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SPECIAL ACT ON IMPORTED FOOD SAFETY CONTROL

[Enforcement Date 28. Mar, 2017.] [Act No.14476, 27. Dec, 2016.,
Amendment by Other Act]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to sound order in trade and to improving people ' s health by ensuring the safety of imported food, etc., promoting improvement in the quality thereof, and providing proper information.

Article 2 (Definitions)

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

1. The term "imported food, etc." means foods, food additives, apparatus, and containers and packages as defined under Article 2 of the Food Sanitation Act (hereinafter referred to as "food, etc.") imported into the Republic of Korea from abroad, health functional foods under Article 3 of the Health Functional Foods Act (hereinafter referred to as "health functional foods"), and livestock products under Article 2 of the Livestock Products Sanitary Control Act (hereinafter referred to as "livestock products");
2. The term "traceability of imported food, etc." means control wherein information at every step from importation to sale of imported food, etc. has been recorded and managed so that the cause of a problem can be identified, and necessary measures shall be taken by tracking such imported food, etc. where the problem occurs with the safety of the imported food, etc.
3. The term "foreign food facility" means a facility located abroad (including a ship where fishery products are produced or processed) where imported food, etc. (excluding livestock products) is produced, manufactured, processed, treated, packaged, stored, etc.;
4. The term "foreign establishment" means an establishment located abroad where livestock products imported into the Republic of Korea from abroad are slaughtered, milk is collected, livestock products and dairy products are manufactured, processed, stored, etc.;

5. The term "business entity" means an entity the business of which is registered pursuant to Article 15 (1);
6. The term "on - site inspection" means that a person has access to and conducts an inspection of a foreign food facility or foreign establishment.

Article 3 (Responsibilities and Duties) (1) The State and local governments shall prepare policies for the control of imported food, etc. and criteria therefor, and direct and supervise business entities so that all people may be provided with safe and high quality imported food, etc.

(2) Business entities shall import safe and high quality imported food, etc., and always verify and inspect whether imported food, etc. with which they are dealing are hazardous.

Article 4 (Relationship with other Acts) (1) This Act shall take precedence over other Acts in regard to imported food, etc.

(2) Matters not prescribed in this Act in relation to imported food, etc. shall be governed by related Acts, such as the Food Sanitation Act, the Health Functional Foods Act, the Livestock Products Sanitary Control Act, or the Act on Testing and Inspection in the Food and Drug Industry.

CHAPTER II CONTROL OF STEPS PRIOR TO IMPORTATION

Article 5 (Registration of Foreign Food Facilities) (1) A person who intends to import food, etc. into the Republic of Korea or person who establishes and operates a foreign food facility (hereinafter referred to as "importer, etc.") shall register matters prescribed by Ordinance of the Prime Minister, such as the name, location of, and items manufactured by the foreign food facility concerned, with the Minister of Food and Drug Safety by not later than seven days before he/she files an import declaration under Article 20.

(2) Where any change occurs in matters registered pursuant to paragraph (1), such change shall be registered with the Minister of Food and Drug Safety.

(3) Where the Minister of Food and Drug Safety needs to further verify any matter among matters registered pursuant to paragraphs (1) and (2), he/she may request an importer, etc. to provide necessary data.

(4) Where the Minister of Food and Drug Safety deems that a foreign food facility is registered under paragraph (1), or a changed matter is registered under paragraph (2), by fraud or other improper means, he/she shall revoke registration under paragraph (1).

(5) Where an importer, etc. falls under any of the following, the Minister of Food and Drug Safety may reject an import declaration filed under Article 20:

1. Where the importer, etc. has failed to register such matters provided for in paragraph (1) or (2), or registers them by fraud or other improper means;
2. Where the importer, etc. has failed to provide data under paragraph (3), or has provided data by fraud or other improper means.

(6) The period of validity of registration of a foreign food facility under paragraph (1) shall be two years from the date of such registration.

(7) Procedures, methods, etc. for registration provided for in paragraphs (1) and (2) shall be prescribed by Ordinance of the Prime Minister.

Article 6 (On - Site Inspection of Foreign Food Facilities) (1) In any of the following cases, the Minister of Food and Drug Safety may conduct an on - site inspection of a foreign food facility through prior consultation with the government of an exporting country or the foreign food facility:

1. Where the Minister of Food and Drug Safety deems that an on - site inspection is necessary to prevent hazards in imported food, etc.;
2. Where the Minister of Food and Drug Safety deems that it is necessary to confirm facts about safety information on imported food, etc. collected at home and abroad.

(2) Where the government of an exporting country or a foreign food facility refuses an on - site inspection under paragraph (1), or a hazard is likely to occur in imported food, etc. as a result of the on - site inspection, the Minister of Food and Drug Safety may take measures to suspend the importation of imported food, etc. of the foreign food facility concerned.

(3) Where the government of an exporting country, or a foreign food facility, or a business entity who has imported food, etc. identifies any cause of a problem in imported food, etc. the importation of which has been suspended pursuant to paragraph (2) and suggests improvements, or where such imported food, etc. is deemed non - hazardous, the Minister of Food and Drug Safety may revoke the

suspension of importation under paragraph (2). In such cases, where it is necessary to confirm such improvements, the Minister of Food and Drug Safety may conduct an on - site inspection.

(4) Detailed matters concerning measures to suspend importation under paragraph (2) and measures to revoke such suspension under paragraph (3) shall be prescribed by Ordinance of the Prime Minister.

Article 7 (Registration, etc. of Good Importers) (1) Any person who intends to file an import declaration pursuant to Article 20 may inspect the status of sanitation control of a foreign food facility according to standards set by the Minister of Food and Drug Safety to ensure the safety of the relevant imported food, etc.

(2) Any person who has inspected the status of sanitation control pursuant to paragraph (1) may register such facility as a good importer with the Minister of Food and Drug Safety.

(3) Any person who intends to register such facility as a good importer pursuant to paragraph (2) shall file an application with the Minister of Food and Drug Safety as prescribed by Ordinance of the Prime Minister. The same shall also apply where he/she intends to change any important matter prescribed by Ordinance of the Prime Minister of the matters registered.

