

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Required Report - public distribution

Date: 12/29/2015

GAIN Report Number: KS1551

Korea - Republic of

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Section Updated: Section I, II, IV, V, VI, VII, and Appendix I, II. The updates include the new Special Act on Imported Food Safety Management, which shall go into effect on February 4, 2016. This new Act will require that all foreign food facilities and establishments be registered by the Ministry of Food & Drug Safety (MFDS). MFDS plans to grant a six-month grace period for facility registration until August 3, 2016 to allow a smooth transition. Other changes include food items to be added to allergen label, a change in a gluten-free claim, the traceability system for infant/baby food and health functional foods.

Section I. Food Laws:

Korea is well equipped with a modern legal system that is based on a fixed hierarchy. Based on this framework, an Act or law, legislated by the National Assembly, provides the legal basis for government regulations. The draft bill may be submitted by an individual National Assembly member or the competent government ministry for the National Assembly's consideration.

Under each Act, a Decree and Rule are drawn up by the responsible ministry to implement the law. At about the same time, the competent ministry or agency also promulgates notices and guidelines in order to provide more detailed guidance. The chart below, albeit an oversimplification, shows how this legal hierarchy fits together.

Legal System

Act (Passed by National Assembly) → **Decree** (Cleared by Ministerial Meeting) → **Rule** (Cleared by Minister) → **Guidelines/Notice** (Cleared by Agency Head)

Proposed new and/or revised Acts, Decrees, Rules, and the implementing guidelines are published in the government gazette for public comments. These changes are also notified to the WTO for international comments. In addition, over the last decade, the [Korea Legislation Research Institute](#) has translated many of these laws into English in order to strengthen cooperation with trading partners and multinational firms doing business in Korea.

Over the past decade, Korea has moved generally towards more science-based food laws. However, at times the Korean regulations lack specificity, which in turn can generate confusion as it can be interpreted in multiple ways. The regulatory process is also heavily influenced by vocal industry and consumer groups, as well as politicians. In some cases, regulators give way to these outside, populist-driven influences when drafting regulations. The best example of this was right after the candlelight beef protests in 2008 when the government embarked on a campaign to win back consumer confidence in the nation's food safety system. Although the plan included some needed science-based improvements, there were several proposed measures like the ban on certain tar colors used in processed foods and beverages that clearly went beyond the realms of established science.

In the tar color case and several other cases since that time, Korea has pointed to the European Union as the basis for its action. Historically, Korea modeled its regulatory system after the U.S. system. But, in recent years the regulatory system has been influenced by the European-based food safety model.

Regulators also cite the consumers' right to know as the reason for proposing new regulations, such as the draft measure to expand biotech labeling for processed products like sugar, oils, and syrups derived from biotech crops, even though these products do not contain any modified protein. While this particular measure has stalled within the Regulatory Reform Committee in the Prime Minister's Office due to concerns voiced by trading partners and local food manufacturers, the justification that consumers have a right to know will continue to be bandied about by Korean regulators for the foreseeable future.

In addition, some proposed measures are seemingly developed without regard for the impact on trade. As a result, regulators spend a great deal of time revising draft regulations so that they are consistent with international standards or in some cases the proposal is completely abandoned.

The major ministries and agencies involved with the Korean food system are the Ministry of Food & Drug Safety (MFDS), Ministry of Agriculture, Food and Rural Affairs (MAFRA), Ministry of Trade, Industry and Energy (MOTIE), and the Prime Minister's Office (PMO). Under the Park Geun-Hye administration, all safety related authority including import inspection of livestock products was transferred to MFDS (formerly known as the Food & Drug Administration), and MFDS was upgraded to ministry status. The purpose behind this consolidation of food safety related authority was to make MFDS more efficient and effective in managing food safety.

The following is a brief description of each organization's role and the relevant laws and regulations that govern their respective operations.

A. Ministry of Food & Drug Safety (MFDS):

As the new administration took office in March 2013 and MFDS was raised to ministry status, MFDS fully exercises its legislative authority from the Act to the implementing guidelines. MFDS's main role is to protect public health and safety, including the safety of food and livestock products. MFDS, with its six regional offices and the National Institute of Food & Drug Safety Evaluation, is responsible for establishing and enforcing the Act and its implementing regulations as well as setting standards and specifications for domestic and imported foods including livestock products, functional foods, food additives, food packaging, containers and equipment. MFDS establishes the guidelines for implementing the Hazard Analysis of Critical Control Point (HACCP) program and the recall systems for food, livestock, and dairy products. In addition, MFDS sets and implements regulations governing safety evaluations of agricultural products that have been enhanced through biotechnology and labeling requirements for both agricultural products and processed food products manufactured using GMO ingredients. Several key MFDS regulations are listed below.

- Food Sanitation Act: is the legal basis for the food safety-related work conducted by MFDS. Among other things, pesticide and veterinary drug standards are governed under this law.
- Functional Food Act: provides the legal basis for MFDS' oversight of functional foods, such as health foods and nutritional supplements.
- Special Act on Children's Dietary Life Safety Management: provides the legal basis for MFDS's determination and oversight of food products consumed by children. This Act restricts the sales and advertisement of high calorie low nutrient food products and introduces a voluntary color-coded labeling system.

- **Special Act on Imported Food Safety Management:** In 2013, the National Assembly began consolidation of all imported food regulations, which were previously scattered among various acts, into one overarching Act. The purpose of this Act is to facilitate sound transactions and enhance public health by guaranteeing the safety of imported foods in the domestic market and food exported overseas, promote quality, and provide correct information. The Act was established on February 3, 2015 with a one year grace period. MFDS is currently in the final stage of establishing the Decree, Rule, and detailed implementing guidelines for the Act. This Act will require mandatory registration of foreign food manufacturers and provide the legal ground for MFDS to take measures if foreign manufacturers decline audits initiated by MFDS. For foreign plant registration, MFDS plans to allow a 6-month grace period until August 4, 2016 to ensure a smooth transition.
- **Food Code:** stipulates standards and specifications for the manufacturing, processing, usage, cooking, and storage of food, equipment containers and packaging for food products. It establishes testing methods and specifies maximum residue levels for agricultural chemicals and veterinary drugs, radioactive ray standards, and contaminants. The Food Code contains general standards and specifications for food products and individual standards and specifications.
- [Food Additive Code](#) (English): defines standard specifications for individual food additives and usage standards. See Section IV for more details on additive requirements.
- **Labeling Standards for Food:** provides guidance on how to meet MFDS' Korean language labeling requirements for imported food products. See Section II for details on labeling requirements.
- **Labeling Standards for Genetically Modified Food:** On April 24, 2014, MFDS combined the three existing labeling standards; Labeling Standards for Recombinant Food, Guidelines for Labeling of Genetically Modified Agricultural Products, and Labeling Standards in the LMO Act to provide standards required for the labeling of biotech crops and food, including processed food products containing corn, soybeans, cotton, canola, and sugar beets with 3 percent or higher GMO content. See Section II for details.
- **Functional Food Code:** contains general standards and specifications governing functional foods,

and individual standards and specifications for functional food categories.

- Inspection Guidelines for Imported Food: checklist for imported food products detailing testing, sampling and other pertinent inspection standards.
- Livestock Product Sanitary Management Act: specifies requirements for the slaughter and handling of livestock and the processing, distribution and inspection of livestock products. The Act is the legal basis for setting health standards that are provided in the Livestock Code.
- Livestock Code (Processing Criteria and Ingredient Specifications for Livestock Products): provides health standards for meat, poultry and dairy products such as microorganism standards, and criteria and standards for livestock products.
- Labeling Standards for Livestock Products: provides the labeling standards for livestock products, containers, equipment, as well as packaging requirements.

