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Information on the Functional Food Regulations (Section I.A and II.A), allergen labeling requirements (Section II.A.9), and mandatory assessments of biotech crops (Section VII) are newly added.

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FOOD AND AGRICULTURAL IMPORTS REGULATIONS AND STANDARDS REPORT (FAIRS)

REPUBLIC OF KOREA

Last Updated: July 2003

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DISCLAIMER: This report was 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 was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

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SECTION I. FOOD LAWS AND IMPLEMENTING MINISTRIES

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 authority to legislate changes to the Food Sanitation Act and the Functional Food Act and their 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, is 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.

4. Functional Food Act

The Functional Food Act is legislated by the National Assembly and is the legal basis for the work related to functional foods (health foods & nutritional supplements) conducted by MHW and KFDA. The Act aims to contribute to the improvement of the national health and consumer protection by improving safety and quality of functional foods and encouraging sound distribution and sales of functional foods.

5. Presidential Decree and Ministerial Ordinance to the Functional Food Act

MHW issued the draft Presidential Decree and Ministerial Ordinance to the Functional Food Act on June 24, 2003. The drafts provide defined guidance on how the Functional Food Act is to be interpreted and implemented. MHW aims to finalize both drafts by August 27, 2003.

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 sets 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 "Inspection Guidelines for Imported Food, etc." 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 GMO labeling requirements for processed food products manufactured using GMO ingredients. Starting July 13, 2001 KFDA implemented labeling requirements for processed food products containing GM soybeans and corn or their derivatives as one or more of the top five major ingredients as per the August 2000 announced KFDA Guidelines for Recombinant Food Labeling. 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 utilizes 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, Labeling Standards for Recombinant Food, Guidelines for Safety Assessment for Recombinant Food, 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 contains general standards and specifications governing food products and individual standards and specifications for 148 food categories delineated into 20 groups. On April 18, 2000, the Food Code was extensively revised with revisions effective as of September 1, 2000. The revision made in March 2003 includes a maximum limit of vitamin A and vitamin D that can be used in food products. The Code was last updated on July 14, 2003.

2. Food Additive Code

The Food Additive Code defines standard specifications for individual food additives and their usage standards. As of July 2003, the Food Additive Code lists standards for 411 types of chemical synthetics, 187 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. The June 2003 version is the Code's latest edition.

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. The revision, dated July 200, introduced the principal display panel labeling requirement, the labeling criteria for organic products, etc., and removed the food category labeling

requirement for majority food products. The latest revision in March 2003 introduced the labeling requirements for 10 food products that could be considered as allergens. Section II for details.

4. Labeling Standards for Recombinant Food (i.e., Labeling standards for processed food products containing ingredients enhanced through biotechnology)

In August 2000, KFDA released the Labeling Standards for Recombinant Food. Starting July 13, 2001, mandatory labeling went into effect for 27 items. The standards require labeling of processed food products and unprocessed corn or soybeans used for further processing that contain 3-percent or higher GM corn or soybean content. See Section II for details.

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. In 2000, MAF designated NAQS as its official inspection agency for testing of GMO products. 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 toward GMO products. Starting March 2001, RDA began inspecting GMO products for one year and transferring its technical expertise to NAQS. Since March 2002, NAQS has fully taken over a responsibility of GMO inspection including sampling from retail markets and testing products for GM content. In 2001, MAF established the "GMO Task Force Team," which oversaw labeling enforcement on unprocessed GMO commodities (soybeans, corn, soybean sprouts, and potatoes), to achieve smooth enforcement of new GMO labeling requirements. In 2002, however, the team was disbanded and the Food Industry Division, MAF took over its role. In 2003, MAF established a new division, Consumer Safety Division, responsible for GMO labeling and consumer policy to meet consumers' high expectations of safe agriculture and livestock products.

1. 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 and labeling requirements 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 Anyang has three departments containing a total of fourteen divisions. NVRQS has five regional NVRQS offices with 12 district offices.

2. National Plant Quarantine Service

The National Plant Quarantine Service (NPQS) purpose is to prevent the introduction of harmful weeds and of harmful pests/insect/disease originated from imported plants, fruits and vegetables. NPQS conducts a pest risk analysis and determine the appropriate eradication method for detected pests. NPQS sets and enforces quarantine requirements for

imported plants, fruits and vegetables. NPQS headquarters in Anyang has five divisions and five regional offices with 19 district offices located in major Korean cities and ports.

3. Rural Development Administration

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

Under RDA there are five research institutes, five agricultural experiment stations, and the Korea National Agricultural College. The five research institutes include:

National Agricultural Science and Technology Institute,
National Institute of Agricultural Biotechnology,
National Agricultural Mechanization Research Institute,
National Livestock Research Institute,
National Horticultural Research Institute.

