

FRAMEWORK ACT ON FOOD SAFETY

Act No. 9121, Jun. 13, 2008
Amended by Act No. 9932, Jan. 18, 2010
Act No. 10310, May 25, 2010
Act No. 10999, Aug. 4, 2011

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure that people achieve a healthy and safe dietary lifestyle by clarifying the rights and obligations of people and responsibilities held by the State and local government with regard to the food safety, and by specifying fundamental matters with regard to establishment, coordination, etc. of food safety policies.

Article 2 (Definitions)

The definition of terms to be used in this Act shall be as follows: *<Amended by Act No. 9932, Jan. 18, 2010; Act No. 10310, May 25, 2010>*

1. The term "food" means all kinds of food and drinks: *Provided*, That those ingested as medicine shall be excluded;
2. The term "business operator" means any person who operates business falling under any of the following items, such as production, collection, manufacturing, processing, import, transportation, preservation, cooking or sales (hereinafter referred to as "production, sales, etc.");
 - (a) Food, food additives, apparatus, containers or packages under the Food Sanitation Act;
 - (b) Agricultural products under the Agricultural and Marine Products Quality Control Act;
 - (c) Fishery products under the Quality Control of Fishery Products Act;
 - (d) Livestock products under the Livestock Industry Act;
 - (e) Fertilizers under the Fertilizer Control Act;
 - (f) Agrochemicals under the Agrochemicals Control Act;
 - (g) Feed under the Control of Livestock and Fish Feed Act;
 - (h) Animal medicine under Article 85 of the Pharmaceutical Affairs Act;

- (i) Materials of the agricultural, fishery and livestock industry feared to have an impact on the food safety;
 - (j) Other matters related to food, prescribed by Presidential Decree;
3. The term “consumer” means any person who intakes or uses anything provided by the business operator, falling under each item of subparagraph 2 (hereinafter referred to as “food, etc.”): *Provided*, That cases of receiving food, etc. in order to use it in one’s own operations shall be excluded;
 4. The term “relevant central administrative agency” means the Ministry of Strategy and Finance, the Ministry of Education, Science and Technology, the Ministry of Food, Agriculture, Forestry and Fisheries, the Ministry of Knowledge Economy, the Ministry of Health and Welfare, the Ministry of Environment, the Rural Development Administration, the Korea Food and Drug Administration; and “relevant administrative agencies” means administrative agencies with administrative authority over food, etc.;
 5. The term “Acts and subordinate statutes related to food safety” means provisions related to food, etc., under the Food Sanitation Act, the Functional Foods for Health Act, the Special Act on Safety Control of Children’s Dietary Life, the Prevention of Contagious Diseases Act, the National Health Promotion Act, the Food Industry Promotion Act, the Agricultural and Marine Products Quality Control Act, the Livestock Products Sanitary Control Act, the Act on the Prevention of Contagious Animal Diseases, the Livestock Industry Act, the Control of Livestock and Fish Feed Act, the Agrochemicals Control Act, the Pharmaceutical Affairs Act, the Fertilizer Control Act, the Ginseng Industry Act, the Grain Management Act, the Environment-Friendly Agriculture Fosterage Act, the Quality Control of Fishery Products Act, the Act on Special Measures for the Control of Public Health Crimes, the School Meals Act, the School Health Act, the Water Supply and Waterworks Installation Act, the Management of Drinking Water Act, the Salt Management Act, the Liquor Tax Act, the Foreign Trade Act, the Industrial Standardization Act, the Transboundary Movement, etc. of Living Modified Organisms Act and other Acts related to the safety of food, etc., decrees, ordinances, municipal ordinances or rules which specify matters delegated by the aforementioned Acts or matters concerning implementation thereof;
 6. The term “evaluation of hazards” means conducting scientific evaluation as to whether hazards existing in food, etc. may harm the human health and the degree thereof;
 7. The term “investigation of traceability” means conducting investigation by tracing

information on process of production, sales, etc. of food.

Article 3 (Relations with other Acts)

(1) Except for cases where any special provision exists concerning the safety of food, etc. in Acts under subparagraph 5 of Article 2, it shall be in accordance with this Act.

(2) Enactment or revision of Acts and subordinate statutes related to food safety shall be in accordance with the purport of this Act.

Article 4 (Responsibilities and Obligations of State and Local Governments)

(1) The State and local governments have responsibilities and obligations to establish and implement policies on safety of food, etc. so as to ensure that people can lead a dietary lifestyle in a health and safe manner (hereinafter referred to as "food safety policy").

(2) In cases where the State and local governments establish and implement food safety policies, they shall ensure that principles of scientific reasonableness, consistency, transparency, promptness, and prevention are well maintained.

(3) The State and local governments shall endeavor to set scientific criteria for producing, manufacturing, processing, cooking, packing, preserving and distributing food, etc. and standards for ingredients of food, etc. (hereinafter referred to as "criteria and standards for safety of food, etc.") in consideration of the life and safety of the people, in line with the food standards of the Codex Alimentarius Commission according to the Marrakesh Agreement Establishing the World Trade Organization.

<Amended by Act No. 10999, Aug. 4, 2011>

(4) The State and local governments shall endeavor not to impose heavy burdens on business operators due to repetitive entry, collection, inspection, etc.

Article 5 (Responsibilities and Obligations of State and Local Governments)

(1) People shall have the rights to participate in establishing and implementing food safety policies of the State and local governments, and know about information on food safety policies.

(2) Business operators shall be responsible for producing and selling food, etc. beneficial to and safe for the public health, and checking and inspecting as to food, etc. at all times.

CHAPTER II ESTABLISHMENT OF FOOD SAFETY POLICIES AND IMPLEMENTATION SYSTEM

Article 6 (Basic Plans, etc. for Food Safety Management)

(1) The heads of relevant central administrative agencies shall establish and submit safety control plans on food, etc. every three years.

(2) The Prime Minister shall integrate basic plans for safety control on food, etc. he/she received from each relevant central administrative agency pursuant to paragraph (1), undergo deliberation by the Committee for Food Safety Policy under Article 7, establish basic plans for food safety control (hereinafter referred to as "basic plans"), and submit them to the heads of relevant administrative agencies pursuant to Article 7.

(3) Basic plans shall include the following matters:

1. Changes and prospect for dietary lifestyle;
2. Goals of and basic direction for food safety policies;
3. Matters concerning improvement of institutions, such as improvement of Acts and subordinate statutes related to food safety;
4. Matters concerning methods for support to secure safety of food, etc. such as support, etc. for business operators;
5. Matters concerning research and technology development on food, etc.;
6. Matters concerning international cooperation for safety of food, etc.;
7. Other matters necessary to secure safety of food, etc.

(4) The heads of relevant central administrative agencies and local governments shall establish and implement implementation plans for food safety management (hereinafter referred to as "implementation plans") based on basic plans each year.

(5) The heads of relevant central administrative agencies and local governments shall endeavor to preferentially secure the manpower and resources required to implement basic plans and implementation plans.

(6) Necessary matters concerning establishment and implementation of basic plans and implementation plans, other than matters under paragraphs (1) through (5) shall be prescribed by Presidential Decree.

Article 7 (Basic Plans, etc. for Food Safety Management)

(1) In order to integrate and coordinate food safety policies, the Food Safety Policy Committee shall be established under the control of the Prime Minister (hereinafter referred to as the "Committee").

(2) The Committee shall deliberate on and coordinate the following matters:

1. Matters concerning basic plans;
2. Matters concerning major policies concerning safety of food, etc.;

3. Matters concerning enactment and/or revision of Acts and subordinate statutes related to food safety and of criteria and standards for safety of food, etc. which may have a critical impact on public health;
4. Matters concerning evaluation of hazards of food, etc. which may have a critical impact on public health;
5. Matters concerning comprehensive response measures on accidents of critical food, etc.;
6. Other important matters concerning safety of food, etc. proposed by the Chairperson.

