



**MARKET ACCESS ADVICE**

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**Republic of Korea – Special Act on Imported Food Safety Management – new food safety requirements for exported Australian agricultural products**

<b>Attention</b>	<b>Industry</b>	Export Establishments Industry bodies - MLA, AMIC, DA, Egg corp Licensed exporters
	<b>Department of Agriculture and Water Resources</b>	Central and Regional offices ATMs and FOMs OPVs and Meat inspection staff
<b>Affected Markets</b>		Republic of Korea
<b>Further Information</b>		Please contact <a href="mailto:exports@agriculture.gov.au">exports@agriculture.gov.au</a> if you have any queries.

The Department of Agriculture and Water Resources (the department) has been notified that new legislation, *the Special Act on Imported Food Safety Management* (the Act), has been issued by the Republic of Korea’s (Korea’s) Ministry of Food and Drug Safety (MFDS). The Act came into effect on 4 February 2016 and will enter into force from 4 August 2016.

The intention of the Act is to consolidate existing Korean food safety regulations for imported foods and associated livestock products to strengthen food safety regulatory controls. The Act does not address animal health and biosecurity issues and associated regulatory controls. These matters will continue to be the responsibility of Korea’s Ministry of Agriculture, Food and Rural Affairs (MAFRA).

The Act adopts MAFRA’s categorisation of agricultural commodities, which is based on quarantine risk. Accordingly, the Act separates food products into three categories, which are each subject to varying requirements:

1. ‘Designated livestock products;’ product subject to a quarantine risk assessment
2. ‘Non-designated livestock products;’ product **not** subject to a quarantine risk assessment
3. Other ‘food products.’

Please note, for other ‘food products’ (category 3, see full definition below), to ensure compliance with the requirements of the Act and avoid trade disruption, Australian establishments manufacturing food products intended for export to Korea should complete on-line registration **by 4 August 2016**. Further information regarding this on-line registration process is provided below under **Import requirements; 3. Food products**.

## **Import requirements**

For livestock products (Categories 1 and 2) and establishments producing these products for export to Korea, the MFDS has made provisions to recognise existing trade. Existing trade refers to any trade occurring between 1998 and when the new Act came into effect i.e. 4 February 2016. These arrangements are outlined below.

The MFDS has provided a list of designated (**Attachment 1**) and non-designated (**Attachment 2**) livestock products permitted to be exported from Australia to Korea i.e. where a history of trade has been identified. Exporters are encouraged to contact the department at [exports@agriculture.gov.au](mailto:exports@agriculture.gov.au) should there be historical trade in designated livestock products which are not included on the approved lists. The department is working with Korea to ensure that all existing trade will be able to continue following the implementation of the Act.

Requirements by category are as follows:

### **1. Designated livestock products**

#### *Approved products*

The department understands that designated livestock products (refer definition below) with an established trade history can continue to be exported to Korea under existing import arrangements.

For new trade in designated livestock products, MFDS will require an import sanitation assessment and a bilateral export certificate to be negotiated prior to commencing trade. The department is seeking further clarification regarding this process.

#### *Establishment registration*

The Act requires the department to undertake a registration process for establishments where livestock is slaughtered and/or where designated livestock products are manufactured, processed and/or stored before being exported to Korea. Establishments with an established trade history will qualify for automatic registration by MFDS and MAFRA. Please note, MAFRA will be involved with establishment registrations for these products, to ensure compliance with existing quarantine requirements.

Australian establishments with no established trade history that wish to export to Korea do not qualify for automatic registration. The department is seeking advice from MFDS and MAFRA regarding the registration process for these establishments.

### **2. Non-designated livestock products**

#### *Approved products*

The department understands that non-designated livestock products (refer definition below) with an established trade history can continue to be exported to Korea. MFDS has assured the department that trade in these products will continue uninterrupted; however, changes to export certification for these products is required. Korea has provided unofficial information outlining the export certification changes for dairy, processed meats and egg products and will be notifying the proposed requirements through the World Trade Organization. The department will be providing comments on the draft certification requirements.