Major crop experiment stations are located in five 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 National Institute of Agricultural Biotechnology (NIAB) is developing twenty biotech-enhanced agricultural commodities including rice, chili (red pepper), potato, Chinese cabbage, cabbage, Perilla seed, tomato, apple, water melon, cucumber, chrysanthemum, swine, chicken, etc. NIAB has been doing field trials of herbicide resistant rice and virus resistant potatoes for years and is planning to commercialize of those crops in the next four or five years. The institute is also developing GMO detection testing methods and conducting risk assessment of GM crops for environmental release on a voluntary basis. NIAB will continue to conduct mandatory environmental risk assessments of biotech crops when the LMO Act, the enforcement legislation of the Bio-safety Protocol, goes into effect.

4. 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 and GMO labeling requirements in the marketplace. NAQS is the designated official inspection agency for unprocessed GMO commodities. NAQS is collecting samples from retail markets and testing products for GM content with testing methods developed by RDA.

5. Acts, Regulations, Guidelines, etc., governed by MAF or its agencies

Korean language text is available on the MAF's website - <http://www.maf.go.kr>.

(a) 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).

(b) 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.

(c) 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.

(d) Livestock Code

The Livestock Code provides health standards for meat, poultry and dairy products, such as microorganism 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. The June 2002 version is the Code's latest edition.

(e) 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.

(f) 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.

(g) 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.

(h) 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>).

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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.

(n) Agricultural Products 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 marks, etc. The Act gives a legal basis for MAF to require labeling of unprocessed GMO commodities for the purpose of providing proper purchasing information to consumers.

(o) Presidential Decree to the Agricultural Products Quality Control Act

The decree aims to establish matters delegated by the Agricultural Products Quality Control Act and matters necessary to enforce the Act. In June 1999 the decree was revised to add provisions governing the labeling of unprocessed GMO commodities. The latest revision made on July 15, 2002 to add another option for labeling "May Contain GMO."

(p) 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 unprocessed GMO commodities, including a list of commodities subject to GMO labeling, labeling methods, etc. According to the guideline four unprocessed 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.

(q) Sustainable Agriculture Promotion Act

The Act aims to realize environmentally sustainable agriculture (in other word "organic") 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.

(r) Presidential Decree to the Sustainable Agricultural Promotion Act

The Presidential Decree aims to establish matters delegated by the Sustainable Agricultural Promotion Act and matters necessary to enforce the Act. The June 2001 version is the latest edition.

(s) Ministerial Ordinance to the Sustainable Agricultural Promotion Act

The Ministerial Ordinance aims to establish matters delegated by the Sustainable Agricultural Promotion Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree. This provides quality control standards for four types of sustainable agricultural produce; organic produce, transitional organic produce, no-pesticide produce, low pesticide produce. This also provides requirements for organic certifying agents, certification, etc. The May 2003 version is the latest edition.

(t) Guideline for Country of Origin (COO)

The guideline aims to protect consumers and agricultural producers from mislabeled products. 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. The November 2000 version is the latest edition.

(u) Seed Industry Act

The Act, implemented on December 31, 1997 and revised on January 26, 2001, 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. The January 2001 revision included a revision of Article 165, which strengthened the management of genetic resources at the national level.

For more information regarding general regulations of planting seed contact:

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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,
Fisheries Research Institute,
National Oceanographic Research Institute,
National Fisheries Products Quality Inspection Service,
Regional Maritime Affairs and Fisheries Office,
Differential Global Positioning System Central Office,
Fisheries Patrol Vessel Management Office,
Marine Accidents Inquiry Agency.

On December 31, 2002, MOMAF introduced a labeling requirement for three fishery items enhanced through biotechnology; Rainbow trout, Atlantic salmon, Mud loach. See Section II for details. This labeling requirement will be mandated when the LMO Act, the enforcement legislation of the Bio-safety Protocol, goes into effect. The National Fisheries Products Quality Inspection Service (NFPQIS) has been designated as the enforcement agency of biotech labeling of fishery products. NFPQIS is also 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 NFPQIS.

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 the Presidential Decree and the necessary implementing articles including the detailed standards that fish and products must meet.

E. Ministry of Commerce, Industry, and Energy

The Ministry of Commerce, Industry, and Energy (MOCIE) is mainly responsible for establishing trade policy related to export and imports. Related to this responsibility, MOCIE released proposed legislation on its interpretation of the Cartagena Bio-safety protocol on October 22, 2000. This legislation "Act on Transboundary Movement, Etc., of Living Modified Organisms (LMO Act)" to implement its interpretation of the Cartagena Protocol on Biosafety was finalized on March 28, 2001. In June 2002, MOCIE announced the draft proposals of the Presidential Decree and the Ministerial Ordinance to the LMO Act to establish matters necessary for the implementation of the Act. MOCIE is aiming to finalize draft proposals within 2003 so that Korea can be prepared for enforcement of the Bio-safety Protocol.

