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Food and Agricultural Import Regulations and Standards

Country Report

2000

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Executive Summary

SECTION I. FOOD LAWS

The Department of Health (DOH) is the statutory body responsible for the management of food safety on Taiwan. Food products must comply with the “Law Governing Food Sanitation”, together with its enforcement rules, and a series of food standards promulgated by DOH. The term “foods” as used in this law refers to goods provided to people for eating, drinking, or chewing, and their raw materials. Imported foods are commissioned to be inspected at the port of entry by the Bureau of Standards, Metrology and Inspection (BSMI), Ministry of Economic Affairs (MOEA). BSMI, which was formerly the Bureau of Commodity Inspection & Quarantine (BCIQ), was renamed on January 26, 1999. Fresh produce is inspected for pesticide residues (see SECTION V) and accompanying phytosanitary certificates are checked for completeness and accuracy. Border inspection of meat products consists of a visual inspection of the product, a random test for animal drugs and pesticide residues, and a thorough check of the accompanying *Meat and Poultry Export Certificate of Wholesomeness* for accuracy and completeness. If discrepancies or insufficiencies are found on these certificates, this will lead to delays in customs clearance and possible rejection of the entire shipment. The food safety inspection of processed foods focuses on labeling, food hygiene and food additives. Food additives, special dietary foods, and foods in capsule and tablet form, may not be imported unless they undergo an extensive examination by DOH and are subsequently registered with, and licensed by, the DOH prior to the exportation of commercial shipments of the product in question.

The “Compilation of Food Sanitation Regulations” published in Chinese by DOH, can be purchased from DOH. Purchase and additional information is available on the Internet at: <http://www.doh.gov.tw>.

The Council of Agriculture (COA) is the statutory body responsible for animal and plant quarantine. COA’s Bureau of Animal & Plant Health Inspection & Quarantine (BAPHIQ), a new agency which fulfils functions similar to USDA’s Animal & Plant Health Inspection Service (APHIS) and the Food Safety Inspection Service (FSIS), was instituted on August 1, 1998. Prior to its establishment, its functions were the responsibility of BSMI which was formerly named BCIQ. Taiwan is in the process of becoming a member of the WTO and has made commitments to abide by WTO international standards during the pre-accession process. However, the process of the reconciliation of Taiwan’s current practices with WTO disciplines is not complete and is proceeding on a case-by-case basis.

Taiwan’s sanitary and phytosanitary (SPS) standards are, for the most part, different from US standards or those established by international regulatory bodies such as the Office of International Epizootic (OIE) or the Codex Alimentarius.

SECTION II. LABELING REQUIREMENTS

General Requirements

Since the recent revisions to Taiwan's "Law Governing Food Sanitation" went into effect on March 7, 1995, Taiwan authorities have strictly enforced the food and beverage labeling requirements. Improper or altered labels risk rejection by local inspectors at the port of entry.

All food products imported into Taiwan for retail sales must indicate the following information in Chinese on the label:

- Product name
- Weight, volume or quantity of the contents (if a mixture of two or more components, they must be listed separately)
- Name of food additives
- Name and detailed address of manufacturer
- Name and detailed address of importer
- Expiration date (year, month, date) must be printed in that order.
To distinguish the month from the date, the Chinese characters for "month" and "date" may be included on the label. Date of manufacture, shelf life, and conditions of storage may also be used, if required by the health authorities.
- Coded formats are not allowed.
- Dairy products must also indicate shelf life duration

Frozen Foods - For imported frozen foods, the following information is also required in Chinese on the label:

* Type of Frozen Foods

- Frozen uncooked fish/shellfish
- Frozen uncooked fish/shellfish ready-to-eat (i.e. sashimi)
- Frozen fruit
- Frozen Vegetables
- Other frozen ready-to-eat foods
- Other frozen foods which must be heated up

* Method of storage

* Cooking instructions if the products require cooking or are not ready-to-eat.

Exemptions - The following types of businesses may apply for an exemption from the Chinese labeling requirements:

- A. Food processing plants which import food for processing.
- B. Restaurants, fast food stores, and bakeries, which import food for their own kitchens.

- C. Importers who import food for processing, for repack or change-pack, not for direct sale.

Coding is not allowed for non-institutional consumer products.

Requirements Specific to Nutritional Labeling

The new "Health Food Control Act" was promulgated on February 3, 1999 and went into effect on August 3, 1999. According to the Department of Health (DOH), products which make health food claims must prove that they possess the ability to contribute to the overall health of those consuming them. Health foods can not claim to prevent illnesses. Any product which claims to be a health food, must receive DOH's approval before being able to be marked.

The following information shall be conspicuously displayed on the containers, packaging or written instructions of health foods in Chinese and in commonly used symbols:

- (1) Product name
- (2) Name, and weight or volume of the contents (if a mixture of two or more components, they must be listed separately)
- (3) Name of food additives
- (4) Expiration date, method and conditions of preservation
- (5) Name and address of the responsible business operator; the name and address of the importer shall be specified if the health food is imported.
- (6) The approved health care effects
- (7) Reference number of the permit, the legend of "health food" and standard logo
- (8) Amount of intake and important message for consumption of the health food and other necessary warnings
- (9) Nutrient and its content; and
- (10) Other material facts designated by the DOH.

Nutrition Labeling – The following format of Item (9) shall be displayed on containers and/or packaging of the food products which have a nutrition claim:

1. "Nutrition Labeling" noted as the header
2. Caloric Value
3. Content values for protein, fat, sodium, and carbohydrates (including dietary fiber)
4. Content values for other nutrient(s) which are declared in the nutrition claim
5. Content values for other nutrient(s) which the manufacturer wishes to note voluntarily.
6. Content values for ingredients with health care effects

Content Base – Caloric and nutrient values may be expressed as a per serving basis. The number of servings contained in a package must be displayed on the nutrition label.

Standard Units

Caloric value - K calorie (Kcal)

Protein, fat, carbohydrate - g

Sodium - mg

Other nutrients - g, mg, or microgram (mcg)

Daily Value – Percentages of daily value (DV) for caloric value, protein, fat, carbohydrate and sodium, together with following standard DV value for each nutrition item may be included in the label.

Daily Value: Calorie 2000 Kcal, Protein 60g, Fat 55g, Carbohydrate 320g, and Sodium 2400 mg.

Value Calculation -- Caloric, protein, fat, and carbohydrate values, as well as the one serving measurement should be expressed as an integral number or to a maximum of one fractional decimal place. The value of other unspecified nutrients may not be greater than three significant figures (e.g. 999 or 99.9 is acceptable, but 9,999 or 999.9 is not acceptable.)

Format examples

(A)

| Nutrition Labeling | |
|--|-----------|
| Serving Size | g (or ml) |
| Servings Per Package | serving |
| Calorie value | Kcal |
| Protein | g |
| Fat | g |
| Carbohydrate | g |
| Sodium | mg |
| