

# SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON AGRICULTURAL AND FISHERY PRODUCTS WHOLESALE MARKETS

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## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance is to prescribe matters necessary for the operation and management of agricultural and fishery products wholesale markets set up by the Seoul Metropolitan Government under Article 17 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products.

### Article 2 (Opening of Wholesale Markets)

- (1) The names, locations, areas and trade items of agricultural and fishery products wholesale markets (hereinafter referred to as "wholesale markets") set up by the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") shall be as shown in attached Table 1.
- (2) Detailed matters concerning the trade items referred to in paragraph (1) shall be separately determined by the Mayor.

### Article 3 (Regular Holidays and Opening Hours)

Regular holidays and business hours of an opening day of each wholesale market shall be as shown in attached Table 2: Provided, That the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") may adjust them, if he/she deems it inevitable for the smooth distribution of agricultural and fishery products and pricing policy.

### Article 4 (Application to Joint Wholesale Markets)

Agricultural and fishery products joint wholesale markets (hereinafter referred to as "joint wholesale markets") under Article 43 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products (hereinafter referred to as the "Act") and Article 40 of the Enforcement Rule of the Act and intermediate wholesalers, trade participants, etc. of joint whole sale markets shall also be governed by this Ordinance.

## CHAPTER II WHOLESALE MARKET CORPORATIONS

## **Article 5 (Designation)**

CHAPTER II WHOLESALE MARKET CORPORATIONS(1) The Mayor shall designate each of the wholesale corporations (hereinafter referred to as "corporation") under Article 23 of the Act.

(2) Validity period of the designation of a corporation shall be set within the scope of not less than five years but not more than 10 years.

(3) In designating a corporation, the Mayor may attach such conditions for designation as the qualifications of executives, capital size, contract on use of facilities, deposit, scale of transaction, rate of net asset, purchase of insurance which is additional to the guarantee, etc.

(4) Matters necessary for the qualification requirements of a corporation, procedures for designation of a corporation, matters to be examined therefor, etc. shall be prescribed by municipal rule.

## **Article 6 (Maximum Number)**

(1) The maximum number of corporations (including joint wholesale markets and public-invested corporations under Article 24 of the Act) shall be as shown in attached Table 3.

(2) The Mayor may adjust it within the limit of the maximum number referred to in paragraph (1) taking into account the status of the facilities and transaction of wholesale markets, the status of market wholesalers, etc.

## **Article 7 (Renewal of Designation)**

(1) A corporation that intends to have its designation renewed due to the expiration of the period of designation shall file an application for renewal of designation not later than 90 days before the expiration of the period of designation.

(2) The Mayor may determine whether to grant renewal of designation by examining the requirements for designation referred to in Article 23 (3) of the Act, such as the scale of transaction, rate of net asset, and deposit.

(3) In any of the following cases, the Mayor shall not renew the designation of a corporation:

1. Where its operation has been turned out to be poor not less than three times during the relevant period of designation as the results of overall assessments and the opener's assessments conducted under Article 77 (2) of the Act;

2. Where its assessment score of financial soundness has not been higher than 2/3 of the average score of corporations not less than three times during the relevant period of designation as the results of overall assessments conducted under Article 77 (2) of the Act;

3. Where it has violated any conditions for designation prescribed in Article 82 (2) 1 of the Act.

(4) Where any corporation fails to obtain designation by falling under any subparagraph of paragraph (3), the Mayor may designate a new corporation through public invitation.

## **Article 8 (Qualifications of Executives)**

A corporation shall meet the following qualification requirements as regards its executives:

1. It shall have two or more executives in charge of execution of its business affairs, who shall have the knowledge to perform the wholesale business affairs of the relevant category efficiently and the experience in the affairs related to wholesale market or joint wholesale market for not less than two years;

2. There shall be no executive in whose case two years have not passed since his/her imprisonment without labor or heavier punishment as declared by a court was completely executed (including cases where it is deemed to have been executed) or exempted;

3. There shall be neither an executive who has been declared bankrupt by the court and has not been reinstated nor an executive who is incompetent or quasi-incompetent;

4. There shall be no executive related to a matter which is a ground for the cancellation of designation of a corporation under Article 82 (2) of the Act.

## **Article 9 (Capital Size)**

(1) Minimum capital size of a corporation by wholesale market shall be as shown in attached Table 4.

(2) A joint wholesale market which uses the capital account of a federation to which it belongs may be deemed to have secured the capital of the relevant category prescribed pursuant to paragraph (1).

## **Article 10 (Payment of Deposit)**

(1) In order to guarantee the payment to consigners of shipment and the faithful performance of its duties, a corporation shall pay a deposit to the Mayor or the representative of a window for settlement of payment within 30 days from the date of on which the designation is granted.

(2) The amount of deposit payable by a corporation shall be 20/100 of average daily trade amount of the previous year (in cases of a new corporation, referring to the expected average daily trade amount stipulated in the business plan; hereinafter the same shall apply), and the minimum amount thereof shall be as shown in attached Table 5.

(3) When the amount of deposit payable by a corporation is increased or when the deposit money is insufficient by appropriating all or part thereof to the reimbursement of payment for shipment, it shall additionally pay deposit money in the amount equivalent to

the shortage within the time limit determined by the Mayor or the representative of a window for settlement of payment.

(4) If a corporation fails to pay the deposit referred to in paragraphs (1) through (3), it shall be prohibited from its business from the date on which the time limit for payment lapses until the date the payment is completed.

(6) Matters necessary for the method of payment and return of deposit and other relevant matters shall be prescribed by municipal rule.

#### **Article 11 (Ratio of Net Asset)**

(1) The ratio of net asset (referring to an amount calculated by deducting total liabilities from total assets; hereinafter the same shall apply) to be secured by a corporation shall be 30/1,000 or more of the annual trade amount of the previous year (in cases of a newly designated corporation, referring to the expected annual trade amount stipulated in the business plan; hereinafter the same shall apply).

(2) A corporation shall report the quarterly status of securement of net asset to the Mayor or the representative of a window for settlement of payment.

(3) If the net asset of a corporation fails to meet the criteria for securement, it shall be fulfilled within 30 days and a report thereon shall be submitted to the Mayor or the representative of a window for settlement appending evidential documents.

(4) If a corporation fails to secure amount of net asset pursuant to paragraph (1), it shall be prohibited from performing its business from the date on which the time limit referred to in paragraph (3) lapses until the date the report on the securement is made.