1. Act on Transboundary Movement, Etc., of Living Modified Organisms (LMO Act)

The Act aims to promote international cooperation and enhancement of people's livelihood by establishing details necessary for implementing the Cartagena Protocol on Bio-safety and for pursuing the ensurement of safety in the field of development, production, import, export and marketing, etc. of living genetically modified organisms. This is to prevent in advance of any risk that may be imposed upon the conservation and sustainable use of biological diversity and human health that may come from living genetically modified organisms. This Act provides guidance on import approval, mandatory risk assessment, labeling, etc. of living modified organisms (LMO or GMO commodities). See Attaché Report KS 1029 for details.

2. Presidential Decree of the LMO Act

This Decree aims to stipulate the provisions delegated by the LMO Act and the provisions deemed necessary in implementing the Act. This Decree includes roles of relevant government agencies, procedures for the import, production, export notification, transit report, etc. of LMOs, procedures for designating the risk assessment and specialized review agencies, labeling and handling requirements, creation and operation of Bio-safety clearing house, etc.

3. Ministerial Ordinance of the LMO Act

It aims to stipulate the provisions delegated by the LMO Act and its Presidential Decree and the provisions deemed necessary in implementing the Act and Decree. This Ordinance includes document requirements for import approval of LMOs, safety assessments, environmental risk assessments, production approval, etc.

SECTION II. LABELING REQUIREMENTS (GENERAL/NUTRITION/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. (Stickers may be used instead of Korean language labels, but such stickers must be in Korean. The sticker should not be easily removable and should not cover the original labeling).

Labels should have the following inscriptions printed in letters large enough to be readily legible:

- (1) Product Name:** The label should state the name of the product. The product name should be identical to the product's name as declared to the licensing/inspection authority.
- (2) Product type:** This is mandatory for specially designated products such as teas, health supplementary foods, etc.
- (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, sugar, liquor, and salts. For liquors 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.
- (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):** 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.).

The revision, dated July 2000, introduced the principal display panel labeling requirement, the labeling criteria for organic products, etc., and removed the food category labeling requirement for majority food products.

Please note the principal display panel must contain the product name, product type, and content information. If this is not feasible, such information shall be provided in a Korean language sticker using a 12-point or larger font pitch size.

The latest revision, dated May 23, included a mandatory labeling of 10 food items that are considered as food allergens. These food items are eggs, milk, buckwheat, peanuts, soybeans, wheat, mackerel, crab, pork, peaches, and tomatoes. Any food product which contains one or more of the above 10 items as a raw ingredient (ingredients) must indicate the name (names) on the Korean language label. This revision also extended a mandatory nutritional labeling requirement to bread and bread loaf, noodles (cooked noodle, fried noodle, and improved cooked noodle only), and retort foods. KFDA will provide a one-year grace period for allergen labeling and nutritional labeling requirements from May 23, 2003.

Cases where the above application of the labeling requirements is 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.). The package for such foods shall be labeled with the name of manufacturer, and manufacture date or shelf life.
- (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 products imported for further process and re-export. Foods and food additives 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, should be labeled with the name of the company, company address and manufacture date or shelf life.

Nutritional labeling requirements: These 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,
- (4) Bread and bread loaf, noodles (cooked noodle, fried noodle, and improved cooked noodles only), and retort foods (one year grace period from May 23, 2003 will be granted prior to mandatory enforcement.)

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

Regarding health claims, Korea currently does not allow health claims on food product labels. However, the efficacy claim of functional foods will be permitted from August 27, 2003 when the Functional Food Act goes into effect. Therefore, products that meet the criteria of functional foods will carry the efficacy claim.

Organic labeling requirements for processed products: These labeling requirements are now specified in the Labeling Standards for Food et al. Labeling standards for organic products follow;

(A) The term "organic product" and other similar terms for imported food may be used only if the following criteria are met:

(1) Domestic foods

(a) Raw materials

(i) No less than 95 percent (%) of the raw materials used in the manufacture and processing of a food (excluding purified water and sodium chloride. The same applies hereinafter) shall be agricultural, livestock or forest products that are produced and certified in accordance with the quality standards for organic agricultural products under the quality standards for environmental agricultural products specified in Article 16 Paragraph 2 of the Environmental Agriculture Promotion Act and Annex 1 in relation to Article 7 of the Enforcement Regulations of the Environmental Agriculture Promotion Act (hereinafter referred to as "organic agricultural products").

(ii) Organic and non-organic agricultural products shall not be used in mixture as one raw material.

(iii) Raw materials not included in the list of raw materials that may be used during the manufacture and processing of processed organic foods in Table 3 shall not be used during the manufacture and processing of foods.

