

### **Article 7 (Transitional Measures concerning Aquatic Animal Control Officers and Aquatic Animal Disease Controllers)**

(1) An aquatic animal disease control officer under the former provisions as at the time this Act enters into force shall be deemed an aquatic organism disease control officer under the amended provisions of

Article 7.

(2) An aquatic animal disease controller under the former provisions as at the time this Act enters into force shall be deemed an aquatic organism disease controller officer under the amended provisions of Article 8.

#### **Article 8 (Transitional Measures concerning Institution Specializing in Disease Identification of Aquatic Animal Diseases)**

An institution specializing in the disease identification of aquatic animal diseases designated under the former provisions as at the time this Act enters into force shall be deemed an institution specializing in the disease identification of aquatic organism diseases designated under the amended provisions of Article 10.

#### **Article 9 (Transitional Measures concerning Aquatic Animal Quarantine Officer)**

An aquatic animal quarantine officer under the former provisions of this Act and a quarantine officer under the former Quality Control of Fishery Products Act as at the time this Act enters into force shall be deemed a aquatic animal quarantine officer under the amended provisions of Article 22.

#### **Article 10 (Transitional Measures concerning Aquatic Plants for Transplant)**

Any aquatic plant for transplant which has been quarantined or re-quarantined, or which are in the process of quarantine or re-quarantine under Articles 36 (1), (3) and 40 of the former Quality Control of Fishery Products Act as at the time this Act enters into force shall be deemed quarantined or re-quarantined, or in the process of quarantine or re-quarantine under the amended provisions of Articles 27, 31 and 35.

#### **Article 11 (Transitional Measures concerning Export Quarantine Inspection Areas and Import Quarantine Inspection Areas)**

Each export quarantine inspection area and import quarantine inspection area designated under the former provisions as at the time this Act enters into force shall be deemed designated under the amended provisions of Article 32.

#### **Article 12 (Transitional Measures concerning Aquatic Animal Disease Inspectors)**

An aquatic animal disease inspector licensed under Article 14 of the former Fish Farming Development Act as at the time this Act enters into force shall be deemed an aquatic organism disease inspector licensed under the amended provisions of Article 37-2.

#### **Article 13 (Transitional Measures concerning Aquatic Organism Disease Inspection Centers)**

Any person who has filed a report on the establishment of an aquatic organism disease inspection center or the revisions thereof under Article 24 of the former Fish Farming Development Act as at the time this Act enters into force shall be deemed to have filed a report on the establishment of an aquatic organism disease inspection center or the revisions thereof under the amended provisions of Article 37-12.

#### **Article 14 (Transitional Measures concerning Public Inspectors)**

A public inspector under Article 27 of the former Fish Farming Development Act as at the time this Act enters into force shall be deemed a public aquatic organism disease inspector under the amended

provisions of Article 37-15.

**Article 15 (Transitional Measures concerning Dispositions for Administrative Measures, Penalty Provisions, etc.)**

Application of dispositions for administrative measures, penalty provisions or administrative fines in relation to acts done before this Act enters into force shall be governed by the previous provisions, the previous Fish Farming Development Act, and the previous Quality Control of Fishery Products Act.

**Article 16 Omitted.**

**Article 17 (Relationship with other Statutes)**

Where other statutes cite the former Fish Farming Development Act or any provisions thereof, or the former Quality Control of Fishery Products Act or any provisions thereof as at the time this Act enters into force, this Act or the relevant provisions of this Act shall be deemed cited in lieu of the former provisions, if provisions corresponding thereto exist herein.

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11755, Apr. 5, 2013>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning the Shift of Authority to Commission Aquatic Organism Disease Control Officers)**

Aquatic Organism Disease Control Officers who are commissioned by the Minister of Oceans and Fisheries and employed at an institution which conducts the control of aquatic organism diseases under the jurisdiction of the Mayor/Do Governor pursuant to the former provision of Article 7 (3) at the time this Act enters into force shall be considered commissioned by the Mayor/Do Governor pursuant to the amended provision of Article 7 (3). In such cases, the term of office shall be their remaining term of office.

ADDENDA <Act No. 12480, Mar. 18, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 (Transitional Measures concerning Incompetent Persons, etc.)**

Persons under adult guardianship and persons under limited guardianship in accordance with the amended provision of subparagraph 2 of Article 37-3 shall be deemed to include a person for whom the

declaration of incompetency or quasi-incompetency continues to be valid pursuant to Article 2 of Addenda to the Civil Act (Act No. 10429).

ADDENDUM <Act No. 12822, Oct. 15, 2014>

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

ADDENDUM <Act No. 13269, Mar. 27, 2015>

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

