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## Taiwan

### FAIRS Product Specific

## Regulations for the Management of Imported Organic Products

### 2007

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**Report Highlights:**

This is an UNOFFICIAL translation of Taiwan's "Regulations for Management of Imported Organic Agricultural and Processed Agricultural Products" promulgated on July 27, 2007 by Taiwan's Council of Agriculture (COA) and the Department of Health (DOH). The COA is in the process of developing relevant administrative procedures to implement the regulations to which should be enforced by February 2009. Post will provide the COA with information related to USDA organic standards in the near future and follow-up with the COA on future import requirements for organic food and processed products.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Taipei ATO [TW2]  
[TW]

## Background

Taiwan's Legislative Yuan approved the "Agricultural Production and Certification Act" (APCA) on January 29, 2007 to build a certification and monitoring system for domestic and imported agricultural products including organic products. The law ( reference site: [http://eng.coa.gov.tw/content.php?catid=13022&hot\\_new=8869](http://eng.coa.gov.tw/content.php?catid=13022&hot_new=8869) ) focuses on three major areas:

1. Agricultural Production Management and Traceability,
2. Product Accreditation and Certification,
3. Safety Management, Inspection and Interdiction

Article 6 of the APCA requires the imported agricultural/processed products be certified by accredited certification bodies recognized by the Council of Agriculture (COA) before they can be sold under the term of "organic". According to the APCA Chapter V, after February 2009, organic food products that do not abide by the new certification/registration requirements will be subject to fines up to NT\$1,000,000 (equivalent to US\$30,000) for each violation.

As soon as the Law was promulgated by President Chen on 2007 January 29, Taiwan notified WTO's "TBT Committee" (Appendix I, reference site: <http://www.bsmi.gov.tw/english/download/wto/TPKM44.doc> ) about the new requirements for imported organic agricultural products and processed-agricultural products.

To develop regulations to implement the APCA (in accordance with Article 6 of the APCA), the COA announced and promulgated the "Regulations for Management of Imported Organic Agricultural and Processed Agricultural Products" on July 27, 2007 to set out details such as application requirements, review procedures, labeling and other relevant regulations of administration for imported organic agricultural products and their processed products.

The major governing agency for organic agricultural products is the Agriculture and Food Agency (AFA) under COA. AFA is developing administrative procedures to implement the regulations and seeking mutual organic equivalence with International certification bodies. Given the size of the trading relationship, Taiwan and the United States will likely hold equivalency discussions during the two-year transition period. On Dec. 4, 2007, the AFA sent an official memo requesting for the following information from the 18 country trade representative offices in Taipei (including AIT) for its review of organic equivalencies:

1. Regulations for monitoring Organic Agricultural/Food products, production standards, and national organic label/mark (including logo).
2. The list of all accreditation organizations (including names and website URLs)
3. The list of accredited organic agricultural certifying agents and their official organic marks/logos.

The ATO will provide the COA with information related to USDA organic standards in the near future and follow-up with the COA on future import requirements for organic food and processed products.

### **Impact of the Law**

On one hand, Taiwan's request for presenting proper organic certification will be helpful to maintain consumers' confidence on organic products; on the other hand, the law requests for Organic inspection certification documentation on a batch basis (which means for every shipment of the organic products, details will be available later after AFA completed the application form referred in Article 4 ) really adds up tremendous paperwork and costs to the local importers and might discourage traders from importing foreign organic products.

## Regulations for Management of Imported Organic Agricultural and Processed Agricultural Products

27 July 2007; (COA) AFA-0961061379; (DOH) BFS-0960404180

14 August 2007; (COA) AFA-0961061578; announcement of corrective revisions made to Articles 13 through 15

### Chapter 1 General Principles

Article 1 Management regulations herein are set in accordance with Article 6, Paragraph 2 of the Agricultural Production and Certification Act (hereinafter, APCA).

Article 2 Upon signing a mutual recognition understanding/agreement on organic product certification with another national or otherwise authorized organic certification agency, organization or multinational institution; the ROC government shall formally notify said agency, organization or institution of such in accordance with APCA Article 6, Paragraph 1.

Article 3 A mutual recognition understanding/agreement shall be nullified and an announcement of such released should said agency, organization or institution is subject to either of the following conditions after said understanding/agreement has been signed.

1. The term limit on said mutual recognition understanding / agreement has expired;
2. ROC authorities determine through a review of relevant reference data that a) organic product production regulations followed by said signatory agency, organization or multinational institution are significantly incongruent with corresponding ROC regulations or b) management systems in place are unable to implement mandated regulations effectively.