(iv) Irradiated raw materials shall not be used.

(v) Genetically modified foods or food additives shall not be used.

(vi) The container and package used for a food may be recycled, but shall be made of biodegradable material.

(b) Methods for manufacturing and processing, etc.

(i) Mechanical, physical or biological (fermentation, smoking, etc.) manufacturing and processing methods shall be used, and food additives shall be used in minimum quantities.

(ii) Organic food products and non-organic food products shall not be manufactured and processed at the same time with the same facilities.

(iii) If non-organic food products are manufactured and processed before the manufacture and processing of organic food products, the manufacturing facilities used for the manufacture and processing of non-organic food products and the facilities shall be cleaned thoroughly and free from foreign materials.

(iv) Organic food products as well as organic agricultural products used as raw materials shall be kept and stored separately from non-organic food products and non-organic agricultural products used as raw materials.

(c) Management of manufacturing plants

(i) The control of insects, etc. in the vicinity of plants shall be done in a mechanical, physical or biological way.

(ii) If the control of insects, etc. done in the way specified above in <1> is not effective enough, agrochemicals, etc. may be used provided that such chemicals are not in direct contact with organic food products and organic agricultural products used as raw materials.

(iii) The cleaning, disinfecting, and sterilization of parts of manufacturing facilities that may be in direct contact with foods shall not be made using chemicals (excluding food additives).

If food additives are used for the above purposes, residues of such food additives shall not remain in manufacturing facilities.

(2) Imported foods

(a) If raw materials of an imported food are agricultural products that are subject to the quality standards for organic agricultural products specified in Article 16 Paragraph 2 of the Environmental Agricultural Promotion Act and Annex 1 in relation to Article 7 of the Enforcement Regulations of the Act, the quality of such raw materials shall be equal to or better than the above said quality standards.

(b) If raw materials of an imported food are agricultural products that are not subject to the quality standards for organic agricultural products specified in Article 16 Paragraph 2 of the Environmental Agricultural Promotion Act and Annex 1 in relation to Article 7 of the Enforcement Regulations of the Act, quality standards shall be provided for such organic agricultural products in the exporting country of the food and such products shall meet such standards.

(c) The standards specified above in (1) (a)(ii) through (vi), (b), and (c) shall be met.

(d) The determination as to whether an imported food meets the standards specified above in (a) through (c) may be based on a certificate issued by an organization which satisfies the qualifications for a certifying organization under the regulations concerning the labeling of organic agricultural products and organic food products as specified by the government of the exporting country of the food [a reliable organization such as one that is certified by international bodies such as IFOAM (International Federation of Organic Agricultural Movements)].

(B) Labeling may be done in the following manner depending on the contents of organic agricultural products in a food (also applicable to imported foods):

(1) If a food meets the standards specified above in (A) (1) (a) (ii) through (vi), (b), and (c) [as for an imported food, standards in (A) (2)], and the finished product of the food does not contain any other food or food additive except for organic agricultural products, the label "100% organic agricultural product" or similar labels may be used.

(2) If a food meets the standards specified above in (A) (1) (a) (ii) through (vi), (b), and (c) [as for an imported food, standards in (A) (2)], and no less than 95 percent (%) of raw materials contained in the finished product of the food are organic agricultural products, the term "organic" or similar terms may be used as a part of the product name and stated on the main labeling panel of the container and package; and the name, seal and logo of the organization that has certified the organic agricultural products used in the product as well as other certification information may be stated. In this case, the contents of the organic agricultural products shall be stated in percentage in the labeling section for raw material names.

(3) If a food meets the standards specified above in (A) (1) (a) (ii) through (vi), (b), and (c) [as for an imported food, standards in (A) (2)], and 70 percent or more but less than 95 percent (%) of raw materials contained in the finished product of the food are organic agricultural products, the term "organic" or similar terms may be stated on a labeling surface of the container and package other than the main labeling panel. In this case, the contents of the organic agricultural products shall be stated in percentage in the labeling section for raw material names.

(4) If a food not specified above in (1) through (3) uses organic agricultural products as raw materials, the term "organic" or similar terms may be used as a part of the names of such raw materials within the labeling section for raw material names. In this case, the contents of the organic agricultural products shall be stated in percentage in the labeling section for raw material names.

For US organic products, KFDA recognizes a US Department of Agriculture/Agricultural Marketing Service (USDA/AMS) organic certification program. Products that were certified by USDA/AMS Accredited Certifying Agents and arrive Korea accompanied with an original transaction certificate issued by USDA/AMS Accredited Certifying Agents can clear customs without disruption. Also, those products can carry a proper organic label in Korean language. See Attaché Report KS 3035 for details.

Contact information for the KFDA divisions responsible for labeling follows:

For organic label

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

For nutrition label

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.

