



Ministry of Food and  
Drug Safety

# **Regulation for Designation of Certification Assurance Agency for Foods and Livestock Products**

**Ministry of Food and Drug Safety**

**December 2015**

Note to reader : If there should be any differences between the original Korean texts and English translation, the original Korean texts shall prevail. For further information in Foods, please contact Food Consumption Safety Division, and in Livestock products, please contact Agro Livestock and Fishery Products Policy Division, Ministry of Food and Drug Safety.

E-mail : [dhjeon@korea.kr](mailto:dhjeon@korea.kr), [psyshine@korea.kr](mailto:psyshine@korea.kr) (for Foods)

E-mail : [ga1971@korea.kr](mailto:ga1971@korea.kr), (for Livestock products)

# **Regulation for Designation of Certification. Assurance Agency for Foods and Livestock Products**

[Announcement No. 2015-102 by the Ministry of Food and Drug Safety, Established on Dec. 23, 2015]

Ministry of Food and Drug Safety (Food Consumption Safety Division), 043-719-2858

**Article 1 (Purpose)** The purpose of this announcement is to regulate matters required for the designation of a Certification. Assurance Agency for foods in accordance with Article 13 (2) of the Food Sanitation Act and Article 8 clause 1(6)d of the Enforcement Decree of the same Act and for livestock products in accordance with Article 32 (2) of the Livestock Products Sanitary Control Act and Article 52 Clause 1(8)d of the Enforcement Decree of the same Act and promote efficiency in labeling and marketing tasks.

**Article 2 (Establishment and Function of Deliberation Committee)** The Minister of Food and Drug Safety (hereinafter referred to as the “Minster”) shall establish a Certification. Assurance Agency for Foods and Livestock Products Designation Deliberation Committee (hereinafter referred to as the “Committee”) in the Ministry of Food and Drug Safety in order to deliberate the Certification. Assurance Agency on the matters provided in the following sections.

1. Matters concerning designation of Certification. Assurance Agency
2. Matters concerning the types of Certification. Assurance of Certification. Assurance Agency
3. Other matters necessary for conducting Certification. Assurance tasks of Certification. Assurance Agency

**Article 3 (Organization of Committee)** ① The Committee shall be composed of at least 10 persons in candidates, including a chairperson.

② The chairperson shall be elected from among the committee members.

③ The Minister shall establish the Committee with at least 10 persons upon meeting in accordance with the types of Certification. Assurance as prescribed in Article 4.

**Article 4 (Organization of Committee Member Candidate Group)** ① The Minister shall establish a Committee Member Candidate Group (hereinafter referred to as “Candidates”) composed of not more than 30 persons for each type of certification.assurance who fall under any of the following subparagraphs concerning the designation of Certification. Assurance for Foods and Livestock Products.

1. Those who work in government agency and government-funded institutions.
2. Those who are affiliated with industry, academia, or research organizations.

**Article 5 (Duties of Chairperson)** The Chairperson shall represent the Committee and handle the tasks of the Committee such as supervising Committee meetings, etc.

**Article 6 (Term of Members)** The term of members shall be 1 year, and consecutive appointment may be permitted, provided that the term of members shall be only while they hold the corresponding position.

**Article 7 (Hearing of Opinions of Interested Persons)** The Minister can have a person who is not registered as a member of the candidates participate in a meeting, when the person of interest is acknowledged to be needed in the discussion of the matters in question.

**Article 8 (Operation of Committee)** ① In order to process affairs of the Committee, the Chairperson shall have one assistant administrator who is the section head in charge of labeling and marketing.

② The deliberation of the Committee is convened by the head of Food Safety Policy Bureau or Agro-Livestock and Fishery Products Safety Bureau in accordance with the registration of application for Designation of Certification.Assurance Agency for Foods and Livestock Products.

③ The decisions of the Committee shall be made by a majority vote of the members present.

④ The members shall submit a secrecy declaration in the Form 1 to the Minister upon participating in a meeting. When a member who has violated the declaration participates

in deliberation, the decision shall be nullified.