Article 8 (Members, etc. of Committee)

- (1) The Committee shall be comprised of not more than twenty members, including one Chairperson.
- (2) The Chairperson shall be the Prime Minister and the members shall be each of the following subparagraphs: <Amended by Act No. 9932, Jan. 18, 2010>
 1. The Minister of Strategy and Finance, the Minister of Education, Science and Technology, the Minister of Justice, the Minister of Food, Agriculture, Forestry and Fisheries, the Minister of Health and Welfare, the Minister of Environment, the Commissioner of the Korea Food and Drug Administration, and Minister of the Prime Minister's Office;
 2. Any person among those with knowledge and experience in safety of food, etc., commissioned by the Prime Minister.
- (3) In cases where the Chairperson deems it necessary, he/she may have the heads of relevant administrative agencies, relevant public officials and experts attend meetings and speak.

Article 9 (Duties of Chairperson)

- (1) The Chairperson shall convene Committee meetings and take the chair thereof.
- (2) In cases where the Chairperson is unable to perform his/her duties due to unavoidable reasons, the member designated by the Chairperson, in advance, shall act on his/her behalf.

Article 10 (Term of Office and Obligation of Members)

- (1) The term of office of members shall be two years, and consecutive appointment may be permitted: *Provided*, That members who are a public official shall hold office only while they hold such official position.
- (2) Members shall perform duties fairly according to one's conscience, and shall not speak for the interest of specific groups.

Article 11 (Committee Meetings)

- (1) Meetings of the Committee shall be convened in cases where the Chairperson

deems it necessary, or where one third or more of incumbent members request it.
(2) Meetings of the Committee shall initiate the proposal of agenda with the attendance of a majority of incumbent members, and resolve such agenda with a consent of the majority of those present.

Article 12 (Specialized Committee)

(1) The Committee may install the Specialized Committee in order to conduct a specialized review with regard to requests by the Chairperson.
(2) Members, function and operation of the Specialized Committee shall be prescribed by Presidential Decree.

Article 13 (Operation of Committee)

(1) In order to process affairs of the Committee, an administrative body may be established under the Committee.
(2) In cases where necessary to perform duties of the Committee, the Chairperson may request the heads of administrative institutions, research institutions, organizations, etc. to dispatch public officials or employees belonging thereto.
(3) Necessary matters concerning organization and operation of the Committee, other than those prescribed by this Act, shall be prescribed by Presidential Decree.

Article 14 (Request for Data and Investigation and Analysis)

In order to secure safety of food, etc. the Committee and the Specialized Committee may request the heads of relevant administrative agencies to provide data, or request the testing, analysis and/or research institutions under Article 23 to conduct investigation, analysis, and inspection necessary to evaluate the hazards.

CHAPTER III EMERGENCY RESPONSE AND TRACEABILITY INVESTIGATION, ETC.

Article 15 (Emergency Response)

(1) In cases where food, etc. causes or is feared to cause any critical hazard to public health, the Government shall establish and operate a system to urgently respond to prevent or minimize any harm to the public in advance.
(2) In cases where it is revealed that food, etc. produced, sold, etc. contains hazardous substances, or any potential hazard is suspected for other reasons, and, subsequently, any critical hazard occurs or is feared to occur to an unspecified number of the public, the heads of relevant central administrative agencies shall prepare emergency

response plans including the following matters, undergo deliberation by the Committee thereon, and take necessary measures according to applicable emergency response plans: *Provided*, That in cases where it is determined that undergoing deliberation by the Committee will make it unable to achieve the purposes of emergency response, the heads of relevant central administrative agencies may take necessary measures and proceed to undergo deliberation by the Committee:

1. Kind of relevant food, etc.;
2. Kind and degree of hazard affecting the human body resulting from the relevant food, etc.;
3. In cases where prohibition of production and sale under Article 16 is required, matters related thereto;
4. In cases where traceability inspection is required pursuant to Article 18, matters related thereto;
5. Matters concerning training and advertising consumers about emergency responses, handling methods, etc.;
6. Other matters in order to prevent hazard of food, etc. or spread thereof.