B. Ministry of Agriculture, Food and Rural Affairs:

The Ministry of Agriculture, Food and Rural Affairs (MAFRA) establishes and enforces regulations pertaining to overall agricultural policy and quarantine inspection of agricultural products, including livestock and dairy products as well as forestry products. Several of the key MAFRA regulations are listed below.

On June 15, 2011, the Animal, Plant and Fisheries Quarantine and Inspection Agency (QIA) was created by merging the National Veterinary Research & Quarantine Service, the National Plant Quarantine Service, and the National Fisheries Products into one single agency. The purpose behind the consolidation was to make the Ministry more efficient and effective in managing food safety and animal health issues. With the government reorganization in 2013, however, the authority over food safety inspection of livestock products and all fishery related authorities were transferred to MFDS and the Ministry of Oceans and Fisheries respectively.

QIA is responsible for quarantine and sanitary controls of animal and plant products with the goal of “Improving the Animal Disease Quarantine System and Securing the Safety of Agriculture and Livestock Products.” QIA is responsible for preventing the introduction of harmful weeds, pests and disease originating from imported plants, fruits and vegetables. The Agency’s [organization chart](#) (English) shows the various subdivisions and their respective areas of responsibility.

The National Agricultural Product Quality Management Service (NAQS) is responsible for setting

quality standards and grades for agricultural products, enforcing country of origin marks, enforcing organic labeling for fresh fruits, vegetables, grains and processed food products in the marketplace, and providing organic certifier accreditation for both non-processed organic produce and processed organic products. In addition, NAQS determines organic equivalency with foreign countries.

- Import Health Requirements for Various Animals: MAFRA's Quarantine Policy Division (QPD) sets quarantine requirements for live animals and animal products. The certification requirements for U.S. livestock products are available on the USDA's [Food Safety & Inspection Service \(FSIS\)](#) website.
- [Plant Protection Act](#) (Excerpts in English): safeguards agricultural and forestry production by establishing quarantine regulations for imported and domestic plants.
- Import Plant Inspection Guideline: defines inspection procedures for imported plants and plant materials and establishes specific principles for the inspection and disposition of imported plants.
- Agricultural Products Quality Management Act: includes provisions governing country of origin marks, geographical indication (GI), trace-back, etc., for agricultural products.
- Act on the Management and Support for the Promotion of Eco-Friendly Agriculture/Fisheries and Organic Foods: to promote the sustainable eco-friendly agriculture/fishery industry. This consolidated Act is the legal basis for MAFRA's organic certification program for both fresh produce and processed food products and equivalency for processed organic products.
- Guideline for Country of Origin (COO) for Agricultural Products: provides COO labeling requirements for domestic agricultural products and raw materials used in domestically processed agricultural products. COO labeling of imported agricultural products is required under Article 33 of the Foreign Trade Act.

C. Ministry of Trade, Industry and Energy

Korea's trade ministry, the Ministry of Trade, Industry and Energy (MOTIE) has authority for implementation of the Cartagena Protocol on Biosafety (CPB). Korea ratified the Cartagena Protocol on Biosafety (CPB) on October 2, 2007. Shortly thereafter, on January 1, 2008, Korea implemented the

Act on Living Modified Organisms, or LMO Act, which is the implementing legislation for the CPB and the overarching law governing the country's biotechnology related rules and regulations. For more information on Korea's biotech regulatory system, please refer to the 2015 Biotech Annual Report for Korea. The LMO Act and its subordinate regulations are identified below.

- LMO Act: implements the Cartagena Protocol on Biosafety to ensure the safe development, production, importation, exportation, and commercialization of living modified organisms. This Act provides guidance on import approval, mandatory risk assessment, and labeling of living modified organisms (LMO) or GMO commodities.
- Enforcement Decree of the LMO Act: establishes the responsibilities of relevant government agencies, procedures for the importation, production, export notification, and transit report of LMOs, procedures for designating the agencies responsible for risk assessments and specialized review agencies, labeling and handling requirements, and procedures for the creation and operation of a bio-safety clearing house.
- Enforcement Rule of the LMO Act: stipulates the provisions delegated by the LMO Act and its Enforcement Decree and the provisions deemed necessary to implement the Act and Decree. This Rule includes document requirements for import approval of LMOs, safety assessments, environmental risk assessments, and production approval.
- Consolidated Notice: this notice provides guidelines for the export and import of LMOs for agricultural use, environmental release, and food/feed processing and other uses.

D. Prime Minister's Office

In the wake of the beef protests in 2008, the National Assembly passed the Framework Act on Food Safety. Under this law, the Prime Minister's Office was given the lead to coordinate the country's food safety controls across the various ministries and agencies.

In accordance with the Act, each relevant agency was tasked with developing a comprehensive 3-year food safety plan. In order to facilitate integration of these various plans, the law called for the establishment of a food safety committee with the Prime Minister serving as the chairperson.

Committee members include: the Minister of Planning and Finance, the Minister of Education, the Minister of Justice, the Minister of Agriculture, Food and Rural Affairs, the Minister of Health and Welfare, the Minister of Environment, the Minister of Oceans and Fisheries, the Minister of Food & Drug Safety, Minister of the Prime Minister's Office and experts appointed by the Prime Minister.

Section II. Labeling Requirements:

A. MFDS Labeling Standards for Food

MFDS' Food Consumption Safety Division develops labeling standards, while the regional offices inspect imported foods and enforce labeling requirements upon arrival. As an aside, provincial authorities also have the authority to verify labeling of domestic and imported goods in the marketplace.

All imported food products are required to carry legible Korean language labels. Stickers or tags may be used, but should not be easily removable nor should they cover the original label. Labels must contain the following information listed below.

- Product name. The product name should be identical to the product name declared to the licensing/inspection authority.
- Product type. This is mandatory for specially designated products, such as teas, other beverages, extract products, special purpose foods, alcoholic beverages, etc.
- Importer's name and address, and the address where products may be returned or exchanged in the event of defects.
- Manufacture date (year, month and date). This is mandatory for specially designated products, such as boxed lunches, rice roll in seaweed, hamburgers, sandwiches, sugar, edible salts, frozen dessert (ice candies) and alcoholic beverages (excluding beer and Korean traditional rice liquor since they are required to indicate shelf life). For alcoholic beverages, a manufacture number (lot number) or bottling date may substitute for the manufacture date.
- Shelf life or best before date. Food product labels should indicate the manufacturer-determined shelf life. Sugar, frozen dessert, edible ice, chewing gums, edible salt, and alcoholic beverages other than beer and Korean traditional rice liquor may be excluded from the shelf life labeling requirements. Products including: jams, saccharide products (e.g. dextrin, oligosaccharide, and fructose), teas, coffee, sterilized beverages, bean based sauce and paste, sterilized curry products, vinegar, kimchi, salted and fermented seafood (*jutgal*), pickled products, sterilized hard boiled products, beer, starch, honey, wheat flour, products with long shelf life such as retort foods or canned products may use either a best before date or a shelf life date on the product label. If various kinds of products are packaged together, the shelf life expiration date of the product with the shortest life should be noted on the label.

