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Korea, Republic of

Food and Agricultural Import Regulations and Standards

Country Report - Updated

2000

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Report Highlights: This is an updated version of the FAIRS report submitted on July 27, 1999. All sections have been partially or completely rewritten to include updated information on the Korean regulations and standards.

KOREA: FOOD IMPORTS REGULATIONS AND STANDARDS**Last Updated: July 1999****Section(s) Last Updated: NEW**

DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (Seoul, Korea) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.**

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I. Food Laws and Implementing Ministries

A strong political consensus exists in Korea that the interests of weak groups in society, farmers in particular, must be protected. Many Koreans question whether a Korean government official, willing to expose a local farmer to the tempest of the world marketplace, has the right to remain in office. This view is combined with the broad public perception that Korea imports most of its food and primarily from the United States (both errors in fact). Following are the responsibilities of ministries and agencies involved with Korea's food system along with a brief description of relevant food laws.

A. Ministry of Health & Welfare:

The Ministry of Health & Welfare (MHW) relinquished most of its food regulation authorities to the Korea Food & Drug Administration (KFDA) in 1998. It did retain its authorities to legislate changes to the Food Sanitation Act and its implementing Presidential Decree and Ministerial Ordinance. As MHW continues its reorganization, its direct linkage to food regulation fades. Today only one division within MHW oversees food policy and industry, whereas in 1998 a whole bureau handled these responsibilities.

1. Food Sanitation Act

The Food Sanitation Act is legislated by the National Assembly and is the legal basis for the food safety related work conducted by MHW and KFDA. The Act aims to contribute to the improvement of the national health by improving the quality of food nutrition and by preventing sanitary hazards and harm caused by food products.

2. Presidential Decree to the Food Sanitation Act

The Presidential Decree establishes provisions to implement the Food Sanitation Act. The decree provides more defined guidance on how the Food Sanitation Act is to be interpreted and implemented.

3. Ministerial Ordinance to the Food Sanitation Act

The Ministerial Ordinance to the Food Sanitation Act prescribes more detailed guidance on how the Food Sanitation Act and Presidential Decree are to be implemented. This ordinance provides the nuts and bolts to conducting food related business in Korea, including the relevant penalties for failing to do so. Samples of the various types of forms needed in conducting food related business, including food imports, are included in it. Other more detailed standards and regulations guiding food related business in Korea are provided in the form of the Food Code, Food Additive Code, Guidelines, Notices, etc. These detailed standards and regulations are the responsibility of KFDA.

B. Korea Food & Drug Administration:

KFDA is the principle government agency charged with ensuring that foods are safe, sound, wholesome and correctly labeled. KFDA also is responsible for ensuring that medicines are safe, effective, and side-effects properly noted. KFDA is responsible for setting and implementing standards and specifications for foods, food additives, food packaging / containers / equipment, except for meat, poultry and dairy products (which are regulated by the Ministry of Agriculture & Forestry per the Livestock Product Processing Control Act). KFDA set standards and specifications apply both to domestically produced and imported food products. Specific to imported food products, KFDA

inspects products under provisions provided in the “Guidelines for The Inspection of Imported Food Products.” The English translation of this guideline is available on the KFDA’s English website - <http://www.kfda.go.kr>. KFDA also sets and implements regulations governing safety assessment of agricultural products enhanced through biotechnology (hereinafter referred to as “GMO”) and processed food products manufactured using GMO products as ingredients. Moreover, KFDA establishes Korea’s HACCP and recall systems for food products (excluding meat, poultry, egg and dairy products). KFDA regulates non-food related products including cosmetics, vaccines, blood products, medical devices and radiation-emitting products. KFDA is committed to improving the quality of life, maintaining high standards of living and ensuring the public’s welfare. To support its science-based regulatory decisions, KFDA oversees the National Institute of Toxicological Research which utilize in vitro and in vivo analytical methods focused on the research and development of effective testing methods. KFDA headquarters in Seoul has two bureaus holding six departments. Two departments are dedicated exclusively on food related issues. KFDA headquarters oversees the National Institute of Toxicological Research and six regional KFDA offices. KFDA publishes its food related regulations, including the Food Code, Food Additive Code, Labeling Standards for Food et al, etc., on its website – <http://www.kfda.go.kr>.

1. Food Code

The Food Code stipulates standards and specifications for manufacturing / processing / usage / cooking / storage of food and equipment / containers / packaging for food products. It specifies the standards for maximum residue levels of agricultural chemicals, antibiotics, synthetic antibiotics, hormones, radioactive ray standards, testing methods, etc. The Food Code, final revision issued on April 18, 2000, contains general standards and specifications governing food products and individual standards and specifications for 148 food categories delineated into 20 groups. The revised Food Code, which contains extensive changes to the previous Food Code, goes into effect on September 1, 2000.

2. Food Additive Code

The Food Additive Code defines standard specifications for individual food additives and their usage standards. As of July 2000, this code lists standards for 394 types of chemical synthetics, 174 types of natural food additives and 7 types of mixed food additives. Korea utilizes a “positive list” system for food additives meaning any food additive or its usage not listed in the code is prohibited.

3. Labeling Standards for Food et al.

“Labeling Standards for Food et al.” aims to promote the sanitary treatment of food products, et al and to provide accurate information to consumers. The labeling standards for food, food additives and packaging, are based on Article 10 of the Food Sanitation Act. KFDA proposed a revision to the current labeling standards in November, 1999, but has yet to finalized it. The final reversion is expected to be announced by October 2000.

C. Ministry of Agriculture & Forestry:

The Ministry of Agriculture & Forestry (MAF) is responsible for establishing regulations and standards related to agricultural products, including livestock products and dairy products. Several agencies within MAF are responsible for issuing and enforcing regulations. The National Veterinary Research & Quarantine Service (NVRQS) is responsible for implementing regulations pertaining to both domestic and imported animals and livestock products. The National Plant Quarantine Service (NPQS) is responsible for implementing regulations pertaining to plants. The National Agricultural Product Quality Management Service (hereinafter referred to as "NAQS") is responsible for setting quality standards and grades for agricultural products and enforcing country of origin marks. Earlier this summer the NAQS was designated as the official inspection agency for GMO products. NAQS is not anticipated to begin actual testing of GMO products until 2002 to allow for staff training and equipment purchase. The Rural Development Administration (RDA) primary role is research and development of new agricultural technologies and extension work. RDA is pro-biotechnology and is actively pursuing GMO research in several products common in the Korean diet. Given its technical expertise, RDA is the technical advisor on MAF policy towards GMO products. RDA will temporarily inspect for GMO products, starting in March 2001, while NAQS gears up for its new responsibility.

C1. National Veterinary Research & Quarantine Service

The National Veterinary Research & Quarantine Service (NVRQS) purpose is to provide effective sanitary control of animal origin products from farm to table. NVRQS was established on August 1, 1998 when the National Animal Quarantine Service and the National Veterinary Research Institute were merged. NVRQS is responsible for setting and implementing standards and specifications for meat, poultry, egg, and dairy products in accordance with the Livestock Product Processing Control Act. These standards and specifications apply to both domestically produced as well as imported food products. NVRQS is responsible for operating HACCP and recall for meat, poultry, egg and dairy products. NVRQS headquarters in Seoul has two department containing a total of twelve divisions. NVRQS headquarters also oversees the Animal Sanitation Research Station in nine provinces around the country, six Health Environmental Research Institutes, and five regional NVRQS offices.

C2. National Plant Quarantine Service

The National Plant Quarantine Service (NPQS) purpose is to prevention the introduction of harmful weeds and of harmful pest/insect/disease originated from imported plants, fruits and vegetables. NPQS conducts a pest risk analysis and determines the appropriate eradication method for detected pests. NPQS sets and enforces quarantine requirements for imported plants, fruits and vegetables. NPQS headquarters in Seoul has six divisions and five regional offices located in major Korean cities and ports.

C3. Rural Development Administration

The Rural Development Administration (RDA) purpose is to develop the rural sector and it is responsible for administering policies on research and development, extension service and training to farmers.

Under the RDA Administrator are eight research institutes, six crop experiment stations and a seed management office. The eight research institutes include:

Agricultural Science and Technology Institute,
Agricultural Mechanization Research Institute,
Livestock Research Institute,
Rural Living Science Research Institute,
Horticultural Research Institute,
Taegu Apple Research Institute,
Nahjoo Sand pear Research Institute, and
Cheju Citrus Research Institute.

Major crop experiment stations are located in six different regions of the country and conduct research and development of new varieties of rice, wheat, barley, potatoes, soybeans, citrus and other horticultural crops.

The Agricultural Science and Technology Institute, RDA is developing eight biotech-enhanced agricultural commodities - rice, chilli (red pepper), potato, Chinese cabbage, cabbage, perilla seed, tomato, cucumber. Starting in March 2001 the institute will temporarily conduct sample verification tests for non-processed GMO produce on behalf of NAQS.

C4. National Agricultural Product Quality Management Service

The National Agricultural Product Quality Management Service (NAQS) is responsible for setting quality standards and grades for agricultural products and enforcing country of origin marks in the market place. NAQS has been designated for the official inspection agency for non-processed GMO produce. Due to technical insufficiencies, it is expected to assume this responsibility starting in 2002.

1. Livestock Processing Control Act

This Act aims to promote the sound development of the livestock industry and to improve public health by ensuring sanitary treatment and quality improvement of livestock products. To this end, the Act specifies requirements for the slaughter and treatment of livestock and the process, distribution and inspection of livestock products. The Act is the legal basis for setting health standards provided in the Livestock Code (excluding antibiotic standards for meat, poultry and dairy products governed under the Food Sanitation Act).

2. Presidential Decree to the Livestock Product Processing Control Act

The Presidential Decree aims to establish matters delegated by the Livestock Product Processing Control Act and matters necessary to enforce the Act.

3. Ministerial Ordinance to the Livestock Product Processing Control Act

The Ministerial Ordinance aims to establish matters delegated by the Livestock Product Processing Control Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree. The ordinance establishes the basics needed to conduct livestock product business and the relevant penalties, if failure to do so. It provides samples of forms needed to conduct such business.

4. Livestock Code

The Livestock Code provides health standards for meat, poultry and dairy products, such as micro-organism standards, criteria and standards for livestock products, etc (excluding antibiotic standards which are defined in the Food Code under the Food Sanitation Act). The current Livestock Code is drawn from the 1996 Food Code. In June 2000, NVRQS issued a proposed revision to the Livestock Code. The public comment period closes on September 15. The final revision to the Livestock Code is expected to be issued prior to January 1, 2001.

5. Livestock Epidemics Prevention & Control Act

The Livestock Epidemics Prevention & Control Act aims to contribute to the development of the livestock industry and to improve public health by preventing the outbreak and spread of livestock epidemics. The Act focuses on live animals, whereas the Livestock Processing Control Act focuses on livestock products.

6. Presidential Decree to the Livestock Epidemics Prevention & Control Act

The Presidential Decree aims to establish matters delegated by the Livestock Epidemics Prevention & Control Act and matters necessary to enforce the Act.

7. Ministerial Ordinance to the Livestock Epidemics Prevention & Control Act

The Ministerial Ordinance aims to establish matters delegated by the Livestock Epidemics Prevention & Control Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree.

8. Import Health Requirements for Various Animals

Live animals and animal products should be in accordance with relevant MAF provisions issued through the Animal Health Division (AHD). AHD sets regulations and the National Veterinary Research & Quarantine Service (NVRQS) enforces them. Korea's health requirements for livestock and products can be accessed in English through the website of the Food Safety & Inspection Service of the U.S. Department of Agriculture (<http://www.fsis.usda.gov>).

9. Labeling Standards for Livestock Products

This set of standards aims to promote the sanitary and seamless processing and control of livestock products, et al. It is required for providing accurate information to consumers by defining the labeling standards for livestock products and container / equipment / packaging / stamping colorings based on Article 6-1 of the Livestock Processing Control Act.

10. Plant Protection Act

The Plant Protection Act aims to contribute to the safety and promotion of the production of agriculture and forestry by establishing quarantine regulations for imported/exported and domestic plants and for the prevention and eradication of destructive animals and plants.

11. Presidential Decree to the Plant Protection Act

The Presidential Decree aims to establish matters delegated by the Plant Protection Act and matters necessary to enforce the Act.

12. Ministerial Ordinance to the Plant Protection Act

The Ministerial Ordinance aims to establish matters delegated by the Plant Protection Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree.

13. Import Plant Inspection Guideline

The Import Plant Inspection Guideline aims to perform inspection of imported plants and plant materials consistently and effectively by establishing specific principles about the subjects which were delegated to the Director General of the National Plant Quarantine Service (NPQS) in the Plant Protection Act, the Presidential Decree to the Act and the Ministerial Ordinance to the Act regarding the inspection and the disposition of imported plants.

14. Agricultural & Fishery Product Quality Control Act

The Act, passed by the National Assembly in December 1998, includes provisions governing genetically modified agricultural products and labeling, country of origin mark, etc. The Act gives a legal basis for MAF to require labeling of non-processed GMO products for the purpose of providing proper purchasing information to consumers.

15. Presidential Decree to the Agricultural & Fishery Product Quality Control Act

The decree aims to establish matters delegated by the Agricultural & Fishery Product Quality Control Act and matters necessary to enforce the Act. In June 1999 the decree was revised to add provisions governing the labeling of non-processed GMO products.

16. Guideline for Labeling of Genetically Modified Agricultural Products

The Guideline, proposed on December 1, 1999 and finalized on April 22, 2000, provides details on labeling requirements for non-processed GMO products, including a list of commodities subject to GMO labeling, labeling methods, etc. According to the guideline four non-processed GMO commodities - soybean, bean sprout, corn, and potato - shall require labeling if 3 percent or more of the shipment contains a biotech enhanced component. The guideline calls for GMO labeling for soybean, bean sprout, and corn starting from March 2001 and for potato starting from March 2002.

17. Sustainable Agriculture Promotion Act

The Act aims to realize environmentally sustainable agriculture by introducing agricultural methods and techniques to protect the environment, by reducing environmental pollution related to agriculture and by encouraging the adoption of sustainable agriculture.

18. Sustainable Agricultural Product Quality Control Guideline

The guideline aims to establish quality control standards for organic agricultural products, in accordance with the Article 16 and 18 of the Sustainable Agriculture Promotion Act and Article 7 and 11 of its Ministerial Ordinance. In February 2000 the guideline was revised.

19. Guideline for Country of Origin (COO)

The guideline aims to protect consumers and agricultural producers from mislabeled product. COO labeling of domestic agricultural products and raw materials used in domestically processed agricultural

products is required under Article 17 of the Agricultural & Fishery Products Quality Control Act and Article 38 to 40 of the Presidential Decree of the Act. COO labeling of imported agricultural products is required under Article 53 of the Presidential Decree of the Foreign Trade Act. In May 2000, MAF proposed a revision to the current COO guideline but has yet to finalize it.

20. Seed Industry Act

The Act, implemented on December 31, 1997, brought Korea into compliance with its WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) and OECD commitments related to the planting seed trade. The Act's major impact is its protection on intellectual property rights. The Act did not liberalize import on major staple crop seeds.

