

# Business Handbook

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## Rules & Regulations For The Export Of Food - *SOUTH KOREA*

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## INTRODUCTION

**R**egulations governing the import of food products in most countries are extremely stringent. However, while most health and safety requirements are provided for in the form of legislations, ensuring food safety and quality standards is continuous process.

Food manufacturers interested in venturing into the export market must therefore keep close tabs on these developments, besides being well-versed in the import procedures of each country.

The publication of MATRADE's Business Handbook series on the export of food shall cover selected countries to provide pertinent information on their respective food regulations and import procedures. However, exporters are advised to make use of the contacts and access the websites and reference materials listed in the Handbook for more detailed information specific to their products.

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## **I. IMPORT REGULATIONS**

### **RELATED LAWS**

#### **FOOD SANITATION ACT**

The Food Sanitation Act, of 1962, aims to contribute to the improvement of national health by improving the quality of food nutrition and by preventing sanitary hazards and harm caused by food products.

The Ministerial Ordinance to the Food Sanitation Act provides details on conducting food related business in Korea, including the relevant penalties for failing to do so. Samples of the various types of forms needed to conduct food related business, including food imports, are included in it. Other more detailed standards and regulations guiding food related business in Korea are provided in the Food Code, Food Additive Code, Guidelines, Notices, etc. These detailed standards and regulations are under the responsibility of Korea Food & Drug Administration (KFDA).

#### **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.

#### **FOOD ADDITIVES CODE**

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

## **LABELLING STANDARD FOR FOOD**

“Labelling Standards for Food” aims to promote the sanitary treatment of food products, and to provide accurate information to consumers. The labelling standards for food, food additives and packaging, are based on Article 10 of the Food Sanitation Act.

## **FISHERIES ACT**

The Fisheries Act provides for the basic institution relating to the fisheries, transport and fishery processing industries.

## **FISHERIES EXAMINATION ACT**

The Fisheries Examination Act stipulates criteria for inspection of fisheries products (both domestic and imported products) and the sanitation standards.

## **LIVESTOCK PROCESSING CONTROL ACT**

The Livestock Processing Control Act states the specification, quality standards, examination criteria and sanitary/labelling regulations for livestock products and packing (both domestic and imported products).

## **II. REGULATORY AUTHORITIES**

### **a) KOREA FOOD & DRUG ADMINISTRATION (KFDA)**

KFDA is the principle government agency charge with ensuring that food are safe, sound, wholesome and correctly labelled. KFDA is responsible for setting and implementing standards and specifications for food, food additives, food packaging/containers/equipment, except for meat, poultry and dairy products. KFDA set standards and specifications, apply both to domestically produced and

imported food products. Specific to imported food products, KFDA inspects products under provisions provided in the “Guidelines for The Inspection of Imported Food Products”. KFDA also sets and implements regulations governing safety assessment of agricultural products enhanced through biotechnology and processed food products manufactured using GMO products as ingredients. KFDA is responsible for 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.

**b) 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 plants. The National Agricultural Product Quality Management Service is responsible for setting quality standards and grades for agricultural products and enforcing country of origin marks.

**c) NATIONAL VETERINARY RESEARCH & QUARANTINE SERVICE**

The National Veterinary Research & Quarantine Service (NVRQS) provides effective sanitary control of animal origin products from farm to table. NVRQS is responsible for setting and implementing standards and specifications for meat, poultry, egg and dairy products in accordance with the Livestock Product Processing Control Act. These standards and specifications apply to both domestically produced as well as imported food products. NVRQS is responsible for

operating HACCP and recall for meat, poultry, egg and dairy products.

**d) NATIONAL PLANT QUARANTINE SERVICE**

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

**e) NATIONAL AGRICULTURAL PRODUCT QUALITY MANAGEMENT SERVICE**

The National Agricultural Product Quality Management Service (NAQS) is responsible for setting quality standards and grades for agricultural products and enforcing country of origin marks in the market place. NAQS has been designated as the official inspection agency for non-processed GMO produce.

### **III. 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.

KCS is responsible for ensuring that all necessary documentation is in place before the product is finally released from the bonded area. KCS operates the EDI system (Electronic Data Interchange System) and KFDA operates the imported food network system through their

regional offices and national quarantine offices. The KFDA network system is connected to the EDI system which permits KFDA inspection results to be transmitted quickly . Products subject to plant quarantine inspection and animal quarantine inspection must be cleared by the respective quarantine inspection authorities before KCS will clear cargo.

### **Korea Food & Drug Administration (KFDA) Import Procedures**

- The importer or the importer's representative submits the "Import Declaration for Food, etc."
- The type of inspection to be conducted is determined in accordance with the guidelines for inspection of imported food products. The types of inspection that a given food product may be subject to are: Document Inspection, Organoleptical Inspection, Laboratory Inspection, and Random Sampling Examination.
- 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.
- KFDA conducts the conformity assessment from the information collected, using such items as test results, document inspection results, etc.
- If a product complies with the Korean standards, KFDA issues a certificate for import. An importer can clear products with the KFDA import certificate.
- If a product does not comply with the Korean standards, KFDA will notify the applicant and the regional customs office on the nature of the violation. The importer decides whether to destroy or return shipments to the exporting country or use it for non-edible purposes. If the violation can be corrected, as with labels, the importer can reapply for the inspection after making the corrections.

- For perishable agricultural products, such as fresh vegetable, fruits, etc., an importer can clear the products prior to completion of the laboratory test with a pre-certificate for import report issued by KFDA. However, in this case, the importer should be able to track down the distribution of the given products so he/she can recall the products, in case the laboratory test indicates a violation.

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 issue by the National Veterinary Research & Quarantine Service (NVRQS) of 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. (See Annexe for KFDA import procedure flow chart).

### **IMPORT HEALTH REQUIREMENTS FOR VARIOUS ANIMALS**

Import requirement for live animals and animal products is subject to provisions issued through the Animal Health Division (AHD) of MAF/AHD sets regulations and the National Veterinary Research & Quarantine Service (NVRQS) enforces the regulations.

### **IMPORT PLANT INSPECTION GUIDELINE**

The Import Plant Inspection Guideline governs inspection of imported plants and plant materials by the National Plant Quarantine Services (NPQS).

- **Labelling Standards for Food (Administered by KFDA)**

The Food Safety Division, KFDA is responsible for establishing labelling standards for food products. KFDA regional offices enforces the labelling standards. Provincial government health officials also have the authority to enforce the labelling standards.

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

a) ***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.

b) ***Product type***

Product type by classification unit as defined in the Food Code. If a product type is not classified, a product kind should be indicated.

c) ***Names and Addresses***

Importer's name and address, and the address where products may be returned or exchanged in the event of defects.

d) ***Manufacturing date, month and year***

This is mandatory for specially designated products such as lunch box and sugar. The shelf-life for these designated products must also be labelled. For liquor, a manufacturing number (lot number) or bottling date can substitute for the manufacturing date.

e) ***Shelf-life***

Food products should identify the manufacturer determined shelf-life. If various kinds of products are packaged together, the shelf-life date of the product with the shortest life should be applied on the label. Products subject to mandatory shelf-life limits, in accordance with the Korea Food Code, must meet such standards.

- f) **Contents**  
Weight, volume or number of pieces (if the number of pieces is shown the weight or volume must be indicated in parentheses).
- g) **Ingredients**  
Ingredient(s) or raw material(s) and a per cent content of the ingredient(s) should be included on the label (contents of the ingredients are included only when certain ingredients are used in the product name or as a part of the product name). According to Article 7, Food Sanitation Act, the name of the major ingredient must be included on the label as well as the names of at least the next four principle ingredients. These should be listed with the highest percentage first followed by the others. Artificially added purified water does not count as one of the five major ingredient.
- h) **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 labelling.
- i) **Other items designated by the detailed labelling standards for food**  
This include cautions and standards for use or preservation. (e.g. drained weight for canned products, radiation-processed products, etc). For products that must be kept at low temperatures, such temperatures should be indicated.

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

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

- b) Bulk packaged products that will be repackaged into a smaller sized package prior to sales. (Documents that show such intent need to be provided).
- c) Foods, etc. to be used for manufacturing or cooking for a company's own use. (Documents that show such intent need to be provided).
- d) Products imported for the purpose of acquisition of foreign currency, under the provisions of Article 34 of the Ministerial Ordinance to the Foreign Trade Act. These are cases where the products are brought in and further processed and re-exported. However, if the food and food additives are imported for the purpose of acquisition of foreign currency in the domestic market, such as tourist hotels, in accordance with the Article 4-4-1-1 of the Foreign Trade Management Regulations, it should have a label that provides the name of the business license (report) authority, business license (report) number, name of the company and the company address and shelf-life.

Nutritional labelling requirements are specified in the Labelling Standards for food. Nutritional labelling is optional for most food products. Korea only requires nutritional labelling for the following:

- a) Special nutritional food or health supplementary food.
- b) In the event that specific nutrients are emphasized (e.g. if a product is labelled as "calcium added yogurt", the content of the calcium must be labelled).
- c) If you wish to put on nutritional labelling.

## **IV. STANDARDS, QUALITY AND LABELLING REQUIREMENTS**

### **LABELLING 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:

- a) Product name
- b) Type of processed livestock product (containers, packaging materials, etc. are exempt)
- c) Name of business license issuer and the business license (of report) number
- d) Name and address of company
- e) Manufacturing date, month, and year (only designated products are subject to this category)
- f) Shelf-life (containers, packaging materials, etc. are exempt)
- g) Content (containers, packaging materials, etc. are exempt. However, the amount of stamp colouring used should be included)
- h) Ingredient or raw material (the material used for making the container, etc. should be indicated. However, colouring used for stamping the certification of slaughtering should follow the standards for food additives under the Food Sanitation Act) and the content of ingredient (if a certain ingredient is used in the product name or as a part of the product name)

- i) Nutrient (only designated products are subject to this category)
- j) Other items specified in Appendix Table 1 of the labelling standards for livestock products, according to the “Detailed Labelling Standards for Livestock Product. Labels should be in Korean language and written in ink engraved or stamped so that it 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 labelling.

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

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

### **LABELLING REGULATIONS FOR NON-PROCESSED GMO PRODUCTS (ADMINISTERED BY MAF)**

Beginning March 1, 2001 three non-processed GMO commodities- soybean, bean sprout, and corn are required to be labelled if three percent or more of the shipment contains biotech enhanced ingredients. A fourth non-processed GMO commodity, potato will

be subject to this labelling standard in March, 2002. Labels shall be in accordance with the following:

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

Voluntary labelling of “Non-GMO” or “GMO Free” is allowed only if the shipment is 100 percent free of a GMO component.

### **LABELLING REGULATIONS FOR PROCESSED PRODUCTS MADE USING GMO INGREDIENTS (ADMINISTERED BY KFDA)**

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

### **COUNTRY OF ORIGIN (COO) - (ADMINISTERED BY MAF)**

Detailed labelling information is provided in the guideline for COO labelling. National Agricultural Product Quality Management Service (NAQS) enforces COO requirements in the market place. As for imported products, the Korea Customs Service enforces COO requirements prior to Customs clearance.

## **FOOD ADDITIVE REGULATIONS**

The “Food Additive Code” guides the use of all additives to food in Korea. 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 tolerance level 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 Additive Code are allowed to be used in food products, in accordance with the usage standards specified in the Food Additive Code.

## **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. If an MRL is established in the Food Code for a given agricultural chemical, other tolerance levels, such as CODEX, etc. are not accepted. However, for agricultural chemicals where tolerance levels have not been established in the Korean Food Code, residue levels set by other bodies, such as CODEX or other nations are taken into consideration, prior to making a decision on whether the level detected would be acceptable or not.

MAF is responsible for the registration of pesticides, safety usage standards, and notification of pesticides. All pesticides used in Korea should be registered with MAF. MOE is responsible for testing pesticide levels in water, soil and agricultural products.

The Food Code also lists antibiotics and growth hormones approved for meat products in Chapter 3 of the code. It provides a list of permitted antibiotics and hormones and their tolerance levels.

### **PHYTOSANITARY CERTIFICATE REQUIREMENTS - ANIMAL, PLANT, MEAT, ETC.**

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

### **OTHER SPECIFIC STANDARDS**

The guideline on the safety assessment of genetically modified food products and food additives 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.

“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 material.

## V. USEFUL CONTACTS

### Primary Korean Food Agencies

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

## **WTO Enquiry Point**

### **Animal or Plant Health or Zoonosis (including aquatic animals)**

Director  
International Agriculture Bureau  
Ministry of Agriculture & Forestry  
# 1 Choongang-dong, Kwacheon City  
Kyunggi-do, Korea 427-760  
Tel: 82-2-5002656/7      Fax: 82-2-5072095

### **Food Safety**

Director  
International Cooperation Division  
Ministry of Health & Welfare  
# 1 Choongang-dong, Kwacheon City  
Kyunggi-do, Korea 427-760  
Tel: 82-2-5037524      Fax: 82-2-5046418  
E-mail: [invuioul@chollian.net](mailto:invuioul@chollian.net)

Director  
Food Circulation Division  
Korea Food & Drug Administration  
# 5 Nokbeon-dong, Eunpyung-ku  
Seoul, Korea 122-704  
Tel: 82-2-3801733/4      Fax: 82-2-3886392

### **Aquatic Animal Health and Sanitation**

Director  
Trade Promotion Division  
Fishery Products Marketing Bureau  
Ministry of Maritime Affairs & Fisheries  
#826-14 Yoksam-Dong  
Kangnam-Gu, Seoul  
Korea 135-08

**VI. FOOD - RULES AND REGULATIONS FOR SOUTH  
KOREA AVAILABLE AT MATRADE BUSINESS  
LIBRARY**

<u>TITLE</u>	<u>CALL NO.</u>
<b><u>KOREA</u></b>	
<u>Export of tropical fruits to South Korea.</u> [s.l] : [s.n], [1999] [n.p]	INFO FILE (SOUTH KOREA)
<u>Exporters encyclopaedia 2000/2001.</u> [s.n] : Dun & Bradstreet, 2000 [v.p].	1 382.603 EXP
<u>HS 2000 : equivalent to tariff schedule of Korea.</u> [Seoul] : [s.n], 2000 1835 p	T 382.7 HST (KORS)
<u>Inspection guidelines for imported food,etc: 1999</u> Seoul: Korea Food and Drug Administration 1999 72 p.	KORS 641.3 INS
<u>Seminar on South Korea : labelling, packaging and import regulation for processed food products.</u> (11 April 2000: Istana Hotel, Kuala Lumpur)	S 658.564 SEM

**KFDA IMPORT PROCEDURES**

