

Bilindiđi üzere, tarımsal ürünlerin Güney Kore'ye girişinde anılan ülke tarafından pestisit kalıntı limitleri (Maximum Residue Limit - MRL) üzerinden değerlendirme yapılmakta ve limitlerin üzerinde değerlere sahip olan ürünlerin ülkeye girişine izin verilmemektedir. Ülkeye girişı söz konusu üründe herhangi bir kayıtlı limit yok ise, sırasıyla Kodeks Standardına, benzer tarımsal ürünlerdeki en düşük MRL'ye ve en son olarak kalıntı bulunanlar arasındaki en düşük MRL değerine bakılmaktadır.

Pestisit kalıntı limitlerine ilişkin olarak Seul Ticaret Müşavirliğimizden alınan ve bir örneđi ekte gönderilen ilgi'de kayıtlı yazı ve ekinde; Güney Kore Gıda ve İlaç Güvenliđi Bakanlığı (MFDS)'nin kimyasal maddelere karşı kontrolü güçlendirmek amacıyla yeni bir MRL düzenlemesine gitme kararı aldığı, söz konusu düzenleme marifetiyle adı geçen Bakanlıkça "Positive List System (PLS)" adlı bir sistemin hayata geçirileceđi, bahse konu sisteme göre kimyasal maddeler için kalıntı değerlerinde bir takım şartlar aranacağı, 4 Şubat 2016 tarihinde yürürlüđe girecek olan "İthalat Edilecek Ürünlerin Güvenliđinin İdaresi" adlı yeni yasa ile tarımsal ürünlerin ithalatında bir dizi deđişiklikler yapılacağı, söz konusu yasaya göre, ithalat öncesinde bir internet sitesi üzerinden yabancı firma kaydı yapılması gibi bir takım şartların aranacağı belirtilmektedir.

Öte taraftan, firmaların kayıt olacakları sistem faal hale geldiğinde, bahse konu sisteme ilişkin bilgiler Seul Ticaret Müşavirliğimizce Güney Kore tarafından temin edilerek firmalarımıza duyurulması sağlanacaktır.

Ayrıca, Güney Kore'de kalıntı ve veterinerlik ilaçları uygulamalarına ilişkin detaylı bilgilere <http://www.foodnara.go.kr/residue/main.do> adresinden ulaşılabilmektedir.

T.C.
SEUL BÜYÜKELÇİLİĞİ
Ticaret Müşavirliği

Sayı : 87885524 - 724.01.01 KR - 12

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Konu : Güney Kore'nin Yeni Düzenlemeleri

EKONOMİ BAKANLIĞINA
(İhracat Genel Müdürlüğü)

Malumları olduğu üzere, tarımsal ürünlerin Güney Kore'ye ithalatında Pestisit Kalıntı Limitleri (Maximum Residue Limit - MRL) üzerinden değerlendirme yapılmakta ve limitlerin üzerinde değerlere sahip olan ürünlerin ülkeye girişine izin verilmemektedir.

Ülkeye girişi söz konusu üründe herhangi bir kayıtlı limit yok ise, sırasıyla Codex Standartına, benzer tarımsal ürünlerdeki en düşük MRL'ye ve en son olarak kalıntı bulunanlar arasındaki en düşük MRL değerine bakılmaktadır.

Diğer taraftan, Güney Kore Gıda ve İlaç Güvenliği Bakanlığı (MFDS) kimyasal maddelere karşı kontrolü güçlendirmek amacıyla yeni bir MRL düzenlemesine gitme kararı almıştır. Söz konusu düzenleme ile, adı geçen Bakanlıkça Positive List System (PLS) adlı bir sistem hayat geçirilecektir.

Bahsekonu sisteme göre, PLS olarak tanımlanan kayıta mevcut veya yurt dışında kullanılmaya uygun görülerek onay alınmış kimyasal maddeler (Import Tolerance) dışındaki tüm kimyasal maddeler için kalıntı değerlerinin 0.01mg/kg'dan az olması şartı aranacaktır.

Zirai kalıntılar için uygulama ilk olarak kabuklu yemiş ve tropikal meyvelerde 31 Aralık 2016 tarihinde başlayacak ve uygulama tüm ürünler için 2018 yılının Aralık ayında hayata geçirilecektir.

Bahsekonu uygulama canlı hayvan ve hayvansal ürünlerdeki veterinerlik ilaçlarına ilişkin olarak 2018 yılı Ocak ayından itibaren uygulamaya koyulacaktır.

Diğer taraftan, 4 Şubat 2016 tarihinde yürürlüğe girecek olan ve bir örneği ilişikte sunulan "İthalat Edilecek Ürünlerin Güvenliğinin İdaresi" adlı yeni yasa ile tarımsal ürünlerin ithalatında bir dizi değişiklik yapılacaktır.

Bahsekonu yasaya göre, ithalat öncesinde bir web sitesi üzerinden yabancı firma kaydı yapılması şartı aranacaktır. Söz konusu kayıt işlemi, ithalatçı ya da ihracatçı tarafından bir kereye mahsus yapılacak ve yapılan kayıt 2 sene boyunca geçerli olacaktır.

Kayıt için istenecek bilgilerin firma ismi, konumu, işletme tipi ve ithal/ihraç edilecek tarımsal ürünlerinin kategorisi şeklinde olması beklenmektedir.

Yeni yasa ile ayrıca, yabancı firmalara "Good Importer" statüsü getirilmektedir. "Good Importer" statüsü için başvuruda bulunan firmalar yerinde inceleme dahil bazı testlere tabi tutulacaktır. Bu testler sonucunda "Good Importer" unvanını kazanan firmalar ithalat

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sirasında bazı kontrollerden muaf tutulacak ve bu firmalar için ithalat süreçleri kısılacaktır. "Good Importer" listesi 3 yılda bir yenilenecektir.

Firmaların kayıt olacakları sistem faal hale geldiğinde, bahsekonu sisteme ilişkin bilgiler Müşavirliğimizce Güney Kore tarafından temin edilerek Genel Müdürlüklerine iletilecektir.

Diğer taraftan, Güney Kore'de kalıntı ve veterinerlik ilaçları uygulamalarına ilişkin detaylı bilgilere <http://www.foodnara.go.kr/residue/main.do> web sitesinden ulaşılabilir.

Bilgileri ve keyfiyetin ihracatçı firmalarımıza duyurulması hususunda gereğini müsaadelerine arz ederim.

Special Act on Imported Food Safety Management (Final)

Chapter 1

General Principles

Article 1 (Purpose)

The purpose of this Act is to contribute to the establishment of sound transaction order and enhanced public health through guaranteeing safety in imported food, promoting quality, and providing correct information.

Article 2 (Definition)

The definition of terms used in this Act shall be as follows:

1. “Imported foods, etc.” shall refer to food imported from abroad into the domestic market, and shall refer to food, food additives, apparatus, container and packaging in accordance with Article 2 of the ‘Food Sanitation Act’ (hereinafter referred to as “foods”), health function food in accordance with Article 3 of the ‘Health Function Food Act’ (hereinafter referred to as “health functional food”), and livestock pursuant to Article 2 of the ‘Livestock Sanitation Control Act’ (hereinafter referred to as “livestock products”).
2. “Tracking and management of distribution record of imported food, etc.” refers to the recording and management of information at each stage from import to sales of the imported food, etc., so that in case a safety related problem occurs, the relevant imported food, etc. may be tracked and the source of the problem identified in order to take necessary actions.
3. “Foreign manufacturing business” refers to the facilities (including ships for producing and processing fishery products) located in foreign countries for production, manufacture, processing, treatment, packaging, storing, etc. of the imported food, etc. (excluding livestock products)
4. “Foreign plant” refers to the workplace located in foreign countries for butchery, milk

collection, manufacture, processing, and storing, etc. of livestock to be exported from a foreign country to the domestic market.

5. "Business operator" refers to an operator who makes business registration in accordance with Article 15, Paragraph 1.
6. "On-site inspection" refers to having access to and inspecting foreign manufacturing business or foreign plants.