(4) The Minister of Food and Drug Safety may conduct an on - site inspection of a foreign food facility in order to verify whether an application for registration of a good importer filed, or the good importer registered, in accordance with paragraph (3), meets standards set by the Minister of Food and Drug Safety.

(5) The period of validity of the registration of a good importer under paragraph (2) shall be three years from the date on which it is registered.

(6) Where a good importer falls under any of the following, the Minister of Food and Drug Safety may revoke its registration or order it to make corrections: Provided, That where a good importer falls under subparagraph 1, he/she shall revoke its registration:

1. Where a good importer is registered by fraud or other improper means;
2. Where a good importer is subject to an administrative disposition for suspension of business for at least two months pursuant to Article 29;

3. Where a good importer fails to comply with matters prescribed by Ordinance of the Prime Minister, which are equivalent to subparagraphs 1 and 2.

(7) No facility, the registration of which is revoked pursuant to paragraph (6), shall file an application for registration of a good importer for three years from the date on which its registration is revoked.

(8) Detailed matters, such as criteria for registration of a good importer, and procedures and methods, etc. for obtaining registration and changing the registered matters, shall be prescribed by Ordinance of the Prime Minister.

Article 8 (Registration, etc. of Good Foreign Food Facilities) (1) Where any person who establishes and operates a foreign food facility meets criteria for registration of good foreign food facilities set by the Minister of Food and Drug Safety, he/she may register such facility as a good foreign food facility with the Minister of Food and Drug Safety.

(2) Any person who intends to register such facility as a good foreign food facility shall file an application therefor with the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister. The same shall also apply where he/she intends to change important matters prescribed by Ordinance of the Prime Minister among the registered matters.

(3) The Minister of Food and Drug Safety may conduct an on - site inspection of a foreign food facility in order to verify whether an application for registration of a good foreign food facility filed, or the foreign food facility registered, in accordance with paragraph (2), meets the criteria set by the Minister of Food and Drug Safety.

(4) The period of validity of the registration as a good foreign food facility made pursuant to paragraph (1) shall be three years from the date of such registration.

(5) Where any facility registered as a good foreign food facility falls under any of the following, the Minister of Food and Drug Safety may take necessary measures, such as the revocation of its registration or the issuance of an order to make corrections: Provided, That where a good foreign food facility falls under subparagraph 1, he/she shall revoke its registration:

1. Where the good foreign food facility is registered by fraud or other improper means;

2. Where the good foreign food fails to comply with matters prescribed by Ordinance of the Prime Minister, which are equivalent to subparagraph 1.

(6) No facility, the registration of which is revoked pursuant to paragraph (5), shall file an application for registration of a good foreign food facility for three years from the date on which its registration is revoked.

(7) Detailed matters, such as criteria for registration of good foreign food facilities, and procedures, matters, shall be prescribed by Ordinance of the Prime Minister.

Article 9 (Entrustment of On - Site Inspection, etc.) (1) Where the Minister of Food and Drug Safety deems it necessary to efficiently conduct on - site inspections referred to in Articles 6 through 8 and sanitation audits provided for in Article 18 (2), he/she may entrust on - site inspections and sanitation audits to an imported food sanitation audit institution designated pursuant to Article 10.

(2) Where an imported food sanitation audit institution has conducted an on - site inspection, etc. after being entrusted with affairs referred to in paragraph (1), it shall report the results thereof and submit relevant documents to the Minister of Food and Drug Safety.

(3) Detailed matters, such as timing for reporting, methods for on - site inspections, and documents to be submitted, shall be prescribed by Ordinance of the Prime Minister.

Article 10 (Designation of Imported Food Sanitation Audit Institution, etc.) (1) The Minister of Food and Drug Safety may designate an institution that can professionally conduct audits to efficiently conduct affairs, such as on - site inspections, referred to in Article 9.

(2) The period of validity on the designation of an institution designated pursuant to paragraph (1) (hereinafter referred to as "imported food sanitation audit institution") shall be three years from the date on which it is designated.

(3) The period of validity provided for in paragraph (2) may be extended once only to an extent not exceeding one year, as prescribed by Ordinance of the Prime Minister.

(4) Where an imported food sanitation audit institution, the period of validity of which expires pursuant to paragraphs (2) and (3), meets requirements under paragraph (8), it may be redesignated once pursuant to paragraph (1).

(5) Where the Minister of Food and Drug Safety deems it necessary to ensure the adequacy and reliability of audits of an imported food sanitation audit institution, he/she may require a person who conducts audits or any other interested person to make a necessary report, or a related public official to have access to the office of the imported food sanitation audit institution or other places similar thereto to inspect employees and relevant documents, or to inspect relevant books, documents, etc. as occasion requires.

(6) Where an imported food sanitation audit institution falls under any of the following, the Minister of Food and Drug Safety may revoke its registration, order it to suspend its business for a fixed period not exceeding six months, or take necessary measures, such as the issuance of an order to make corrections, as prescribed by Ordinance of the Prime Minister: Provided, That where the imported food sanitation audit institution falls under any of the provisions of subparagraphs 1 through 3, he/she shall revoke its registration:

1. Where the imported food sanitation audit institution has obtained designation by fraud or other improper means;
2. Where the imported food sanitation audit institution has prepared false documents related to audits deliberately or by gross negligence;
3. Where the imported food sanitation audit institution has violated the suspension of its business;
4. Where the imported food sanitation audit institution has violated any of the regulations on the affairs of imported food sanitation audit institutions prescribed by the Minister of Food and Drug Safety;
5. Where the imported food sanitation audit institution refuses, interferes with, or avoids access, inspection, inspection of relevant documents, reporting, etc. provided for in paragraph (5).

(7) No imported food sanitation audit institution, the designation of which is revoked pursuant to paragraph (6), shall obtain designation under paragraph (1) for two years from the date of such revocation.

(8) Detailed matters, such as requirements, and procedures for designation of imported food sanitation audit institutions, shall be prescribed by Ordinance of the Prime Minister.