#### **Article 12 (Management of Corporations)**

(1) Where any change is made to the articles of incorporation or the shareholders or executives of a corporation, a report shall be made thereon to the Mayor within 10 days: Provided, That in cases of the Garak-dong Agricultural and Fishery Products Wholesale Market, the Gangseo Agricultural Products Wholesale Market, and the Yangje-dong Grain Wholesale Market (hereinafter referred to as "Garak-dong Wholesale Market, etc.") the report shall be submitted to the Mayor through the president of the Seoul Agro-Fisheries and Food Corporation (hereinafter referred to as the "president of the Corporation").

(2) The Mayor may have a corporation make a report on its property and status of execution of its business affairs, when necessary.

#### **Article 13 (Report on Suspension or Discontinuation of Business)**

(1) If a corporation intends to suspend its business on a day which is not a scheduled holiday, it shall report thereon to the Mayor not later than 10 days before the expected day of such business suspension, and not later than 30 days before the expected date of business discontinuation if it intends to discontinue its business: Provided, That the Garak-dong Wholesale Market, etc. shall submit such report through the president of the Corporation, who shall submit it to the Mayor appending his/her review opinion.

(2) If a corporation intends to suspend or discontinue its business under paragraph (1), it shall take necessary measures for the shippers, distributors and consumers to become aware of it.

(3) When a corporation discontinues its business, the Mayor shall publish such fact in a daily newspaper, bulletin board, etc.

(4) Matters concerning the procedures for suspension or discontinuation of business and other necessary matters shall be prescribed by municipal rule.

#### **Article 14 (Management of Certified Auctioneers)**

(1) When a corporation appoints or dismisses an auctioneer, it shall submit a report thereon to the Mayor within 15 days appending documents verifying the qualification requirements prescribed in subparagraphs of Article 27 (2) of the Act.

(2) Where any certified auctioneer belonging to a corporation falls under any subparagraph of Article 27 (2) of the Act, the relevant corporation shall immediately dismiss him/her and submit a report thereon to the Mayor.

(3) A corporation shall take necessary measures, such as education of certified auctioneers, to prevent any cases of violation of prohibited acts by certified auctioneers.

(4) The Mayor shall post the details of the matters reported, etc. in regard to certified auctioneers on the Internet website designated and publicly notified by the Minister for Food, Agriculture, Forestry and Fisheries.

#### **Article 15 (Determination of Area Occupied by Facilities)**

(1) The area occupied by facilities of a corporation shall be determined by the Mayor taking into account the scale of transaction, conditions of facilities, result of evaluation of the corporation, etc., and may be adjusted when necessary.

(2) Detailed matters concerning the adjustment of area shall be separately determined by the Mayor.

#### **Article 16 (Payment of Grants, etc.)**

(1) In order to promote sound development of the wholesale market, a corporation may pay a grant within the limit of 150/1,000 of the revenue from consignment service fees respectively to shippers and intermediate wholesalers.

(2) In order to adjust imbalance of prices of items traded in the wholesale market and to maintain shippers' prices, a corporation may pay compensation up to 150/1,000 of the revenue from consignment service fees to the shippers.

(3) Grants and compensation payable to shippers under paragraphs (1) and (2) shall be paid by deducting the relevant amount in advance from their consignment service fees.

### **Article 17 (Electronic Commerce)**

- (1) When conducting any trading by means of electronic commerce under Article 35 (2) of the Act, a corporation shall establish an electronic commerce system, and the Mayor may have the system established in the way it can be shared among corporations for the efficient establishment and operation.
- (2) Electronic documents used in electronic commerce shall consist of the standard invoice under Article 37 of the Enforcement Rule of the Act, the sales ledger under Article 37-3 and the standard statement of accounts under Article 38 of the same Enforcement Rule, and they shall be used after being standardized to electronic codes.
- (3) A corporation shall use an electronic commerce system after obtaining approval from the Mayor.
- (4) Detailed matters concerning the operation of electronic commerce shall be separately determined by the Mayor.

## **CHAPTER III MARKET WHOLESALERS**

### **Article 18 (Designation of Market Wholesalers)**

CHAPTER III MARKET WHOLESALERS(1) A person who intends to be a market wholesaler under Article 36 of the Act shall be designated by the Mayor.

- (2) The validity period of designation of a market wholesaler shall be set within the scope of not less than five years but not more than 10 years.
- (3) In designating a market wholesaler, the Mayor may attach conditions for designation, such as qualifications of executives, capital size, contract on use of facilities, deposit, scale of transaction, rate of net asset, and purchase of insurance which is additional to the guarantee.
- (4) Matters necessary for the qualification requirements of a market wholesaler, procedures for designation of a market wholesaler, matters to be inspected therefor, etc. shall be prescribed by municipal rule.

### **Article 19 (Maximum Number)**

- (1) The maximum number of market wholesalers shall be as shown in attached Table 3.
- (2) The Mayor may adjust it within the limit of the maximum number prescribed under paragraph (1) taking into account the status of the facilities of and trades in wholesale markets, the status of market wholesalers, etc.

### **Article 20 (Qualifications of Executives)**

Executives of market wholesalers shall meet the following qualification requirements:

1. There shall be no executive in whose case two years have not passed since his/her imprisonment without labor or heavier punishment as declared by a court was completely executed (including cases where it is deemed to have been executed) or exempted;
2. There shall be no executive engaged in a wholesale business or intermediate wholesale business competing with the business of the market wholesalers within the relevant wholesale market;
3. There shall be neither an executive who has been declared bankrupt by the court and has not been reinstated nor an executive who is incompetent or quasi-incompetent;
4. There shall be no executive related to a matter which is a ground for the revocation of designation of the corporation under Article 82 (2) of the Act.

### **Article 21 (Capital Size)**

The minimum capital size of a market wholesaler by wholesale market shall be as shown in attached Table 4.

### **Article 22 (Minimum Trade Amount)**

The minimum criteria for monthly trade amount of a market wholesaler of a wholesale market by category shall be as shown in attached Table 6.

### **Article 23 (Payment of Deposit)**

- (1) In order to guarantee the payment to consigners of shipment and the faithful performance of its duties, a market wholesaler shall pay a deposit to the Mayor or the representative of a window for settlement of payment not later than seven days before the commencement date of the period of designation as a market wholesaler.
- (2) Article 10 shall apply mutatis mutandis to the size of deposit payable by a market wholesaler, the procedures for payment and return of the deposit and other relevant matters. In such cases, a "corporation" shall be deemed a "market wholesaler".

### **Article 24 (Ratio of Net Asset)**

- (1) The ratio of net asset to be secured by a market wholesaler shall be 25/1,000 or more of the annual trade amount of the previous year.
- (2) Article 11 shall apply mutatis mutandis to the status of securement of net asset, the procedures for fulfilling the criteria for securement and other relevant matters when a market wholesaler fails to meet it. In such cases, a "corporation shall be deemed a

"market wholesaler".