1. The labeling requirement is in accordance with Article 3 of the labeling standards for livestock products:
 - i. Product Name
 - ii. Type of processed livestock product (containers, packaging materials, etc. are exempt)
 - iii. Name of business license issuer and the business license (or report) number
 - iv. Name and address of company
 - v. Manufacturing date, month, and year (only designated products are subject to this category)
 - vi. Shelf life (containers, packaging materials, etc. are exempt)
 - vii. Content (containers, packaging materials, etc. are exempt. However, the amount of stamp coloring used should be included.)
 - viii. 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 the ingredient (if a certain ingredient is used in the product name or as a part of the product name);

- ix. Nutrient (only designated products are subject to this category);
- x. 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.

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

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

The June 2002 revision is the latest edition.

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 unprocessed GMO commodities. Starting March 1, 2001, mandatory labeling went into effect for three unprocessed GMO commodities - soybean, bean sprout, and corn, if 3 percent or more of the shipment contains biotech-enhanced ingredients. In March 2002, MAF extended its labeling requirement to include unprocessed GMO potato.

Labels shall be in accordance with the following:

- i. For raw GMO agricultural commodities, it shall be labeled as "Genetically Modified (a name of agricultural product)."
- ii. For agricultural commodities containing a GMO component, it shall be labeled as "Containing Genetically Modified (a name of agricultural product)."
- iii. For agricultural commodities that possibly may contain a GMO agricultural component (but the importer is not certain), the agricultural commodity shall be labeled as "It may contain Genetically Modified (a name of agricultural product)."

iv. For agricultural commodities that are 100-percent GMO free, the agricultural commodity may be labeled as "Non-GMO" or "GMO Free." Note: The 3-percent maximum threshold allowance does not apply to such commodities.

See Attaché Report KS1004 for details.

The National Agricultural Product Quality Management Service (NAQS) is the designated official inspection agency for unprocessed GMO commodities. 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 assisted NAQS in conducting sample verification tests for unprocessed GMO commodities. Since March 2002, NAQS has taken full responsibility of GMO test of raw soybeans, corn, bean sprout, and potato samples collected from retail markets.

Contact information for the MAF division responsible for unprocessed GMO commodity labeling follows:

Consumer Information and Food Safety Division

Ministry of Agriculture & Forestry

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-2110-4349 or 4350 // Fax: 82-2-503-7277

D. Labeling Standards for Recombinant Food (Administered by KFDA)

In August 2000, KFDA announced the Labeling Standards for Recombinant Food (labeling standards for processed food products containing ingredients enhanced through biotechnology).

Effective July 13, 2001, the Korea Food & Drug Administration (KFDA) requires labeling of processed food products and unprocessed agricultural food products for further processing that contain ingredients enhanced through biotechnology.

1. Processed food products shall be labeled when:

- (i) the primary ingredient is subject to MAF biotech labeling requirements (presently soybeans, corn and bean sprouts only, and not potatoes),
- (ii) the GM ingredient is one of five major raw materials used in the product, and
- (iii) recombinant DNAs or foreign proteins are still present in the final product.

2. An unprocessed agricultural commodity to be further processed into a food product shall be labeled when:

- (i) the agricultural commodity is subject to MAF biotech labeling requirements as it exceeds the threshold allowance for a GM component.

3. Labels shall contain the following terminology:

- (i) "Recombinant Food" or "Food Containing Recombinant XX" (e.g., "Food Containing Recombinant Corn") - shall be used for a food known to contain a 100 percent biotech-enhanced ingredient. The text is to be indicated on the principle display panel in such a way that the consumer may easily recognize the label.

- (ii) "Recombinant" or "Recombinant XX" (e.g., "Recombinant Corn") - shall 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 GM ingredient listed as a raw material of the food.

(iii) "May contain Recombinant XX" - - shall be used for a product if an exporter or importer is not sure whether it contains a GM ingredient or not.

4. 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.

5. Non-detachable stickers may be used for imported foods or food additives. Indelible ink, stamp or brand, etc., shall be used.

6. The terminology "Non-GMO" and "GMO Free" is strictly prohibited for use on labels of processed foods.

7. No label shall be affixed to the product if the processed food is made using non-GM ingredients or if one or more of top five major ingredients contain less than 3 percent GM component.

D.1. Korean Food and Drug Administration's (KFDA) documentation requirement guidance for exemption to GMO labeling requirements of processed foods follows.

(Note: The KFDA website is the source of this information).

1. Identity Preserved (IP) handling certification for raw corn or soybeans and certification (or a statement) for the finished product:

(i) IP handling certification requirements for raw corn and soybeans: Separate certification shall be issued at designated points from farm to the processing plant. Certification can be issued by any private entity responsible at each designated point in the process. Certification is required at the following points: seed purchase, crop production, crop storage, segregation, delivery, and shipping. KFDA accepts a photocopy of IP handling certificates.