Article 11 (Import Sanitation Assessment etc. of Livestock Products) (1) In cases prescribed by Ordinance of the Prime Minister, such as cases where the government of an exporting country requests the government of the Republic of Korea to permit the importation of livestock products, or reassessment on the sanitary control of the exporting country is deemed necessary according to changes, etc. in international standards of the Codex Alimentarius Commission, etc., the Minister of Food and Drug Safety may conduct assessments (hereinafter referred to as "import sanitation assessment") on the actual conditions of livestock products sanitary control of the exporting country for each livestock product defined in subparagraph 2 of Article 2 of the Livestock Products Sanitary Control Act: Provided, That where the Minister of Agriculture, Food and Rural Affairs determines it is permissible to import livestock products amounting to designated objects subject to quarantine provided for in Article 31 of the Act on the Prevention of Contagious Animal Diseases because there is no risk of animal disease pursuant to Article 32 (5) of the aforesaid Act, the Minister of Food and Drug Safety shall conduct an import sanitation assessment on the livestock products concerned.

(2) The Minister of Food and Drug Safety may determine and publish the requirements for import sanitation for each exporting country or each livestock product according to the results of import sanitation assessments conducted pursuant to paragraph (1).

(3) Any person who intends to import livestock products shall import livestock products from countries or regions for which the Minister of Food and Drug Safety has determined and published the import sanitation requirements: Provided, That in case of livestock products amounting to designated objects subject to quarantine under Article 31 of the Act on the Prevention of Contagious Animal Diseases, the importation of livestock products shall be limited to countries or regions from which the Minister of Agriculture, Food and Rural Affairs permits to import livestock products.

(4) The Minister of Food and Drug Safety may conduct an on - site inspection of a foreign establishment in order to examine or verify whether the foreign establishment fulfills requirements for import sanitation of livestock products published pursuant to paragraph (2).

(5) Any person who files an import declaration of livestock products shall attach a health certificate for export issued by the government of an exporting country according to the form, etc. on which it has consulted with the Minister of Food and Drug Safety.

(6) Procedures, methods, etc. necessary for paragraphs (1) through (5) shall be prescribed by Ordinance of the Prime Minister.

Article 12 (Registration, etc. of Foreign Establishments) (1) Any person who establishes and operates a foreign establishment shall file an application for registration with the Minister of Food and Drug Safety via the government of an exporting country before he/she submits an import declaration on livestock products under Article 20. The same shall also apply where he/she intends to change registered matters.

(2) The Minister of Food and Drug Safety may conduct an on - site inspection of the registered foreign establishment in order to examine and verify the registration under paragraph (1).

(3) Procedures, methods, etc. concerning the registration under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

Article 13 (Revocation, etc. of Registration of Foreign Establishments) (1) Where a foreign establishment registered pursuant to Article 12 falls under any of the following, the Minister of Food and Drug Safety may request the government of an exporting country to make corrections, or take necessary measures, such as suspending the importation of livestock products or revoking the registration of the foreign establishment: Provided, That where the foreign establishment falls under subparagraph 1, he/she shall revoke such registration:

1. Where the foreign establishment is registered by fraud or other improper means;
2. Where the foreign establishment has failed to obtain the registration of a change under the latter part of Article 12 (1) or has obtained the registration of a change by deceit;
3. Where the foreign establishment refuses on - site inspection under Article 12 (2) or is found inappropriate as a result of on - site inspection;
4. Where the foreign establishment has seriously violated requirements for import sanitation, such as the violation of maximum residue limits of prohibited drugs, etc.

determined and published by the Minister of Food and Drug Safety;

5. Where a livestock product produced at the foreign establishment has been proven hazardous, or the Minister of Food and Drug Safety deems that such livestock product is likely to be hazardous;

6. Where it is deemed necessary to take measures following deliberations by the Livestock Products Sanitation Deliberative Committee under Article 3 - 2 of the Livestock Products Sanitary Control Act.

(2) Where the government of an exporting country or a person who establishes and operates a foreign establishment examines the cause of the foreign establishment from which the importation is suspended or the registration of which is revoked pursuant to paragraph (1), implements corrective and preventive measures, and the government of the exporting country submits the results thereof, the Minister of Food and Drug Safety may cease measures for the suspension of importation, or allow the foreign establishment to obtain its registration again if he/she deems it appropriate based on the examination of the result. In such cases, where he/she deems it necessary, he/she may conduct an on - site inspection on the foreign establishment.

(3) Detailed procedures, methods, etc. concerning the suspension of the importation of livestock products or the revocation of the registration of a foreign establishment under paragraph (1) or the revocation of the suspension of importation or the re - registration of a foreign establishment under paragraph (2) shall be prescribed by Ordinance of the Prime Minister.

CHAPTER III CONTROL OF IMPORTING BUSINESS

Article 14 (Types of Business and Facility Standards) (1) Persons who intend to conduct any of the following business shall have facilities satisfying the facility standards prescribed by Ordinance of the Prime Minister:

1. Business of importing and selling imported food, etc. (referring to the business of importing and selling imported food, etc.);
2. Business of filing import declarations of imported food, etc. by proxy;
3. Business of online purchasing of imported food, etc. by proxy;

4. Business of storing imported food, etc.

(2) The scope of business under each subparagraph of paragraph (1) shall be prescribed by Presidential Decree.