- Contents (Calories). Weight, volume or number of pieces should be indicated. If the number of pieces is shown, the weight or volume must be indicated in parentheses. Calories are only required for food products subject to nutritional labeling.
- Ingredient names and content. The names of all ingredients are required on the Korean language label. However, for those products with a principal display panel smaller than 30 cm², only the top five ingredients are required.
- Ingredient names used in making composite ingredients. Artificially added purified water and names of ingredients used to make a composite raw ingredient amounting to less than five percent of the product in weight will be excluded from the requirement. In case of a composite raw ingredient amounting to less than five percent of the product by weight, only the name of the composite raw ingredient must be listed on the Korean language label. In the case of a composite raw ingredient amounting to over five percent of the product by weight, the names of all ingredients contained in the composite raw ingredient must be listed on the Korean language label. Ingredients must be listed in order of predominance by weight, that is, the ingredient that weighs the most is listed first, and the ingredient that weighs the least is listed last. As for ingredients amounting to less than two percent of the product in weight, they may be listed without following order by weight. Terms for food additives that are not listed in the Korean Food Additive Code such as MSG are not permitted for use on the label. (“No MSG” on the product label is not permitted). For ethanol and distilled spirits, the raw material labeling requirement for composite ingredients can be omitted. It can be labeled as “Whisky”, “Vodka” or “Brandy” without providing the names of the raw materials used in making ethanol or distilled spirits.
- Additives. Food additives must also be listed by full name, abbreviated name, or purpose on the label (e.g. Ferric Citrate, FECitrate, or nutrient fortified substance).
- Allergens. Food items known to be food allergens must be indicated on the label even if they are added at minimal levels as part of a mix. Food items considered as food allergens include eggs (limited to poultry eggs), milk, buckwheat, peanuts, soybeans, wheat, mackerel, crab, shrimp, pork, peaches, tomatoes, sulfite added products (limited to a case where 10mg/g or more of SO₂ is present in the finished product), walnuts, beef, chicken, squid, and shell fish (including oyster, abalone, and mussel). Any food product containing one or more of these allergens as a raw ingredient(s) or containing raw ingredients made by extracting the above listed allergen items must be indicated on the Korean language label. (e.g. egg yolk containing cookies: “yolk

(egg”)

- When products containing raw materials that may cause food allergies and products that are made of raw materials that do not cause any food allergies are produced in the same processing line, a statement such as “This product is manufactured in the same manufacturing facility that produces products with buckwheat” shall be indicated.
- Nutrients. Only designated products are subject to nutritional labeling. Please see nutritional labeling section below for more details.
- Other items designated by the detailed labeling standards for food. This includes cautions and standards for use or preservation (e.g., drained weight for canned products, radiation-processed products, etc.). Of note, effective April 30, 2010, the use of photos or pictures of fruit is no longer permitted on the label unless the product contained the corresponding natural flavor or ingredient.
- Gluten free claim. It is allowed for products that do not use wheat, rye, barley, or oat or their crossbreed and total gluten content in the finished product is not more than 20mg/kg. It is also allowed for product with ingredients that are made by removing gluten from wheat, rye, barley or oat or their crossbreed and total gluten content in the finished product is not more than 20mg/kg.
- Inner package labeling is voluntary. Product name, net content, calories corresponding to net contents, shelf life or the best before date, and nutrients may be included on the inner package label.

There are several categories exempted from the abovementioned labeling requirements.

- Agricultural products such as grains; fishery items, such as whole frozen fish; and fruits, that are not contained in a container or package, etc.
- Foods to be used for manufacturing for a company’s own use in Korea. Appropriate

documentation must be provided to verify end-use. In this case, the name of the product, the name of the manufacturer, and manufacture date or shelf life or best before date shall be indicated on the original package either in English or in the language of the exporting country.

- Products imported for the purpose of acquisition of foreign currency, under the provisions of Article 26 of the Enforcement Decree to the Foreign Trade Act.
- Agricultural products in a container or packages (e.g. a box of oranges): In this case, the name of product, the name of producer (or producer group), the manufacture date (a packing date or a production year), contents, a storage condition or handling methods are only required to be indicated on the package.

Nutritional Labeling Requirements

In accordance with Article 6 of the Enforcement Rule of the Food Sanitation Act, nutritional labeling (example below) is required for the four food categories listed below. In addition, nutritional labels must be in Korean and must also use the nutrient reference values provided below.

- Special purpose food products
- Bread (cake, doughnuts, bread loaf, other bakery goods), noodles, retort foods, edible oil and fats and dumplings
- Candy, chocolate, confectionary goods such as cookies, biscuits, and snacks, jam, beverages, coffee (excluding roasted coffee and instant coffee), and soy sauces and pastes (excluding Korean fermented soy bean cube, Korean soy sauce, Korean soy paste and fermented soybean paste) (Note: Nutritional labeling on an outer container or a package that contains retail sales unit products of candies, gums, and chocolates is voluntary.)
- Frozen dessert (ice candies), fish sausages, rice roll, hamburgers, and sandwiches

The above products are exempt from labeling if used as an ingredient or products with a principal display panel smaller than 30 cm². Products not included in the above categories are not subject to mandatory nutritional labeling, but are allowed to keep the standard U.S. nutritional fact panel if it is

part of the original product label. In addition, if a specific nutrient is emphasized, the exact content must be labeled. For example, if a yogurt is labeled as “calcium enriched”, the exact content must be identified on the label.

Nutrition Facts

Serving size 00 (00 g)
 Total (XX) serving size (00g)

Amount per serving		*% daily value
Calories	000kcal	
Carbohydrate	00g	00%
Sugars	00g	
Protein	00g	00%
Fat	00g	00%
Saturated	00g	00%
Trans fat	00g	
Cholesterol	00mg	00%
Sodium	00mg	00%

- % daily values: percentages of daily reference values

Note: This information is included here in English for the reader. The actual label, though, must be in Korean.

Nutrient Reference Daily Values*

Nutrients	Values	Nutrients	Values
Carbohydrate (g)	330	Vitamin B₂ (mg)	1.4
Dietary fiber (g)	25	Niacin (mg NE)	15
Protein (g)	55	Vitamin B₆ (mg)	1.5
Fat (g)	51	Folic acid (µg)	400
Saturated fat (g)	15	Vitamin B₁₂ (µg)	2.4
Cholesterol (mg)	300	Biotin (µg)	30
Sodium (mg)	2,000	Pantothenic acid (mg)	5
Potassium (mg)	3,500	Phosphorus (mg)	700
Vitamin A (µg RE)	700	Iodine (µg)	150
Vitamin C (mg)	100	Magnesium (mg)	315
Chrome	50	Zinc (mg)	8.5
Calcium (mg)	700	Selenium (µg)	55
Iron (mg)	12	Copper (mg)	0.8

Vitamin D (µg)	5	Manganese (mg)	3.0
Vitamin E (mga – TE)	11	Molybdenum (µg)	25
Vitamin K (µg)	70		
Vitamin B₁ (mg)	1.2		

*Vitamin A, Vitamin D, and Vitamin E must be expressed in the units specified above, but the values in International Units (IU) may be stated in parentheses.

Voluntary Color Coded Labeling System

The January 18, 2010 revision to the Special Act on Children’s Dietary Life Safety Management finalized a voluntary color coded labeling system, which is also referred to as a traffic light label, for children’s preferred food products. The National Assembly had originally aimed to make the system mandatory. However, due to concerns raised by industry, the proposed system was finalized as a voluntary system. Food products may label the total fat, saturated fat, sugar, sodium and other nutrients using yellow, green and red color. This new system started on January 1, 2011. On July 30, 2013, MFDS introduced a voluntary red-color coded labelling program for high caffeine food in order for children to recognize it easily.

High Caffeine Content Labeling Requirements

The March 7, 2005 revision to the labeling standards for food introduced a “high caffeine content” declaration requirement for liquid products containing high levels of caffeine. Products with artificially added caffeine and liquid products made from raw material containing caffeine where the level of caffeine in the liquid product exceeds 0.15 mg/ml are required to state that the product has “high caffeine content” on the principal display panel with the exception coffee or tea.