The Seed Industry Act combined provisions of the Seedling Management Act, which governed the vegetable seed sector, and the Major Agricultural Seed Act, which governed the seed sector for major field crops. The Presidential Decree and Ministerial Ordinance to the Seed Industry Act became effective December 31, 1997 and January 24, 1998, respectively. On June 1, 2000 the seed fund provision of the Seed Industry Act was deleted.

For more information regarding general regulations of planting seed contact:

Dr. Keun Jin CHOI
National Seed Production & Distribution
Rural Development Administration
Ministry of Agriculture and Forestry
Phone: 82-31-446-2432
Fax: 82-31-448-1216
e-mail: nspd074@chollian.dacom.co.kr

D. Ministry of Maritime Affairs & Fisheries

The Ministry of Maritime Affairs and Fisheries (MOMAF) was established in 1994 with the merging of the National Maritime Affairs Administration and the National Fisheries Administration. MOMAF is responsible for making policies and plans for maritime affairs and fisheries, maintaining facilities and materials, and instructing all operations related to maritime affairs and fisheries.

Under the jurisdiction of the MOMAF Minister are various sub-organizations such as:

National Fisheries Research & Development Institutes,
National Fisheries Products Inspection Station,
Training Institute for Government Officials,
National Oceanographic Research Institute,
Fisheries Patrol Vessel Management Office,
Marine Accident Inquiry Agency, and
Regional Maritime Affairs and Fisheries Office.

The National Fisheries Products Inspection Station (NFPIS) is charged with inspection of fishery products either produced in Korea or imported.

1. Fishery Products Inspection Act

The Act aims to promote the quality improvement and standardization of fishery products through inspection. It is the legal basis for the fishery inspection work conducted by NFPIS.

2. Presidential Decree to the Fishery Products Inspection Act

The Presidential Decree provides provisions for implementing the Fishery Products Inspection Act.

3. Ministerial Ordinance to the Fishery Products Inspection Act

The Ministerial Ordinance to the Fishery Products Inspection Act prescribes the articles which are delegated by the Fishery Products Inspection Act and Presidential Decree and the necessary implementing articles including the detailed standards that fish and products must meet.

II. Labeling Requirements (General / Nutritional / Organic / Health claims)

Labeling requirements tend to change frequently, meaning importers must stay on top of changing regulations. In addition to the following requirements, country of origin labeling is required on food products. Korean language stickers can be applied at the port of entry.

A. Labeling Standards for Food et al (Administered by KFDA)

In June 1998, KFDA was legally delegated authority on labeling standards for food. The Food Safety Division, KFDA, holds responsibility for establishing labeling standards for food products. KFDA regional offices enforce the labeling standards. Provincial government health officials also have the authority to enforce the labeling standards.

All imported food products (livestock products are regulated by MAF standards) are required to have Korean language labels. (Korean language stickers may be applied in lieu of Korean language labels. The sticker should not be easily removable and should not cover the original labeling). Labels should contain the following inscriptions printed in letters large enough to be readily legible:

- 1) Product name: The label should state the name of product. The product name should be identical to the product's name as declared to the licensing/inspection authority.
- 2) Product type: Product type by classification unit as defined in the Food Code. If a product type is not classified, a product kind should be indicated.
- 3) Importer's name and address, and the address where products may be returned or exchanged in the event of defects.
- 4) Manufacturing date, month, and year: This is mandatory for specially designated products such as lunch box and sugar. The shelf life for these designated products must also be labeled. Labeling the manufacturing date for liquor is required (but not shelf life date). For liquor a manufacturing number (lot number) or bottling date can substitute for the manufacturing date.
- 5) Shelf life: Food products should identify the manufacturer determined shelf life. If various kinds of products are packaged together, the shelf life date of the product with the shortest life should be applied on the label. Products subject to mandatory shelf life limits, in accordance with the Korea Food Code, must meet such standards.
- 6) Contents: Weight, volume or number of pieces (if the number of pieces is shown, the weight or volume must be indicated in parentheses).
- 7) Ingredient(s) or raw material(s) and a percent content of the ingredient(s) should be included on the label (contents of the ingredients are included only when certain ingredients are used in the product name or as a part of the product name). According to Article 7, Food Sanitation Act, the name of the major ingredient must be included on the label as well as the names of at least the next four principle ingredients. These should be listed with the highest percentage first followed by the others. Artificially

added purified water does not count as one of the five major ingredients.

8) Nutrients: Only special nutritional foods, health supplementary foods, products wishing to carry nutritional labels and products wishing to carry a nutrient emphasis mark are subject to nutritional labeling.

9) Other items designated by the detailed labeling standards for food et al.: This includes cautions and standards for use or preservation.(e.g. drained weight for canned products, radiation-processed products, etc.). Products that must be kept at low temperatures, such temperatures should be indicated.

Cases where the above application of the labeling requirements are exempted are as follows:

1) Agricultural products such as grains, fishery items such as whole frozen fish and fruits, that are loose, in a container or packaging, etc.

2) Bulk packaged products that will be repackaged into a smaller sized package prior to sales. (Documents that show such intent need to be provided.)

3) Foods, etc. to be used for manufacturing or cooking for a company's own use. (Documents that show such intent need to be provided.)

