



USDA Foreign Agricultural Service

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## Korea, Republic of

### Biotechnology

### Environmental Risk Assessments

### 2003

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**Report Highlights:**

Korea operates a voluntary environmental risk assessment program for biotech crops. To date, 11 applications have been submitted for assessments. This program will become mandatory when Korea ratifies the Bio-Safety Protocol. Korea is planning to ratify the Protocol in early 2004.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Seoul [KS1]  
[KS]

On January 9, 2002, the Ministry of Agriculture & Forestry (MAF) issued guidelines for voluntary environmental risk assessments (ERAs) of biotech crops used for food, feed, and seed. ERAs for biotech crops will become mandatory when the Act on Transboundary Movement of Living Modified Organisms (LMO Act) issued by the Ministry of Commerce, Industry, and Energy (MOCIE) goes into effect. The LMO Act is Korea's legislation to implement the Cartagena Bio-Safety Protocol (BSP). The LMO Act is expected to enter into effect sometime in early 2004 concordant with MOCIE's plans to complete ratification of the BSP in early 2004. The current voluntary program of ERAs operated by MAF is problematic due to lack of clarity in the regulations. Post has encouraged MAF to refine and clarify the guidelines for the voluntary program before ERAs become mandatory.

Under MAF's voluntary ERA program, 11 applications for voluntary ERAs have been submitted to the Rural Development Administration (RDA), the agency delegated by MAF to enforce ERAs. The applications cover 6 corn, 1 soybean, and 4 cotton biotech "events" not intended for planting in Korea. According to MAF, ERAs are required for all types of LMOs regardless of their final usage. This means that both LMOs for food, feed, and for processing and LMOs for seed purposes are required to undergo ERAs. No ERAs have been completed to date. Based upon MAF's ERA guidelines, RDA has to complete the review within 270 days after receipt of an application. However, RDA can extend the review period as needed if documentation submitted with the application is deemed insufficient.

The U.S. Government has expressed concern that a sufficient grace period with adequate lead-time and interim measures along with minimally restrictive implementation requirements are adopted to avoid major disruptions of trade caused by mandatory ERAs. However, there has been growing concern that the lack of clear guidance and resource constraints may make it impossible for MAF to complete all ERAs prior to the date that the LMO Act will go into effect.

Another concern is that the LMO Act which is under the auspices of MOCIE, and is the legal basis of mandatory ERAs, offers no flexibility to MAF in allowing grace periods or interim measures to minimize trade disruption. Therefore, the time line for Korea to ratify the BSP will have a critical impact on trade of U.S. agricultural products. The LMO Act shall go into effect 90 days from the date of Korea's BSP ratification at which point ERAs will automatically become mandatory. According to MAF officials, biotech crops whose ERAs are not completed when the LMO Act go into effect will be subject to import bans and prohibited from sale in Korea.

A list of biotech crops that have been submitted for ERAs and under review by RDA follows:

1. GTS 40-3-2 (Monsanto)
2. T25 (Aventis)
3. Mon 810 (Monsanto)
4. Mon 863 (Monsanto)
5. GA 21 (Monsanto)
6. NK 603 (Monsanto)
7. Cotton 531 (Monsanto)
8. RR 1445 (Monsanto)
9. Cotton 757 (Monsanto)
10. Cotton 15985 (Monsanto)
11. TC 1507 (Dupont)