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## **Korea, Republic of**

## **Biotechnology**

# **A Summary of Korean Regulations on Agro-Biotechnology Products**

## **2002**

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**Report Highlights:** The following report is a compilation of current regulations for processed and unprocessed food products of biotechnology in Korea for both human consumption and environmental release enforced by Korean Government agencies. Labeling, documentation, testing procedures, and advertising guidelines are listed along with pending regulations and consumer response to the developing biotech issue. Further detailed information regarding specific requirements and exemptions is available in the initial reports which include KS1004, KS2011, KS1046, KS2010, and KS1076.

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Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Seoul ATO [KS2], KS

**The Korean Government**

The Republic of Korea (ROK) has continued its effort to protect the interests of the Korean consumer by imposing numerous regulations on biotech products. A compilation of the mandatory and pending requirements is listed below as well as a summary of consumer reaction to the developing biotech food industry.

**Comment/Analysis**

Korea currently has a variety of government agencies involved in regulating products of biotechnology, and proposals now under consideration would include even more agencies in the future. The regulations on labeling has already impacted U.S. exports of food grade corn, and to a lesser extent, food grade soybeans to Korea. This is now essentially a "non-biotech" market, as retailers avoid placing "GMO" labeled products on store shelves, fearing consumer reaction.

The direction of future Korean Government regulations will be directly related to consumer attitudes toward agro-biotechnology. While recent surveys show that about 80 percent of Korean consumers have a negative attitude toward the use of biotechnology in food production, research also indicates that these same consumers have limited knowledge of the science involved. However, when provided factual information, attitudes have changed toward the positive.

**Mandatory Regulations for Unprocessed Commodities**

Labeling requirements of bulk (unprocessed) corn, soybeans, and soybean sprouts enhanced through biotechnology are enforced by the Ministry of Agriculture & Forestry (MAF). In March of this year, MAF extended the labeling requirement to include unprocessed potatoes, allowing a probationary period for market adjustment that expires in September 2002.

For shipments containing biotech components less than the 3 percent threshold, labeling may be avoided with proper Identity Preserved (IP) procedures. Voluntary labeling as "Non-GMO" or "GMO Free" is only permitted if the shipment is of 100 percent non-biotech enhanced products.

Safety assessments of biotech crops for human consumption and environmental release are operated on a voluntary basis. However, mandatory assessments of products for human consumption by KFDA and environmental release by MAF are expected as soon as pending legislation by the Ministry of Health & Welfare and Ministry of Commerce, Industry, & Energy is finalized.

**Mandatory Regulations for Processed Foods**

The Korea Food and Drug Administration (KFDA) has mandated labeling of processed products when primary ingredients are subject to MAF biotech labeling requirements and when GM ingredients are one of the five major raw materials used. However, labeling may be avoided when test results yield negative for the presence of biotech components in the final product or when full IP documentation or government issued certification is provided.

The KFDA does not currently require product labeling for potato-based foods. However, a list of processed potato products subject to GM food labeling is soon expected for release.

KFDA does not allow “Non-GMO” or “GMO-Free” labeling of processed food products even in cases when GMO test results of the final product are negative.

As of July 1, 2002, the Korea Fair Trade Commission (KFTC) requires that all biotech-enhanced food products, subject to biotech labeling by the MAF or KFDA, advertised in newspapers or magazines, TV commercials, or Cable TV commercials must indicate the presence of biotech components.

As noted above, safety assessments of biotech crops used as ingredients in processed biotech products for human consumption are currently operated on a voluntary basis. Mandatory assessments, however, are expected.

### **Labeling Exemptions**

Processed food products served in restaurants are not required to have GMO labeling visible to customers. However, KFDA does require full IP documentation, government certification, or negative test results for every shipment at the port of entry.

### **Testing Procedures**

The KFDA and MAF currently test food products for GMO content on a random sampling basis at the port of entry or retail market level.

### **Pending Regulations**

Revision to the Food Sanitation Act by the Ministry of Health & Welfare (MHW) requiring mandatory safety assessment of biotech crops and food additives for human consumption is expected to be finalized before year end. This will allow KFDA to implement mandatory safety assessments.

The National Assembly in January legislated the [Law on Transboundary Movement, Etc., of Living Genetically Modified Organisms] to continue efforts to implement the early "Cartagena" version of the Bio-Safety Protocol, adopted under the United Nations Bio-Diversity Treaty in January 2000. The Act, along with pending legislation of the Presidential Decree and Ministerial Ordinance under the Ministry of Commerce, Industry, and Energy (MOCIE), defines import approval procedures, labeling requirements, safety guidelines, and authorized government agencies who will perform the necessary assessment of products in the field of development, production, import, export, and marketing. However, until ratification of the "Cartagena Protocol" by the Convention on Biological Diversity, the Law on Transboundary Movement, Etc., of LMOs in Korea will remain inactive. Safety assessment of biotech crops for environmental release would be mandatory when MOCIE's LMO Act goes into effect.

### **Impact on U.S. trade**

As increased production of biotech crops in the U.S. is met by more restrictive regulations from the Korean government, it is difficult to assess the impact that new and expected regulations will have on U.S. trade. Nearly 35 percent of all U.S. corn is biotech, 71 percent of U.S. cotton, 75 percent of U.S. soybean supply, and technology has been developed for GM wheat with numbers expected to increase as benefits of producing GMO crops become more advantageous to producers and consumers. Many other U.S. crops have biotech varieties including melons, papaya, rapeseed, rice, and tomatoes, in addition to several

Korean biotech crops such as rice, chilies, potatoes, cabbage, and cucumbers currently under development. Thus, the challenge, for Korea and the U.S. alike, to increase awareness among hesitant consumers is necessary to balance demand with a growing biotech-enhanced supply worldwide. Countries such as Argentina, Canada, China, Indonesia, Australia, South Africa, Mexico, Spain, France, Portugal, Rumania, and the Ukraine have participated in GM crop production practices further pressuring “non-GMO” markets to concede as global supplies tighten for non-biotech crops.

Korea, the fourth largest U.S. agricultural market, currently has one of the most onerous biotech labeling requirements of any of our major customers. With many U.S. manufactured foods, food ingredients, and bulk commodities containing biotech products, a concerted effort is needed on several fronts to avoid losing U.S. share of this growing market.

**For more information**

Inquiries pertaining to further detailed explanation of the regulations in biotechnology should be referred to the following GAIN reports:

Unprocessed foods regulations - KS1004, KS2011

Processed foods regulations - KS1046

Advertising regulations - KS2010

Consumer concerns – KS1076