4) Products imported for the purpose of acquisition of foreign currency, under the provisions of Article 34 of the Ministerial Ordinance to the Foreign Trade Act. These are cases where the products are brought in and further processed and re-exported. However, if the food and food additives are imported for the purpose of acquisition of foreign currency in the domestic market, such as tourist hotels, in accordance with the Article 4-4-1-1 of the Foreign Trade Management Regulations, it should have a label that provides the name of the business license (report) authority, business license (report) number, name of the company and the company address and shelf life.

In November 1999, KFDA announced a proposed revision to the Labeling Standards for Food et al. The proposed revision contains a wide range of changes in the current labeling standards. This proposal is anticipated to be finalized during the second half of 2000.

Nutritional labeling requirements are specified in the Labeling Standards for food et al. As of now, nutritional labeling is optional for most food products. Korea only requires nutritional labeling for the following:

1) Special nutritional food or health supplementary food

2) In the event that specific nutrients are emphasized (e.g., if a product is labeled as "calcium added yogurt", the content of the calcium must be labeled).

3) If you wish to put on nutritional labeling

If a product does not fall under the above three categories, a nutritional label is not required.

Regarding health claims, Korea currently does not allow health claims on food product labels.

Contact information for the KFDA divisions responsible for labeling follow:

Food Safety Division

Food Safety Bureau, KFDA
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1726/7
Fax: 82-2-388-6396

Food Nutrition Division

Office of Food Analysis
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1678/80
Fax: 82-2-382-4892

B. Labeling Standards for Livestock Products (Administered by MAF)

A business enterprise or person who wishes to make an import declaration, in accordance with the provision of the Article 15-1 of the Livestock Processing Control Act, should indicate (label) the following. The labeling requirement is in accordance with Article 3 of the labeling standards for livestock products:

- 1) Product name
- 2) Type of processed livestock product (containers, packaging materials, etc. are exempt)
- 3) Name of business license issuer and the business license (or report) number
- 4) Name and address of company
- 5) Manufacturing date, month, and year (only designated products are subject to this category)
- 6) Shelf life (containers, packaging materials, etc. are exempt)
- 7) Content (containers, packaging materials, etc. are exempt. However, the amount of stamp coloring used should be included.)
- 8) Ingredient or raw material (the material used for making the container, etc. should be indicated. However, coloring used for stamping the certification of slaughtering should follow the standards for food additives under the Food Sanitation Act) and the content of ingredient (if a certain ingredient is used in the product name or as a part of the product name);
- 9) Nutrient (only designated products are subject to this category);
- 10) Other items specified in Appendix Table 1 of the labeling standards for livestock products, according to the "Detailed Labeling Standards for Livestock Product et al."

Labels should be in Korean language and written in ink, engraved or stamped that cannot be erased. However, registered trademarks in foreign language (according to the Korean Trademark Law) and Chinese characters can be written next to the Korean writing, so consumers can better understand the labeling.

Exemption from application: Imported livestock products may be exempt from the Korean language labeling if it belongs to one of the following categories:

- 1) Carcass
- 2) Large packaged products (bulk type); limited only to raw materials to be repackaged prior to sale
- 3) Raw materials for manufacturing processed livestock products (i.e. frozen turkey to be used in manufacturing sausage)
- 4) Products permitted to be imported for the purpose of earning foreign currency (including materials to be re-exported) per the Foreign Trade Management Regulations;

Contact information for the MAF division responsible for livestock product labeling follows:

Quarantine Inspection Division

Department of Inspection of Livestock Products
National Veterinary Research & Quarantine Service
#480 Anyang 6-dong, Manan-ku, Anyang-shi
Kyunggido, Korea
Phone: 82-31-467-1744/42 Fax: 82-31-467-1717

C. Labeling Regulations for Non-Processed GMO products (Administered by MAF)

On April 22, 2000, MAF issued final guidelines for labeling of non-processed GMO commodities. Beginning March 1, 2001 three non-processed GMO commodities - soybean, bean sprout, and corn will be required to be labeled if three percent or more of the shipment contains biotech enhanced ingredients. Beginning March 1, 2002, a fourth non-processed GMO commodity - potato - will be subject to this labeling standard. Labels shall be in accordance with the following:

- 1) For raw GMO agricultural commodities, it shall be labeled as “Genetically Modified (a name of agricultural product).”
- 2) For agricultural commodities containing a GMO component, it shall be labeled as “Containing Genetically Modified (a name of agricultural product).”
- 3) If a possibility exists that a GMO agricultural component may be therein contained (but the importer is not certain), the agricultural commodity shall be labeled as “It may contain Genetically Modified (a name of agricultural product).”

Voluntary labeling of “Non-GMO” or “GMO Free” is allowed only if the shipment is 100-percent free of a GMO component. In the case of Non-GMO labeling, a 3-percent maximum threshold allowance does not apply.

The National Agricultural Product Quality Management Service (NAQS) has been designated as the official inspection agency for non-processed GMO products. During the first year after implementation of the GMO labeling guideline (beginning March 1, 2001), the Agricultural Science and Technology Institute (ASTI), Rural Development Administration will conduct sample verification tests for non-processed GMO commodities on behalf of NAQS.