Article 3 (Responsibility)

(1) The government and local autonomies shall have the responsibility to establish policy and standards for management of imported food, etc. and to instruct and manage business operators so that the public may be provided with safe and good quality imported food, etc.

(2) The business operator shall import safe and good quality imported food, etc. as determined by related legislations, and shall always verify and inspect whether the treated imported food, etc. are hazardous or not.

Article 4 (Relationship with other laws)

(1) This Act shall be applied first pertinent to imported foods.

(2) With regard to matters for which no special regulations are stipulated in this Act with respect to imported food, etc., the rules provided in the "Food Sanitation Act", "Health Functional Food Act", "Livestock Sanitation Control Act", and "Act on Testing/Inspection of Food and Pharmaceutical Products" shall be applied.

Chapter 2 Pre-Import Management

Article 5 (Registration of foreign manufacturing business, etc.)

(1) Person intending to import imported food, etc. into the domestic market, or person establishing/operating foreign manufacturing business (hereinafter referred to as "importers"), shall

pre-register matters designated by the Prime Ministerial Decree such as the name, location, production items, etc. of the relevant foreign manufacturing business to the Minister of Food and Drug Safety seven days prior to making import declaration pursuant to Article 20.

(2) If there are changes to information registered pursuant to paragraph (1) above, such changes shall be registered to the Minister of Food & Drug Safety.

(3) The Minister of Food and Drug Safety may request for additional provision of information to the importer, if necessary for additional verification to the registered information pursuant to paragraph (1) and (2).

(4) The Minister of Food and Drug Safety may revoke registration if it is acknowledged that registration of the foreign manufacturing business pursuant to paragraph (1) or a change of registration pursuant to paragraph (2) has been made in a fraudulent or other illegal method.

(5) The Minister of Food and Drug Safety may reject import declaration when the importer falls under any of the following subparagraphs;

1. Anyone who does not make registration pursuant to paragraph (1) or (2) or makes registration in a fraudulent or illegal manner;
2. Anyone who does not provide additional information pursuant to paragraph (3) or provides additional information in a fraudulent or illegal manner

(6) The period of validity of the foreign manufacturing business that has been registered pursuant to paragraph (1) shall be two years from the date of registration.

(7) Matters regarding registration procedures and methods pursuant to paragraph (1) and (2) shall be determined by the Prime Ministerial Decree.

Article 6 (On-site inspection of foreign manufacturing business, etc.)

(1) When the manufacturing business falls under any of the following subparagraphs, the Minister of Food and Drug Safety may have access to and inspect the foreign manufacturing business, after prior consultation with the exporting country government or foreign manufacturing business.

1. When the Minister of Food and Drug Safety acknowledges it is necessary to conduct on-site

inspection for preventing hazard from the imported food, etc.;

2. When the Minister of Food and Drug Safety acknowledges it is necessary to verify facts on safety information regarding the imported food, etc. collected from both foreign and domestic sources.

(2) When the business rejects on-site inspection pursuant to paragraph (1) or there is a risk of hazard from the imported food, etc., identified as a result of on-site inspection, the Minister of Food and Drug Safety may take measures to suspend imports on food imported from a given foreign manufacturing business.

(3) When the exporting government, the foreign manufacturing business or business that imports the imported food, etc. that has been suspended of imports pursuant to paragraph (2) has found the cause of risk and has presented the improved matters, or the imported food, etc. can be acknowledged as containing no hazardous risk, the suspension of imports pursuant to paragraph (2) may be lifted. In such a case, on-site inspection may be conducted when necessary for verification of the improved matters.

(4) Detailed matters related to import suspension measures pursuant to paragraph (2) and to measures for lifting the import suspension pursuant to paragraph (3) shall be determined by the Prime Ministerial Decree.

Article 7 (Registration of outstanding import business, etc.)

(1) For guaranteeing the safety of the pertaining imported food, etc., person(s) intending to declare imports pursuant to Article 20 may inspect the sanitation management conditions of the exporting country's manufacturing business in accordance with the standards determined by the Minister of Food and Drug Safety.

(2) Person(s) inspecting the sanitation management condition pursuant to paragraph (1) may make registration as an outstanding import business to the Minister of Food and Drug Safety.

(3) Person(s) intending to register its business as an outstanding import business pursuant to paragraph (2) shall make an application to the Minister of Food and Drug Safety in accordance with the rules determined by the Prime Ministerial Decree. The same shall apply when changing significant

matters that are determined by the Prime Ministerial Decree among the registered matters.

(4) In order to verify whether the applicant for registration as an outstanding import business pursuant to paragraph (3) or the registered outstanding import business complies to the standards determined by the Minister of Food and Drug Safety, the Minister of Food and Drug Safety may conduct on-site inspection on the foreign manufacturing business.

(5) The period of validity regarding the outstanding import business registered pursuant to paragraph (1) shall be three years from the date of registration.

(6) When the outstanding import business falls under any of the following subparagraphs, the Minister of Food and Drug Safety may order revocation of the registration or correction thereof. However, if the outstanding import business falls under subparagraph 1, its registration shall be revoked.

1. When registration has been made in a fraudulent manner of other illegal methods;

2. When the business is subject to administrative disposition of business suspension for two months or longer pursuant to Article 29;

3. Other cases that fall under subparagraphs 1 or 2 that have not complied with the rules determined by the Prime Ministerial Decree.

(7) A business that has been revoked of its registration pursuant to paragraph (6) shall not be allowed to apply for registration as an outstanding import business for three years from the date of cancellation.

(8) Detailed matters regarding the outstanding import business subject to registration, procedures and methods for registration and changes, etc. shall be determined by the Prime Ministerial Decree.

Article 8 (Registration as foreign outstanding manufacturing business, etc.)

(1) The foreign manufacturing business may apply for registration as a foreign outstanding manufacturing business to the Minister of Food and Drug Safety, when in compliance with the registration standards as a foreign outstanding manufacturing business as determined by the Minister of Food and Drug Safety.

(2) Anyone who wishes to register as a foreign outstanding manufacturing business shall apply to the Minister of Food & Drug Safety pursuant to matters that are determined by the Prime Ministerial

Decree. The same shall apply to changing important information determined by the Prime Ministerial Decree among those provided for registration.

(3) In order to verify whether the manufacturing business which applied for registration as a foreign outstanding manufacturing business or a registered foreign manufacturing business pursuant to paragraph (2) has complied with the standards that are determined by the Minister of Food and Drug Safety, the Minister of Food and Drug Safety may conduct on-site inspection on the relevant manufacturing business.

(4) The period of validity regarding the foreign outstanding manufacturing business registered pursuant to paragraph (1) shall be three years from the date of registration.

(5) When the business registered as a foreign outstanding manufacturing business falls under any of the following subparagraphs, the Minister of Food and Drug Safety may take necessary measures, such as revocation of registration or order of correction, etc.. However, in cases that fall under subparagraphs 1, the registration shall be revoked.:

1. When registration has been made in a fraudulent or other illegal method;
2. Other cases that pertain to subparagraphs 1, and not in compliance with the rules determined by the Prime Ministerial Decree.

(6) A business that has been revoked of its registration pursuant to paragraph (5) shall not be allowed to apply for registration as a foreign outstanding manufacturing business for three years from the date of cancellation.

(7) Detailed matters regarding the foreign outstanding manufacturing business subject to registration, the procedures and methods for registration and changes shall be determined by the Prime Ministerial Decree.

Article 9 (Entrustment of foreign inspection, etc.)

(1) When deemed necessary for the efficient implementation of foreign inspection pursuant to Articles 6 through 8 and sanitation assessment, etc. pursuant to Article 18 (2), the inspection work may be entrusted to a designated foreign food sanitation assessment agency which is designated in accordance

with Article 10.

(2) When conducting foreign inspection by entrustment pursuant to paragraph (1), the foreign food sanitation assessment agency shall report inspection results to the Minister of Food & Drug Safety and submit related documents.

(3) Detailed matters related to the timing and method, documents for submission, etc. with respect to reporting the foreign inspection shall be determined by the Prime Ministerial Decree.

Article 10 (Designation of foreign food sanitation assessment agency, etc.)