(3) The Committee shall deliberate on emergency response plans submitted by the heads of relevant central administrative agencies without delay, notify such matter to the heads of other relevant administrative agencies related therewith, and promulgate such matter to the general public.

(4) After taking necessary measures pursuant to paragraph (2), the heads of relevant central administrative agencies shall immediately report the results thereof to the Committee.

(5) The heads of relevant administrative agencies, business operators and consumers shall cooperate in implementation of emergency response plans.

Article 16 (Prohibition of Production, Sales, etc.)

(1) Where the head of relevant administrative agency determines that food, etc. requires emergency attention under Article 15 (2), he/she shall prohibit production, sales, etc. of relevant food, etc. until such hazard thereof is verified. *<Amended by Act No. 10999, Aug. 4, 2011>*

(2) No business operator shall produce or sell food, etc. which is prohibited from being produced or sold pursuant to paragraph (1).

(3) The head of relevant administrative agency who intends to prohibit production, sales, etc. pursuant to paragraph (1) shall, in advance, listen to opinions of interested persons prescribed by Presidential Decree.

(4) In cases where the head of relevant administrative agency deems that no hazard

has occurred to the public health, or such fear has disappeared, he/she shall immediately revoke such prohibition, in part or whole.

(5) In cases where business operators have any objection against measures of prohibition under paragraph (1), he/she may request the head of relevant administrative agency to revoke such prohibition, in part or whole.

Article 17 (Orders for Inspection)

(1) The head of relevant administrative agency may order business operators who produce or sell food, etc. falling under any of the following subparagraphs to undergo inspection by inspecting institutions determined and publicly announced by the head of the relevant central administrative agency:

1. Food, etc. considered to require emergency attention under Article 15(2);
2. Food, etc. which has caused or causes fear for a potential hazard domestically or overseas;
3. Other food, etc. which has caused or is feared to cause a substantial hazard to public health, as prescribed by Presidential Decree.

(2) Business operators who receive orders to undergo inspection under paragraph (1) shall undergo inspection within an inspection period, and inspecting institutions shall notify results thereof to the business operators and the heads of relevant administrative agencies.

Article 18 (Traceability and Inspection, etc.)

(1) The head of relevant central administrative agency shall establish and implement policies to trace the history of production, sales, etc. of food, etc.

(2) The head of relevant administrative agency shall keep track of food, etc. which causes or is feared to cause significant hazard to the public health. In such cases, he/she shall jointly trace and inspect with heads of relevant administrative agencies, if any, by means of joint investigation, etc.

(3) The head of relevant administrative agency involved shall pro-actively cooperate with tracing and inspection under the latter part of paragraph (2).

(4) Each business operator shall keep record of and maintain necessary matters to identify procedures, such as production, sales, etc. of food, etc. and, shall control such matters so that he/she will be able to cooperate in cases where the head of any relevant administrative agency requests the perusal of the record or submission thereof.

(5) The scope, etc. of business operators who are mandated to keep record of and maintain procedures of producing, purchasing and selling food, etc. pursuant to paragraph (4) shall be prescribed by Presidential Decree.

Article 19 (Recall of Food, etc.)

(1) In cases where food, etc. produced and sold, etc. fail to meet the criteria, standards, etc. for safety of food, etc. determined by Acts and subordinate statutes related to food safety, subsequently cause or are feared to cause any hazard to public health, business operators shall immediately recall such food, etc.