Contact information for the MAF division responsible for non-processed GMO commodity labeling follows:

Food Industry Division

Agriculture Marketing Bureau, MAF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-2677/8 Fax: 82-2-503-7905

**D. Labeling Regulations for Processed Products Made Using GMO Ingredients
(Administered by KFDA)**

On April 6, 2000, KFDA announced the draft guideline on labeling standards for processed food products made using GMO ingredients. KFDA plans to issue the final guideline during late summer 2000 for implementation starting July 1, 2001. According to the draft guideline, food products made using GMO ingredients identified under the MAF’s GMO labeling guidelines (such as soybean, bean sprout, corn, potato) as one of five major ingredients shall be required to label as GMO. The label shall use the term “Recombinant Food” or “Food Using Recombinant XX (a name of ingredient).

Food Safety Division

Food Safety Bureau, KFDA
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1726/7 Fax: 82-2-388-6396

**E. Labeling Regulations for Organic Agricultural Products - Sustainable Agriculture
Promotion Act, (Administered by MAF)**

On December 13, 1997, the Sustainable Agriculture Promotion Act was passed. In December 1998, the Presidential Decree to the Act and the Ministerial Ordinance of the Act were released with the aim to establish matters delegated by the Act and details needed in enforcing the Act. The two Acts regulating organic products prior to 1998 were folded into the current Act.

“Guidance for Quality Control of Sustainable Agricultural Products” was issued on January 16, 1999 and revised on February 8, 2000. The Sustainable Agriculture Division, MAF, establishes the regulations for organic products. The National Agricultural Products Quality Management Service

(NAQS) enforces these regulations. MAF is in the process of revising the Sustainable Agriculture Promotion Act. Changes to implementing regulations will follow. Proposed changes contemplated for the Act include adoption of CODEX standards being developed for organic products.

Sustainable Agriculture Division

Food Grain Production Bureau, MAF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-2648/9 Fax: 82-2-507-2096

F. Country of Origin (COO) - (Administered by MAF)

According to COO labeling guidelines, many agricultural products including most imported products must be labeled by origin. Detailed labeling information is provided in the guideline for COO labeling. National Agricultural Product Quality Management Service (NAQS) enforces COO requirements in the market place. As for imported products, the Korea Customs Service enforces COO requirements prior to Customs clearance.

Food Industry Division
Agriculture Marketing Bureau, MAF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-2677/8 Fax: 82-2-503-7905

III. Food Additive Regulations

Food Additive Code (Administered by KFDA)

The "Food Additive Code" guides use of all additives to foods in Korea. As of July, 2000, Korea had a positive list of 575 approved food additives. Food additives are grouped into three categories; (a) chemical synthetics, (b) natural additives and (c) mixture substances. Most additives and/or preservatives are approved and tolerance levels are established on a product-by-product basis in Korea. This creates difficulties as tolerances can vary from product to product. Getting a new additive added onto the approved list can be time consuming and troublesome. Even though there may be an established CODEX standard for a given food additive, if that food additive is not registered in the Korean Food Additive Code or even if registered but usage in a certain food product is not specified, use of that food additive in the given food product is prohibited. This means that only the food additives that are registered in the Korean Food Additive Code are allowed to be used in food products, in accordance with the usage standards specified in the Food Additive Code.

The office responsible for approving food additives in KFDA is as follows:

Food Additives Evaluation Department

Korea Food & Drug Administration

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone: 82-2-380-1687

Fax: 82-2-382-4892

IV. Pesticide and Other Contaminants (Antibiotics and Growth Hormones)

Three government agencies -- the Korea Food & Drug Administration (KFDA), the Ministry of Agriculture & Forestry (MAF) and the Ministry of Environment (MOE) -- handle pesticide related matters.

KFDA is responsible for regulating pesticide residues in foodstuffs, in accordance with the maximum residue levels (MRLs) set in the Food Code. Chapter 3 of the Food Code lists 216 pesticides, as of March 31, 2000, whose permissible MRLs in foods are set. If an MRL is established in the Food Code for a given agricultural chemical, other tolerance levels, such as CODEX, etc. are not accepted. However, for agricultural chemicals where tolerance levels have not been established in the Korean Food Code, residue levels set by other bodies, such as CODEX or other nations are taken into consideration, prior to making a decision on whether the level detected would be acceptable or not.

MAF is responsible for the registration of pesticides, safety usage standards, and notification of pesticides. All pesticides used in Korea should be registered with MAF.

MOE is responsible for testing pesticide levels in water, soil and agricultural products.

The Food Code also lists antibiotics and growth hormones approved for meat products in Chapter 3 of the code. It provides a list of permitted antibiotics and hormones and their tolerance levels. The office that is responsible for pesticides and contaminants is as follows.

Food Evaluation Department

Korea Food & Drug Administration

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone: 82-2-386-6586 Fax: 82-2-382-4892

V. Other Regulations and Requirements (certification)**Phytosanitary Certificate Requirements - animal, plant, meat, etc.**

Phytosanitary and health certificates issued by the exporting country's inspection authority are required for live animal, plant and meat products, such as beef, pork, poultry, etc. This requirement is in accordance with the Livestock Epidemics Prevention & Control Act, the Plant Protection Act, and the Livestock Processing Control Act, respectively.