⑤ Should there occur a change in the results of deliberation, such as lack of quorum, deliberation shall be held on the same affair again as prescribed in paragraph 4. In such case, the deliberation process shall be in compliance with the said regulation.

⑥ The Minister might provide allowances and travel expenses to the members present at the meeting within the range of the budget.

⑦ The expenses necessary for the operation, etc. of the Committee can be spent within the range of the budget.

⑧ Matters necessary for the operation of the Committee, other than those prescribed by this Act, shall be prescribed by the chairperson

**Article 9 (Standards for Designation of Certification, Assurance Agency)** Institutions that wish to be designated as a Certification, Assurance Agency shall need to fulfill the requirements in each of the following clause.

1. Shall be equipped with personnel appropriate for carrying out certificate, assurance duties.

2. Shall construct and maintain an operation system appropriate for the standards for the operation of Certification, Assurance Agency prescribed in Annex 1.

3. Shall draw up and maintain a written procedure concerning certification, assurance policy, certification, assurance regulations, obligations, authorities, and mutual relations of the personnel, dispute prevention and processing of customer complaints, maintenance and guarantee of customers' secret information, etc. in order to secure the quality of certification, assurance tasks.

4. Shall be equipped with financial ability so that they can return the certification, assurance fee to the client when they cannot stably conduct certification, assurance tasks.

**Article 10 (Application for Designation)** ① Those who wish to be designated as a Certification, Assurance Agency shall submit the designated application form provided in Form 3 with the following documents.

1. The written oath provided in Form 4

2. The following data regarding the implementation of certification, assurance tasks

- A. Certification. Assurance tasks regulations, including the matters in Annex 1
  - B. Data regarding certification, assurance fees and their calculation
3. A business plan including the business year of the application date and the next business year
  4. The organization chart of the applying institution
  5. A document that provides a summary of current tasks other than certification, assurance tasks (if applicable)
  6. The current status of human resources for certification, assurance tasks

**Article 11 (Review on Designation)** ① The Minister might review the documents regarding the format and omission, etc. of submitted documents upon the receipt, of application for designation of Certification, Assurance Agency and may conduct an on-site inspection.

② The Minister shall establish a plan for on-site inspection as provided in paragraph 1 and notify the applicant of the site inspection plan, including the following matters, 3 days prior to the site inspection.

1. Venue and time of site inspection
2. Formation of site inspection team and division of work
3. Matters to be cooperated with in site inspection.

③ The Minister shall attach the results of document review and site inspection in accordance with Paragraph 1 to the Certification, Assurance Agency application form and request the Committee to deliberate on the designation of Certification, Assurance Agency

④ The Committee shall deliberate on whether the applying institution complies with the standards provided in Article 9. The results of the deliberation shall be made in a written report format provided by Form 2 and submitted to the Minister.

⑤ When the results of the Committee's deliberation require supplementation, the Minister can designate a deadline and ask the applicant to supplement the data. With regard to the submitted supplementary data, the Minister can ask the Committee for re-deliberation when necessary.

⑥ When the applying institution does not submit the supplementation within the deadline as prescribed in paragraph 5 or the results of the Committee's deliberation find it inappropriate, the Minister shall notify the applicant that designation is not possible.

**Article 12 (Designation and Announcement)** ① When the applicant is found to be in compliance with the standards for designation of Certification.Assurance Agency in accordance with Article 9 after reviewing the results of the Committee's deliberation in accordance with Article 11 (1) and (2), the Minister shall issue the Certification.Assurance Agency Designation Certificate provided in Form 5.

② The Minister shall announce the following matters on the website of the Ministry of Food and Drug Safety upon the designation of Certification.Assurance Agency.

1. Designation number
2. Designation date
3. Name of Certification.Assurance Agency, representative, corporate registration number, and the place of facility
4. Type of Certification.Assurance

**Article 13 (Report on the Current Status of Certification.Assurance of Certification.Assurance Agency)** The head of the Certification.Assurance Agency shall notify the Minister every half year when certification.assurance tasks have been made upon request.

**Article 14 (Time Limit for Reexamination)** The Minister shall review the validity every three years from Jan. 1, 2016 in accordance with the "Regulation on the Issuance and Management of Instructions, Regulations, etc." (Presidential Instruction No. 334) and take measures, such as improvement, etc.

**Supplementary Provision** <No. 2015-102, Dec. 23, 2015>

This regulation is enforced on the day the newly established regulations of Article 8 (1)-6 (d) of the Food Sanitation Act Enforcement Regulation and Article 52 (1)-8(d) of the Livestock Products Sanitary Control Act Enforcement Regulation are proclaimed and enforced.

## **[Annex 1] Certification, Assurance Agency Operational Standards (related to Article 9)**

### **1. General Matters**

- A. The head of the Certification, Assurance Agency shall establish policies and procedures for certification, assurance tasks in order to secure the fairness of certification, assurance tasks.
- B. The head of the Certification, Assurance Agency and the personnel that conduct certification, assurance tasks shall have no economic interest with regard to clients and corresponding companies.
- C. The personnel that conduct certification, assurance tasks cannot conduct the corresponding tasks in the following cases:
  - 1) When the personnel that conduct certification, assurance tasks might affect the tasks due to personal connections, such as blood relationships, or economic interests with the clients and the people concerned.
  - 2) When the personnel that conduct certification, assurance tasks have conducted consultations regarding certification, assurance tasks.
  - 3) When the personnel that conduct certification, assurance tasks worked at a client's company within the previous 24 months.
- D. The Certification, Assurance Agency shall conduct the tasks limited to the types of certification, assurance designated by the Minister of Food and Drug Safety

### **2. Securing Resources**

- A. The head of the Certification, Assurance Agency shall secure the personnel required for conducting certification, assurance tasks.
- B. The head of the Certification, Assurance Agency shall establish and implement plans to provide education and training for the personnel that conduct certification, assurance tasks so that they can acquire professional knowledge and skills related to certification, assurance tasks.
- C. The head of the Certification, Assurance Agency shall maintain and manage up-to-date records on the competency, educational training, experience, appointment, and dismissal, etc. of the personnel that conduct certification, assurance tasks.



D. The head of the Certification, Assurance Agency shall designate the types of certification, assurance tasks in accordance with the knowledge, experience, etc. of the personnel that conduct certification, assurance tasks.

### **3. Procedure for Certification, Assurance tasks**

#### **A. Certification, Assurance**

The Certification, Assurance Agency shall include the matters in the following paragraphs regarding certification, assurance tasks:

- 1) The head of the Certification, Assurance Agency shall have a staff appropriate for conducting certification, assurance tasks upon the request regarding certification, assurance.
- 2) After reviewing the related data, etc, the head of the Certification, Assurance Agency might request the client to submit supplementary data if they are not found to be sufficient and can reject the application form when the client does not supplement the data.

#### **B. Record Maintenance**

- 1) The head of the Certification, Assurance Agency shall have policies and procedures for managing the data, etc. related to certification, assurance.
- 2) The head of the Certification, Assurance Agency shall submit the documents related to certification, assurance upon the request of the Minister of Food and Drug Safety.

#### **C. Secrecy Maintenance**

- 1) The head of the Certification, Assurance Agency, the personnel that conduct certification, assurance tasks, or any person that has held that position shall not disclose the information they acquired during their position to others or use that information for other purposes.
- 2) The head of the Certification, Assurance Agency shall establish written policies and procedures in order to maintain the secrets of data related to certification, assurance submitted by clients.

[Form 1]

## Secrecy Declaration

I hereby vow that I will respect the following matters in reviewing the examination results for the designation of the Certification Assurance Agency in Food and Livestock Products.

1. I shall respect the related regulations, conduct fair tasks, and maintain dignity as a review member.
2. I shall maintain independence from commercial interests of any sort regarding certification assurance target institutions and other pressure.
3. I shall not disclose the information acquired in the process of work without the consent of the interest parties and the Minister of Food and Drug Safety.

Date :

(Y) (M) (D)

Affiliation :

Name :

(Signature)

**To the Minister of Food and Drug Safety**



[Form 3]

<b>Application for Designation of Certification.Assurance Agency for Foods and Livestock Products</b>		Processing Time
		90 days
The Type of Certification. Assurance		( <input type="checkbox"/> Food <input type="checkbox"/> Food Additives <input type="checkbox"/> Livestock Products) ( <input type="checkbox"/> Certification <input type="checkbox"/> Assurance)
Applicant	Name of Institution	Corporate Registration No.
	Representative	Date of Birth
	Place of Facility	Phone(E-mail)
Established Legal Basis		
Date of Establishment		
<p>I hereby apply for designation of Certification.Assurance Agency in Foods and Livestock Products in accordance with article 13 clause 2 of the Food Sanitation Act and article 8 clause 1(6)d of Enforcement Decree of the same Act and in livestock products in accordance with Article 32 clause 2 of the Livestock Products Sanitary Control Act and article 52 clause 1(8)d the Enforcement Decree of the same Act.</p> <p style="text-align: right;">Date : _____ (Y) (M) (D)</p> <p style="text-align: right;">Applicant : _____ (Signature or seal)</p> <p><b>To the Minister of Food and Drug Safety</b></p>		
<b>Required documents</b>		
<ol style="list-style-type: none"> <li>1. The written oath provided in Form 4</li> <li>2. The following data regarding the implementation of certification.assurance tasks             <ol style="list-style-type: none"> <li>A. Certification.assurance tasks regulations, including the matters in Annex 1</li> <li>B. Data regarding certification.assurance fees and their calculation</li> </ol> </li> <li>3. A business plan including the business year of the application date and the next business year</li> <li>4. The organization chart of the applying institution</li> <li>5. A document that provides a summary of current tasks other than certification.assurance tasks (if applicable)</li> <li>6. The current status of human resources for certification.assurance tasks</li> </ol>		

210mm×297mm[일반용지 60g/m<sup>2</sup>(재활용품)]

[Form 4]

<b>Written Oath</b>			
Applying Institution			
Representative			
Place of Facility		Phone (E-mail)	
<p>Upon applying for the designation of Certification. Assurance Agency for Foods and Livestock Products, we hereby confirm that we have been well informed of and understood the regulations related to the designation of Certification. Assurance Agency for Foods and Livestock Products and vow that we will faithfully respect the following matters.</p> <ol style="list-style-type: none"><li>1. We will provide the data necessary for the designation, such as certification, assurance task policies and procedures, etc.</li><li>2. We will not conduct any action that might dishonor the Ministry of Food and Drug Safety or induce misunderstandings regarding the certification. assurance tasks or the Ministry of Food and Drug Safety.</li><li>3. We will not misuse the designation certificate of Certification. Assurance Agency for Foods and Livestock Products.</li><li>4. We will not issue false results notices of Certification. Assurance for Foods and Livestock Products.</li><li>5. We will faithfully implement every matter we need to implement in regard to the designation of Certification. assurance Agency for Foods and Livestock Products in accordance with the related regulations.</li></ol>			
Date :			
(Y) (M) (D)			
Applicant :			
(Signature)			
<b>To the Minister of Food and Drug Safety</b>			

210mm×297mm[일반용지 60g/m<sup>2</sup>(재활용품)]

**Designation Certificate of Certification.Assurance  
for Foods and Livestock Products**

Name of Agency :

Representative :

Place of Facility :

Corporate Registration No. :

Types of Certification (Assurance):

Food Food additives Livestock products) (Certification Assurance)

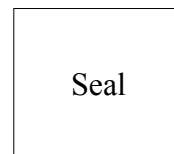
Expiration date:

We designate the institution as a Certification.Assurance Agency for Foods and Livestock Products in accordance with Article 13 Clause 2 of the Food Sanitation Act and Article 8 Clause 1(6)d of the Enforcement Decree of the same Act and in livestock products in accordance with Article 32 Clause 2 of the Livestock Products Sanitary Control Act and Article 52 Clause 1(8)d the Enforcement Decree of the same Act.

Date :

(Y) (M) (D)

**Minister of Food and Drug Safety**



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