(ii) IP handling certification requirements for a finished product: Certification (or a statement) issued by the manufacturer, processor, seller, or supplier of the final product shows that non-GMO ingredients are used in the manufacture of the product, or that the product contains less than 3 percent GMO ingredients (if one of the top five ingredients is corn or soybean). KFDA requires the original document (no copy).

2. Government-issued certification equivalent to IP handling certification: In lieu of the IP handling certificates noted in (A) above, KFDA accepts one of the following government-issued documents.

(i) For a country that does not produce or sell GM crops or a particular GM food, a government-issued certificate stating that the GM agricultural crop or particular GM food in question is not produced or sold in that country is acceptable. If the government does not submit the certification on behalf of the exporting country, the importer will be required to submit the original certificate with the first shipment of a product with a photocopy of the original certificate with each subsequent shipment of the same product.

(ii) For raw corn or soybeans, a government-issued certificate that verifies the presence of less than 3 percent GM component.

(iii) For processed food products, a government-issued certificate that states there is no presence of DNA or foreign protein. For example, if any government agency including State, Federal, or regional office of the State or Federal government issues a letter or statement

saying that there is no presence of recombinant DNA or foreign protein in the final product, the original copy of such a document would be sufficient.

(iv) A government-issued certificate that raw material used in the final product was handled under an IP program. In this case, documents covering IP handling at each point as identified in (i) above are required.

(v) Other documents recognized by the government of the exporter or manufacturer as equivalent to IP handling certificates. For US origin processed food products, a notarized self declaration stating that products do not contain GM ingredients is also accepted by KFDA as one of documents to get exemption to GMO labeling requirements. However, the exporter/importer must submit IP documentation to KFDA in the event that random testing reveals the presence of GM ingredients.

3. Test certificates: A test certificate issued by either domestic commercial laboratory, foreign government or foreign commercial laboratory is acceptable if it shows no presence of recombinant DNA or foreign protein in the final product. The original test certificate will be submitted to KFDA. At present, KFDA has not developed an official testing methodology. Further, KFDA has not yet developed a program for designating foreign or domestic laboratories for official GMO testing. Note: If the test shows a presence of GM component, then either IP requirements outlined in (i) above must be met for to be exempt from labeling or a label must be affixed stating the product does contain a GM component.

4. Stickers "It may contain GMO xxx": If requirements of (i), (ii) or (iii) above cannot be met, the importer or exporter must apply a sticker on the product stating "It may contain GMO xxx." Such stickers can be applied in Korea prior to Customs clearance.

5. Testing in Korea. If the imported product arrives without appropriate documentation, it can be tested in Korea prior to Customs clearance.

See Attaché Report KS 1046 for details.

Contact information for the KFDA division responsible for GMO labeling follows:

Food Distribution Division

Food Safety Bureau, KFDA

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone: 82-2-380-1733/4 Fax: 82-2-388-6392

Please note that KFDA does not require biotech labeling for potato-based products. This requirement was supposed to go into effect July 2002, but was delayed as no biotech potato seed has been sold in the US (the only alleged biotech potato producing country) since 2000. Commercial production ended in 2001. KFDA is still considering this requirement and if they do implement it, a list of potato-based products subject to the requirement will be issued and the current biotech labeling guidelines will be revised.

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. These legislations were revised in January, June, and July 2001 respectively.

In accordance with the above legislations, organic produce is classified into four categories; organic produce, transitional organic produce, no-pesticide produce, and low pesticide produce and agricultural produce can be labeled accordingly. For imported agricultural produce, it is required to get certification from an official certification agency recognized by MAF. To date, MAF designated five Korean certification agencies as the official certification agency and no single foreign agency has been designated. Unlike KFDA's organic labeling regulations, agricultural produce complying with the U.S. organic standards or international standards needs to get a certification from MAF's official certification agency in order to carry so called "organic label."

The Sustainable Agriculture Division, MAF, establishes the regulations for organic products. The National Agricultural Products Quality Management Service (NAQS) enforces these regulations.

Sustainable Agriculture Policy Division

Food Grain Production Bureau, MAF

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-2110-4314 or 4315 // Fax: 82-2-507-2096

F. Liquor Labeling (Administered by Korea Tax Administration)

As of October 1, 2002, liquor products must have labels that distinguish liquors for on-premise, home use, discount stores and duty-free shops. The on-premise use does not require separate labels but the remainder three categories do.

1. The classification of usage must be indicated on the main label or supplementary label for imported liquor and only on the main label for domestic products.
2. Liquors for use at home and discount stores must be marked as "for home use" or "for discount stores" in white against a green or dark blue background. Or print the writing in a colour that can be clearly distinguished from main labels' background colour and outline with a box.