#### **Article 25 (Application Mutatis Mutandis)**

Articles 7, 12, 13 and 15 shall apply mutatis mutandis respectively to the extension and management of the period of designation of a market wholesaler, reports on suspension and discontinuation of business, determination of area occupied by facilities. In such cases, a "corporation" shall be deemed a "market wholesaler".

### **CHAPTER IV INTERMEDIATE WHOLESALERS AND TRADE PARTICIPANTS**

#### **Article 26 (License and Report)**

CHAPTER IV INTERMEDIATE WHOLESALERS AND TRADE PARTICIPANTS(1) A person who intends to operate an intermediate wholesale business shall obtain a license from the Mayor. The same shall also apply to a person who intends to change a licensed matter.

(2) The validity period of a license for intermediate wholesale business shall be from the license date to the end of the month in which the fifth anniversary falls. <Amended by Ordinance No. 5710, May 14, 2014>

(3) In granting a license for intermediate wholesale business, the Mayor may attach such conditions for license as the minimum transaction amount, contract on use of facilities, deposit, etc.

(4) A person who intends to suspend or discontinue his/her intermediate wholesale business shall submit a report thereon to the Mayor.

(5) When intermediate wholesalers organizes an association or organization, they shall submit a report thereon to the Mayor within 10 days.

(6) In cases of a local wholesale market, an application or report filed by an intermediate wholesaler under paragraph (1) and (2) shall be submitted through the relevant corporation.

#### **Article 27 (Maximum Number)**

(1) The maximum number of intermediate wholesalers by wholesale market (including intermediate wholesale corporations; hereinafter the same shall apply) shall be as shown in attached Table 3.

(2) The Mayor may grant license to and manage intermediate wholesalers to allow them to deal in specific items restrictively according to their characteristics, separately from the maximum number referred to in paragraph (1). <Amended by Ordinance No. 5710, May 14, 2014>

(3) The Mayor may adjust the number of intermediate wholesalers within the limit of the maximum number referred to in paragraph (1) taking into account the status of the facilities and transaction of wholesale markets, the number of intermediate wholesale corporations, etc.

#### **Article 28 (Renewal of License)**

(1) An intermediate wholesaler who intends to have his/her license renewed because of the expiration of the license period shall file an application for the renewal of the license not later than 60 days before the expiration of the license period.

(2) The Mayor may determine whether to grant renewal of license under Article 25 of the Act.

#### **Article 29 (Minimum Trade Amount)**

The minimum criteria for monthly trade amount of an intermediate wholesaler of a wholesale market by category shall be as shown in attached Table 6.

#### **Article 30 (Payment of Deposit)**

(1) An intermediate wholesalers shall pay a deposit or provide collateral to the relevant corporation to guarantee smooth payment of trade amount. In such cases, detailed matters concerning the payment of a deposit or provision of collateral shall be subject to an agreement between the intermediate wholesaler and the corporation.

(2) Where there is any special agreement on the clearance of accounts between a corporation and an intermediate wholesaler, such special agreement may substitute a deposit or collateral notwithstanding paragraph (1).

(3) Unless an intermediate wholesaler pays a deposit or provides collateral under paragraph (1) or (2), he/she shall be prohibited from participating in trading in the wholesale market.

(4) Procedure for payment of a deposit and other necessary matters shall be prescribed by municipal rule.

#### **Article 31 (Management of Deposit)**

(1) A corporation shall put up the deposit paid by an intermediate wholesaler at a financial institution and faithfully manage it, and shall not use it for any other purpose than the settlement of accounts receivable of trading value.

(2) A corporation shall not lend a deposit or provide it as the object of collateral.

#### **Article 32 (Management of Intermediate Wholesalers)**

Where any change is made to the articles of incorporation or the stockholders or executives of an intermediate wholesale

corporation, a report shall be submitted thereon to the Mayor within 10 days: Provided, That in cases of the Garak-dong Wholesale Market, etc. the report shall be submitted to the Mayor through the president of the Corporation.

#### **Article 33 (Management of Assistant Auction Participants)**

- (1) If an intermediate wholesaler intends to have a person not licensed for the intermediate wholesale business participate in an auction on behalf of himself/herself or the representative, he/she shall obtain prior approval from the Mayor.
- (2) An intermediate wholesaler to whom an assistant auction participant belongs shall be responsible for all acts of an assistant auction participant conducted in the course of performing his/her duties on behalf of the relevant intermediate wholesaler, and the license granted to the relevant intermediate wholesaler may be revoked if any related Act or subordinate statute is violated.

#### **Article 34 (Determination of Area Occupied by Facilities)**

- (1) In accordance with the result of evaluation of intermediate wholesalers, the Mayor may give preference to outstanding intermediate wholesalers in the allocation of area occupied by facilities, imposition of facility usage fee, etc.
- (2) In order to scale up and invigorate intermediate wholesalers, the Mayor may give preference to intermediate wholesale corporations in the allocation of area occupied by facilities, imposition of facility usage fee, etc.
- (3) At the time when the second stage of the facility modernization project is completed, the Mayor shall rearrange the allocation of area occupied by facilities in accordance with the result of comprehensive evaluation of intermediate wholesalers or by the drawing of lots. In such cases, matters concerning the comprehensive evaluation and the drawing of lots shall be determined by the Mayor.  
<Newly Inserted by Ordinance No. 5710, May 14, 2014>

#### **Article 35 (Report and Management of Trade Participants)**

- (1) A person who intends to perform his/her duty as a trade participant shall submit a report to the Mayor under Article 25-3 of the Act.
- (2) A trade participant shall not conduct any sales activities within a wholesale market as an end user of agricultural and fishery products.
- (3) Matters concerning the procedures for report, administration and management of trade participants shall be prescribed by municipal rule.

#### **Article 36 (Participation in Auctions by Trade Participants)**

- (1) If a trade participant intends to participate in a trade in a wholesale market, he/she shall enter into a trade agreement with the relevant corporation.
- (2) Articles 30, 31 and 33 shall apply mutatis mutandis respectively to the payment of deposit by trade participants, the management thereof, and assistant auction participants. In such cases, a "intermediate wholesaler" shall be deemed a "trade participant".

### **CHAPTER V LOCAL DISTRIBUTERS, SHIPPERS, ETC.**

#### **Article 37 (Registration, etc. of Local Distributors)**

- CHAPTER V LOCAL DISTRIBUTERS, SHIPPERS, ETC. (1) A local distributor who intends to collect agricultural and fishery products to ship them to a wholesale market shall be registered with the Mayor under Article 29 (1) of the Act. The same shall also apply when any registered matter is changed.
- (2) Where the opener of any other wholesale market makes registration or revokes registration of local distributors under Article 24 of the Enforcement Rule of the Act and notifies the list thereof, the effect of the relevant act shall have the same effect as the act of the Mayor.
  - (3) Where a person registered as a local distributor falls under any of the following cases, the Mayor may revoke the registration:
    1. Where he/she has conducted any business of sale, purchase or brokerage within the wholesale market other than shipment of agricultural and fishery products;
    2. Where he/she has no record of shipment for two consecutive years after completion of the registration;
    3. Where he/she has committed any violation of the relevant Act or subordinate statute.
  - (4) Matters necessary for the application for registration, revocation of registration and other relevant matters shall be prescribed by municipal rule.

#### **Article 38 (Exception to Registration of Local Distributors)**

In any of the following cases, a local distributor may be made an exception of registration, notwithstanding Article 37:

1. Where a producers' organization makes shipment of its members' products;
2. Where an integrated distribution center, an exporter, etc. put remaining stocks on sale in the wholesale market;
3. Where a corporation puts the agricultural and fishery products purchased pursuant to the proviso to Article 31 (1) of the Act on sale;
4. Where an intermediate wholesaler trades any agricultural and fishery products not on sale pursuant to the proviso to Article 31

(2) of the Act;

5. Where a corporation purchases any agricultural and fishery products from any other corporation or market wholesaler and sells them pursuant to Article 34 of the Act;

6. Where a market wholesaler purchases any agricultural and fishery products from a corporation and sells them pursuant to Article 34 of the Act;

7. Where a market wholesaler trades any agricultural and fishery products pursuant to Article 37 of the Act.

#### **Article 39 (Report of Shippers)**

(1) A person who intends to make a shipment to a wholesale market shall submit a report thereon to the Mayor under Article 30 (1) of the Act.

(2) Matters necessary for the report of shippers and other relevant matters shall be prescribed by municipal rule.

#### **Article 40 (Preferential Treatments of Shipment after Contracting)**

Where a local distributor or shipper who has been registered or has submitted a report under Article 37 or 39 makes a shipment of agricultural and fishery products after contracting the shipment thereof, the Mayor, a corporation, a market wholesaler, or an intermediate wholesaler who trades items exempted from putting on sale may give preferential treatments to such shipment under Article 30 (2) of the Act and Article 30 of the Enforcement Rule of the Act.

#### **Article 41 (Sanctions against Delinquent Shippers)**

(1) The Mayor, a corporation, a market wholesaler or an intermediate wholesaler who trades items exempted from putting on sale shall conduct a rating standardization examination, etc. to confirm matters concerning the quality and standard, such as the core, quantity and weight.

(2) The Mayor may take disciplinary measures, such as prohibition of shipment to a wholesale market, against a person who is turned out to be a delinquent shipper as a result of the examination conducted pursuant to paragraph (1).

#### **Article 42 (Rejection of Consignment, etc.)**

(1) The Mayor may, under Article 18-2 of the Enforcement Decree of the Act, publicly notify items which have not been standardized or which are likely to undermine the environments of a wholesale market by generating wastes or in other ways.

(2) Where any item publicly notified under paragraph (1) is not shipped according to the standard referred to in Article 4 of the Agricultural Products Quality Control Act or Article 5 of the Quality Control of Fishery Products Act, the Mayor may have a corporation, a market wholesaler or an intermediate wholesaler reject the consignment.

#### **Article 43 (Purchasers' Reports)**

(1) The Mayor may have a person who intends to purchase products in a wholesale market submit a report.

(2) Matters concerning the purchasers' reports, etc. shall be prescribed by municipal rule.

#### **Article 44 (Preferential Treatments of Purchasers' Reports)**

The Mayor may give preferential treatments, such as preference in parking, designation of exclusive parking space, and regular provision of market information, to a person who submits a report on his/her purchase.

#### **Article 45 (Sanctions against Purchasers who Fail to Report)**

Where a failure in submitting a report by a purchaser is likely to cause damage to distributors, consumers, etc. because it is impossible to trace history of agricultural and fishery products and secure safety, etc., the Mayor may take disciplinary measures, such as the prohibition of access to a wholesale market.

## **CHAPTER VI METHODS, ETC. OF TRADING AND SETTLEMENT OF PAYMENT**

#### **Article 46 (Trading Method)**

CHAPTER VI METHODS, ETC. OF TRADING AND SETTLEMENT OF PAYMENT(1) A corporation shall trade agricultural and fishery products by means of auction, bidding, or trading at fixed price or ad libitum on consignment of the shippers: Provided, That in cases falling under Article 26 of the Enforcement Rule of the Act, it may purchase and sell them by wholesale.

(2) In conducting any purchase on consignment or intermediating any trade, a market wholesaler shall follow the trading method stated in the invoice after having consultation thereon with the shipper.

(3) The Mayor may, pursuant to Article 42-2 of the Act, determine special provisions on the local wholesale markets in the content different from the grounds prescribed in Articles 26 through 28 of the Enforcement Rule of the Act. In such cases, he/she shall obtain approval from the Minister for Food, Agriculture, Forestry and Fisheries.

(4) Matters necessary for the method of auction or bidding, auction procedures, time and place, etc. of auction by item shall be prescribed by municipal rule.

#### **Article 47 (Designation of Items Exempted from Putting on Sale)**

(1) The Mayor shall, taking the trade conditions, etc. into account, separately determine the agricultural and fishery products unfit

for any wholesale market under the proviso to Article 31 (2) of the Act and other agricultural and fishery products similar thereto (hereinafter referred to as "items exempted from putting on sale") by wholesale market, following deliberation of the market management and operation committee. <Amended by Ordinance No. 5710, May 14, 2014>

(2) Detailed matters concerning the trade of items exempted from putting on sale shall be prescribed by municipal rule.

#### **Article 48 (Trading at Fixed Price or Ad Libitum)**

The methods and procedures for trading at fixed price or ad libitum shall be prescribed by municipal rule.

#### **Article 49 (Report, etc. on Trade Information)**

(1) The Mayor may take measures to inform the shippers of the information on management status of a corporation or market wholesaler.

(2) A corporation shall report the actual trade performance, details of accounts receivable, etc. of intermediate wholesalers and trade participants by month, and the window for settlement of payment shall report the actual trade performance, details of accounts receivables, etc. of corporations and market wholesalers by month, respectively to the Mayor not later than the fifth day of the following month after summing them up by transaction method.

(3) The Mayor may take necessary measures depending on the result of the report made under paragraph (2).

#### **Article 50 (Prohibition of Rejection of Participation in Auctions, Collusion, etc.)**

(1) No corporation shall treat anyone differently from others by rejecting his/her participation in an auction or when he/she participates in an auction, except for any of the following intermediate wholesalers or trade participants:

1. A person whose trade amount exceeds the limit set by the amount of deposit or collateral;
2. A person whose business is suspended;
3. A person who fails to pay accounts receivable intentionally.

(2) No intermediate wholesaler shall impede trade participation of any trade participant or fail to participate in an auction or a bidding collectively with others.

(3) No intermediate wholesaler or trade participant shall collude to impede trade order and fair price formation in a wholesale market.

(4) No intermediate wholesaler or trade participant shall reject to pay accounts receivable intentionally or collectively.

#### **Article 51 (Measures against Wrongful Transaction)**

(1) If any act that impedes normal trade order or price formation, such as collusion among trade participants or other wrongful acts, is found in an auction or a bidding, the Mayor may stop it or order to conduct a re-auction or rebidding.

(2) When any act impeding normal trade order or price formation, such as a wrongful act, is found at the neighboring area under the control of a wholesale market, the Mayor shall take measures to stop it. <Newly Inserted by Ordinance No. 5710, May 14, 2014>

#### **Article 52 (Preferred Items)**

(1) Preferential treatment, such as sales with priority, may be given to any of the following products pursuant to Article 30 of the Enforcement Rule of the Act:

1. Products shipped in large quantities;
2. Products put on sale by an outstanding shipper;
3. Products to be shipped under a contract;
4. Standardized products under Article 4 of the Agricultural Products Quality Control Act;
5. Products the quality of which is certified under Article 5 of the Agricultural Products Quality Control Act;
6. Agricultural products judged as suitable as a result of safety inspection conducted under Article 12-2 of the Agricultural Products Quality Control Act;
7. Normal standard goods under Article 5 of the Quality Control of Fishery Products Act;
8. Quality-certified goods under Article 6 of the Quality Control of Fishery Products Act;
9. Agricultural products certified as environment-friendly agricultural products under Article 17 of the Environment-Friendly Agriculture Fosterage Act;
10. Products shipped on pallets and products shipped in standard package.

(2) In order to facilitate standardized shipment of agricultural and fishery products under Article 30 of the Enforcement Rule of the Act, the Mayor may take necessary measures for corporations and market wholesalers.

#### **Article 53 (Special Provisions on Trading)**

(1) Where a corporation intends to sell any agricultural and fishery products to a person other than intermediate wholesalers or trade participants or where a market wholesaler intends to sell them to a corporation or an intermediate wholesaler, respectively under Article 33 (1) of the Enforcement Rule of the Act, it or he/she shall obtain approval from the Mayor: Provided, That the same shall not apply to cases where the Mayor has approved such sales by designating the corporations and market wholesalers eligible therefor, and period and items for sale.

(2) When a corporation sells any agricultural and fishery products to a person other than intermediate wholesalers or trade participants or where a market wholesaler sells them to a corporation or an intermediate wholesaler, respectively under paragraph (1), it or he/she shall submit a report on the sales result within three days from the date of completion of the sales.

#### **Article 54 (Management of Sales Ledgers, etc.)**

Matters necessary for the method of preparation, management, etc. of the sales ledgers, standard invoice, standard statement of accounts under Article 41 (3) of the Act shall be prescribed by municipal rule.

#### **Article 55 (Method of Operation and Management of Accounts for Settlement of Payment)**

(1) The Mayor may instruct the representative of a window for settlement of payment to submit the details of settlement of payment, current status of fund deposited by a corporation or market wholesaler, etc.

(2) Where a corporation or market wholesaler is deemed likely to cause any damage to shippers because it has lost its ability to settle payment, the Mayor may take necessary measures including restrictions on consignment or purchase.

(3) The types and methods of operation and management of a windows for settlement of payment shall be separately determined by the Mayor in consideration of the conditions of wholesale markets.

#### **Article 56 (Settlement Payment)**

(1) A corporation and a market wholesaler shall make payment through a window for settlement of payment referred to in Article 55: Provided, That a corporation which has paid a deposit for settlement of price for shipment and secured operating funds under Article 37 of the Enforcement Rule of the Act may have a shipper directly pay the price for shipment of agricultural and fishery products.

(2) A corporation or market wholesaler shall immediately pay the price of transaction: Provided, That where there is any special agreement on the settlement of payments, it or he/she shall be governed by such agreement.

(3) Where a corporation, a market wholesaler or an intermediate wholesaler exempted from putting on sale fails to make payment even after the lapse of seven days from the time limit for payment, the relevant shipper may request the Mayor to pay it by appending documents verifying the fact of nonpayment.

(4) Upon receiving a request under paragraph (3), the Mayor shall make payment within the limit of the deposit paid by the corporation, market wholesaler or the intermediate wholesaler exempted from putting on sale.

#### **Article 57 (Purchase of Insurance in Addition to Deposit)**

(1) In order to guarantee the payment to shippers which can not be settled with the deposit referred to in Article 10 or Article 23, the Mayor may have the representative of a corporation, market wholesaler or window for settlement of payment submit a performance guarantee insurance policy (including a non-life insurance policy) the amount of which is not less than a fixed amount.

(2) In designating a corporation or market wholesaler, the Mayor may give preferential treatment to a corporation or market wholesaler that has submitted a performance guarantee insurance policy under paragraph (1).

#### **Article 58 (Method of Adding Compensation of Deferment)**

(1) When any shipper files a request under Article 56 (3), the Mayor may pay the unpaid amount from the deposit paid by the relevant corporation or market wholesaler. In such cases, the compensation of deferment calculated at a rate of 1/1,000 a day from the date on which the time limit for payment lapses shall be paid in addition to the unpaid amount.

(2) Notwithstanding paragraph (1), where the deferment of payment of any agricultural and fishery products sold is approved by the Mayor on the ground that they are products smuggled or stolen or any other similar ground, the compensation of deferment which corresponds to the interest prescribed by the Commercial Act shall be paid additionally as compensation of deferment.

#### **Article 59 (Compensation of Shippers' Losses)**

(1) In order to compensate the loss suffered by a shipper, the Mayor may have a corporation or market wholesaler separately deposit an amount not less than 3/1,000 of the revenue from consignment service fees.

(2) A corporation or market wholesaler shall deposit and manage the compensation of shippers' losses referred to in paragraph (1) (hereinafter referred to as "compensation") in a separate account and shall not use it for any other purpose than the compensation of shippers' losses.

(3) Upon paying the compensation, a corporation or market wholesaler shall replenish it by the end of the relevant month with the amount equivalent to the payment made.

(4) Detailed matters concerning the management of compensation shall be separately determined by the Mayor.

#### **Article 60 (Details to be Publicly Announced by Corporations, etc.)**

(1) The details to be publicly announced by a corporation or market wholesaler under Article 35-2 (2) of the Act shall be as follows:

1. Carried-in quantity and price information by trade date and by item;
2. Current status of stockholders and executives, and the changes thereof;
3. If any concurrent business is run, details of such business;
4. Financial statements of the immediately preceding fiscal year.