(1) In order to efficiently conduct foreign inspection, etc. pursuant to Articles 9, the Minister of Food and Drug Safety may designate an agency that can carry out professional assessment.

(2) The period of validity regarding designation as an agency that is designated pursuant to paragraph (1) (hereinafter referred to as “foreign food sanitation assessment agency”) shall be three years from the date of designation.

(3) The period of validity pursuant to paragraph (2) may be extended only once within a scope of not more than one year, in accordance with the rules determined by the Prime Ministerial Decree.

(4) When a foreign food sanitation assessment agency for which the validity shall expire pursuant to paragraphs (2) and (3) complies with the requirements in Article 8, the agency may be re-designated in accordance with paragraph (1).

(5) When the Minister of Food and Drug Safety considers it necessary to guarantee the propriety and credibility of assessment by the foreign food sanitation assessment agency, it may require the person conducting the assessment or other related person(s) to make the necessary reporting, or make relevant government officers obtain access to the foreign food sanitation assessment agency or other similar sites to examine the employee(s) and relevant documents, or to have access to relevant account books or documents, etc. when deemed necessary.

(6) When the designated foreign food sanitation assessment agency falls under any of the following subparagraphs, the Minister of Food and Drug Safety may revoke the designation in accordance with the rules determined by the Prime Ministerial Decree, or order the suspension of business during a

period of not more than six months or take necessary measures such as an order of correction. However, in cases that fall under subparagraphs 1 through 3, the designation shall be revoked.

1. When designation has been made in a fraudulent manner or other illegal method;
2. When fraudulent documents related to assessment has been made by intention or gross negligence;
3. When the disposition period has been violated;
4. When regulations related to the work of foreign food sanitation assessment agency as determined by the Minister of Food and Drug Safety has been violated;
5. When access for on-site examination and the reading and reporting, etc. of related documents, etc. pursuant to paragraph (5), has been rejected, obstructed or avoided.

(7) A foreign food sanitation assessment agency that has been revoked of its designation pursuant to paragraph (6) shall not be allowed to apply for designation determined by paragraph (1) for two years from the date of cancellation.

(8) Detailed matters, such as the criteria and the procedures for designation of the foreign food sanitation assessment agency, etc. shall be determined by the Prime Ministerial Decree.

Article 11 (Import sanitation assessment of livestock, etc.)

(1) The Minister of Food and Drug Safety may conduct assessment on the exporting country's livestock sanitation management conditions per type of livestock as defined by Article 2 (2) of the Livestock Sanitation Control Act (hereinafter referred to as "import sanitation assessment") when it is necessary to conduct an import sanitation assessment such as when the exporting country's government requests an import permit for livestock, or when it is determined by the Prime Ministerial Decree such as a case where re-assessment on sanitary management of the exporting country is necessary due to changes in international standards set by CODEX, etc. However, with respect to imported livestock that pertain to designated quarantine items pursuant to Article 31 of the Act on Prevention of Contagious Animal Disease, if the Minister of Agriculture, Food and Rural Affairs determines it may allow imports due to no danger of animal diseases, import sanitation assessment on the relevant imported livestock product shall be conducted in accordance with Article 32 (5) of the

same Act.

(2) When the results of the import sanitation assessment pursuant to paragraph (1) allows the import of the livestock products, the Minister of Food and Drug Safety may make public notification of the sanitation requirements for importing livestock products per exporting country or livestock product.

(3) Person intending to import livestock shall import livestock products from a country or region from which imports are allowed through import sanitation requirements determined by the Minister of Food and Drug Safety. However, as for livestock products that pertain to designated quarantine items pursuant to Article 31 of the Act on Prevention of Contagious Animal Disease, it is limited to the countries or regions from which the Minister of Agriculture, Food and Rural Affairs has permitted imports.

(4) For the purpose of inspection and verification of compliance, etc. with the sanitation requirements for importing livestock products that are publicly notified pursuant to paragraph (2), on-site inspection of the foreign plants may be conducted.

(5) Anyone who submits the import application of livestock products shall attach an export sanitation certification, which is issued on the form, etc. that the exporting government have consulted with Minister of Food and Drug.

(6) The procedures and methods necessary for paragraphs (1) through (5) shall be determined by the Prime Ministerial Decree.

Article 12 (Registration, etc. of foreign plant)

(1) Person(s) who establish and operate foreign plants shall apply for registration to the Minister of Food and Drug Safety through the exporting government, prior to import declarations for livestock products pursuant to Article 20. The same shall apply to changing information registered.

(2) The Minister of Food and Drug Safety may conduct on-site inspection of registered foreign plants for inspection and verification with regard to the registration pursuant to paragraph (1).

(3) Detailed procedures and methods, etc. with regard to the registration pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree.

Article 13 (Revocation, etc. of registration of foreign plants)

(1) When the foreign plant that is registered pursuant to Article 12 falls under any of the following subparagraphs, the Minister of Food and Drug Safety shall request correction to the exporting country government, and may take necessary measures, such as suspension of livestock imports or revocation of registration of the foreign workplace, etc. However, in cases that fall under subparagraph 1, the registration shall be revoked. :

1. When registration has been made in a fraudulent or other illegal method;
2. When changes to matters registered pursuant to the latter part of Article 12, paragraph 1 have not been registered or changes have been registered in a fraudulent manner;
3. When on-site inspection pursuant to Article 12 paragraph has been refused or when it is deemed to be inappropriate after on-site inspection;
4. When deemed to have significantly violated import sanitation requirements such as a violation of residue standards of banned drugs, etc. determined and notified by the Minister of Food & Drug Safety;
5. When the livestock product produced in the foreign plants has been identified to be hazardous or when it is recognized by the Minister of Food & Drug Safety that there is a hazardous risk;
6. Other cases where the deliberation results of the Livestock Sanitation Deliberation Committee pursuant to Article 3(2) of the Livestock Sanitation Control Act consider it necessary to take measures.

(2) With regard to the foreign plants for which import has been suspended or registration has been revoked pursuant to paragraph (1), when the exporting country government or a person who establishes or operates foreign plants has conducted inspection on the cause of risk and implement the correction measures and preventive measures and the exporting government submits correction results, the Minister of Food and Drug Safety reviews them and if it is appropriate the Minister of Food & Drug Safety may lift the suspension of imports or re-register foreign plants. In such a case, on-site inspection of foreign plants may be conducted if deemed necessary.

(3) Detailed procedures and methods, etc. with regard to the suspension of livestock imports or

revocation of the registration of foreign plants pursuant to paragraph (1), and the lift of the suspension of imports or the re-registration of the foreign plants pursuant to paragraph (2) shall be determined by the Prime Ministerial Decree.

Chapter 3

Import Business Management

Article 14 (Type of business and facility standards)

(1) Person(s) intending to operate a business that fall under each of the following subparagraphs shall be equipped with facilities that meet the facility standards as determined by the Prime Ministerial Decree:

1. Import and sales business of imported food, etc. (it refers to business that imports and sells imported food, etc.);
2. Declaration agency business for imported food, etc.;
3. Internet purchase agent business for imported food, etc.;
4. Storage business for imported food, etc.

(2) Scope of business pursuant to each subparagraph of paragraph (1) shall be determined by the Presidential Decree.

Article 15 (Registration of business, etc.)

(1) Person(s) intending to do business pursuant to each subparagraph in Article 14, paragraph (1) shall make a business registration to the Minister of Food and Drug Safety. The same shall apply to changing important information determined by the Presidential Decree among those provided for registration.

(2) The Minister of Food and Drug Safety may attach necessary conditions when making a business registration pursuant to paragraph (1).

(3) When a person that has made a business registration pursuant to paragraph (1) has closed business

or made changes to minor matters, except for important matters contained in the latter part of the same paragraph among the information provided for registration, he/she has to report it to the Minister of Food and Drug Safety.

(4) When a business operator has declared the closure of business to the head of the competent tax office pursuant to Article 8, paragraph (6) of the Value Added Tax Act, or the head of the competent tax office has cancelled the business registration, the Minister of Food and Drug Safety may use its authority to cancel the registration, and if necessary, the Minister of Food and Drug Safety may request information on business closure to the head of the competent tax office. In such cases, the head of the competent tax office shall provide information on business closure pursuant to Article 39 of the "Electronic Government Act."