- Article 15 (Registration, etc. of Business)** (1) A person who intends to conduct business under any of the subparagraphs of Article 14 (1) shall register his/her business with the Minister of Food and Drug Safety. The same shall apply where it is intended to change any important matter prescribed by Presidential Decree among the registered matters.
- (2) Where the Minister of Food and Drug Safety grants registration of business under paragraph (1), the Minister may attach necessary conditions.
- (3) Where a person who has registered his/her business under paragraph (1) closes down his/her business or changes any matter, excluding important matters under the latter part of the aforesaid paragraph, among the registered matters, he/she shall file a report with the Minister of Food and Drug Safety.
- (4) Where a business entity has filed a report of the closure of business with the head of the competent tax office pursuant to Article 8 (6) of the Value - Added Tax Act, or the head of the competent tax office has cancelled such entity ' s business registration, the Minister of Food and Drug Safety may cancel the registered matters by his/her official authority, and, if necessary, may request the head of the competent tax office to provide information on whether such business entity has closed its business. In such cases, the head of the competent tax office shall provide information on whether such business entity has discontinued its business in accordance with Article 39 of the Electronic Government Act.
- (5) No business entity ordered to suspend its business under Article 29 (1) shall file a report of the closure of its business pursuant to paragraph (3) during the period of suspension of business.
- (6) Notwithstanding paragraph (1), where a business entity prescribed by Presidential Decree, from among business entities, the permission for which has been obtained or the registration or reporting of which has been made pursuant to the Food Sanitation Act, the Health Functional Foods Act, or the Livestock Products Sanitary Control Act, imports food, etc. as raw materials for manufacturing its products, it shall be deemed to have obtained registration pursuant to paragraph (1).

(7) Where a business entity falls under any of the following, it shall not register its business under paragraph (1):

1. Where the business facility concerned fails to meet the facility standards provided for in Article 14 (1);
2. Where the business entity intends to conduct the same type of business at the same location before six month have passed since the registration of its business was revoked pursuant to Article 29 (1): Provided, That the foregoing shall not apply where the registration of business has been revoked because all of the business facility were removed;
3. Where the same person (in case of a corporation, including the representative thereof) intends to conduct the same type of business as the business, registration of which has been revoked, before five years have passed since such revocation, in violation of Articles 4 through 6, and 8 of the Food Sanitation Act, Article 23 of the Health Functional Foods Act, or Article 33 (1) of the Livestock Products Sanitary Control Act;
4. Where the same person (in case of a corporation, including the representative thereof) intends to conduct the same type of business as the business, registration of which has been revoked, before two years have passed since the registration of his/her business was revoked pursuant to Article 29 (1): Provided, That the foregoing shall not apply to cases falling under subparagraph 3;
5. Where a person who intends to register his/her business is an incompetent under the adult guardianship, or a person who is not yet reinstated after he/she has been declared bankrupt.

(8) Detailed matters concerning procedures, methods, etc. for registration of business and registration of any change in registered matters under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

Article 16 (Succession of Business) (1) Where a business entity transfers its business or is dissolved, or corporations are merged, the transferee or successor of such business, or the corporation surviving the merger or the corporation incorporated according to the merger shall succeed to the status of such business entity.

(2) Any person who takes over all of a business facility according to any of the following procedures shall succeed to the status of the business entity thereof. In

such cases, the registration of business obtained by the previous business entity shall lose effect: <Amended by Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;
2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures equivalent to procedures under subparagraphs 1 through 3.

(3) Any person who has succeeded to the status of a business entity pursuant to paragraph (1) or (2) shall report such fact to the Minister of Food and Drug Safety within one month from the date of succession, as prescribed by Ordinance of the Prime Minister.

(4) Article 15 (7) shall apply mutatis mutandis to succession under paragraphs (1) and (2): Provided, That where a successor falls under Article 15 (7) 5, the foregoing shall not apply for three months from the date of succession.

(5) The Minister of Food and Drug Safety may restrict a person for whom five years have not passed since he/she was sentenced to punishment pursuant to Article 2 or 10 of the Act on Special Measures for the Control of Public Health Crimes and the execution thereof was completed from succession under paragraph (1) or (2).

Article 17 (Sanitation Education) (1) Any person who intends to conduct business under any of the subparagraphs of Article 14 (1) shall undergo education on the sanitation control, etc. of imported food, etc. in advance, as prescribed Ordinance of the Prime Minister: Provided, That where he/she is unable to undergo education in advance for unavoidable reasons, he/she may undergo education after starting business as prescribed by the Minister of Food and Drug Safety.

(2) Any business entity shall undergo education on the sanitation control, etc. of imported food, etc. for a certain period every year: Provided, That where there are unavoidable reasons prescribed by Ordinance of the Prime Minister, it may designate a person to be in charge of management from among employees and require him/her to undergo education on his/her behalf.

(3) Necessary matters concerning education, such as educational institutions, the content of education, time of education, educational expenses under paragraphs (1) and (2), shall be prescribed by Ordinance of the Prime Minister.

Article 18 (Matters to be Observed by Business Entities) (1) Any business entity shall comply with matters prescribed by Ordinance of the Prime Minister to ensure the safety of imported food, etc. and for sound trade order and the promotion of the health of the people.

(2) Any business entity who imports and sells food, etc. he/she has entrusted manufacturing or processing to an exporting country by original equipment manufacturing (hereinafter referred to as "imported food, etc. by OEM") shall comply with each of the following matters:

1. It shall require an imported food sanitation audit institution to conduct on - site sanitation audits, etc. on an enterprise manufacturing or processing imported food, etc. by OEM according to sanitation inspection standards prescribed by the Minister of Food and Drug Safety;
2. It shall conduct inspections under Article 31 of the Food Sanitation Act on imported food, etc. by OEM, and keep records thereof for two years.

Article 19 (Control of Business Entities by Classification) (1) The Minister of Food and Drug Safety may control business entities differentially by classifying them according to the results of inspection of imported food, etc., the history of violations, and domestic and international food safety information, etc. for the safety and quality control of imported food, etc.

(2) Detailed matters concerning the control of business entities by classification under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

CHAPTER IV CONTROL OF STEPS IN CUSTOMS CLEARANCE

Article 20 (Import Declaration, etc.) (1) Where a business entity intends to import (including filing an import declaration by proxy) food, etc. for the purpose of sale or for the purpose of using them for business, he/she shall file an import declaration of the relevant imported food, etc. with the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister.