However, the November 7, 2011 revision expands the aforementioned requirement to coffee and tea and total caffeine content (“XXmg”) is required to be stated on the principal display panel. It also requires high caffeine caution label for children, pregnant women and people sensitive to caffeine and mandates the caffeine content to be stated on the label. “Children, pregnant women, and people sensitive to caffeine shall be cautious in taking this product” is required to be placed on the label. This requirement has been required since January 1, 2013.

Functional Food Labeling Requirements

Labeling Standards for Functional Food were established January 31, 2004. The latest version was published on August 21 2014. In accordance with these standards, a manufacturer’s printed Korean language label must be on the product. It should have the following information, in addition to those required for general food products listed above: (1) functional food to be indicated (symbol); (2) information on the efficacy claim; (3) intake directions and cautions; (4) a statement that the product is not a pharmaceutical product that prevents or heals disease; and, (5) other points as required in the detailed labeling guidelines for functional food. As for a simple minor error in the printed label, such as a typo, a sticker can be affixed to correct the error.

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

MFDS’s labeling guidelines for livestock products including meat, dairy, and egg products are similar to its labeling guidelines for general food products. According to Article 4 of the Labeling Standards for Livestock Products, the items below are required to be listed on the Korean language label.

- Product name
- Type of livestock product
- Name and address of company (Both the business name of the livestock processing plant in the exporting country, and the business name and address of importers are required to be indicated. In this case, the name of the exporting processing plant written in English is acceptable)
- Manufacture date – month and year (only required for ice creams)
- Shelf life (all livestock products except ice creams)
- Content (calories corresponding to one serving size)
- Names of ingredients or raw materials and the percentage content by weight (percentage content is required if any ingredients are part of the product name or indicated on the principal display panel); All raw materials subject to an allergen label should be indicated. For details on allergen labels, please refer to Section II. A. MFDS Labeling Standards.
- Names of component and the percentage content by weight (percentage content is required if any components are part of the product name or indicated on the principal display panel)
- Nutritional labeling is required for milk, fermented milk, processed milk, ice cream, milk formula, milk powder, natural cheese, processed cheese, sausages, hams, and any livestock products that wish to carry nutritional labeling or a nutrient emphasis mark (excluding products whose principal display panel is smaller than 30cm²)

- Other items specified in Article 9 of the Labeling Standards for Livestock Products, according to the “Detailed Labeling Standards for Livestock Product et al.”

Imported livestock products may be exempt from the Korean language labeling requirements if the product falls into one of the following categories:

- Carcasses
- Bulk type livestock products that are not possible to place a label (such as tallow, lard)
- Raw materials imported by manufacturers who will use them for manufacturing processed livestock products at their own manufacturing plants (i.e., frozen turkey to be used in manufacturing sausages. In this case, the original foreign label must bear product name, manufacturer’s name, shelf life or manufacturing date (limited to ice cream only))
- Products permitted to be imported for the purpose of earning foreign currency per Article 26 of the Enforcement Decree of the Foreign Trade Act

D. Labeling Regulations for Unprocessed GMO products (Administered by MFDS)

Biotech labeling for unprocessed biotech food grade commodities includes all biotech crops approved by MFDS for human consumption. The government reorganization in 2013 simply transferred the authority for biotech labeling of unprocessed crops from MAFRA to MFDS without any change in labeling requirements. Shipments of unprocessed crops must comply with the labeling requirements outlined below. To be exempt from mandatory GMO labeling, a full IP documentation, a government issued certificate, or a testing certificate proving the products in question are not GMO is necessary.

MFDS allows up to three-percent unintentional presence of approved biotech components in unprocessed non-biotech crops.

- Raw GMO agricultural commodities must be labeled as “Genetically Modified XX (insert the name of the agricultural product).”
- Agricultural commodities containing a GMO component must be labeled as “Containing Genetically Modified XX (insert the name of the agricultural product).”

- Agricultural commodities that possibly may contain a GMO agricultural component must be labeled as “May contain Genetically Modified XX (insert the name of the agricultural product).”
- Raw unprocessed agricultural commodities that are 100-percent GMO free may be labeled as “Non-GMO” or “GMO Free” on a voluntary basis. However, if such labeled products test positive for biotech components, administrative measures will be imposed as they would be considered mislabeled. See GAIN Report [KS1004](#) for details.

E. Labeling Standards for Recombinant Food (Administered by MFDS)

In August 2000, MFDS announced the Labeling Standards for Recombinant Food, which refers to processed food products containing ingredients enhanced through biotechnology. The list of products subject to GMO labeling includes any crop that is approved by MFDS as safe. If these crops are among the top five ingredients, and recombinant DNA or foreign protein DNA is present in the final product, GMO labeling is required. Of note, foods containing refined ingredients derived from GM crops, such as cotton and canola oils, and raw sugar are currently exempt from the labeling requirement since a foreign protein is not present in the finished products.

- “Recombinant Food” or “Food Containing Recombinant XX” (e.g., “Food Containing Recombinant Corn”) must be used for a food known to contain 100 percent biotech-enhanced ingredients. The text is to be indicated on the principle display panel in such a way that the consumer may easily recognize the label.
- “Recombinant” or “Recombinant XX” (e.g., “Recombinant Corn”) must be used for a food known to contain a biotech-enhanced ingredient. The text is to be indicated in parentheses beside the name of the GMO ingredient listed as a raw material of the food.
- “May contain Recombinant XX” must be used for a product if an exporter or importer is unsure whether it contains a GMO ingredient or not.
- Colors used to label the recombinant nature of the food shall be clearly distinguishable from the color of the container or package. Indelible ink, a stamp, brand, etc., shall be used so that the consumer may easily find the label.

- Non-detachable stickers may be used for imported foods or food additives. Indelible ink, stamp or brand, etc., must be used.
- The use of "Non-GMO" and "GMO Free" labels on processed foods is not recommended unless it is 100% free of GMO component. Such label is not permitted for products made with conventional crops that do not have commercially available biotech varieties (i.e. wheat, rice, etc.)
- A test certificate issued by an accredited domestic or foreign laboratory is acceptable if it confirms the absence of recombinant DNA or foreign protein in the final product. Please refer to [KS 6064](#) for details about testing methods. A list of approved laboratories is found in Appendix I of this report.
- If the imported product arrives without appropriate test certificate, it can be tested in Korea prior to customs clearance. If the product tests positive, it must carry be labeled as GM.

MFDS's proposal to expand its biotech labeling announced in 2008 is still pending deliberation at the Prime Minister's Office (PMO). In 2013, an additional three draft bills to expand biotech labeling were submitted by lawmakers to the National Assembly. All three draft bills called for expanded labeling to cover products like oil and syrups where the modified protein is undetectable, and will create enormous trade implications and food price inflation. In early 2015, MFDS announced its plan to expand biotech labeling to cover any food products that contain detectable biotech ingredients. Under the current system, biotech labeling is not required for products that contain biotech ingredients beyond the top five ingredients. By removing the top five ingredient criteria MFDS will require labeling of any products containing detectable biotech ingredients. MFDS created the plan to expand mandatory biotech labeling to detectable products in response to great pressure from vocal NGOs demanding mandatory biotech labeling for all food products made with biotech ingredients (both detectable and non-detectable products). Cooking oils and syrups, which are made of biotech grains, will continue to be exempt from mandatory biotech labeling. No further details of the plan have been released. Post will report any updates on the issue as they become available.

F. Liquor Labeling (Administered by Korea Tax Administration)

Liquor product usage must be labeled on the main label or the supplementary label. For soju, beer, whisky, and brandy, the label should state "for home use" or "for large size stores". These liquors must also carry a statement on the main label or supplementary label that reads: "Not allowed to be sold in restaurants and bars". For wine products, only home consumption use must be labeled, whereas a label is no longer required for other uses. The table below shows which usage label is required for each particular liquor product.

Soju, Beer, Whiskey, Brandy	Fruit Wine	Rice Wine	Others
(1) “for large size stores” (2) “for home use”	(1) “for home use”	No label is required	(1) “For home use”

As noted in the section on MFDS’s labeling standards, the use of a photo or a picture of fruit or ingredients on the product label for products that contain only synthetic flavors is prohibited, effective April 30, 2010. This restriction applies to liquor products as well.

G. Country of Origin Labeling (COOL) - (Administered by MAFRA)

According to COOL guidelines, many agricultural products, including most imported products, must carry country of origin marking. As for imported products, the Korea Customs Service (KCS) enforces COOL requirements at customs clearance. The National Agricultural Product Quality Management Service (NAQS) enforces COOL requirements in the marketplace.

There have been some notable COOL developments over the last few years. In 2006, KCS tightened the enforcement of COOL for meat products, requiring inner package labeling. The following statements are acceptable: “Made in U.S.A.”, “Made in U.S.”, or the U.S. mark of inspection – “U.S. inspected and passed”. In 2008, KCS agreed that imported fruit such as oranges, bananas, did not require COOL on the individual pieces of fruit.

The KORUS FTA has provided opportunities to U.S. exporters to increase sales volume, benefitting from the lower duty. However, the benefit has been diminished for many agricultural products due to the rigorous country-of-origin verification process being conducted by KCS.

The KORUS FTA permits both Party’s customs services to undertake investigations to verify the origin of goods for which preferential tariff treatment was claimed to prevent transshipment or false claims.

During 2013, Korean customs authorities initiated a number of origin verifications with respect to many categories of U.S. export, including frozen concentrated orange juice and meat products. U.S. industry raised concerns that KCS conducted these verifications in ways that may have created undue difficulties in proving origin and thereby compromised the product’s eligibility to receive benefits under the KORUS agreement.

The United States has worked closely with the Korean government to arrive at a common approach to verification procedures that would facilitate legitimate trade under the KORUS agreement. As a result KCS issued positive determinations covering numerous products, substantially resolving U.S. concerns on this issue. Post will continue to monitor developments in this area and raise origin verification issues with Korea as necessary.

Please refer to the following website provided by the Agricultural Trade Office in Seoul for details about COOL requirements under the U.S. and Korea Free Trade Agreement: [KORUS COOL FAQ](#)

H. Other Labeling Requirements

The Korean government requires beef retailers and distributors to keep track of all transactions from the importing stage to the final retail level. Imported beef is required to be traceable via a distribution identification number up to the retail store level. See GAIN Report [KS1033](#) for further details.

In July 2010, MFDS and MAFRA labeling requirements were revised to allow the use of a tag as an acceptable means of labeling certain products. In addition, the revision permits the use of a statement 'contains irradiated ingredients' for those products with multiple irradiated ingredients.

MFDS introduced a traceability system for infant/baby food and health functional foods. As the first stage, MFDS mandated the traceability for manufacturers or importers whose annual sales value exceeds 5 billion Korean won (approx. \$4.3 million US dollars) beginning December 1, 2014. From December 1, 2015, this requirement was expanded to manufacturers or importers whose annual sales value exceeds 1 billion Korean won, will be expanded to business with annual sales of 0.1 billion Korean won by December 1, 2016, and all businesses by December 1, 2017. Importers will need to establish the traceability system from the point when imported products arrive in Korea throughout distribution in Korea.

Section III. Packaging and Container Regulations:

MFDS's "Standards & Specifications for Equipment and Container/Packaging" (so called "Packaging and Container Code") provide general standards for equipment, container and packaging for food products and specifications for individual packaging materials.

Containers or packages that can be recycled must carry a "separation and discharge" marking. In accordance with the Act on the Promotion of Saving and Recycling of Resources and its corresponding Decree, containers or packages that are made using paper, metal, glass, plastic materials, and synthetic resins must be marked with a "separation and discharge" sign. The mark is to facilitate the recycling of wastes. The sign should indicate the type of material the package is composed of. For example, PVC, PP, PS, PVDV, PE, PET, or PF should be indicated for containers or packaging made of plastic materials. For metals, either iron or aluminum should be indicated. Either a printed label or a sticker label is acceptable. This requirement has been in place since January 1, 2003.

Section IV. Food Additives Regulations:

MFDS's Food Additive Code stipulates how additives should be used in foods. As of December 2015, Korea has a positive list of 661 approved food additives. Food additives are grouped into three categories: (a) chemical synthetics, (b) natural additives, and (c) mixed substances. The Code also defines 13 sanitizers permitted for use in food equipment.

Most additives and/or preservatives are approved and tolerance levels are established on a product-by-product basis. This sometimes creates difficulties as tolerances can vary from product to product. 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 it is registered but usage in a certain food product is not specified, use of that food additive in the given food product is prohibited.

Getting a new additive added to the approved list usually takes about a year. The "Guidelines for Designation of Food Additives" explains the detailed information required for the approval of a new additive.

Details on Korea's food additive standards can be accessed from the following link:
[Korean Food Additive Standards](#)

Section V. Pesticides and Other Contaminants:

Three government agencies – the Ministry of Food & Drug Safety (MFDS), the Ministry of Agriculture, Food and Rural Affairs (MAFRA) and the Ministry of Environment (MOE) – handle pesticide related matters. MFDS regulates pesticide residues in foodstuffs. MAFRA is responsible for pesticide registration and MOE is responsible for testing pesticide levels in water, soil and agricultural products.

MFDS is responsible for regulating pesticide residues in foodstuffs, in accordance with the maximum residue levels (MRLs) set in the Food Code. As of December 2015, MFDS has set MRLs for 449 pesticides in agricultural products and 79 pesticides in ginseng products. The Food Code also lists MRLs for 82 pesticides and 147 veterinary drugs in meat, fish, eggs and milk products. In addition to the Food Code, MFDS has set-up an [MRL Database](#) for agricultural products with English subtitles.

If an MRL is established in the Food Code for a pesticide on a particular agricultural product, other tolerance levels, such as CODEX, etc., are not accepted. However, for pesticides where tolerance levels have not been established in the Korean Food Code, rules described below are applied. For details about regulations for MRLs for agricultural products, please refer to GAIN report [KS 4040](#).

1. The CODEX standards set for a particular agricultural product (excluding crop groupings) in question shall apply.
2. If the provision in (1) is not applicable, the lowest residue limit for the pesticide in question for a similar agricultural product shall apply.
3. If provisions in (1) and (2) are not applicable, the lowest of the residue limits of the pesticide for any agricultural crop shall apply.

MFDS is shifting its MRL policy to a positive system. MFDS will first complete the transition to the positive system for tropical fruit and tree nuts & oilseeds by the end of 2016. MFDS then plans to complete all other crops by the end of 2018 and veterinary drugs by January 2018. When the positive system is in place, the deferral path described above will not be applicable. If no domestic MRL has been established, then an import tolerance will be required in order to import foods containing substance not approved for use in Korea. If no import tolerance is set, 0.01ppm will be applied as the default tolerance.