### Chapter 2 Import Inspection and Administration

Article 4 Those importing organic agricultural and processed agricultural products for sale must, prior to making such sales, complete a standard application form. This form and two (2) copies of each of the following documents shall be submitted as an application to the administrative authority for review and inspection.

1. Copy of business registration;
2. Organic inspection certification documentation related to said products;
3. Sanitary / phytosanitary inspection documentation related to said products;
4. Relevant Chinese-language product labeling;
5. Other documentation specified by the administrative authority.

Said application may be made by a representative authorized to act on the importer's behalf.

Article 5 When permitting inspection certification documentation noted in Article 4, Paragraph 1, Subparagraph 2 above, the administrative authority must, in accordance with APCA Article 6, Paragraph 1, reference the list of formally announced authorized organic certification agencies, organizations and multinational institutions.

Said inspection certification documentation must include:

1. Name and address of overseas production plant (or place of production);
2. Product name, lot number and (for organic processed agricultural products) organic ingredient content ratio (percentage);

3. Product weight or volume;
4. Name of importer or buyer;
5. Name and address of certification agency;
6. Date of permit issuance;
7. Other items so specified by the administrative authority.

The abovementioned permit issuance date shall not be more than three (3) months prior to the application submission date.

Article 6 As part of the review and inspection process, the administrative authority reserves the right, as needed, to request that the applicant provide product samples for inspection / analysis.

Article 7 The administrative authority shall, after giving clear guidance regarding its reasoning, reject an application should any one of the following conditions prevail.

1. Product(s) under review has an organic ingredient content ratio less than ninety-five (95) percent;
2. Product(s) under review is found through normal sanitary/phytosanitary inspection procedures to not meet ROC standards for organic agricultural and agricultural processed products.
3. Failure, without valid reason, to submit requested additional / corrected application information or samples within the time frame specified.
4. Inspection results show product(s) fails to meet requirements stated in APCA Article 13.

Rules incorporated in the document *Organic Agricultural and Processed Agricultural Product Inspection Standards* shall be applied to calculate the organic ingredient content ratio noted in Subparagraph 1 above.

Article 8 The administrative authority shall issue organic label approval documentation for imported organic agricultural and processed agricultural products that pass review and inspection procedures.

Items noted on said approval documentation must include:

1. Name and address of importer;
2. Name of overseas production plant (or place of production);
3. Product name and lot/batch number;
4. Product weight or volume;
5. Name of certification agency; and
6. Serial number of organic label approval.

Article 9 Records and documentation related to organic agricultural and processed agricultural products that have been imported and sold must be kept on file for at least one year. Records and documentation related to relevant products that bear an expiration date must keep such on file at least one year longer than the expiration date.

### Chapter 3 Labels and Marks

Article 10 Labeling on imported organic agricultural and processed agricultural products shall be presented in standard Chinese characters, but may be supplemented by non-Chinese wording and commonly-recognized symbols.

Article 11 Containers and packaging used with organic agricultural and processed agricultural products must display the following labeling information:

1. Product name;
2. Names of ingredients;
3. Name, contact telephone number and address of importer;
4. Country of origin (COO);
5. Name of certification agency;
6. Serial number of organic label approval;
7. Other information that may be prescribed either in labeling regulations or through formal administrative authority announcement.

Names of ingredients are not required to be displayed in situations where the product name (per Subparagraph 1 above) and names of ingredients (per Subparagraph 2) match exactly.

The product name noted above in Subparagraph 1 above must include the two (Chinese) words for "organic" (i.e., ??).

Article 12 The naming of ingredients as required in Article 11, Paragraph 1, Subparagraph 2 above shall abide by the following regulations:

1. Products that incorporate two or more ingredients must list ingredients in rank content order, from greatest to least in importance.
2. With the exception of water and salt, all organic ingredients must be noted as such in words, symbols or appropriate annotation.

Article 13 Country of origin labeling required in Article 11, Paragraph 1, and Subparagraph 4 must abide by the following regulations:

1. COO determination must follow established *Country of Origin Recognition Standards for Imported Products*.
2. Dimensions (both length and width) of (Chinese) characters used must measure at least 6mm.
3. COO label information shall be placed in a prominent position at the lower middle section on the front of the product package / container.

Article 14 Labeling of the certification agency name required in Article 11, Paragraph 1, and Subparagraph 5 must abide by the following regulations:

1. Dimensions (both length and width) of (Chinese) characters used must measure at least 6mm.
2. Information shall be placed in a prominent position at the lower middle section on the front of the product package / container.

Article 15 Licensed outlets selling imported organic agricultural or processed agricultural products in bulk shall a) install appropriate signage describing product name and country of origin and b) display copies of original organic label approval documentation (required under Article 11, Paragraph 1, and Subparagraph 6).

