



United States
Trade Representative



United States
Department of Agriculture

June 30, 2014

The Honorable Choi, Hee-jong
Deputy Minister for Food Industry Policy
Ministry of Agriculture, Food and Rural Affairs
Sejong-si, Republic of Korea

Dear Mr. Minister:

The United States Department of Agriculture (USDA), in coordination with the United States Trade Representative (USTR), has reviewed the Republic of Korea's program for certification of organic agricultural products produced and handled in accordance with Korea's Act on Promotion of Environmentally-friendly Agriculture and Fisheries and Management and Support for Organic Food (hereinafter "Korean Organic Food Act") and its regulations. Based on that review, USDA has determined pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. §§ 6501 et seq.), under authority delegated to the Secretary of Agriculture by the President, that certain processed food products produced and handled in accordance with the Korean Organic Food Act and its regulations, as in effect on July 1, 2014, are produced and handled under an organic certification program that provides requirements and standards governing the production and handling of such products that are at least equivalent to the requirements of OFPA.

Accordingly, subject to the conditions set forth in Appendix 1 of this letter, certain processed food products produced and handled in conformity with the Korean Organic Food Act and its regulations, as in effect on July 1, 2014, are deemed by USDA to have been produced and handled in accordance with the OFPA and USDA's organic regulations under the National Organic Program (NOP) (7 CFR part 205). These products may be sold, labeled, or represented in the United States as organically produced, including by display of the USDA organic seal as well as the organic seal of Korea's Ministry of Agriculture, Food and Rural Affairs (MAFRA), under the conditions set forth in Appendix 1. The United States is also pleased to acknowledge Korea's recognition of the U.S. National Organic Program in its letter of June 30, 2014. USDA's Agricultural Marketing Service and Foreign Agricultural Service and USTR are committed to working with Korea's MAFRA and Ministry of Trade, Industry, and Energy to carry out the terms of the determination as described in this cover letter and in Appendix 1 and the arrangement regarding an Organics Working Group described in Appendix 2.

Sincerely,

Anne L. Alonzo,
Administrator
Agricultural Marketing Service
U.S. Department of Agriculture

Sharon Bomer Lauritsen,
Assistant U.S. Trade Representative
Agricultural Affairs and Commodity Policy
Office of the U.S. Trade Representative

Appendix 1

A. The Korean product must be:

1. A “processed food,” as defined by Article 1.2.29 of the Korean Food Code, must contain at least 95 percent organic content, and must have its final processing within Korea;
2. Certified organic to Korea’s Act on Promotion of Environmentally-friendly Agriculture and Fisheries, and Management and Support for Organic Food (hereinafter “Korean Organic Food Act”) and its regulations;
3. A product that contains no ingredients derived from animals produced with the use of antibiotics;
4. Verified by Korea under the Korean Organic Food Act and its regulations to be produced and handled without the use of methods and substances prohibited under Article 9 of the Enforcement Rules of the Korean Organic Food Act, including prohibited pesticides, irradiation, and genetically modified organisms; and
5. Subject to residue testing requirements, including testing for prohibited substances and methods, and with subsequent regulatory actions, as appropriate, in accordance with Title 7, Part 205 of the U.S. Code of Federal Regulations, in the United States.

B. A Korean product covered under Paragraph A above for import into the United States as an organic processed food (hereinafter “Korean organic processed food”) must be labeled according to U.S. Department of Agriculture (USDA) organic labeling requirements, and may display the USDA organic seal, or Korea’s Ministry of Agriculture, Food and Rural Affairs (MAFRA) organic seal, or both.

C. A Korean organic processed food imported into the United States must be accompanied by an NOP Import Certificate, Form NOP 2110, from a MAFRA-accredited certification body that attests to compliance with the terms of this Appendix.

D. Korea’s National Agricultural Products Quality Management Service (NAQS) will conduct periodic audits of MAFRA-accredited certification bodies using ISO 17011 as a reference.

E. The MAFRA will notify USDA in a timely manner of any instances of the following:

1. Changes with respect to the accreditation status of MAFRA-accredited certification bodies; and
2. Proposed and final regulations and guidelines in Korea that may affect this Appendix.

- F. Following advance notice from the United States, the MAFRA will permit USDA officials to conduct periodic on-site evaluations in Korea to verify that the relevant regulatory authorities and certification bodies of Korea's organic program are carrying out the requirements of that program. The MAFRA will cooperate and assist USDA, to the extent permitted, in carrying out these on-site evaluations, which include visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that certification bodies have certified in Korea.
- G. MAFRA will provide to USDA's Agricultural Marketing Service (AMS) the following documents on an annual basis:
1. A report that contains information regarding the types and quantities of Korean organic processed foods exported to the United States under this Appendix;
 2. A report that contains the types of non-compliances identified by the MAFRA during any oversight reviews or audits, and steps taken by the MAFRA to ensure that non-compliances were corrected; and
 3. A list of certification bodies of Korea's organic system accredited to Korea's organic standards.

Appendix 2

1. The United States and Korea are committed to working together in an Organics Working Group consisting of representatives of the United States Department of Agriculture (USDA) and the United States Trade Representative on behalf of the United States and representatives of the Ministry of Agriculture, Food and Rural Affairs (MAFRA) and the Ministry of Trade, Industry and Energy on behalf of Korea.
2. The mandate of the Organics Working Group is to promote bilateral trade and to enhance regulatory and standards cooperation between MAFRA and USDA on issues related to organic agricultural products.
3. The Organics Working Group should meet no later than one year after the signing of this letter to review operations of the arrangement, discuss the scope of the arrangement, assess progress on identified technical issues, and discuss best practices and other issues related to organic agricultural products. The Organics Working Group expects to meet annually thereafter unless otherwise decided.