The U.S. the Animal & Plant Health Inspection Service, U.S. Department of Agriculture (USDA) issues sanitary and phytosanitary certificates for live animals and plants while the Food Safety & Inspection Service, USDA issues a health certificate for meat products.

VI. Other Specific Standards

Genetically Modified Organisms (GMO) caught the public's attention and in particular, that of Korean consumer groups during the second half of 1998. On August 20, 1999, KFDA issued the guideline on the safety assessment of genetically modified food products and food additives. This guideline aims to establish safety assessment requirements and procedures for recombinant foods and food additives, in accordance with Article 4, Paragraph 2 of the Food Sanitation Act. Thus, foods and food additives developed through recombinant DNA techniques may be commercially distributed after the Commissioner of KFDA confirms that such foods and food additives do not pose any health risk to humans. This assessment is an optional process as of now but KFDA is planning to require safety assessments for foods and food additives developed through recombinant DNA techniques after they revise the higher regulation, the Food Sanitation Act. The U.S. round-up ready soybean is the first and the only GM food as of now that has passed KFDA's safety assessment conducted according to this guideline.

“Standards & Specifications for Equipment and Container / Packaging” established by KFDA and printed in Chapter 6 of the Korean Food Code, includes general standards for equipment and container / packaging for food products and specifications for individual packaging materials.

The Ministry of Environment's 1999 announced regulations covering PVC shrink wrap packaging goes into effect starting January 1, 2001.

VII. Copyright and/or Trademark Laws

Korea Industrial Property Office is responsible for registration of trademarks and for review of petitions related to trademark registration. In accordance with the Trademark Law, the trademark registration system in Korea is based on “first-to-file.” A person who registers a trademark first has a preferential right over that trademark and the person who has a right over the trademark is protected by the Law. In order to prevent any trademark dispute, we strongly recommend U.S. companies wishing or planning to conduct business in Korea to register trademarks first.

VIII. Import Procedures

Korea Customs Service (KCS), KFDA, National Quarantine Office (for ports that do not have KFDA regional offices), National Veterinary Research & Quarantine Service and National Plant Quarantine Service are the agencies involved in the import clearance process. Imports of agricultural products generally must receive clearance from several organizations and are thus more likely to encounter port delays than other imported products. Delays can be costly due to the perishable nature of many agricultural products. In addition other organizations may be involved in regulating imports through the administration of licenses or, in some cases, quotas for agricultural products. KCS is responsible for ensuring that all necessary documentation is in place before the product is finally released from the bonded area. KCS operates the EDI system (Electronic Data Interchange System) and KFDA operates the imported food network system through their regional offices and national quarantine offices. The KFDA network system is connected to the EDI system which permits KFDA inspection results to be transmitted more quickly thus shortening the KCS clearance time. Products subject to plant quarantine inspection and animal quarantine inspection must be cleared by the respective quarantine inspection authorities before KCS will clear.

Korea Food & Drug Administration (KFDA) Import Procedures

1. The importer or the importer's representative submits the "Import Declaration for Food, etc."
2. The type of inspection to be conducted is determined in accordance with the guidelines for inspection of imported food products. The types of inspection that a given food product may be subject to are: Document Inspection, Organoleptical Inspection, Laboratory Inspection, and Random Sampling Examination
3. If a product is subject to organoleptical inspection, laboratory inspection and random sampling examination, the KFDA inspector will conduct a field examination and take samples for the laboratory test.
4. KFDA conducts the conformity assessment from the information collected, using such items as test results, document inspection results, etc.
5. If a product complies with the Korean standards, KFDA issues a certificate for import. An importer can clear products with the KFDA import certificate.
6. If a product does not comply with the Korean standards, KFDA will notify the applicant and the regional customs office on the nature of the violation. The importer decides whether to destroy or return shipments to the exporting country or use it for non-edible purposes. If the violation can be corrected, as with labels, the importer can reapply for the inspection after making the corrections.
7. For perishable agricultural products, such as fresh vegetable, fruits, etc., an importer can clear the products prior to completion of the laboratory test with a pre-certificate for import report issued by KFDA. However, in this case, the importer should be able to track down the distribution of the given product so he/she can recall the products, in case the laboratory test indicates a violation.

On May 15, 2000, KFDA issued the revision to the Guideline for Inspection of Imported Food Products. In the revision, KFDA added a clause limiting the minimum amount of the initial commercial shipment which it would inspect directly. When the quantity of the imported food is less than 100 kg, the imported food is required to be inspected by a KFDA recognized authorized inspection organization other than regional KFDA office or National Quarantine Services. Detailed information is available from the KFDA's English website - <http://www.kfda.go.kr>.

If products are subject to animal quarantine inspection or plant quarantine inspection in addition to food inspection by KFDA, the animal quarantine certificate or plant quarantine certificate issued by the National Veterinary Research & Quarantine Service (NVRQS) or the National Plant Quarantine Service (NPQS) is required for product clearance, in addition to the KFDA certificate. Inspection by NPQS or NVRQS can take place simultaneously with the KFDA inspection.