Pesticide Registration

The Rural Development Administration (RDA) under MAFRA is responsible for the registration of pesticides, safety usage standards and notification of pesticides. All pesticides used in Korea should be registered with RDA. The registration process can take several years to complete. At the end of 2014, there were a total of 1,781 registered agrochemicals. A list of all registered agrochemical items can be obtained from the Korea Crop Protection Agency (KCPA). Details on pesticide registration can be accessed from the following link provided by KCPA: [Pesticide Registration](#)

Maximum Allowable Aflatoxin

MFDS sets the maximum residue limits (MRLs) for aflatoxin, ochratoxin, fumonisin, deoxynivalenol, zearalenone, and other contaminants. Some of the MRLs for contaminants are as below:

Total Aflatoxin (Sum of B1, B2, G1 & G2)

Target Foods	Standards (µg/kg)
Grains, pulses, ground nuts, tree nuts and their products that have undergone simple processing (such as grinding, cutting, etc.)	Not more than 15.0 (however, B1 shall be not more than 10.0)
Processed grain products and processed pulses products (other processed products other than specified in the Food Code)	
Bean pastes and soy sauces (excluding fermented dried steamed bean), red pepper powder, and curry powder	
Nut meg, turmeric, dried pepper, dried paprika, and natural spices that contain such listed ingredients	
Wheat flour	
Dried fruit	
Infant formula, follow-up formula, cereal based formula for infant/young children, other food for infant/young children	B1 shall be not more than 0.10

Fumonisin

Target Foods	Standards (as sum of B1 and B2)
Corn	Not more than 4 mg/kg
Corn that is simply processed (such as grinding, cutting, etc.)	Not more than 2 mg/kg
Processed grain products and cereals that contain 50% or more of simply processed corn	Not more than 1 mg/kg

Ochratoxin A

Target Foods	Standards (µg/kg)
Grains and their products that have undergone simple processing (such as grinding, cutting, etc.)	Not more than 5.0
Coffee bean, roasted coffee	Not more than 5.0
Instant coffee	Not more than 10.0
Fermented dry cooked soybean cube	Not more than 20
Red pepper powder	Not more than 7.0
Grape juice, Grape juice concentrate (including raw materials), wine	Not more than

	2.0
Dried fruit	Not more than 10.0
Infant formula, follow-up formula, cereal based formula for infant/young children, other food for infant/young children	Not more than 0.50

Deoxynivalenol

Target Foods	Standards (mg/kg)
Grains and their products that have undergone simple processing (such as grinding, cutting, etc.)	Not more than 1
Corn and simple processed corn (such as grinding, cutting, etc.)	Not more than 2
Cereals (breakfast cereal)	Not more than 0.5
Infant formula, follow-up formula, cereal based formula for infant/young children, other food for infant/young children	Not more than 0.2
Noodles	Not more than 0.75

Zearalenone

Target Foods	Standards (µg/kg)
Grains and their products that have undergone simple processing (such as grinding, cutting, etc.)	Not more than 200
Confectioneries	Not more than 50
Infant formula, follow-up formula, cereal based formula for infant/young children, other food for infant/young children	Not more than 20
Cereals (breakfast cereal)	Not more than 50

Section VI. Other Regulations and Requirements:

A. Product Registration & Import Inspection

No product registration is required to import food products into Korea. However, all new to market products are subject to mandatory laboratory testing conducted by the relevant inspection agency. Subsequent shipments of the product that have passed the first laboratory testing will be exempt from additional testing. For more details about import inspection, see Section IX.

B. Facility Registration

In accordance with the Special Act on Imported Food Safety Management (so called Special Act), which shall go into effect on February 4, 2016, all foreign manufacturing plants and establishments are required to be registered by MFDS. MFDS will set up an electronic registration system for food products other than livestock products prior to implementation of the Special Act so that foreign

manufacturers or local importers can try the new system. To register foreign plants, basic information about the plant such as address, name, operation types, etc. will be required. According to MFDS, the request for registration will be processed within three working days.

As for establishments of livestock products including dairy products, MFDS will recognize establishments that have a record of export to Korea prior to the implementation of the Special Act. Those establishments with a record will not require any additional registration. For any new establishment that wishes to export products to Korea, registration shall be made through the exporting government. Details about registration of the new livestock establishments will be available in the coming months.

MFDS plans to allow a six-month grace period for facility registration until August 3, 2016 to allow a smooth transition. Post will continue to provide details of any new development regarding the implementation of the Special Act.

C. Sanitary and Phytosanitary Certification Requirements – Animals, Meat, Plant, etc.

In accordance with the Livestock Epidemics Prevention & Control Act and the Plant Protection Act, sanitary and phyto-sanitary certificates issued by the exporting country's inspection authority are required for live animals, plants and meat products, such as beef, pork, poultry, etc.

For the United States, the U.S. Department of Agriculture (USDA), Animal & Plant Health Inspection Service (APHIS), issues sanitary and phytosanitary certificates for live animals and plants, while the USDA, Food Safety & Inspection Service (FSIS), issues health certificates for meat products. More details on certification requirements are found in the annual FAIRS Export Certificate Report.

D. StarLink Free Certification

In March 2008, MFDS eliminated mandatory requirements for a StarLink free certificate for U.S. origin corn and corn based products. MFDS also discontinued 100 percent testing of all corn shipments declared as biotech to confirm the absence of StarLink.

E. Bt 10 Free Certification

In March 2008, MFDS eliminated mandatory requirements for a Bt 10 free certificate for U.S. origin corn shipments. In April, 2010, MFDS also eliminated 100 percent testing for all corn imports to confirm the absence of Bt 10.

F. Event 32 Test on U.S. Corn Shipment

MFDS is still testing all U.S. origin corn shipments for Event 32 to confirm the absence of Event 32. White corn, sweet corn, waxy corn and popcorn are excluded from the testing requirement.

G. LLRice Statement and Test Certification

In 2013, MFDS discontinued mandatory arrival LLRice testing for all incoming US rice shipments, which was required after its discovery in 2006. Instead, MFDS selects one quarter in the year and conducts LLRice testing for all incoming U.S. rice shipments for that given quarter as a monitoring program. MAFRA also removed requirements for a statement issued by USDA/GIPSA about laboratories participating in GIPSA's proficiency program and a non-GMO certificate issued by one of

the participating laboratories in 2014.

H. MON71800 Test on U.S. Wheat upon Arrival

After the detection of the GE wheat (MON71800) in Oregon State in May 2013, MFDS started mandatory testing applicable to any wheat or wheat flour shipments originating from the United States to confirm the absence of the GE wheat. In August 2014, MFDS changed it by requiring three consecutive clean test results for wheat shipments that are of the same type originated from the same exporter and packing house. After three clean test results, wheat shipments from the same combination will return to normal inspection.

I. Samples

General processed food products are not subject to import requirements as long as they are considered as samples. For sample shipments, the invoice should be marked as having no commercial value. If the volume or the market value is not considered a sample, it will be subject to import requirements. A phytosanitary certificate and a meat export health certificate are required for products subject to quarantine inspection even if they are shipped as samples.

J. Monitoring at Retail and Wholesale Levels

MFDS conducts monitoring at retail and wholesale levels for processed food products including processed meat products such as canned meat and monitoring for non-processed meat products in the retail and wholesale markets. In addition to MFDS, the municipal government also conducts monitoring testing for residues of any food products distributed at the retail and wholesale levels.

Section VII. Other Specific Standards:

On March 5, 2002, the Korean Fair Trade Commission (FTC) announced new advertisement requirements for food containing a biotech-enhanced ingredient that became effective July 1, 2002. The FTC, in its revision of the "Notification of Principle Information on Labeling & Advertisement" guideline, defines the "presence" of a biotech component as principal information that must be provided in an advertisement for any food product that requires biotech labeling. According to FTC's advertisement notification rules, anyone who manufactures or sells biotech-enhanced foods, and advertises such products in one of the identified forms below, needs to indicate the presence of the biotech component:

- Newspapers or magazines;
- T.V. commercials (when its running time is greater than two minutes); and,
- Cable T.V. commercials.