(5) Person(s) intending to close business pursuant to paragraph (3) may not declare business closure during the administrative disposition period such as suspension of business pursuant to Article 29, paragraph (1).

(6) Notwithstanding paragraph (1), when a business operator, which has received a permit, registered or made a declaration in accordance with the "Food Sanitation Act", "Health Functional Food Act", and "Livestock Sanitation Control Act", imports imported food, etc. to use as raw material for producing products of its own business, it shall be considered as having made registration in accordance with paragraph (1).

(7) Person(s) falling under any of the following subparagraphs shall not make a business registration:

1. When the relevant business facilities do not comply with the facility standards pursuant to Article 14, paragraph (1);

2. When a business intends to operate a business of the same kind and in the same location before six months has passed after revocation of business registration pursuant to Article 29, paragraph (1). However, this shall not apply to cases where business registration has been revoked through removal of the business facility in whole;

3. When the same person (including the representative of a legal entity) intends to do the same business as with the revoked business before five years have passed after the business registration has

been revoked for violating Articles 4 through 6 and Article 8 of the Food Sanitation Act, Article 23 of Health Function Food Act, Article 33, paragraph of the Livestock Sanitation Control Act;

4. When the same person (including the representative of a legal entity) intends to operate the same type of business as with the revoked business before two years have passed after revocation of the business registration pursuant to Article 29, paragraph (1). However, cases of paragraph (3) are excluded.

5. When the person intending to register its business is an incompetent person or has not been reinstated of his/her right after declaration of bankruptcy.

(8) Detailed matters related to the procedures and method of business registration and change in registration pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree.

Article 16(Succession of business)

(1) When the business operator has transferred the business or has deceased, or has been merged by a legal entity, the transferee, inheritor, or legal entity that exists after the merge, or the newly established legal entity as a consequence of the merge shall succeed the status of the business operator.

(2) The transferee of the entire business facility, which has been transferred in accordance with the procedures that fall under the following subparagraphs, shall succeed the status of the business operator. In such a case, the business registration of the previous business operator shall lose its effect.

1. Auction pursuant to the Civil Execution Act;

2. Conversion into money pursuant to the Debtor Revival and Bankruptcy Act;

3. Disposal of seized property pursuant to the National Tax Collection Act, Customs Act, and the Local Tax Act;

4. Other procedures that conform to the procedures in subparagraphs 1 through 3.

(3) The person who has succeeded the status of the business operator pursuant to paragraph (1) or (2) shall report the fact to the Minister of Food and Drug Safety within one month from the date of succession in accordance with the rules determined by the Prime Ministerial Decree.

(4) Article 15, paragraph (7) shall apply to the matters with regard to succession pursuant to paragraphs (1) and (2). However, when the successor pertains to Article 15, paragraph (7), 5, this provision shall not apply for a period of three months from the date of succession.

(5) The Minister of Food & Drug Safety may limit succession to person (s) who has been sentenced pursuant to Article 2 or 10 of the “Act on Special Measures for the Control of Public Health Crime before five years have passed after execution of such sentence.

Article 17 (Sanitary education)

(1) Person(s) intending to operate a business pursuant to the subparagraphs in Article 17 (1) shall, in advance, receive education related to safety management, etc. of imported food, etc. in accordance with the rules determined by the Prime Ministerial Decree. However, when not available for receiving education in advance due to compelling circumstances, the operator may receive education after beginning the business in accordance with the rules determined by the Minister of Food and Drug Safety.

(2) The business operator shall receive education on sanitary management of imported food for a certain period of time every year. However, when there are compelling reasons that are determined by the Prime Ministerial Decree, a responsible employee in charge of management who is designated among employees may receive the education instead of the business operator.

(3) Matters necessary for education, including education agency, contents, time, and expense, etc. pursuant to paragraphs (1) and (2) shall be determined by the Prime Ministerial Decree.

Article 18 (Terms of compliance for the business operator)

(1) For the purpose of safety guarantee, sound transaction order, and enhanced public health, the business operator shall comply with the matters determined by the Prime Ministerial Decree.

(2) The business operator that imports or sells imported food, etc. by entrusting the manufacture and processing to the exporting country through the original equipment manufacturing (OEM) method (hereinafter referred to as “OEM imported food, etc.”) shall comply with the matters in the following

subparagraphs:

1. The foreign food sanitation assessment agency shall conduct on-site sanitation assessment with respect to the business that manufactures and processes OEM imported food, etc. in accordance with the standards on sanitation assessment as determined by the Minister of Food and Drug Safety;
2. With regard to the OEM imported food, etc., inspection pursuant to Article 31 of the Food Sanitation Act shall be conducted, and the record thereof shall be stored for two years.

Article 19 (Divided management of business operator)

(1) For the purpose of controlling the safety and quality of imported food, etc., the Minister of Food and Drug Safety may divide business operators and manage them in a discriminatory manner in accordance with the inspection results, record of violation, and food safety information from in and abroad.

(2) Detailed matters with regard to the divided management of business operators pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree.

Chapter 4

Management during clearance process

Article 20 (Import declaration, etc.)

(1) Business person(s) intending to import imported food, etc. for the purpose of sales or use for business (including business serving as an agent for import declaration) shall declare the import of the relevant imported food, etc. to the Minister of Food and Drug Safety in accordance with the rules determined by the Prime Ministerial Decree.

(2) Person(s) intending to declare imports pursuant to paragraph (1) or person having made an import declaration shall be responsible for the safety and quality of the imported food, etc., and shall not engage in any acts that fall under any of the following subparagraphs:

1. Import declaration in a fraudulent manner or other illegal methods;
2. Use or sales of imported food, etc. for other purposes than what has been declared pursuant to paragraph (1). However, this provision shall not apply to the case where a person who has made a business registration for food manufacture and processing or food additive manufacturing or a person who had made a declaration for container/packaging manufacturing business pursuant to Article 37 of the Food Sanitation Act or for which the person who has received a business permit for livestock processing or meat packaging business pursuant to Article 22 of the Livestock Sanitation Control Act, has obtained a permit for changing its usage in accordance with the rules determined by the Prime Ministerial Decree after having declared the import of imported food, etc. as ingredients for manufacturing its products;
3. Re-importing of the imported food, etc. which has been returned to the exporting country or exported to another country after being deemed to be unsafe as a consequence of inspection results pursuant to Article 21, paragraph (1);
4. Violation of the conditions for import declaration pursuant to the latter part of Article 21, paragraph (1);
5. Declaring import of imported food, etc. that do not comply with the standards and specifications pursuant to Article 7 of the Food Sanitation Act, Article 14 of the Health Functional Food Act, and Article 4 of the Livestock Sanitation Control Act.

(3) The Minister of Food and Drug Safety may attach necessary conditions when receiving an import declaration pursuant to paragraph (1).

(4) When declaring OEM imported food, etc. in accordance with paragraph (1), the relevant person shall report the reason for setting the shelf life to the Minister of Food and Drug Safety in accordance with the standards that are determined and notified by the Minister of Food and Drug Safety. The same shall apply when changing important matters determined by the Prime Ministerial Decree among the reported matters.

Article 21 (Import inspection, etc.)

(1) The Minister of Food and Drug Safety shall order the relevant government officers, or inspector (hereinafter referred to as “relevant officers, etc.”) or inspection agency pursuant to Article 13 of the Livestock Sanitation Control Act, to conduct necessary inspection prior to the termination of customs procedures with regard to the imported food, etc. that has been made an import declaration pursuant to Article 20. In such a case, the declaration may be accepted after attaching conditions, such as prohibition of use or sales before verification of inspection results or corrections in response to violation matters.

(2) When conducting the inspection pursuant to paragraph (1), the Minister of Food and Drug Safety may inspect the imported food, etc. in a divided and discriminatory manner according to the inspection record of imported food, etc., and food safety information from both domestic and foreign sources.