IX. Appendix**Appendix I - Primary Korean Food Agency**

1. Ministry of Health & Welfare: <http://www.mohw.go.kr>
2. Ministry of Agriculture & Forestry: <http://www.maf.go.kr>
3. Ministry of Maritime Affairs & Fisheries: <http://www.mmaf.go.kr>
4. Ministry of Environment: <http://www.moen.go.kr>
5. Korea Food & Drug Administration: <http://www.kfda.go.kr>
6. National Veterinary Research & Quarantine Service: <http://www.nvrqs.go.kr>
7. National Plant Quarantine Service: <http://www.npqqs.go.kr>
8. Rural Development Administration: <http://www.rda.go.kr>
9. National Agricultural Product Quality Management Service: <http://www.naqs.go.kr>
10. National Agricultural Cooperative Federation: <http://www.nacf.co.kr>
11. Agriculture & Fishery Marketing Corporation: <http://www.afmc.co.kr>
12. Korea Forestry Administration: <http://www.foa.go.kr>
13. Korea Rural Economic Institute: <http://www.krei.re.kr>
14. Korea Industrial Property Office: <http://www.kipo.go.kr>
15. Korea Health Industry Development Institute: <http://www.khidi.or.kr>

Appendix II - WTO Enquiry Point

Names of the SPS Enquiry Point are as follows;

Animal or plant health or zoonosis (including aquatic animals)

Mr. Byung Rin, YOO
Director
Bilateral Cooperation Division
International Agriculture Bureau
Ministry of Agriculture & Forestry
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-2656/7 Fax: 82-2-507-2095

Food Safety

Mr. Byoung-Ki, KWON
Deputy Director
International Cooperation Division
Ministry of Health & Welfare
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-503-7524 Fax: 82-2-504-6418
E-mail: invuioul@chollian.net

Mr. Gyun Taek, OH
Director
Food Circulation Division
Korea Food & Drug Administration
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1733/4 Fax: 82-2-388-6392

Aquatic Animal Health and Sanitation

Mr. Jae Heung, CHUNG
Director
Trade Promotion Division
Fishery Products Marketing Bureau
Ministry of Maritime Affairs & Fisheries
826-14 Yoksam-Dong, Kangnam-Gu
Seoul, Korea 135-080
Phone: 82-2-567-2729 Fax: 82-2-556-7817

Appendix III - List of Available English Translation of Regulations

The following translations are available from the American Chamber of Commerce in Korea or Agricultural Affairs Office in Seoul. Contact information is:

The American Chamber of Commerce in Korea

Westin Chosun Hotel 2nd Floor, #87 Sokong-dong
Chung-ku, Seoul, Korea
Tel: 82-2-753-6471, 752-3061
Fax: 82-2-755-6577

1. Food Sanitation Act
2. Presidential Decree to the Food Sanitation Act
3. Ministerial Ordinance to the Food Sanitation Act
4. Labeling Standards for Food et. al.
5. Korean Food Code
6. Korean Food Additive Code
7. Livestock Processing Control Act
8. Presidential Decree to the Livestock Processing Control Act
9. Ministerial Ordinance to the Livestock Processing Control Act
10. Country of Origin Regulations
11. Sustainable Agricultural Product Quality Control Guidelines
12. Sustainable Agriculture Promotion Act
13. Guidelines for Safety Assessment on Food & Food Additives Developed Through

Recombinant DNA techniques

14. Guidelines for Labeling Standards for Non-Processed GMO Products

Appendix IV - Standards for Packaging, Container or Equipment for Food Products

Standards for packaging, container, or equipment for food products are set in the Korean Food Code. This regulation is available in both English and Korean language as part of the Korean Food Code mentioned above.

Appendix V - U.S. Laboratories Authorized to inspect on behalf of the Korean Government (KFDA)

KFDA operates a program that recognizes foreign laboratories as official testing laboratories. This program aims to enhance the efficiency of conducting inspection of imported food. KFDA authorizes foreign official laboratories and recognizes inspection certificates or certificates of laboratory test results issued by these authorized official laboratories. As of now, there are two U.S. laboratories that have been authorized as official foreign laboratories by KFDA. They are:

1. Oregon Department of Agriculture's Export Service Center

The Oregon Department of Agriculture's Export Service Center (ESC) is a one stop technical assistance center for U.S. food manufacturers and exporters. It is designed to reduce obstacles for exporting products. The ESC has been certified by the Korean Food & Drug Administration to do residue and micro-biological testing on food and beverage products bound for Korea. A certificate of inspection from this lab usually expedites clearance inspections at Korean Customs. The ESC offers a range of technical services including product evaluation and certification. They will evaluate products for foreign country requirements and issue a certificate that minimizes the chances of product rejection. For more information on the services which the Export Service Center provides, contact the:

Oregon Department of Agriculture Export Service Center

Ms. Norma Corristian, Administrator of Export Service Center
1200 N.W. Naito Parkway, Suite 204
Portland, Oregon 97209-2835
Tel: 503-872-6644 Fax: 503-872-6615
E-mail: esc-food@oda.state.or.us

2. Omic USA Inc.

Omic USA is the second U.S. laboratory to be recognized by the Korea Food & Drug Administration as an official foreign testing laboratory. The contact information follows:

Omic USA Inc.

Mr. Ryuichi Kurosawa, President
1200 NW Natio Parkway
Portland, Oregon 97209

Tel: 503-224-5929

Fax: 503-223-9436