(2) The public announcement under paragraph (1) shall be posted on the bulletin board or the information and communications network of the relevant wholesale market in accordance with the methods and procedures for public announcement determined by the Minister for Food, Agriculture, Forestry and Fisheries or the Mayor.

#### **Article 61 (Restriction, etc. on Business of Related Persons)**

(1) Any stockholder, or executive or employee of a corporation shall be prohibited from concurrently engaging in the business related to the business of the wholesale market within the area of the relevant wholesale market.

(2) A corporation, a market wholesaler or an intermediate wholesaler exempted from putting on sale shall make it sure to prohibit the consignment of the sales or trade of products, which are deemed harmful in the light of sanitation or the possession or trade of which is prohibited by the Acts and subordinate statutes, in the wholesale market among products brought into the wholesale market.

(3) No intermediate wholesaler shall intermediate or sell items traded in a wholesale market or conduct any act which impedes the formation of fair trade at any place other than the wholesale market where his/her intermediate wholesale business is permitted.

(4) Where any agricultural and fishery products brought into and traded in a wholesale market has a safety problem in the light of food sanitation, the Mayor may take such measures as the prohibition of shipment, restriction on business, etc. against a person who has shipped or sold them.

#### **Article 62 (Safety Inspections of Agricultural and Fishery Products)**

(1) The Mayor shall conduct safety inspections of agricultural and fishery products brought into a wholesale market to detect whether they exceed the permissible levels of harmful residues, etc. referred to in Article 61 of the Agricultural and Fishery Products Quality Control Act: Provided, That a rapid test may be conducted where necessary. <Amended by Ordinance No. 5710, May 14, 2014>

(2) A thorough inspection shall be requested, under Article 35-2 of the Enforcement Rule of the Act, to a food sanitary inspection institution designated under the Food Sanitation Act, if any agricultural and fishery product has shown positive reaction on the remaining agricultural chemicals as a result of the rapid test conducted under the proviso to paragraph (1) or if any agricultural and fishery product exceeds the permissible levels of harmful residues prescribed by the Food Sanitation Act.

(3) The Mayor may take such measures as prohibition of shipment, restriction on business, etc. in a wholesale market against a person who is turned out to have a safety problem as results of the inspections conducted and measures taken under paragraphs (1) and (2).

(4) Where the opener of a wholesale market requests trade information to collect or discard any agricultural and fishery products which have been turned out to be substandard as results of the safety inspections conducted under Article 38-2 (1) of the Act, the relevant corporation, market wholesaler, intermediate wholesaler, etc. shall provide the trade information.

#### **Article 63 (Trading Unit)**

(1) Trading unit in a wholesale market shall be based on the weight: Provided, That any items, in the case of which it is impractical to trade by a unit of weight, may be allowed to be traded by a unit appropriate to trade custom.

(2) It shall be a principle to trade butchery by-products by setting the grade of each item which is based on the weight of the meat including body or fat, but where it is deemed difficult to sell them by dividing them into each item, a number of items may be combined together for trading.

#### **Article 64 (Indication of Persons Related to Trading)**

(1) Each auctioneer, intermediate wholesaler and trade participant who participate in trading in a wholesale market shall wear a certificate of participation in the trade and a uniform.

(2) A person who violates paragraph (1) shall be prohibited from the participation in an auction.

### **CHAPTER VII USAGE FEES, FEES, ETC.**

#### **Article 65 (Market Usage Fees)**

CHAPTER VII USAGE FEES, FEES, ETC.(1) A corporation, a market wholesaler or an intermediate wholesalers exempted from putting on sale who uses wholesale market facilities shall pay monthly fees prescribed in Article 42 (1) 1 of the Act (hereinafter referred to as "market usage fees" within the time limit notified by the Mayor.

(2) The market usage fees under paragraph (1) shall be determined within the limit not exceeding 5/1,000 (5.5/1,000 in the case of the Garak-dong Agricultural and Fishery Products Wholesale Market) of the monthly trade amount of each category: Provided, That where any trade is conducted by means of electronic commerce pursuant to Article 35 (2) of the Act, it shall be determined within the limit not exceeding 3/1,000 of the relevant trading amount.

(3) Matters necessary for the criteria for imposition and method of allocation, etc. of market usage fees shall be prescribed by municipal rule.

#### **Article 66 (Facility Usage Fees)**

Facilities for which usage fees can be collected shall be the facilities excluding the agricultural and fishery products quality control office, the livestock sanitation inspection office, dressed carcass grading office from the incidental facilities referred to in Article 44 of the Enforcement Rule of the Act, and the annual facility usage fees shall be determined by the Mayor within the limit of 50/1,000 of the property value of the relevant facilities (in cases of an intermediate wholesaler's shop or office, 10/1,000 of the property value)

#### **Article 67 (Fees and Commissions)**

(1) The upper limit of the total amount of consignment service fee and intermediate commission referred to in Article 39 (3) through (5) of the Enforcement Rule of the Act shall be as shown in attached Table 7.

(2) The upper limit of the intermediate commission to be collected by a market wholesaler and an intermediate wholesaler exempted from putting on sale respectively from a shipper and a purchaser shall be 1/2 of the intermediate commission prescribed in paragraph (1).

### **CHAPTER VIII MARKET MANAGEMENT AND OPERATION COMMITTEE, ETC.**

#### **Article 68 (Market Management and Operation Committee)**

CHAPTER VIII MARKET MANAGEMENT AND OPERATION COMMITTEE, ETC.(1) For the purpose of efficiently managing a wholesale market, the Mayor shall organize and operate a market management and operation committee under Article 54 of the Enforcement Rule of the Act (hereinafter referred to as "committee").

(2) The committee under paragraph (1) shall consist of not more than 20 members including the chairperson, and the members shall be appointed or commissioned by the Mayor from among the persons having the following qualifications: <Amended by Ordinance No. 5710, May 14, 2014>

1. The head of the department of the Seoul Metropolitan Government in charge of wholesale markets, and the head (such as the administrator) of the department of the Corporation exercising overall control of distribution management;
2. Not more than eight persons including representatives of distributors (such as wholesale market corporations, market wholesalers and intermediate wholesalers) and the representatives of organizations specializing in loading and unloading;
3. Not more than five representatives of producers' organizations and purchasers' organizations;
4. Not more than five experts including two experts recommended by the Mayor and two experts recommended by the Seoul Metropolitan Council;
5. Other persons who have much knowledge and experience in the field of distribution of agricultural and fishery products.