(3) Notwithstanding paragraph (1), when the declared imported food, etc. falls under any of the following subparagraphs, the Minister of Food and Drug Safety may skip the inspection of the imported food, etc. in whole or in part:

1. Imported food, etc. imported by a person registered as an outstanding import business pursuant to Article 7;
2. Imported food, etc. that is exported by an exporting business that is registered as a foreign outstanding manufacturing business pursuant to Article 8;
3. When the business operator has received inspection of the relevant imported food, etc. at the inspection agency as determined by the Act on Testing and Inspection of Food and Pharmaceutical Products and submits the inspection report or inspection certificate, etc.;
4. Imported food, etc. that is acknowledged as having no safety problem by the Minister of Food and Drug Safety as having no violation records as results of laboratory test, etc..

(4) In order to create an environment for importing safe and good quality imported food, etc., the Minister of Food and Drug Safety may make public the inspection results, and the list of outstanding importers.

(5) Necessary matters related to the type of inspection, object, method and procedures, inspection

items, and conditions pursuant to paragraph (1), divided inspection of imported food, etc. pursuant to paragraph (2), and the publication of inspection results and the list of outstanding importers, etc. pursuant to paragraph (4) shall be determined by the Prime Ministerial Decree.

Article 22 (Inspection order)

(1) The Minister of Food and Drug Safety may order the business operator to receive inspection from an inspection agency as determined by the Act on Testing and Inspection of Food and Pharmaceutical Products, if they fall under any of the following subparagraphs. However, when the Minister of Food and Drug Safety acknowledges that it is not possible to verify the hazardous component through inspection, related documents, etc. may replace the inspection order.

1. Imported food, etc. of which hazardous material as determined by the Minister of Food and Drug Safety has been detected in domestic and foreign markets;
2. Imported food, etc. for which non-compliance results are continuously produced as a result of import inspection pursuant to Article 21, or access/inspection/collection pursuant to Article 25;
3. Other imported food, etc. for which risk of hazard has been raised in domestic and foreign markets.

(2) Detailed matters regarding the scope of imported food, etc. that is subject to an inspection order and documents for submission, etc. pursuant to paragraph (1) shall be determined and publicly notified by the Minister of Food and Drug Safety.

Chapter 5

Management during distribution process

Article 23 (Tracking and management of the imported food, etc. distribution record)

(1) When a problem related to imported food, etc. (excluding imported beef pursuant to the “Act on Traceability Management of Animal and Livestock Products”, hereinafter the same) occurs, the Minister of Food and Drug Safety may, if deemed necessary, determine the imported food, etc. subject to tracking and management of distribution record and have the business operator make a registration

of tracking and management of distribution record, in order to track the relevant imported food, etc., identify the cause, and take necessary measures. However, the business operator determined by the Prime Ministerial Decree such as the business operator who imports infant/baby food and the business operator who imports health functional food with a certain sales value shall make a registration to the Minister of Food & Drug Safety.

(2) Procedures and methods for tracking and managing imported food, etc. that are subject to the tracking and management of distribution record pursuant to paragraph (1), distribution record, and other necessary matters shall be determined by the Prime Ministerial Decree.

Article 24 (Establishment and implementation of distribution management plan, etc.)

(1) In order to verify the safety and quality of imported food, etc. that are being distributed, the Minister of Food and Drug Safety shall establish and implement a distribution management plan every year.

(2) Matters necessary for the establishment and implementation of the distribution management plan pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree.

Article 25 (Access, inspection, collection, etc.)

(1) When necessary for preventing hazard, sanitation control, and maintenance of business order regarding imported food, etc., the Minister of Food and Drug Safety (including heads of organizations appointed by the Presidential Decree, hereinafter the same) may take measures in the following subparagraphs:

1. Request for submission of documents necessary for the business operator or other related persons, or other documents;
2. Measures including access, inspection, collection, etc. that fall under each of the following items that are conducted by relevant government officers:
 - a. Inspection on imported food, etc. or business facilities, etc. for the purpose of sales through access to the business workplace (including office, warehouse, storage place, sales site, or other similar

location) or for use in business;

b. Free-of-charge collection of the minimum imported food, etc. that is necessary for inspection pursuant to item a;

c. Reading of account books or documents related to business operation.

(2) When necessary for the efficient prevention of hazardous risks related to sanitation that occur due to imported food, etc. during the process of conducting business related to access, inspection, collection, etc. pursuant to paragraph (1), the Minister of Food and Drug Safety may request for administrative support from the head of related administrative agencies, other heads of city or province, or mayor, governor, head of ward. In such a case, the head of the related administrative agency, heads of city or province, or mayor, governor, head of ward that has been requested to provide administrative support shall comply with the request when there is no special reason not to.

(3) Pursuant to paragraphs (1) and (2), the government officer planning to gain access, inspect, collect or read documents shall be equipped with a certificate verifying its authority, and show the certificate to the related authorities.

(4) Matters related to the procedures for administrative support, method for paying expenses, and other necessary matters shall be determined by the Presidential Decree.

Article 26 (Education order, etc.)

(1) The Minister of Food and Drug Safety may order the business operator that falls under any of the following subparagraphs to receive education related to the safety and quality control of imported food, etc.:

1. Business operator which has imported imported food, etc. which is non-compliant, identified as a result of inspection pursuant to Article 21;
2. Business operator which has been subject to the disposition of business suspension pursuant to Article 29 as a result of access, inspection, and collection, etc. pursuant to Article 25;
3. Other business operators which import imported food, etc. that have been designated by the Minister of Food and Drug Safety as having hazardous risk to human body.

(2) When the person subject to education pursuant to paragraph (1) does not directly work in the business or operates the business in more than two locations, the responsible person for imported food sanitation may be designated among the employees and made subject to education instead of the business operator.

(3) Matters necessary for detailed procedures of the education order, education institution, and education method and contents, etc. pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree.

Chapter 6

Correction Order and Revocation of Registration, and other Administrative Restrictions

Article 27 (Correction order)

The Minister of Food and Drug Safety shall order necessary correction to the business operator that has not complied with this Act for the purpose of safety control of imported food, etc.

Article 28 (Order to improve facilities, etc.)

(1) When a business facility does not meet the facility standards pursuant to Article 14, the Minister of Food and Drug Safety may order the improvement of facilities to the business operator within a determined period of time.

(2) When the owner of a building and business operator, etc. are different, the owner of the building shall actively cooperate to the improvement of facilities by the business operator, etc. which has been ordered to improve facilities pursuant to paragraph (1).

Article 29 (Revocation of registration, etc.)

(1) If a business operator falls under any of the following subparagraphs, the Minister of Food and Drug Safety may revoke the business registration or order the business suspension within a period of less than six months in accordance with the rules determined by the Presidential Decree:

1. Violation of Article 14;
 2. Violation of the latter part of Article 15, paragraph (1) and Article 15, paragraph (3);
 3. Fall under Article 15, paragraph (7), 5;
 4. Violation of Article 18, paragraph (1);
 5. Violation of Article 20, paragraph (1), (2) or (4);
 6. Violation of Article 23, paragraph (1);
 7. Failure of a registration for tracking and management of distribution record pursuant to Article 23, paragraph (1);
 8. Violation of Articles 4 through 6, Article 7, paragraph (4), Article 8, Article 9, paragraph (4), Article 10, paragraph (2), Article 11, paragraph (2) or Article 12-2, paragraph (2), Article 13, paragraph (1), Article 17, paragraph (4) of the Food Sanitation Act;
 9. Violation of Article 18, paragraph (1), Article 23, Article 24, paragraph (1) and (2), Article 25 or Article 26 of the Health Function Food Act;
 10. Violation of Article 4, paragraph (5) and (6), Article 5, paragraph (2), Article 6, paragraph (2) and (3), Article 32, paragraph (1) and Article 33, paragraph (1) of the Livestock Sanitation Control Act.
- (2) The Minister of Food and Drug Safety may revoke the business registration of the business operator who temporarily closes its business continuously for more than six months without any justifiable reason.
- (3) The Minister of Food & Drug Safety may revoke the business registration of the business operator who continues to operate its business in violation of the business suspension order pursuant to paragraph (1).
- (4) The detailed matters for the administrative disposition pursuant to paragraph (1) shall be determined by the Prime Ministerial Decree in consideration of the type and degree of the act of violation.

Article 30 (Succession of the effect of administrative restrictions)

When a business operator has transferred a relevant business, has died, or a legal entity has been

merged, the effect of the administrative restriction on the business operator that had been imposed for violation of all the subparagraphs of Article 29, paragraph (1), and paragraph (3) of the same Article, shall be succeeded by the transferee, the heir, or the legal entity that exists after the merger, for a period of one year after the expiry of the disposition period, and when the administrative restriction procedures are on-going, the transferee, the heir, or the legal entity existing after the merger may continue the administrative restriction procedure. However, when the transferee or the legal entity existing after the merger demonstrates that he/she was not aware of the relevant disposition or violation, this regulation shall not apply.

Article 31 (Measure for closure, etc.)

(1) When a business has been operated without registration pursuant to Article 15, or a business has been continuously operated despite its revocation of registration pursuant to Article 29, the Minister of Food and Drug Safety may order the relevant government officer to take the following measures in order to close the relevant business site:

1. Removal or deletion of business indicators, such as signboard of relevant business site;
2. Attachment of notice alerting that the pertinent business site is not a legal business operation;
3. Sealing facilities in the relevant business operation and of machinery or apparatus, etc. that are used for the business operation.

(2) When there is no longer a need for continued sealing, after sealing the business site pursuant to subparagraph 3 of paragraph (1), or when the business operator or its agent promises to close the relevant business site, or requests for the lifting of the sealing based on other justifiable reasons, the Minister of Food and Drug Safety may lift the sealing. The same shall apply to the notice pursuant to subparagraph 2 of paragraph (1).

(3) In order to take the measures pursuant to paragraph (1), the Minister of Food and Drug Safety shall make prior notice in written form to the relevant business operator or its agent. However, this shall not be the case when there is an urgent reason determined by the Presidential Decree.

(4) The measures pursuant to paragraph (1) shall not exceed the minimum scope of measures that are

necessary only for blocking the relevant business operation.

(5) With respect to paragraph (1), the relevant government officer shall be equipped with an identification that demonstrates his/her authority and show it to the related person(s).

Article 32 (Hearing)

The Minister of Food and Drug Safety shall hold a hearing when intending to make a disposition that fall under any of the following subparagraphs:

1. Revocation of designation of foreign food sanitation assessment agency pursuant to Article 10, paragraph 6;
2. Revocation of business registration pursuant to Article 29, paragraph (1) through (3)

Article 33 (Disposition of fine imposition instead of the disposition of business suspension, etc.)

(1) When a business operator falls under any of the subparagraphs in Article 29, paragraph (1), the Minister of Food and Drug Safety may impose a fine that does not exceed 200 million won, which is imposed instead of the disposition of business suspension in accordance with the rules determined by the Presidential Decree. However, in the case of a matter that falls under Article 29, paragraph (1), which is in violation of Article 15 and Article 18 of the Food Sanitation Act, Article 4 through 7, Article 10, Article 12, paragraph (2), and Article 13 of the Health Functional Food Act, Article 4, paragraph (5) and (6), Article 6, paragraph (2) and (3), Article 32, paragraph (1), and Article 33, paragraph (1) of the Livestock Sanitation Control Act, that are also determined by the Prime Ministerial Decree shall be excluded.

(2) The amount of fines in accordance with the type and degree, etc. of an act of violation which is subject to the imposition of fines pursuant to paragraph (1), and other necessary matters shall be determined by the Presidential Decree.

(3) When necessary in order to collect fines, the Minister of Food and Drug Safety may request the provision of taxation information to the head of the jurisdictional tax office with the following contents contained in a written document.

1. Personal information of the taxpayer;
2. Purpose of use;
3. Amount of sales serving as the standard for imposition of fine.

(4) When the fine pursuant to paragraph (1) has not been paid within the given time period, the Minister of Food and Drug Safety shall revoke the disposition of fine imposition pursuant to paragraph (1) and impose the disposition of business suspension pursuant to Article 29, paragraph (1), or collect the fine in accordance with the rules of delinquency disposition of national tax or local tax in accordance with the matters determined by the Presidential Decree. However, when it is not possible to impose a disposition of business suspension pursuant to Article 29, paragraph (1) due to business closure, etc. pursuant to Article 15, paragraph (3), the fine shall be collected in accordance with the rules for delinquency disposition of national tax.

(5) In accordance with the proviso in paragraphs (1) and (4), the collected fines shall belong to the state.

Article 34 (Imposition of fines, etc. pursuant to sales, etc. of hazardous imported food, etc.)

(1) When there has been a violation of the regulations on the prohibition of sales, etc. of hazardous imported food, etc. in Articles 4 through 6, Article 8 or Article 13 of the Food Sanitation Act, Article 18, Article 23, or Article 24 of the Health Function Food Act, and Article 32 or Article 33, paragraph (1) of the Livestock Sanitation Control Act, the Minister of Food and Drug Safety shall, with regard to a person who falls under any of the following subparagraphs, impose a fine with an amount that is tantamount to the retail price of the imported food, etc. that has been sold:

1. A person who has been ordered a disposition of business suspension for more than two months or revocation of business registration pursuant to Article 29, by violation of subparagraphs 2, 3, 5 and 6 of Article 4 and paragraph (1) of Article 13 of the Food Sanitation Act, paragraph (1), 1 of Article 18, subparagraphs 2, 3 and 6 of Article 23, paragraph (2), 3 of Article 24 of the Health Function Food Act, paragraph (1), 1 of Article 32, paragraph (1), subparagraphs 2, 3, 5 and 9 of Article 33 of the Livestock Sanitation Control Act;

2. A person who has been ordered revocation of business registration pursuant to Article 29 by violation of Article 5, Article 6, and Article 8 of the Food Sanitation Act.

(2) The amount of fines pursuant to paragraph (1) shall be determined and imposed according to the rules of the Presidential Decree.

(3) When the imposed fines pursuant to paragraph (1) has not been paid within the given time period, or business has been closed pursuant to Article 15, paragraph (3), the fine shall be collected in accordance with the rules on delinquency disposition for national tax.

(4) With respect to the reversion of fines imposed pursuant to paragraph (1), reversion ratio, collection procedures, etc., the provisions in Article 33, paragraph (3) and (5) shall apply.

Article 35 (Public notification of act of violation)

The Minister of Food and Drug Safety shall make a public notification of the information related to the disposition, such as the facts of the disposition on the person that has been imposed the administrative disposition pursuant to Article 29, Article 31, Article 33, or Article 34, and the name of the relevant business operation and imported food, etc. in accordance with the rules determined by the Presidential Decree.

Chapter 7

Addenda

Article 36 (Support by national budget)

The Minister of Food and Drug Safety may provide support for the expenses in part within the scope of the budget.

1. Expenses needed for registration of foreign manufacturing business pursuant to Article 5
2. Expenses needed for conducting on-site inspection on the foreign food sanitation assessment agency which is designated pursuant to Article 10;
3. Expenses needed for tracking and management of the distribution record of imported food, etc.

pursuant to Article 23;

4. Expenses needed for collection and inspection by the inspection agency which is involved in the collection and inspection of distributed imported food, etc. pursuant to Article 25;
5. Expenses needed for collection of safety information on imported food, etc. pursuant to Article 39;
6. Other expenses needed for guaranteeing the safety of imported food, etc.

Article 37 (International cooperation, etc.)

For the purpose of safety and quality control, etc. of imported food, etc., the Minister of Food and Drug Safety shall work hard for international cooperation such as through establishment of treaties with exporting countries, etc.

Article 38 (Safety support for food to be exported)

(1) The Minister of Food and Drug Safety may provide information on the standards and specification of a foreign country for safety support for food, food additives, equipment, container/packages, health function foods, and livestock products (hereinafter referred to as "food, etc.") to be exported, and the importing country government may request the import of food, etc.

(2) When the exporter applies for a sanitation certification, etc. for demonstration of sanitation, etc. of food, etc. intending to export, the Minister of Food and Drug Safety shall issue an export sanitation certificate, etc. after checking the relevant information.

(3) Matters necessary for the procedures for application and issuance of export sanitation certificates pursuant to paragraph (2) shall be determined by the Prime Ministerial Decree.

Article 39 (Collection of information on safety of imported food, etc.)

(1) The Minister of Food and Drug Safety may have monitoring agents for imported food, etc. in order to collect information on the safety of imported food, etc.

(2) The monitoring agents for imported food, etc. pursuant to paragraph (1) may conduct the following tasks:

1. Collection and notification of information on food safety that has occurred in foreign countries;
 2. Monitoring of imported food, etc. that is sold at foreign internet sites
 3. Matters requested by the Minister of Food and Drug Safety for verifying detailed information.
- (3) Matters necessary for appointment of monitoring agents for imported food, etc. and operational methods, etc. shall be determined by the Prime Ministerial Decree.

Article 40 (Delegation/entrust of authority)

(1) The authority of the Minister of Food and Drug Safety pursuant to this Act may be delegated in part to the local administrator of food and drug safety in accordance with the rules determined by the Presidential Decree.

(2) The Minister of Food & Drug Safety may entrust works, etc. related to the registration of foreign manufacturing business pursuant to Article 5 and works, etc. related to tracking and management of distribution record for imported food, etc. pursuant to Article 23 to the relevant specialized agency or organizations determined by the Presidential Decree.

(3) When the Minister of Food and Drug Safety considers it necessary to supervise the entrusted works pursuant to paragraph (2), it may require person(s) to make the necessary reporting, or submit relevant information, or other necessary orders and make relevant government officers obtain access to the office to examine relevant account books or documents, etc.

(4) With respect to paragraph (3), the government officer who intends to enter and inspect shall be equipped with an identification that demonstrates his/her authority and show it to the related person(s).

Article 41 (Fees) Person that falls under any of the following subparagraphs shall pay fees determined by the Prime Ministerial Decree.

1. Person intending to register or change the registration of outstanding import business pursuant to Article 7, paragraph (3)

2. Person intending to register or changes the registration of foreign outstanding manufacturing business pursuant to Article 8, paragraph (2)

3. Person intending to receive the designation as foreign food sanitation assessment agency pursuant to Article 10
4. Person intending to register business or change business registration pursuant to Article 15, paragraph (1)
5. Person intending to receive inspection pursuant to Article 21, paragraph (1)
6. Person intending to register tracking and management of distribution record pursuant to Article 23, paragraph (1)

Chapter 8

Penalty

Article 42 (Penalty) A person falling under any of the following subparagraphs shall be subject to imprisonment for a period not exceeding five years or a fine not exceeding 50 million won, or both penalties may be imposed in parallel.

1. Person that has not made a business registration in violation of Article 15, paragraph (1);
2. Person that has not made an import declaration in violation of Article 20, paragraph (1);
3. Person who has violated each of the subparagraphs in Article 20, paragraph (2).

Article 43 (Penalty) A person who falls under any of the following subparagraphs shall be subject to imprisonment for a period not exceeding three years or a fine not exceeding 30 million won, or both penalties may be imposed in parallel.

1. Person in violation of any of provisions under subparagraph 1 through 3 of Article 7, paragraph (6)
2. Business operator who is not equipped with facility standards pursuant to Article 14;
3. Business operator who is not equipped with the conditions pursuant to Article 15, paragraph (2);
4. Person in violation of Article 16, paragraph (3);
5. Person who has not complied with the matters to be observed by a business operator pursuant to Article 18. However, person(s) who have violated minor matters as determined by the Prime

Ministerial Decree shall be excluded;

6. Person who has rejected, obstructed, or avoided the inspection, entry/exit, collection, etc. in accordance with Article 21, paragraph (1) or Article 25, paragraph (1);
7. Person in violation of conditions set under Article 23, paragraph (1)
8. Person who continues to operate business in violation of the business suspension order pursuant to Article 29, paragraph (1);
9. Person who has carelessly removed or damaged the seal or notice attached by the relevant government officer pursuant to Article 31, paragraph (1);

Article 44 (Agenda for government officers in penalty application)

A person who falls under any of the following subparagraphs shall be deemed as a government officer when applying the penalties pursuant to the regulations from Article 129 through Article 132 of the Criminal Code:

1. Executives and employees of the foreign food sanitation assessment agency that carry out entrusted works pursuant to Article 9;
2. Executives and employees of the relevant specialized agency or organizations that carry out entrusted works pursuant to Article 40, paragraph (2).

Article 45 (Joint penalty provisions)

When the representative of a legal entity, agent of a legal entity or individual, user, and other employees violate any of the work in Articles 42 or 43 related to the work of a legal entity or individual, not only the violator but the legal entity or individual shall be subject to a fine penalty in the relevant provision. However, if a significant level of attention and supervision related to the relevant work in order to prevent the act of violation by a legal entity or individual, this regulation shall not apply.

Article 46 (Fine)

(1) A person falling under any of the following subparagraphs shall be subject to imposition of a fine not exceeding five million won:

1. Person who has not received sanitation education in violation of Article 17, paragraph (1);
2. Person who has not received education in violation of Article 26, paragraph (1);
3. Person who has violated the order pursuant to Article 28, paragraph (1).

(2) A person who has not complied with minor matters that are determined by the Prime Ministerial Decree among matters that must be complied by a business operator pursuant to Article 18 shall be subject to imposition of a fine not exceeding three million won.

(3) Fines pursuant to the regulations in paragraphs (1) and (2) shall be imposed and collected by the Minister of Food and Drug Safety in accordance with the rules determined by the Presidential Decree.

Article 47 (Special rules for application of fines)

When applying the regulations on fines in Article 46, acts that have imposed fines pursuant to Article 33 shall not be subject to the imposition of a fine. However, this shall not be the case when the disposition of fine imposition has been revoked and has been subject to the disposition of business suspension pursuant to the main text of Article 33, paragraph (4).

Addendum

Article 1 (Date of implementation)

This Act shall be in effect as of the date from which one year has passed after public notification.

Article 2 (Business interim measures) ① Importers who have received business permit and license and have been registered as outstanding importers or pre-confirmed registered business pursuant to the Food Sanitation Act, Health Functional Foods Act, and Livestock Sanitation Control Act before this Act goes into effect shall be deemed as being registered as an importer, outstanding importer and outstanding foreign manufacturing business.

② Import declaration that is in process before this law goes into effect shall be deemed in compliance

with procedures determined by this Act.

Article 3 (Interim measures for import sanitation assessments for livestock products)

① Livestock products from countries and regions that have been permitted for imports pursuant to the Livestock Sanitation Control Act and the Act on Prevention of Livestock Contagious Disease before this Act goes into effect shall be deemed as livestock products permitted for imports pursuant to this Act

② Plants that produce livestock products approved for exports pursuant to the Act on the Prevention of Livestock Contagious Disease and foreign livestock plants that have import records pursuant to the Livestock Sanitation Control Act prior to the implementation of this Act will be regarded as registered foreign plants pursuant to Article 12 of this Act.

③ Import sanitation requirements and export quarantine certificates that are in use pursuant to the Act on the Prevention of Livestock Contagious Disease prior to the implementation of this Act are regarded as ones that are in compliance with this Act. However, if deemed necessary by the Minister of Food and Drug Safety, he/she may consult with the Minister of Agriculture, Food, and Rural Affairs to revise import sanitation requirements or export quarantine certificates or may demand notification of separate import sanitation requirements or issuance of separate export quarantine certificates pursuant to this Act.

④ Import sanitation assessments that are in process before the implementation of this Act shall be considered as procedures that are in compliance this Act.

Article 4 (Interim measures for the incompetent) The incompetent pursuant to Article 15, paragraph 7, 5 (including cases pursuant to Article 16, paragraph 4) includes the incompetent in Civil Law Amendment No.10429 Supplementary Provision Article 2.

Article 5 (Interim measures for reward) Those who are to be rewarded prior to this law for reporting the violator of Health Functional Foods Act Article 6 Clause 1, shall be rewarded according to the Health Functional Foods Act Article 40.

Article 6 (Interim measures for announcement, sanctions, orders, designation in progress) Any announcement, sanctions, orders, designation in progress by the administrative agencies, or any application, registrations being made to administrative agencies that are in progress according to Food

Sanitation Act, Health Functional Foods Act, and Livestock Sanitation Control Act prior to the implementation of this Act, shall be deemed as progress under this Act.

Article 7 (Interim measures for penalty regulation) Any penalty or fines levied according to the Food Sanitation Act, the Health Functional Foods Act, and Livestock Sanitation Control Act prior to the implementation of this Act shall follow the previous regulations.

Article 8 (Revision of other laws) ① The Health Functional Food Act shall be partially revised as the following:

In Article 3 Clause 6, the phrase “production and import of health functional food” shall be revised as “production of health functional food”.

Article 4 Clause 1 Item 2 shall be removed.

Article 6 Clause 1 shall be removed. In Article 6 Clause 3, the phrase “Clauses 1 and 2” shall be revised as “Clause 2”. In Article 6 Clause 4, the phrase “Clauses 1 to 3” shall be revised as “Clauses 2 and 3”.

Article 8 shall be removed.

In Article 9 Clause 2, “Article 6 Clauses 1 and 2” shall be revised as “Article 6 Clause 2”.

In Article 14 Clause 2, “importer as in Article 5 Clause 1 or Article 6 Clause 1” shall be revised as “importers as in Article 5 Clause 1 or importer-retailer of imported food as in the Article 15 Clause 1 of the Special Act on Imported Foods Safety Management”.

In Article 15 Clause 2, “importer as in Article 5 Clause 1 or Article 6 Clause 1” shall be revised as “importers as in Article 5 Clause 1 or importer-retailer of imported food as in the Article 15 Clause 1 of the Special Act on Imported Foods Safety Management”.

In Article 22-2 Clauses 1, 2, 5, “production and import” shall be revised as “production”.

In Article 23 Clause 6, “prohibited item or Article 8” shall be revised as “prohibited item or Article 20 Clause 1 in the Special Act on Imported Foods Safety Management”.

In Article 24 Clause 1, “importer” shall be replaced with “importer (including the importer-retailer of imported food registered as in the Article 15 Clause 1 of the Special Act on Imported Foods Safety Management)”.

In Article 25, “importer” shall be replaced with “importer (including the importer-retailer of imported food registered as in the Article 15 Clause 1 of the Special Act on Imported Foods Safety Management)”

In Article 30 Clause 1, “importer” shall be replaced with “importer (including the importer-retailer of imported food registered as in the Article 15 Clause 1 of the Special Act on Imported Foods Safety Management)”

In Article 32 Clause 1 Item 1, “former part of Article 7 Clause 1, Article 8 Clause 1” shall be revised as “former part of Article 7 Clause 1”.

In Article 35 Clause 1, “Article 6 Clauses 1 and 2” shall be revised as “Article 6 Clause 2”.

In Article 38 Clause 1 Item 7, “regulation” shall be revised as “regulation (including the importer-retailer of imported food registered as in the Article 15, and imported health functional food as in the same law)”.

In Article 40 Clause 1, “Article 6 Clauses 1 and 2” shall be revised as “Article 6 Clause 2”.

In Article 42 Clause 2, 1, “Article 6 Clauses 1 to 3” shall be revised as “Article 6 Clauses 2 and 3” and Clause 4 shall be removed.

In Article 44 Clause 1, “Article 6 Clauses 1 and 2” shall be revised as “Article 6 Clause 2”.

② The Food Sanitation Act shall be partially revised as the following:

In Article 2 Clause 9, the phrase “collect, manufacture, import, process, cook” shall be revised as “collect, manufacture, process, cook”, and “produce, import, transport, sell” shall be revised to “produce, transport, sell”.

In Article 2 Clause 13, “manufacture, import, process” shall be revised as “manufacture, process”.

In Article 4 Item 6, the phrase “prohibited products or imports not registered as per Article 19 Clause 1” shall be revised to “prohibited products or imports not registered as in the Special Act on Imported Foods Safety Management Article 20 Clause 1.”

Article 19, Article 19-2, Article 19-3 shall be removed.

In Article 19-4 Clause 1, “collect, manufacture, import, process, use, cook, save, subdivide, transport” shall be revised as “collect, manufacture, process, use, cook, save, subdivide, transport”. Article 19-4 Clause 2 shall be removed.

Article 20 shall be removed.

In Article 21 Clause 2, “risk assessment or Article 19 Clause 2” shall be revised as “risk assessment or Article 21 Clause 1 of the Special Act on Imported Foods Safety Management”.

Article 22 Clause 2 shall be removed.

In Article 23 Clause 1, “Article 19 or 22” shall be revised as “Article 21 or 25 of the Special Act on Imported Foods Safety Management”.

Article 44 Clause 5 shall be removed.

In Article 45 Clause 1, “importer” shall be revised as “importer (including the importer-retailer of imported food registered as in the Article 15 of the Special Act on Imported Foods Safety Management)”. Following shall be added in the latter part of the Clause:

However, when the food is imported according to the Special Act on Imported Foods Safety Management or the person in charge of reporting is the importer of the food, it must be reported to the Minister of Food and Drug Safety.

In Article 49 Clause 1, “produce, import, process food” shall be revised as “produce, process food” and ““producer, importer, processor of baby food” shall be revised as “producer, processor of baby food”. In Article 49 Clauses 2 and 5, “produce, import, process” shall be revised as “produce, process”. In Article 72 Clause 1, “importer” shall be revised as “importer (including the importer-retailer of imported food registered as in the Article 15 of the Special Act on Imported Foods Safety Management)”

Article 75 Clause 1 Item 4 and Item 4-2 shall be removed.

Article 81 Item 1 shall be removed.

Article 92 Item 3 and Item 3-2 shall be removed.

In Article 95 Clause 1, “Article 9 Clause 4 (including Article 88), regulations in Article 13 Clause 1 Item 2 to 5, or Article 19 Clause 1” shall be revised as “Article 9 Clause 4 (including Article 88), regulations in Article 13 Clause 1 Item 2 to 5”.

In Article 97 Clause 2, “Article 19 Clause 2 and Article 22 Clause 1” shall be revised as “Article 19 Clause 2”. Article 97 Clause 3 shall be removed.

Article 101 Clause 2 Item 1-2 shall be removed.

③ The Livestock Sanitation Control Act shall be partially revised as the following:

In Article 12-3 Clause 1, the phrase “Article 12, Article 15 Clause 2 and Article 19” shall be revised as “Article 12, Article 19, and Article 21 or 25 of the Special Act on Imported Foods Safety Management”.

Article 15 shall be removed.

In Article 18, “importer or the person who imported livestock in order to sell or use in business (shall) Articles 11, 12, 15” shall be revised as “importer (shall) Articles 11 and 12”

In Article 24 Clause 1, conditions shall be removed.

In Article 31 Clause 2 Item 2, conditions shall be added:

However, when the following livestock is imported as in the Special Act on Imported Foods Safety Management, or the person in charge of reporting is the importer of the food, it must be reported to the Minister of Food and Drug Safety.

In Article 33 Clause 1 Item 5, “import prohibited item or Article 15 Clause 1” shall be revised as “import prohibited item or Article 20 Clause 1 of the Special Act on Imported Foods Safety Management”.

Article 36 Clause 1 Item 4 shall be removed.

Article 41 Clauses 9 and 10 shall be removed.

Article 45 Clause 4 Items 6 and 6-2 shall be removed. In Article 45 Clause 6 Item 5, “Article 15 Clause 2, Article 19 Clauses 1 and 2” shall be revised as “Article 19 Clauses 1 and 2”.

ARTICLE 9 (Relationship with Other Laws) This law substitutes the Food Sanitation Act, Health

Functional Foods Act, and Livestock Sanitation Control once it is implemented, in case where the regulation of the Food Sanitation Act, Health Functional Foods Act, and Livestock Sanitation Control Act is cited prior to the law.