Liquors for at home use and discount stores must have a warning that read, "Not allowed to be sold in restaurants and bars" on the main label or supplementary label.

G. 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 marketplace. As for imported products, the Korea Customs Service enforces COO requirements prior to Customs clearance.

Consumer Information and Food Safety Division

Agriculture Marketing Bureau, MAF

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-2110-4349 or 4350 Fax: 82-2-503-7277

SECTION III. PACKAGING AND CONTAINER REQUIREMENTS

“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, which went into effect on January 1, 2001.

SECTION IV. 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 2003, Korea had a positive list of 605 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 for use 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

SECTION V. 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. As of July 2003, KFDA has set MRL in foods for 318 pesticides. The MRLs are listed under Chapter 3 in the Food Code. The KFDA's English website (www.kfda.go.kr) provides the latest MRLs in English. 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, rules described below are applied;

- 1) The CODEX standards shall apply;
- 2) if the provision above in 1) is not applicable, the lowest of the residue limits of the agricultural chemical in question specified for similar agricultural products shall apply to the agricultural product in which the agricultural chemical is detected (a grouping of similar agricultural products is provided in the Chapter 3 of the Korean Food Code);
- 3) if the provisions above in 1) and 2) are not applicable, the lowest of the residue limits of the agricultural chemical shall apply to the detected agricultural chemical.

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

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS (CERTIFICATION)**A. Sanitary and Phytosanitary Certification requirements - animals, meat, plant, etc.**

Sanitary and phytosanitary 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.

Korea requires pre-approval of meat establishments, including slaughter, process, and warehouse facilities, etc., prior to export of the product to this market. Pre-approval is facilitated by registration with the Food Safety and Inspection Service (FSIS) and listing in the FSIS Meat, Poultry Inspection Directory. Further, it is advised that U.S. companies wishing to export meat products to Korea, they first verify with the importer if the supplying facilities are approved by Korea. Supplying facilities include place of slaughter, and process and warehouse storage, locations identified on FSIS form 9305.

Concerning issuance date of both health and phytosanitary certificate, it shall be prior to on board date listed in the Bill of Lading. There was a delay of import clearance of fresh fruits during the first half of 2002 because the phytosanitary certificate was issued after fruits departed from the U.S. In order to prevent unnecessary delay at the port of entry, it is suggested that the certificate issuance date be prior to the departure date of shipments. In any cases, the inspection date on a certificate must be prior to the departure date.

On March 1, 2001, in response to the BSE outbreak in Europe, Korea banned all ruminant animals and their products originating from 30 European nations. Korea now requires certification that the imported ruminant or ruminant product did not originate from a designated European country and other BSE outbreak country such as Japan. Certification of a product's non-European or BSE outbreak country origin can be a statement issued by the U.S. government, or by a private entity that is notarized by a government agency, relevant organization or local Chamber of Commerce.

B. StarLink Free Certification

In December 2000, after KFDA detected StarLink protein in U.S. corn shipments, imported food-grade corn and corn-based food products were required to arrive with a StarLink-free certification issued by the exporting country. For corn kernel shipments, such certification should be issued by GIPSA/USDA or an accredited lab to minimize potential problems during inspection clearance. Regardless, the sales contract should specify the terms for pre-shipment tests. For processed food products containing corn as one of its ingredients, certification can be met with a letter, statement, or certificate issued by the manufacturer or the exporter stating the raw corn ingredient was "StarLink-free." All US origin food grade corn and corn-based products must provide a StarLink-free certification at port of entry.

SECTION VII. OTHER SPECIFIC STANDARDS (GMO SAFETY ASSESSMENT & ADVERTISEMENT)

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 soybeans, corn, and potatoes from February 27, 2004 and other biotech enhanced crops from February 27, 2005 based upon a draft revision of the current safety assessment guideline issued on June 7, 2003. KFDA notified this draft revision to the WTO for international comments. KFDA will gather international comments until August 11, 2003. In accordance with the draft guideline and the Food Sanitation Act, any product that contains biotech crops that do not complete safety assessments by the above-designated time will not be permitted for sales in Korea. To date seven U.S. crops, roundup ready soybeans, four corn varieties, and two cotton varieties, have passed KFDA's safety assessment conducted according to this guideline.

On May 4, 2001, MAF released the draft guidelines for environmental risk assessment (ERA) of biotech crops used for food, feed, and seed. MAF finalized guidelines on January 9, 2002 to operate environmental risk assessment of biotech crops on a voluntary basis. To date, however, not a single application for environmental risk assessment has been submitted. ERA will be mandated when the MOCIE's LMO Act goes into effect, which is expected sometime in early part of 2004. It is strongly encouraged that US biotech developers submit application for ERA to the Rural Development Administration (RDA) of MAF as soon as possible to avoid any trade disruption when the ERA becomes mandated. All LMOs including LMO FFP (food, feed, and processing) and seed are subject to an ERA.