(2) A person who intends to file an import declaration pursuant to paragraph (1) or a person who has filed an import declaration shall be held responsible for the safety and quality of food, etc. he/she imports, and shall not engage in any of the following

conducts:

1. Filing an import declaration by fraud or other improper means;
2. Using or selling imported food, etc. for purposes other than the content of the import declaration under paragraph (1): Provided, That the foregoing shall not apply where a person who has obtained the registration of business of manufacturing or processing food, or business of manufacturing food additives, or has made a report on business of manufacturing containers or packages under Article 37 of the Food Sanitation Act, or a person who has obtained permission to conduct business of processing livestock products, and business of meat packaging and handling under Article 22 of the Livestock Products Sanitary Control Act obtains approval to change purposes after he/she filed an import declaration of imported food, etc. as raw materials for manufacturing his/her own products, as prescribed by Ordinance of the Prime Minister;
3. Re - importing imported food, etc. returned to an exporting country or taken out to another country after being subject to disposition of non - compliance as a result of inspection under Article 21 (1);
4. Violating any of the conditions of import declaration under the latter part of Article 21 (1);
5. Filing an import declaration of imported food, etc. violating standards and specifications under Article 7 of the Food Sanitation Act, Article 14 of the Health Functional Foods Act, and Article 4 of the Livestock Products Sanitary Control Act.
(3) When the Minister of Food and Drug Safety receives an import declaration pursuant to paragraph (1), he/she may attach necessary conditions.
(4) Where a business entity files an import declaration of imported food, etc. by OEM pursuant to paragraph (1), he/she shall report a statement of reasons for setting the expiration date set according to standards determined and published by the Minister of Food and Drug Safety to the Minister of Food and Drug Safety. The same shall also apply where he/she changes important matters prescribed by Ordinance of the Prime Minister among the reported matters.

Article 21 (Import Inspections, etc.) (1) The Minister of Food and Drug Safety shall require a relevant public official or inspection officer under Article 13 of the Livestock Products Sanitary Control Act (hereinafter referred to as "relevant public

official, etc."), or inspection agency to conduct necessary inspections before customs clearance formalities for imported food, etc. for which an import declaration has been filed pursuant to Article 20 are completed. In such cases, he/she may accept the import declaration upon attaching conditions, such as the prohibition of use or sale, before the confirmation of the results of inspection or supplementation on violated matters.

(2) When the Minister of Food and Drug Safety conducts inspections under paragraph (1), he/she may conduct inspections differentially by classifying imported food, etc. according to the history of inspections of imported food, etc., domestic and international food safety information, and other similar matters

(3) Where imported food, etc. the import declaration of which has been filed falls under any of the following, notwithstanding paragraph (1), the Minister of Food and Drug Safety may fully or partially omit the inspection of imported food, etc.:

1. Imported food, etc. imported by a person whose facility has been registered as a good importer pursuant to Article 7;
2. Imported food, etc. exported by a person whose facility has been registered as a good foreign food facility pursuant to Article 8;
3. Where a business entity submits an inspection report or a certificate of inspection on the imported food, etc. concerned he/she has reported after undergoing inspection by an inspection agency prescribed by the Act on Testing and Inspection in Food and Drug Industry;
4. Imported food, etc. that the Minister of Food and Drug Safety deems to have no safety issues thereof, such as no history of non-compliance as a result of thorough inspection.

(4) The Minister of Food and Drug Safety may disclose the results of inspection of imported food, etc. and importers who comply with the applicable regulations appropriately in order to create an environment under which importers may import safe and high quality imported food, etc.

(5) Kinds of inspection; imported food, etc. subject to inspection; methods and procedures for inspection; items to be inspected; conditions of inspection; and other similar matters under paragraph (1), inspection of imported food, etc. by classification under paragraph (2), and the disclosure of the result of inspection; importers who comply with the applicable regulations appropriately; and other

necessary matters under paragraph (4) shall be prescribed by Ordinance of the Prime Minister.

Article 22 (Orders to Undergo Inspection) (1) Where imported food, etc. falls under any of the following, the Minister of Food and Drug Safety may order a business entity to undergo inspection by an inspection agency prescribed by the Act on Testing and Inspection in the Food and Drug Industry: Provided, That where the Minister of Food and Drug Safety deems it impracticable to confirm hazardous ingredients through inspection, submission of related data, etc. may take the place of inspection:

1. Imported food, etc. from which harmful substances prescribed by the Minister of Food and Drug Safety have been detected both at home and abroad;
2. Imported food, etc. in which case non-compliance occurs repeatedly as a result of import inspection under Article 12, or access, inspection, and collection under Article 25;
3. Imported food, etc. in which case concerns over the occurrence of risks are raised both at home and abroad.

(2) The Minister of Food and Drug Safety shall prescribe and publish detailed matters, such as the scope of imported food, etc. subject to an order to undergo inspection, and data to be submitted under paragraph (1).

CHAPTER V CONTROL OF DISTRIBUTION STEPS

Article 23 (Traceability of Imported Food, etc.) (1) Where a problem occurs in imported food, etc. (excluding imported beef under the Livestock and Livestock Products Traceability Act; hereinafter the same shall apply in this Article), the Minister of Food and Drug safety may require business entities to register traceability by prescribing imported food, etc. subject to traceability if he/she deems it necessary to manage imported food, etc. so that he/she may track such imported product, etc., identify the cause of such problem, and take necessary measures: Provided, That business entities prescribed by Ordinance of the Prime Minister, such as business entities who import infant formula and business entities who import health functional foods which reach a certain amount of sales, shall register with the Minister of Food and Drug Safety.

(2) Imported food, etc. subject to traceability under paragraph (1), procedures for registration, matters to be registered, criteria for revocation of registration, investigation, assessment, and other necessary matters shall be prescribed by Ordinance of the Prime Minister.

Article 24 (Formulation and Execution of Distribution Management Plan) (1) The Minister of Food and Drug Safety shall formulate and execute a distribution management plan every year to confirm the safety and quality of imported food, etc. intended for imported food, etc. in distribution.