(3) The Committee shall deliberate on the following matters: <Amended by Ordinance No. 5710, May 14, 2014>

1. Matters concerning the selection of the trade system and trading methods in the wholesale market;
2. Matters concerning the decision on various expenses, such as fees, commissions, usage fees, and loading and unloading costs;
3. Matters concerning the improvement of safety and the facilitation of standardization of products shipped to the wholesale market;
4. Matters concerning the establishment of trade order in the wholesale market;
5. Matters concerning the operational standards of the method of selling and buying agricultural and fishery products being traded, such as trading at fixed price or ad libitum and application of special provisions on trading;
6. Matters concerning the determination of standards for minimum shipment volume;
7. Matters concerning the determination of items exempted from putting on sale;
8. Other matters concerning the improvement of operation of a wholesale market.

(4) The Mayor may organize and operate a separate specialized committee for the smooth operation of the committee and the in-depth examination of matters for deliberation. <Amended by Ordinance No. 5710, May 14, 2014>

(5) Other matters concerning the organization and operation of the committee and the specialized committee shall be separately determined by the Mayor following deliberation of the committee by wholesale market. <Amended by Ordinance No. 5710, May 14, 2014>

#### **Article 69 (Wholesale Market Trade Dispute Coordination Committee)**

(1) The Mayor shall organize and operate a wholesale market trade dispute coordination committee under Article 36-2 of the Enforcement Rule of the Act (hereinafter referred to as "coordination committee") in order to coordinate the matters concerning the parties to the trade of agricultural and fishery products in the wholesale market.

(2) The coordination committee shall deliberate on and coordinate the following disputes:

1. Disputes concerning decision on a successful bidder;
2. Disputes concerning the price of successful bidding;
3. Disputes concerning the payment of trade amount;
4. Other disputes that the Mayor deems necessary.

(3) Matters necessary for the composition and operation of the coordination committee shall be separately determined by the Mayor.

### **Article 70 (Application Mutatis Mutandis)**

The Seoul Metropolitan Government Ordinance on the Establishment and Operation of Councils and Committees Belonging to the Seoul Metropolitan Government shall apply mutatis mutandis to the matters necessary for the organization and operation of the committee and the coordination committee except as prescribed in this Ordinance.

## **CHAPTER VIII MARKET FACILITIES**

### **Article 71 (Designation of Usage, etc. of Facilities)**

CHAPTER VIII MARKET FACILITIES(1) The location, area, period of use and other conditions of the use of domestic market facilities to be used by a corporation, a market wholesaler, an intermediate wholesaler and an affiliated salesperson shall be determined by the Mayor taking into account the scale of transaction, conditions of facilities, result of evaluation, etc.: Provided, That if the facilities are owned by a person other than the Seoul Metropolitan Government, such matters may be determined only when it is deemed necessary to immediately restrict the utilization relations to secure the use of each facility and the sound operation of the wholesale market.

(2) No business other than convenience businesses and affiliated businesses deemed by the Mayor as necessary for the corporation, market wholesalers, intermediate wholesalers and persons related to trading shall be established within a wholesale market.

(3) The use of the land, a building or any other facility within a wholesale market shall require permission from the Mayor. The same shall also apply to the modification of any permitted matter.

(4) In cases of a wholesale market where a corporation and market wholesalers exist together, business places of the corporation and market wholesalers shall be distinguished and separated in the way of separating the areas for shipping in or out or distinguishing the flow of logistics.

### **Article 72 (Prohibition of Subletting, etc. of Facilities)**

(1) No corporation, market wholesaler, intermediate wholesaler or any other user of wholesale market facilities shall sublet all or part of the facility designated for use or let others use it without approval from the Mayor.

(2) No corporation, market wholesaler, intermediate wholesaler or any other user of wholesale market facilities shall conduct any act of new construction, extension, removal of any wholesale market facility, or change of its shape without approval from the Mayor.

### **Article 73 (Collection of Usage Fees, etc.)**

(1) The Mayor shall collect the monthly usage fees or rent, and other amount of imposition for the use of electricity, gas, water supply and drainages and other facilities (hereinafter referred to as "management expenses") from the users of facilities referred to in Article 71 (3) by issuing a notice of payment.

(2) Matters necessary for the collection, etc. of the usage fees, rent, management expenses and the additional dues thereof shall be prescribed by municipal rule.

### **Article 74 (Regulation on Use of Facilities)**

The Mayor may, if falling under any of the following subparagraphs, take measures for the use of all or part of the facilities, revocation of designation, restriction on or suspension of the use, or reorganization or dissolution of a users' organization against the users of the wholesale market facilities:

1. When such measures are necessary for the prevention of any disaster including fire and traffic control or for the health and hygiene of citizens;
2. When the order of the wholesale market has been impeded, such as unfair trading, undermining of the environments, and occupation and use of public facilities without permission;
3. When all or part of facilities has been sublet to, or managed upon consignment by, a third party without approval from the Mayor, while using a facility;
4. When the use of the facilities is changed or when he/she intends to remove the facilities due to the change of the conditions of the wholesale market after the designation of the use of the facilities;
5. When a user has damaged or destroyed facilities intentionally or by negligence;
6. When the usage fees, rent, management expenses, etc. are in arrears not less than three times;
7. When the purpose or condition of permission for the use of facilities has been violated or when it is deemed difficult to achieve the purpose of the use;
8. When any facility has been installed or altered at the user's own discretion or when any construction work has been executed without approval.

### **Article 75 (Return of Facilities)**

When a corporation, a market wholesaler, an intermediate wholesaler or any other user of wholesale market facilities loses its or

his/her qualifications to use them due to the death, dissolution, discontinuation of business, revocation of license, rescission, or any other cause, its or his/her successor, liquidator, proxy or the principal shall restore the facilities to original state and return them to the Mayor within 10 days, except for cases particularly determined by the Mayor.

#### **Article 76 (Execution by Proxy)**

When a facility user fails to comply with an order issued under Article 74 or 75, the Mayor may execute it by proxy and impose the relevant expenses to the facility user.

#### **Article 77 (Order to Repair)**

The Mayor may order a person who has damaged facilities of a wholesale market to repair them or to compensate the required expenses.

#### **Article 78 (Management Responsibility)**

(1) A corporation, a market wholesaler, an intermediate wholesaler, or any other user of wholesale market facilities shall assume the responsibility to manage the facilities and maintain and improve the environments thereof in accordance with the Acts and subordinate statutes and the instructions and dispositions issued thereunder.

(2) When it is deemed necessary for the health and hygiene or for the maintenance of clean environments and tidying up of a wholesale market, the Mayor may take measures to prohibit the corporation, market wholesaler, intermediate wholesaler, or any other user of the wholesale market who has undermined environments from using facilities, gaining access thereto, etc.