MAF is also working to prepare a guideline for safety assessments of feed enhanced through biotechnology. No specific plan has been announced but MAF will revise its Feed Management Act to include safety assessments of feed.

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

- 1) Newspaper or magazine
- 2) T.V. commercial (when its running time is greater than two minutes)
- 3) Cable T.V. commercial

Indication shall be made as follows;

- 1) "Contains biotech-enhanced food" when presence of a biotech-enhanced component is certain;
- 2) "May contain biotech-enhanced food" when presence of a biotech-enhanced component is uncertain.

SECTION VIII. 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 to 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.

SECTION IX. 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 operate 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 include: 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 nonedible 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 an 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 or 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 inspection organization other than regional KFDA office or National Quarantine Services.

Importers shall be responsible for charges associated with import inspection. Detailed information is available from the KFDA's English website - <http://www.kfda.go.kr>.

MHW issued a draft revision of the Ministerial Ordinance of the Food Sanitation Act on December 26, 2002. This draft revision aims to tighten the current import inspection program as requiring laboratory test of agricultural products every year and every three years for processed products. The US government expressed concern on the draft revision to the Korean government as it would give additional burden to US exporters without any justification. This draft revision has not been finalized. Once it is finalized, post will write a voluntary Attaché report to provide information on the new import inspection program.

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.

APPENDIX**Appendix I - Primary Korean Food Agency**

- a. Ministry of Health & Welfare: <http://www.mohw.go.kr>
- b. Ministry of Agriculture & Forestry: <http://www.maf.go.kr>
- c. Ministry of Maritime Affairs & Fisheries: <http://www.mmaf.go.kr>
- d. Ministry of Environment: <http://www.moen.go.kr>
- e. Ministry of Commerce, Industry and Energy: <http://www.mocie.go.kr>
- f. Korea Food & Drug Administration: <http://www.kfda.go.kr>
- g. National Veterinary Research & Quarantine Service: <http://www.nvrqs.go.kr>
- h. National Plant Quarantine Service: <http://www.npqqs.go.kr>
- i. Rural Development Administration: <http://www.rda.go.kr>
- j. National Agricultural Product Quality Management Service: <http://www.naqs.go.kr>
- k. National Agricultural Cooperative Federation: <http://www.nacfc.co.kr>
- l. Agriculture & Fishery Marketing Corporation: <http://www.afmc.co.kr>
- m. Korea Forestry Administration: <http://www.foa.go.kr>
- n. Korea Rural Economic Institute: <http://www.krei.re.kr>
- o. Korea Industrial Property Office: <http://www.kipo.go.kr>
- p. Korea Health Industry Development Institute: <http://www.khidi.or.kr>
- q. Korea Bio-safety Clearing House: <http://www.biosafety.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)

Bilateral Cooperation Division
International Agriculture Bureau
Ministry of Agriculture & Forestry
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-1726 or 1727 // Fax: 82-2-504-6659

Food Safety

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: smilechoi@mohw.go.kr

International Trade & Information Office
Korea Food & Drug Administration
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1649 Fax: 82-2-356-2893

Aquatic Animal Health and Sanitation

Trade Promotion Division
International Cooperation Bureau
Ministry of Maritime Affairs & Fisheries
139 Choongjungro 3-ga, Seodaemun-ku

Seoul, Korea 120-715
Phone: 82-2-3148-6840/3 // Fax: 82-2-3148-6844

Appendix III - List of Available Regulations or English Translated Regulations

The following regulations are available either in English or Korean from the Agricultural Affairs Office in Seoul. Contact information is:

Agricultural Affairs Office, U.S. Embassy-Korea

32 Sejongro, Jongro-ku
Seoul, Korea
Tel: 82-2-397-4297
Fax: 82-2-738-7147
e-mail) Agseoul@usda.gov

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. Livestock Code
11. Labeling Standards for Livestock Products
12. Agricultural Products Quality Control Act
13. Country of Origin Regulations
14. Sustainable Agriculture Promotion Act
15. Presidential Decree to the Sustainable Agriculture Promotion Act
16. Ministerial Ordinance to the Sustainable Agriculture Promotion Act
17. Guidelines for Safety Assessment of Food & Food Additives Developed Through Recombinant DNA techniques
18. Guidelines for Risk Assessment of Biotech Crops for Environmental Release
19. Guidelines for Labeling Standards for Non-Processed GMO Products
20. Guidelines for Labeling Standards for Processed Food Products Containing GM Ingredients
21. LMO Act

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 food related testing such as residue and microbiological testing on food and beverage products and food package testing 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:

**Oregon Department of Agriculture
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 N.W. Naito Parkway

Portland, Oregon 97209

Tel: 503-224-5929 Fax: 503-223-9436