(2) In cases where business operators recall food, etc. pursuant to paragraph (1), they shall disclose consumers related reasons for, plans of, facts about recall, etc.

CHAPTER IV SCIENTIFIC FOOD SAFETY MANAGEMENT

Article 20 (Evaluation of Hazards)

(1) In cases where the head of relevant central administrative agency intends to establish or revise criteria and standards for safety of food, etc. or determines as to whether food, etc. cause any hazard to public health, he/she shall perform evaluation of such hazards in advance: *Provided*, That in cases where emergency attention under Article 15(2) is required, he/she may perform evaluation of hazard thereafter.

(2) Notwithstanding paragraph (1), in cases falling any of the following subparagraphs, the head of relevant central administrative agency may omit evaluation of hazard through deliberation by the Committee:

1. In cases where it is clear that evaluation of hazards is not necessary in consideration of criteria and standards for safety of food, etc. or details of hazard thereof;
2. In cases where it is certain that food, etc. causes hazards to public health.
- (3) Evaluation of hazards shall be performed based on scientific grounds which are currently available in an objective, fair and transparent manner.

Article 21 (Safety Management of New Food Products)

In cases where the head of relevant central administrative agency allows agricultural, fishery and livestock products which are produced by using gene recomposing technology or which have not been used for food products, to be produced, sold, etc. as food, he/she shall establish and implement safety management measures not to cause any hazard to public health.

Article 22 (Hazard Analysis Critical Control Point)

The head of relevant central administrative agency shall introduce and implement such system that allows intensive control in order to prevent any hazard of food, etc. in the course of producing, selling, etc. food, etc., and may provide technology,

financing, etc. to business operators who opt for such system.

Article 23 (Operation, etc. of Testing, Analysis and Research Institutions)

The head of relevant administrative agency shall endeavor to enhance the expertise and efficiencies of affiliated institutions, government-funded institutions or institutions designated by Acts and subordinate statutes related to food safety which conduct testing, analysis or research on safety of food, etc. (hereinafter referred to as "testing, analysis and research institutions").

CHAPTER V DISCLOSURE OF INFORMATION, MUTUAL COOPERATION, ETC.

Article 24 (Disclosure of Information, etc.)

(1) The Government shall establish and operate the comprehensive safety information management system for food, etc. in order to manage and disclose information on safety of food, etc.

(2) In cases where the head of relevant central administrative agency establishes food safety policies, he/she shall provide information on relevant policies to stakeholders, such as business operators, consumers, etc.

(3) In cases where it is revealed that business operators have violated Acts and subordinate statutes related to food safety, the head of the relevant administrative agency may, notwithstanding Article 9(1)6 of the Act on the Protection of Personal Information Maintained by Public Institutions, disclose information on the relevant food, etc. and business operators.

(4) In cases where consumers, above the number prescribed by Presidential Decree, make a request to disclose information on safety of food, etc. held by the relevant administrative agency by meeting requirements prescribed by Presidential Decree, such as presenting reasons for the request to disclose information, the scope of information to be disclosed and a certificate of identification of consumers, and where such information is related to health of an unspecified number of the public, the head of relevant administrative agency shall, notwithstanding Article 9(1)5 of the Protection of Personal Information Maintained by Public Institutions, disclose such information.

(5) The testing, analysis and research institutions shall cooperate with one another in conducting testing, analysis, research and development as well as collection of information, and share related information.

Article 25 (Collection of Opinions of Consumer and Business Operator)

(1) The head of relevant central administrative agency shall establish or revise the criteria and standards for safety on food, etc. by collecting opinions of consumers and business operators, and, when establishing and revising such criteria and standards, he/she shall disclose in detail the reasons therefor and scientific grounds.

(2) The head of relevant administrative agency shall endeavor to prepare the criteria for labeling of food, etc. in order to guarantee the consumer's rights to choose.