#### **Article 79 (Restriction on Disposal)**

Facilities of a wholesale market (including the site thereof) shall be prohibited from selling, purchasing or leasing for purposes other than the use as a wholesale market, except for cases where the permission for its establishment is revoked (including the relocation of the wholesale market and the discontinuation of its business)

## **CHAPTER IX SUPPLEMENTARY PROVISIONS**

#### **Article 80 (Instruction on Use of Wholesale Market Facilities)**

CHAPTER IX SUPPLEMENTARY PROVISIONS(1) A user of wholesale market facilities shall comply with the instructions of the Mayor on the access to the wholesale market, use of the market facilities, shipping-in and transport of products, etc.

(2) The Mayor may prohibit a person who fails to comply with the instructions referred to in paragraph (1) from using market facilities, gaining access thereto, shipping in and out of products, transport of them within the wholesale market, etc.

#### **Article 81 (Vicarious Execution of Wholesale Business)**

Where it is deemed impossible for a corporation or market wholesaler to execute all or part of the wholesale business due to the receipt of an administrative measures or any other cause, the Mayor may let another corporation to execute the wholesale business on behalf of it or him/her or directly perform it for a fixed period.

#### **Article 82 (Bearing of Standard Loading and Unloading Cost)**

(1) A corporation, a market wholesaler or an intermediate wholesaler exempted from putting on sale shall fully bear the standard loading and unloading cost determined by the Mayor under Article 40 of the Act for the standard products shipped in.

(2) For the facilitation, etc. of the mechanization of the loading and unloading work within a wholesale market, the Mayor may take necessary measures on a corporation or market wholesaler to secure, operate, etc. of equipment for loading and unloading and provide support for equipment for loading and unloading.

(3) Notwithstanding paragraph (1), a corporation, a market wholesaler or an intermediate wholesaler exempted from putting on sale may bear the loading and unloading cost of all agricultural and fishery products shipped to the wholesale market.

#### **Article 83 (Execution of Evaluation)**

(1) The Mayor shall evaluate corporations, market wholesalers and intermediate wholesalers, and the relevant corporations, market wholesalers and intermediate wholesalers shall proactively cooperate in the evaluation.

(2) The Mayor shall determine the objects, details and standards, etc. of evaluation for the following year and notify them to the objects of evaluation.

(3) The Mayor may take measures for the differentiation, etc. of the location, area and usage fees of the facilities used by a corporation, a market wholesaler or an intermediate wholesaler depending on the result of the evaluation.

(4) The Mayor may inform the users of a wholesale market, including shippers, of the results of the evaluation executed under paragraph (1) by means of posting on the Internet website, etc.

#### **Article 84 (Securement of Products at Times of Disaster)**

When the securement of products is required due to the occurrence of a disaster, the Mayor may issue necessary instructions to corporations, wholesalers and intermediate wholesalers.

### **Article 85 (Report and Order)**

(1) Where deemed necessary, the Mayor may have a corporation, a market wholesaler or an intermediate wholesaler report the status of its or his/her property and performance of business.

(2) Where deemed necessary for the stability of prices and supply and demand of agricultural and fishery products, maintenance of trade order, or protection of producers and consumers, the Mayor may issue an order to a corporation, a market wholesaler or an intermediate wholesaler or any other facility user to take measures necessary for supervision, such as the improvement of business process.

### **Article 86 (Penalty Points System)**

In order to efficiently supervise corporations, market wholesalers and intermediate wholesalers of wholesale markets, the Mayor may introduce a penalty points system based on the severity of violations, targeting at specific violations, and may use it as a base data for administrative measures, renewal of designation, etc.

### **Article 87 (Establishment of Illegal Activity Complaint Center)**

(1) For the settlement of fair trading order and the users' convenience in wholesale markets, the Mayor may establish and operate an illegal activity complaint center.

(2) An illegal activity complaint center shall receive complaints on unfair trading activities conducted in wholesale markets, inconvenient matters in using wholesale markets, etc. and resolve them.

(3) Detailed matters concerning the establishment and operation of an illegal activity complaint center shall be determined by the Mayor.

### **Article 88 (Entrustment of Authority)**

The authority of the Mayor over the Garak-dong Wholesale Market, etc. shall be entrusted to the president of the Corporation, except for the following matters:

1. Detailed designation of trade items under Article 2 (2);
2. Designation of a corporation under Article 5;
3. Maximum number of corporations under Article 6;
4. Renewal of the period of designation of a corporation under Article 7;
5. Capital size of a corporation under Article 9;
6. Management of corporations under Article 12;
7. Report on suspension or discontinuation of business of a corporation under Article 13;
8. Designation of market wholesalers and qualification requirements for the designation under Article 18;
9. Maximum number of market wholesalers under Article 19;
10. Capital size of a market wholesaler under Article 21;
11. Minimum criteria for trade amount of a market wholesaler under Article 22;
12. Matters concerning the extension, management, etc. of the period of designation as a market wholesaler under Article 25;
13. Matters concerning the license and renewal of license for intermediate wholesale business under Articles 26 and 28;
14. Maximum number of intermediate wholesalers under Article 27;
15. Criteria for minimum trade amount of an intermediate wholesaler under Article 29;
16. Management of intermediate wholesalers under Article 32;
17. Designation of items exempted from putting on sale under Article 47;
18. Matters concerning the execution by proxy under Article 76.

### **Article 89 (Enforcement Rules)**

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule.

## **ADDENDA <Ordinance No. 5386, Jan. 10, 2013>**

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

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

#### **Article 2 (Special Provisions on Application of Rate of Net Asset)**

The rate of net asset to be secured by a corporation shall be 25/1,000 or more of the trade amount of the previous year until December 31, 2013.

#### **Article 3 (Special Provisions on Application of Minimum Criteria for Monthly Trade Amount)**

The Ordinance to which the minimum criteria for trade amount of a market wholesaler and intermediate wholesaler are applied shall be applicable from the quarter following the date of its promulgation.

#### **Article 4 (Special Provisions on Introduction of Market Wholesaler System to Garak Market)**

The market wholesaler system of the Garak-dong Agricultural and Fishery Products Wholesale Market shall be executed in time with the completion of the second stage of the facility modernization project after determining the detailed standards therefor.

**ADDENDA <Ordinance No. 5710, May 14, 2014>**

Article 1 (Special Provisions on Allocation of Shops to Intermediate Wholesalers of Special Items)

The allocation of shops to the wholesalers of special items of the Garak-dong Agricultural and Fishery Products Wholesale Market of the Seoul Metropolitan Government shall be conducted in time with the completion of the second stage of the facility modernization project.

Article 2 (Special Provisions on Reallocation of Area Occupied by Facilities)

The reallocation of area occupied by facilities in the Garak-dong Agricultural and Fishery Products Wholesale Market of the Seoul Metropolitan Government shall be conducted in time with the completion of the second stage of the facility modernization project.