For new trade in non-designated livestock products, MFDS will require an import sanitation assessment and a bilateral export certificate to be negotiated prior to commencing trade. The department is seeking clarification regarding this process.

### *Establishment registration*

The Act requires the department to undertake a registration process for establishments producing, manufacturing and/or storing non-designated livestock products intended for export to Korea. Establishments exporting non-designated livestock products that have an established trade history will qualify for automatic registration by MFDS.

Australian establishments with no established trade history that wish to export to Korea do not qualify for automatic registration. The department is seeking advice from MFDS regarding the registration process for these establishments.

### **3. Food products**

All Australian food establishments that produce, manufacture, process, treat, package and/or store food that is **not** included in category 1 or 2 and is intended for export to Korea, are required to complete a web-based registration process.

The registration process is administrative in nature and is the responsibility of relevant commercial parties. The registration form can be completed via the following portal:

<https://impfood.mfds.go.kr/>. An English translation of the portal is available by clicking twice on the language icon on the top right hand corner of the home page. The on-line registration form can then be accessed through the ‘Application for Registration of Foreign Food Facility’ link (refer **Attachment 3**).

Registration forms for foreign food facilities can be submitted by the establishment or by Korean importers who have been granted permission to submit the registration on behalf of the foreign food establishment. Exporters are encouraged to work closely with their importers to ensure timely registration of their food facility and to verify products have been categorised correctly in accordance with the Act.

The registration portal opened on 4 February 2016. Completion of the registration prior to 4 August 2016 will allow establishments to continue exporting whilst the registration request is being processed. After 4 August 2016, the registration process must be completed at least 7 days prior to the date that the import declaration is intended to be submitted. Once an establishment is registered, the registration is valid for 2 years.

From 4 August 2016, products intended to be exported from an establishment which does not have a valid registration will not be issued with an import permit and any product arriving in Korea from an unregistered food establishment will not be permitted entry.

### **Product classifications and definitions**

MFDS has advised that the Act classifies agricultural commodities intended for human consumption into the following three broad categories:

#### **1. Designated livestock products**

The following products derived from livestock species (cattle, horses, donkeys, mules, sheep (including goats), swine, deer, chickens, ducks, turkeys, geese, dogs, rabbits, honeybees and other animals prescribed under presidential decree) are considered designated livestock products;

- a. animals and their carcasses;
- b. products taken from animals, such as bones, flesh, skin, eggs, hair, hooves and horns, and their containers and packaging.

*Note: Inedible livestock products are not included within the scope of the Act.*

## **2. Non-designated livestock products**

These products are derived from livestock; however, are not required to be designated for quarantine. Examples of these products include processed meats (sausages, meat extracts, dried meat, etc.) packaged meat and hams, edible tallow, dairy products (milk, cheese, butter, cream etc.) and processed egg products.

## **3. Food**

This category includes all other processed foods and edible products derived from non-livestock species and/or other agricultural products including grains, fruits, health foods, food additives etc.

Animal species not considered under the Act as livestock and therefore considered to be food include, fish (including crustaceans, shellfish etc.) and Australian native animals (kangaroo, crocodile, emu etc.).

Some edible processed foods derived from livestock species are also included in this category. For example, honey, gelatine, edible deer antler velvet and canned goods containing meat derived from livestock species.

The department will continue seek further advice on the implementation of the Act and will advise industry of any further developments through the distribution of market access advices.

This market access advice has been developed in consultation with industry.

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*The information provided above is current at the time of writing and is intended for use as guidance only and should not be taken as definitive or exhaustive. The Commonwealth endeavours to keep information current and accurate, however, it may be subject to change without notice. Exporters are encouraged to verify these details with their importers prior to undertaking production/exports. The Commonwealth will not accept liability for any loss resulting from reliance on information contained in this notice.*