Article 26 (Cooperation between Relevant Administrative Agencies)

(1) When the heads of relevant administrative agencies establish and implement food safety policies, they shall closely cooperate with each other, and in cases where they intend to establish or revise the criteria and standards for safety of food, etc., they shall consult, in advance, with the heads of relevant administrative agencies concerned.

(2) The heads of relevant administrative agencies shall share information on safety of domestic and overseas food, etc., prescribed by Presidential Decree, such as information on safety on food, etc. obtained through exchange and cooperation with foreign governments, international organizations, etc.

(3) In cases where the head of institution which investigates cases of violation of Acts and subordinate statutes related to food safety intends to promulgate details of the relevant case, he/she shall consult, in advance, with the heads of relevant administrative agencies.

Article 27 (Support for Consumers, Business Operators, etc.)

(1) The heads of relevant administrative agencies shall establish policies to support and foster sound, autonomous and responsible activities of consumers with regard to safety of food, etc.

(2) The heads of relevant administrative agencies may provide business operators with support, such as expenses incurred in investing in facilities to secure safety of food, etc. prescribed by Presidential Decree, such as joint inspection facilities, etc. and production technology, etc.

(3) The heads of relevant administrative agencies may provide research institutions or organizations, etc. related to food, etc. with financial support necessary to conduct research concerning food, etc. in order to secure safety management technology for food, etc. at an internationally recognized level and to improve the dietary lifestyle of the public.

CHAPTER VI CONSUMER PARTICIPATION

Article 28 (Consumer Participation)

(1) The heads of relevant administrative agencies shall endeavor to engage consumers in various committees concerning safety of food, etc.

(2) In cases where consumers above the number prescribed by Presidential Decree make a request to conduct testing, analysis and extraction of sample of food, etc. (hereinafter referred to as "testing, analysis, etc.") by meeting requirements prescribed by Presidential Decree, such as presenting reasons for the request, the scope of the request, a certificate of identification of consumers, etc., the head of relevant administrative agency shall cooperate except for cases falling under any of the following subparagraphs:

1. In cases where the testing, analysis and research institution is incapable of conducting testing, analysis, etc. at the level requested by the consumer;
2. In cases where the number of requests for testing, analysis, etc. is excess, causing considerable influence on the work of the relevant testing, analysis and research institution;
3. In cases where the same consumer makes repeated requests to conduct testing, analysis, etc. for the same purpose;
4. In cases where the cases are against the public interest, such as a request for testing, analysis, etc. for the purposes of benefitting specific business operators.

(3) Where the heads of the heads of relevant administrative agencies respond to requests, such as testing, analysis, etc. on food, etc. pursuant to paragraph (2), they shall conduct testing, analysis, etc. within 120 days, and notify the results thereof to consumers under the same paragraph, as prescribed by Presidential Decree. In such cases, fees for testing, analysis, etc. shall be borne by consumers who make a request for testing, analysis, etc., as prescribed by Presidential Decree.

Article 29 (Protection of Informants)

No business operator shall take any unfavorable measures against informants, etc. who report food, etc. which are harmful to the human body or any act of violation of Acts and subordinate statutes related to food safety by business operators to the heads of relevant administrative agencies, or submit documents related thereto.

Article 30 (Provision of Prize Money)

The heads of relevant administrative agencies may provide prize money to persons who report violations of this Act and Acts and subordinate statutes related to food

safety based on the criteria prescribed by Presidential Decree: *Provided*, That in cases where Acts and subordinate statutes related to food safety specified otherwise, the applicable provisions shall apply.

ADDENDUM

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the provisions of subparagraph 5 of Article 2 of the Special Act on Safety Control of Children's Dietary Life shall enter into force on March 22, 2009.

ADDENDA *<Act No. 9932, Jan. 18, 2010>*

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA *<Act No. 10310, May 25, 2010>*

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDUM *<Act No. 10999, Apr. 4, 2011>*

This Act shall enter into force three months after the date of its promulgation.