(2) Necessary matters concerning the formulation and execution of distribution management plans under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

Article 25 (Access, Inspection, Collection, etc.) (1) If necessary for the prevention of risks and sanitary control of imported food, etc., and the maintenance of business order, the Minister of Food and Drug Safety (including the head of an agency under his/her jurisdiction prescribed by Presidential Decree; hereinafter the same shall apply in this Article) may take each of the following measures:

1. Requesting business entities or other relevant persons to submit necessary documents or data;
2. Requiring relevant public officials, etc. to take measures, such as access, inspection, or collection falling under the following:
 - (a) Inspection of imported food, etc. for sale, or business facilities used for business upon having access to places of business (including offices, warehouses, storage facilities, sales points, and other places similar thereto);
 - (b) Collection of the minimum amount of imported food, etc. necessary for inspection under item (a) without compensation;
 - (c) Inspection of books or documents related to business.

(2) Where necessary to efficiently conduct affairs for the prevention of risks related to sanitation which occur due to imported food, etc. while conducting affairs, such as access, inspection, or collection under paragraph (1), the Minister of Food and Drug Safety may request the head of a relevant administrative agency, the Mayor/Do Governor, or the head of a Si/Gun/Gu to provide administrative support. In such cases, the head of a relevant administrative agency, the Mayor/Do Governor, or the

head of a Si/Gun/Gu who receives a request for administrative support shall comply with such request unless there exist special reasons to the contrary.

(3) A public official who intends to have access, conduct inspections, perform collection, or do reading pursuant to paragraphs (1) and (2) shall carry a certificate indicating his/her authority and present it to relevant persons.

(4) Procedures for providing administrative support under paragraph (2), methods for sharing expenses, and other necessary matters shall be prescribed by Presidential Decree.

Article 26 (Orders to Undergo Education) (1) The Minister of Food and Drug Safety may order any of the following business entities to undergo education on the safety and quality control, etc. of imported food, etc.:

1. A business entity found to have imported inappropriate imported food, etc. as a result of inspection under Article 21;
2. A business entity ordered to suspend its business under Article 29 as a result of having access, conducting inspections, performing collection, etc. under Article 25;
3. A business entity which imports imported food, etc. designated by the Minister of Food and Drug Safety as those likely to cause risks to the human body.

(2) Where a business entity which should undergo education pursuant to paragraph (1) is not directly engaged in business or conducts business at least two places, it may designate a person responsible for imported food sanitation from among employees and require him/her to undergo education on its behalf.

(3) Detailed procedures for issuing orders to receive education under paragraph (1), educational institutions, methods and content of education, and other necessary matters, shall be prescribed by Ordinance of the Prime Minister.

CHAPTER VI ADMINISTRATIVE SANCTIONS, SUCH AS CORRECTIVE ORDERS AND REVOCATION OF REGISTRATION

Article 27 (Corrective Orders)

The Minister of Food and Drug Safety shall order business entities which fail to comply with this Act to make necessary corrections for the safety control of imported food, etc.

Article 28 (Orders, etc. to Improve Facilities) (1) Where a business facility does not meet the facility standards under Article 14, the Minister of Food and Drug Safety may order the business entity to improve the facility within a fixed period.

(2) Where the owner of a building and a business entity are different, the owner of the building shall cooperate as much as possible for the improvement of the facility made by the business entity in receipt of an order to improve the facility.

Article 29 (Revocation, etc. of Registration) (1) Where a business entity falls under any of the following, the Minister of Food and Drug Safety may revoke its business registration or order it to suspend its business for a fixed period not exceeding six months:

1. Where it violates Article 14;
2. Where it violates the latter part of Article 15 (1) or paragraph (3) of the aforesaid Article;
3. Where it falls under Article 15 (7) 5;
4. Where it violates Article 18 (1);
5. Where it violates Article 20 (1), (2), or (4);
6. Where it fails to register traceability under the proviso to Article 23 (1);
7. Where it violates an order under Article 27 or 28;
8. Where it violates Articles 4 through 6, 7 (4), 8, 9 (4), 10 (2), 11 (2), 12 - 2 (2), 13 (1), and 17 (4) of the Food Sanitation Act;
9. Where it violates Articles 18 (1), 23, 24 (1) and (2), 25, and 26 of the Health Functional Foods Act;
10. Where it violates Articles 4 (5) and (6), 5 (2), 6 (2) and (3), 32 (1), and 33 (1) of the Livestock Products Sanitary Control Act.

(2) Where a business entity suspends operations for at least six consecutive months without reasonable grounds, the Minister of Food and Drug Safety may revoke the registration of the business.

(3) Where a business entity continues its business, in violation of an order to suspend its business under paragraph (1), the Minister of Food and Drug Safety may revoke the registration of the business.

(4) Detailed criteria for an administrative disposition imposed under paragraph (1) shall be prescribed by Ordinance of the Prime Minister in consideration of the type

and degree of violations.

Article 30 (Succession of Effect of Administrative Disposition)

Where a business entity transfers its business or is dissolved, or corporations are merged, the effect of an administrative disposition imposed on the previous business entity on the ground for violation of any subparagraph of Article 29 (1) or paragraph (3) of the aforesaid Article shall be acquired by a transferee, successor, or a corporation surviving the merger for one year from the date on which the period of such disposition expires, and where procedures for the administrative disposition are in progress, the procedures for the administrative disposition may be continued against the transferee, successor, or the corporation surviving the merger: Provided, That the foregoing shall not apply where the transferee or the corporation surviving the merger proves that he/she or it did not know such disposition or violation when he/she acquires the business or it merged with the other corporation.

Article 31 (Measures, etc. for Closure) (1) Where a business entity conducts its

business without obtaining registration under Article 15 or continuously conducts its business though the registration of its business was revoked pursuant to Article 29, the Minister of Food and Drug Safety may require relevant public officials to take the following measures to close down the place of business concerned:

1. Removal or elimination of a business sign, such as the signboard of the place of business concerned;
2. Posting a notice, etc. that the place of business concerned is not a lawful place of business;
3. Putting the seal to stop the use of, facilities at the place of business concerned, and machinery, appliances, etc. used for business.