Regulations described in Article 11, Paragraph 3 and Article 13, Subparagraph 1 shall be used to determine the abovementioned product name and COO.

Dimensions (both length and width) of (Chinese) characters used per Paragraph 1 above to label the COO must measure at least 6mm.

Article 16 Aside from such stipulated in Article 11, Paragraph 3 and Article 12, Subparagraph 2, labels affixed to imported organic agricultural and processed agricultural products *shall not* display organic-related words, whether such be in Chinese, another language or in some other format that may be interpreted as such. The use of approved marks/logos is exempt from this restriction.

Article 17 Marks/Logos used on imported organic agricultural and processed agricultural products shall conform to the following restrictions:

1. Marks/Logos shall be limited to the organic marks/Logos of certification agencies, organizations and multinational institutions formally recognized by administrative authority announcement per APCA Article 6, Paragraph 1.
2. Marks of accreditation organizations.

#### Chapter 4 Appendices

Article 18 The administrative authority shall handle application review and inspection work in accordance with Article 4, product inspection and testing work in accordance with Article 6, application rejections in accordance with Article 7, and the issuance of organic label approval documentation in accordance with Article 8, Paragraph 1. The administrative authority reserves the right to assign such responsibilities to a subordinate agency (ies) or to other organization(s).

Article 19 In accordance with APCA regulations, attached documents not originally in Chinese must attach Chinese-language translations of such in duplicate that have been certified either by a court of law or authorized notary public.

Article 20 The administrative authority reserves the right to contact ROC representative offices overseas as well as relevant foreign agencies and organizations to help confirm the truthfulness and accuracy of documents and information provided by applicants.

Article 21 These provisions shall take effect on the date of announcement.

## Appendix I

# WORLD TRADE ORGANIZATION

G/TBT/N/TPKM/44  
29 January 2007

(07-0387)

Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	<p><b>Member to Agreement notifying:</b> <u>THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU</u>  <b>If applicable, name of local government involved (Articles 3.2 and 7.2):</b></p>
2.	<p><b>Agency responsible:</b>  The Council of Agriculture (COA)  37 Nan Hai Road, Taipei, 100, Taiwan</p> <p>Telephone: (+886-2) 2312-6965  Fax: (+886-2) 2312-3827  E-mail: blue@mail.coa.gov.tw</p> <p><b>Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b></p>
3.	<p><b>Notified under Article 2.9.2 [ X ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b></p>
4.	<p><b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Agricultural products</p>
5.	<p><b>Title, number of pages and language(s) of the notified document:</b> Agricultural Production and Certification Act (4 pages, in Chinese and English summary available).</p>
6.	<p><b>Description of content:</b> With a view to ensuring the quality and safety of agricultural and processed-agricultural products, the Council of Agriculture intends to regulate the production and certification of agricultural, fishery and livestock products. The Act covers a number of important initiatives, including the implementation of voluntary certification systems for good agricultural products, the operation of a voluntary traceability certification system, labelling of organic agricultural and processed-agricultural products, penalties, etc. Articles 5 and 6 of the Act stipulate the requirements for organic agricultural products to ensure the accuracy of labelling information and the protection of rights of organic farmers and consumers. It requires that imported, as well as domestically produced, agricultural or processed-agricultural products obtain organic certification in order to be marketed or labelled as organic products. The transitional period of 2 years will be allowed for the requirement. Articles 7 and 8 deal with the establishment of a voluntary traceability certification system, which may</p>

	<p>become mandatory for certain agricultural products in the future.</p> <p>The Act provides a framework for the management of agricultural products. Related operation details will be drafted and adopted at a later time.</p>
<b>7.</b>	<p><b>Objective and rationale, including the nature of urgent problems where applicable:</b> Consumer protection; prevention of deceptive and misleading labelling practices.</p>
<b>8.</b>	<p><b>Relevant documents:</b> The Agricultural Development Act</p>
<b>9.</b>	<p><b>Proposed date of adoption:</b> } To be determined  <b>Proposed date of entry into force:</b> }</p>
<b>10.</b>	<p><b>Final date for comments:</b> Within 60 days after notification</p>
<b>11.</b>	<p><b>Texts available from: National enquiry point [ X ] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:</b></p> <p>WTO/TBT Enquiry Point  The Bureau of Standards, Metrology and Inspection  Ministry of Economic Affairs  4 Chinan Road, Section 1, Taipei, 100, Taiwan</p> <p>Telephone: (+886-2) 2343 1814  Fax: (+886-2) 2343 1804  E-mail: tbtenq@bsmi.gov.tw</p>