The pertinent information must be noted as follows:

- "Contains biotech-enhanced food" when the presence of a biotech-enhanced component is certain;
- "May contain biotech-enhanced food" when the presence of a biotech-enhanced component is

uncertain.

Starting January 1, 2010, the MFDS Minister has the discretion to limit or prohibit TV advertisements of high calorie-low nutrient food products as designated by MFDS. According to the Enforcement Decree of the Special Act on Children's Dietary Life Safety Management, TV advertisements of the designated products are prohibited during the hours between 5:00 p.m. and 7:00 p.m. Also, commercials during children's programs may be restricted. This restriction was enforced for three years from the date of effect in 2010 and has been extended until January 26, 2018. MFDS has uploaded a computer program on its website where industry can verify whether a product is classified as high calorie-low nutrient food products. MFDS also posts a list of food products that are classified as high calorie-low nutrient food products on its website. For more details about restrictions on children's preferred food products and high calorie-low nutrient food products, please refer to GAIN report [KS 9020](#). In January 2014, MFDS expanded this TV advertisement to high caffeine food.

Organic Food

On June 1, 2012, MAFRA and the National Assembly fully revised the Act on the Management and Support for the Promotion of Eco-Friendly Agriculture/Fisheries and Organic Foods (New Organic Act) by combining two existing Acts, the Environment-Friendly Agriculture Promotion Act and the Food Industry Promotion Act, after lengthy discussion on the two proposed bills, which were comprised of differing opinions on several issues including the scope of an equivalency agreement. The new Act, which was fully implemented on June 1, 2013, all domestic and imported organic produce and processed products were required to be certified by a MAFRA-accredited certifying agent. However, in lieu of certification by accredited certifying agents, the Act allowed MAFRA to have an equivalency agreement on processed organic products with foreign trade partners, which went into effect on January 1, 2014.

US-Korea Organic Equivalency Arrangement

The United States and Korea reached an equivalency arrangement on processed organic food products on July 1, 2014. Under the arrangement, as long as the terms of the arrangement are met, certified organic products in the U.S. may be sold as organic in the Korean market and display the Korean organic logo, and vice versa for Korean products. The scope of the arrangement is as below:

Beginning July 1, 2014, the arrangement covers products which:

- Are certified to the USDA or Korean organic regulations
- Are "processed products" as defined by the Korean Food Code
- Contain at least 95% organic ingredients
- Have their final processing(as defined in the Korean Food Code) occurs in the U.S. or Korea
- U.S. products: do not contain apples or pears produced with the use of antibiotics
- Korean products: do not contain livestock products produced with the use of antibiotics

For U.S. processed organic products exported to Korea must be accompanied by the NAQS Import Certificate of Organic Processed Foods that includes the statement "Certified in compliance with the

terms of the U.S. – Korea Organic Equivalency Arrangement.” Also, a copy of USDA/NOP organic certificate shall be submitted for import inspection in Korea. Details about the certificate, labeling, etc. are available from the following link: [US-Korea Organic Equivalency](#)

MAFRA’s Certification and Labeling Requirements for Processed Organic Foods Not Covered by Equivalency

The Act on the Management and Support for the Promotion of Eco-Friendly Agriculture/Fisheries and Organic Foods (New Organic Act) requires all domestic and imported organic processed products other than those covered by the equivalency to be certified by a MAFRA-accredited certifying agent. Each product is required to get an organic certification in order to be sold as organic in Korea. Details are available from the following link: [Organic Certification](#) and certification procedures are listed below.

Certification Procedures for Organic Producers

1. Application for certification: A person who desires certification should apply to a certifying agency using the form in Attachment 13 of the Enforcement Rule of the New Organic Act accompanied by a copy of a food item manufacturing report, an organic handling plan, etc.
2. Documentation review: Once the documents have been submitted, the certifying agency reviews the documents to determine whether the content of the documents is in compliance with the standards set forth under the New Organic Act. If any non-compliance is identified during the review, the applicant is notified of the fact and requested to correct the non-compliance.
3. On-site inspection: If no problems are identified during the document review, the certifying agency sends two inspectors to the applicant’s production facility. An inspector should not have a conflict of interest with regard to the certification of the applicant. He or she conducts the evaluation based on objective facts to determine whether the organic handling system of the applicant’s production facility complies with the standards set forth under the New Organic Act and then prepares a report on the results of the review.
4. Certification decision: Once the review report is submitted, the certifying agency takes into consideration the review report and all other relevant information from the applicant.
5. Certificate issuance: If the applicant is determined as having an organic handling system in compliance with the standards set forth under the New Organic Act at his/her production facility, the certifying agency issues a certificate. In the case of non-compliance, the applicant will be notified and another review will be conducted after corrections have been made. Depending on the severity of the non-compliance, other actions may be taken.
6. Annual inspections: After issuance of a certificate, the applicant's production facilities will need to be regularly inspected at least once every year. The procedures are the same as those of the initial certification. Three months before the validity of the certification expires, the applicant should submit a regular inspection application (using the form in Attachment 12 of the Enforcement Rule of the New Organic Act) with required documents to the head of the certifying agency.

To date, 15 Korean certifying agencies and four foreign certifying agencies have been accredited by NAQS for certification of organic processed food products. To date, no U.S. certifier has been accredited.

MAFRA’s Labeling Regulations for Organic Agricultural Products

Under the Act on the Management and Support for the Promotion of Eco-Friendly Agriculture/Fisheries and Organic Foods (New Organic Act) an organic certification issued by Korea’s accredited certifying agents is required for both fresh (unprocessed) produce and livestock products. The certification for organic produce is classified into two categories: organic and no-pesticide. For livestock products, two categories of certification are available: organic livestock and non-antibiotic livestock.

Organic agricultural produce and livestock products complying with the U.S. organic standards or international standards still require certification from a NAQS-accredited certification agency. The overall certification process is the same as shown above for processed organic products.

Section VIII. Copyright and/or Trademark Laws:

The 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 a “first-to-file” principle. A person who registers a trademark first has a preferential right to that trademark and Korean law protects the person who has the right over the trademark. To prevent trademark disputes, U.S. companies considering conducting business in Korea are encouraged to register their trademarks prior to beginning their business operations.

Section IX. Import Procedures:

A. Korea Customs Clearance

Imports of agricultural products generally must receive clearance from several agencies and are, thus, more likely to encounter port delays than other imported products. The Korea Customs Service (KCS), MFDS, the National Quarantine Office (for ports that do not have MFDS regional offices), and the Quarantine Inspection Agency (QIA) are the agencies involved in the import clearance process.

KCS is responsible for ensuring that all necessary documentation is in place before the product is released from the bonded area. The respective quarantine inspection authorities must clear products subject to plant or animal quarantine inspection before KCS will clear them. The import inspection application must be filled-out in Korean and submitted to the relevant agency.