(2) Where it is not necessary to continuously put the seal after putting the seal pursuant to paragraph (1) 3, or a person who conducts the business concerned or his/her agent promises to close down the place of business concerned, or requests the breaking of the seal for other just causes, the Minister of Food and Drug Safety may break the seal. The same shall also apply to a notice, etc. posted pursuant to paragraph (1) 2.

(3) Where the Minister of Food and Drug Safety intends to take measures under paragraph (1), he/she shall inform the person who conducts the business concerned

or the agent of such person of his/her intention in writing in advance: Provided, That the foregoing shall not apply where there exist urgent reasons prescribed by Presidential Decree.

(4) Measures taken pursuant to paragraph (1) shall be limited to the minimal extent necessary to stop the business.

(5) In cases falling under paragraph (1), a relevant public official shall carry a certificate indicating his/her authority and present it to relevant persons.

Article 32 (Hearings)

Where the Minister of Food and Drug Safety intends to take any of the following measures, he/she shall hold a hearing:

1. Revocation of the designation of an imported food sanitation audit institution under Article 10 (6);
2. Revocation of the registration of business under Article 29 (1) through (3).

Article 33 (Imposition of Penalty Surcharges in Lieu of Disposition for Suspension, etc. of Business)

(1) Where a business entity falls under any of the subparagraphs of Article 29 (1), the Minister of Food and Drug Safety may impose a penalty surcharge not exceeding two hundred million won in lieu of the disposition for suspension of business, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to cases prescribed by Ordinance of the Prime Minister, which are matters falling under Article 29 (1), in violation of Articles 15 and 18, and Articles 4 through 7, 10, 12 - 2, and 13 of the Food Sanitation Act, Articles 18 (1), 23 through 26 of the Health Functional Foods Act, and Articles 4 (5) and (6), 6 (2) and (3), 32 (1), and 33 (1) of the Livestock Products Sanitary Control Act.

(2) The amounts of penalty surcharges based on types, degrees, etc. of offenses for which penalty surcharges under paragraph (1) are imposed, and other necessary matters shall be prescribed by Presidential Decree.

(3) Where necessary to collect penalty surcharges, the Minister of Food and Drug Safety may request the head of the competent tax office to provide tax information by means of a document stating the following:

1. Personal information about taxpayers;
2. Purpose of use;

3. Amount of sales which becomes criteria for imposition of a penalty surcharge.

(4) Where a business entity fails to pay a penalty surcharge under paragraph (1) within a deadline, the Minister of Food and Drug Safety shall revoke the imposition of a penalty surcharge under paragraph (1) and impose a disposition for suspension of its business under Article 29 (1), or collect the penalty surcharge in the same manner as delinquent national taxes are collected: Provided, That where the Minister of Food and Drug Safety is unable to impose the suspension of business under Article 29 (1) due to the closure, etc. of business referred to in Article 15 (3), he/she shall collect the penalty surcharge in the same manner as delinquent national taxes are collected.

(5) Penalty surcharges collected pursuant to paragraphs (1) and (4) shall vest in the State.

Article 34 (Imposition, etc. of Penalty Surcharges Due to Sale, etc. of Hazardous

Imported Food, etc.) (1) Where any of the following persons violates Articles 4 through 6, Article 8 or 13 of the Food Sanitation Act, Article 18, 23, or 24 of the Health Functional Foods Act, or Article 32 or 33 (1) of the Livestock Products Sanitary Control Act, concerning the prohibition of sale, etc. of hazardous imported food, etc., the Minister of Food and Drug Safety shall impose on such person a penalty surcharge in an amount equivalent to the retail price of the imported food, etc. which is sold by such person:

1. A person on whom the suspension of business for at least two months is imposed, or the registration of whose business is revoked pursuant to Article 29, for violation of subparagraph 2, 3, 5, or 6 of Article 4 or Article 13 (1) 1 of the Food Sanitation Act; Article 18 (1) 1, subparagraph 2, 3, or 6 of Article 23, or Article 24 (2) 3 of the Health Functional Foods Act; or Article 32 (1) 1 or 33 (1) 2, 3, 5, or 9 of the Livestock Products Sanitary Management Act;

2. A person, the registration of whose business is revoked pursuant to Article 29, for violation of Article 5, 6, or 8 of the Food Sanitation Act.

(2) The calculated amount of a penalty surcharge under paragraph (1) shall be determined as prescribed by Presidential Decree.

(3) Where a person fails to pay a penalty surcharge imposed pursuant to paragraph (1) within a deadline, or closes his/her business pursuant to Article 15 (3), the

Minister of Food and Drug Safety shall collect such penalty surcharge in the same manner as delinquent national taxes are collected.

(4) Article 33 (3) and (5) shall apply to the vesting of penalty surcharges imposed pursuant to paragraph (1), a percentage of the vesting thereof, procedures for the collection thereof, and other similar matters.

Article 35 (Public Announcement of Fact of Violation)

With regard to a person on whom an administrative disposition is imposed pursuant to Article 29, 31, 33, or 34, the Minister of Food and Drug Safety shall publicly announce information on the disposition, including the details of such disposition, the name of the place of business, and imported food, etc., as prescribed by Presidential Decree.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 36 (Government Subsidies)

The Minister of Food and Drug Safety may partially subsidize the following expenses within budgetary limits:

1. Expenses incurred in obtaining the registration of a foreign food facility under Article 5;
2. Expenses incurred in conducting on - site inspections by an imported food sanitation audit institution designated pursuant to Article 10;
3. Expenses incurred in implementing traceability of imported food, etc. under Article 23;
4. Expenses incurred in performing collection and conducting inspections by an inspection agency that participates in the collection and inspection of imported food, etc. in distribution pursuant to Article 25;
5. Expenses incurred in collecting imported food, etc. safety information under Article 39;
6. Other expenses incurred in ensuring the safety of imported food, etc.

Article 37 (International Cooperation)

The Minister of Food and Drug Safety shall endeavor to generate international cooperation, such as the conclusion of agreements with exporting countries for the

safety, quality control, etc. of imported food, etc.

- Article 38 (Support for Safety of Food, etc. for Export)** (1) The Minister of Food and Drug Safety may provide information, etc. about the foreign standards and specifications to support the safety of food, food additives, apparatus, containers and packages, health functional foods, livestock products which business entities intend to export (hereinafter referred to as “ food, etc. for export" in this Article).
- (2) Where a person who intends to export food, etc. for export files an application for a health certificate, etc. to certify the sanitation, etc. of the relevant food, etc. for export, the Minister of Food and Drug Safety shall verify the fact about the sanitation thereof, and issue a health certificate, etc.
- (3) Necessary matters concerning procedures, etc. for filing an application for and issuing a health certificate, etc. under paragraph (2) shall be prescribed by Ordinance of the Prime Minister.

- Article 39 (Collection of Safety Information on Imported Food, etc.)** (1) The Minister of Food and Drug Safety may appoint monitoring personnel of imported food, etc. to collect safety information on imported food, etc..
- (2) Monitors of imported food, etc. under paragraph (1) shall conduct the following affairs:
1. Collecting and reporting food safety information generated abroad;
 2. Monitoring imported food, etc. sold on the foreign Internet sites;
 3. Other matters requested by the Minister of Food and Drug Safety to verify specific information.
- (3) Necessary matters concerning methods of the appointment, management, etc. of monitors of imported food, etc. under paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

- Article 40 (Delegation or Entrustment of Authority)** (1) The Minister of Food and Drug Safety may delegate part of his/her authority under this Act to the heads of Regional Offices of Food and Drug Safety, as prescribed by Presidential Decree.
- (2) The Minister of Food and Drug Safety may entrust a relevant specialized institution or organization with affairs concerning the registration of foreign food facilities under Article 5 and affairs concerning the traceability of imported food, etc.

under Article 23, as prescribed by Presidential Decree.

(3) Where necessary for the supervision of affairs entrusted under paragraph (2), the Minister of Food and Drug Safety may require a relevant specialized institution or organization to report matters concerning its affairs or to submit data, or issue other necessary orders, and require public officials under his/her control to have access to its office to inspect books and documents, etc.

(4) A public official who intends to have access or conduct inspections pursuant to paragraph (3) shall carry a certificate indicating his/her authority and present it to the relevant persons.

Article 41 (Fees)

Any of the following persons shall pay fees prescribed by Ordinance of the Prime Minister:

1. A person who intends to register for a good importer and make changes in registered matters pursuant to Article 7 (3);
2. A person who intends to register for a good foreign food facility or make changes in registered matters pursuant to Article 8 (2);
3. A person who intends to obtain designation as an imported food sanitation audit institution under Article 10;
4. A person who intends to register his/her business and make changes in registered matters pursuant to Article 15 (1);
5. A person who undergoes inspection under Article 21 (1);
6. A person who intends to obtain the registration of traceability under Article 23 (1).

CHAPTER VIII PENALTY PROVISIONS

Article 42 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won, or may be punished by both the aforesaid imprisonment and the aforesaid fine:

1. A person who fails to register his/her business, in violation of Article 15 (1);

2. A person who fails to file an import declaration, in violation of Article 20 (1);
3. A person who commits an offense falling under any of the subparagraphs of Article 20 (2).

Article 43 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won, or may be punished by both, consecutively:

1. A person who violates any of the provisions of Article 7 (6) 1 through 3;
2. A business entity who breaches any of the facility standards under Article 14;
3. A business entity who fails to meet conditions under Article 15 (2);
4. A person who violates Article 16 (3);
5. A person who fails to comply with any of the matters to be complied by a business entity pursuant Article 18: Provided, That the foregoing shall not apply to a person who violates any of the minor matters prescribed by Ordinance of the Prime Minister;
6. A person who refuses, interferes with, or avoids inspection, access, collection, etc. under Article 21 (1) or 25 (1);
7. A person who violates the proviso to Article 23 (1);
8. A person who continues to conduct his/her business, in violation of an order to suspend his/her business under Article 29 (1);
9. A person who removes or destroys a notice posted, or the seal placed, by a relevant public official pursuant to Article 31 (1) without permission.

Article 44 (Legal Fiction of Public Officials for Purposes of Penalty Provisions)

Any of the following persons shall be deemed a public official for the purpose of penalty provisions under Articles 129 through 132 of the Criminal Act:

1. Executive officers and employees of an imported food sanitation audit institution that conducts affairs entrusted pursuant to Article 9;
2. Executive officers and employees of a related professional institution or organization that conducts affairs entrusted pursuant to Article 9.

Article 45 (Joint Penalty Provisions)

If the representative of a corporation or an agent, employee, or other worker of a corporation or an individual commits an offense falling under any of Article 42 or 43 in relation to the affairs of such corporation or individual, not only shall the offender be punished, but the corporation or individual also shall be punished by a fine under the corresponding Article: Provided, That the foregoing shall not apply where the corporation or the individual has not neglected to pay due attention to, and exercise supervision over, the relevant affairs in order to prevent such offense.

Article 46 (Administrative Fines) (1) Any of the following persons shall be punished by an administrative fine not exceeding five million won:

1. A person who fails to undergo sanitation education, in violation of Article 17 (1);
2. A person who fails to undergo education, in violation of Article 26 (1);
3. A person who violates an order under Article 28 (1).

(2) A person who fails to comply with a minor matter prescribed by Ordinance of the Prime Minister among matters to be complied by business entities pursuant to Article 18 shall be punished by an administrative fine not exceeding three million won.

(3) The Minister of Food and Drug Safety shall impose and collect administrative fines under paragraphs (1) and (2), as prescribed by Presidential Decree.

Article 47 (Special Cases on Application of Administrative Fines)

Where the provisions on administrative fines of Article 46 apply, no administrative fine shall be imposed for an offence for which a penalty surcharge has been imposed pursuant to Article 33: Provided, That the foregoing shall not apply where the imposition of a penalty surcharge is revoked and a disposition for suspension of business is imposed pursuant to the main sentence of Article 33 (4).

ADDENDA <No. 14476, 27. Dec, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.
(Proviso Omitted.)

Article 2 through 5 Omitted.