KCS import clearance procedures and additional details are available in the following KCS website:

[KCS Import Procedures](#)

B. MFDS Import Procedures

MFDS carries out the safety inspection of imported agricultural products including livestock products, processed foods, health functional foods, food additives, food packaging, containers and equipment upon arrival. Details on MFDS’s import procedures are available in the following MFDS website:

[MFDS Food Safety Inspection](#)

MFDS Inspection Duration

Document Inspection	2 days
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Visual Inspection	3 days
Laboratory Inspection	10 days
Incubation Test	14 days
Random Inspection	5 days

C. QIA Quarantine Inspection Procedures for Animal & Livestock Products

In addition to MFDS food safety inspection, meat, dairy and egg products are subject to quarantine inspection by the Animal, Plant and Fisheries Quarantine & Inspection Agency (QIA) and a clean quarantine inspection result from QIA is required for Customs clearance. The QIA quarantine inspection procedures for livestock products and details on quarantine inspection are available in the following QIA's website: [Animal & Livestock Product Inspection](#) (English)

D. QIA Inspection Procedures for Plant Products

In addition to MFDS residue testing for agricultural chemical, aflatoxin, and other contaminants, plant products, including fresh vegetables, fruits and grains are subject to plant quarantine inspection. Clean inspection results from the Animal, Plant and Fisheries Quarantine & Inspection Agency (QIA) and MFDS are required for customs clearance. QIA and MFDS inspection can occur simultaneously. Unless subject to further testing, QIA inspection generally is completed within 10-days. The QIA quarantine inspection procedures and additional details are available in the following QIA website (English): [Plant Quarantine](#).

Appendix I. Government Regulatory Agency Contacts:

A. Primary Korean Food Agencies

Ministry of Agriculture, Food and Rural Affairs: Overall agricultural policy

General Division of International Cooperation

MAFRA

94 Dasom 2ro, Sejong-si, Korea 339-012

Phone: 82-44-201-2034; Fax: 82-44-868-0431

<http://www.mafra.go.kr>

Ministry of Food & Drug Safety: Overall safety policy and inspection of food and livestock products

International Cooperation Office

MFDS

#187 Osongsaengmyung 2-ro, Osong-eup, Cheongwon-gun

Chungcheongbukdo, Korea 363-700

Phone: 82-43-719-1551~1553; Fax: 82-43-719-1550

E-mail: wtokfda@korea.kr

<http://www.mfds.go.kr>

Animal and Plant Quarantine Agency (Headquarters): Overall quarantine measures

175 Anyangro, Manan-gu, Anyang City

Kyunggi-do, Korea 430-757
Phone: 82-31-467-1700; Fax: 82-31-467-1717
<http://www.qia.go.kr>

B. WORLD TRADE ORGANIZATION (WTO) Enquiry Point

Names of the SPS Enquiry Point are as follows;

Animal or plant health or zoonosis

Quarantine Policy Division
International Cooperation Bureau
Ministry of Agriculture, Food and Rural Affairs
94 Dasom 2-ro, Sejong-si, Korea 339-012
Phone: 82-44-201-2080; Fax: 82-44-868-0449
Website: www.mafra.go.kr

Food Safety

International Cooperation Office
Ministry of Food & Drug Safety
#187 Osongsaengmyung 2-ro, Osong-eup, Cheongwon-gun
Chungcheongbukdo, Korea 363-700
Phone: 82-43-719-1551~1553; Fax: 82-43-719-1550
E-mail: wtokfda@korea.kr
Website: www.mfds.go.kr

Aquatic Animal Health and Sanitation

International Commerce and Trade Division
Ministry of Oceans and Fisheries
94 Dasom 2 -ro, Sejong-si, Korea 339-012
Phone: 82-44-200-5383; Fax: 82-44-200-5399
Website: www.mof.go.kr

C. Websites for other Important Agencies

Ministry of Environment: <http://www.me.go.kr>
Ministry of Trade, Industry and Energy: <http://www.motie.go.kr>
Rural Development Administration: <http://www.rda.go.kr>
National Agricultural Product Quality Management Service: <http://www.naqs.go.kr>
Korea Forestry Administration: <http://www.foa.go.kr>
Korea Rural Economic Institute: <http://www.krei.re.kr>
Korea Industrial Property Office: <http://www.kipo.go.kr>

D. Useful Acronyms

AMS: Agricultural Marketing Service (USDA)
APHIS: Animal and Plant Health Inspection Service (USDA)

COO: Country of Origin
COOL: Country of Origin Labeling
FSIS: Food Safety & Inspection Service (USDA)
FTC: Korea Fair Trade Commission
GI: Geographical Indications
GMO: Genetically Modified Organism
KCPA: Korea Crop Protection Agency
KCS: Korea Customs Service
MFDS: Ministry of Food & Drug Safety
KTA: Korea Tax Administration
LMO: Living Modified Organisms
ME: Ministry of Environment
MHW: Ministry of Health & Welfare
MAFRA: Ministry of Agriculture, Food & Rural Affairs
MOTIE: Ministry of Trade, Industry and Energy
NAQS: National Agricultural Product Quality Management Service
NOP: National Organics Program (USDA)
QIA: Animal and Plant Quarantine Agency
RDA: Rural Development Administration
USDA: U.S. Department of Agriculture
WTO: World Trade Organization

Appendix II. Other Import Specialist Contacts:

Accredited Laboratories

A. U.S. Laboratories Accredited by MFDS

MFDS authorizes foreign laboratories to conduct inspection and testing, and to issue the necessary certifications. This enhances the efficiency of conducting inspection of imported foods and reduces the likelihood of rejection. There are currently three accredited U.S. laboratories – Oregon Department of Agriculture (ODA), OMIC, and Genetic ID.

For GMO testing, MFDS had formerly been accepting test certificates from foreign laboratories. However, effective January 1, 2012, MFDS now only accepts GMO test certificates from MFDS-accredited laboratories. To date, only two foreign laboratories, which are OMIC USA and Genetic ID, have been accredited for GMO testing.

Oregon Department of Agriculture

Export Service Center

1207 N.W. Naito Parkway, Suite 204

Portland, Oregon 97209-2835

Tel: 503-872-6630; Fax: 503-872-6615

Authorized for agriculture and food-related testing, such as residue and microbiological testing on food and beverages, food package, and health functional food, which are bound for Korea

OMIC, USA Inc.

Mr. Ryuichi Kurosawa, President

3344 N.W. Industrial Street Portland, Oregon 97210

Tel: 503-223-1497; Fax: 503-223-9436

Authorized for agriculture and food-related testing, such as residue and microbiological testing on food, beverages, and health functional food and GMO testing, which are bound for Korea

Genetic ID NA, Inc.

504 N. 4th Street

Fairfield, Iowa 52556

Tel: 641-472-9979; Fax: 641-472-9198

Authorized for GMO testing

B. Korean Laboratories Accredited by MFDS

There are 13 Korean laboratories that have been accredited by MFDS for testing of imported food products.

No.	Name	Web Address	Accredited Testing
1	Korea Advanced Food Research Institute	www.kafri.or.kr	Food, Health functional food, Qualitative GMO testing, Irradiated food testing
2	Korea Advanced Food Research Institute – Pusan Branch	www.kafri.or.kr	Food & Health functional food, Qualitative GMO testing
3	Korea Food Research Institute	www.kfri.re.kr	Food & Health functional food
4	Korea Basic Science Institute – Seoul Center	www.kbsi.re.kr	Dioxin
5	Korea Testing Laboratory	www.ktl.re.kr	Dioxin
6	Korea Research Institute of Analytical Technology	www.anapex.com	Food & Health functional food, Qualitative GMO testing
7	Korea Health Supplement Institute	www.khsi.re.kr	Food & Health functional food, Irradiated food testing
8	Kogene Biotech	www.kogene.co.kr	Qualitative GMO testing
9	SGS Testing Korea	www.kr.sgs.com/kr	Food and Qualitative GMO testing
10	JPNC	www.jnc.co.kr	Qualitative GMO testing
11	Industry-Academic	http://iacf.chosun.ac.kr/	Radioactivity testing in

	Cooperation Foundation, Chosun University		food
12	Institute for Nuclear Science and Technology, Jeju National University	http://wcms.jejunu.ac.kr/arsri/index.jsp	Radioactivity testing in food
13	NeosisKorea	http://www.neosiskorea.com/	Radioactivity testing in food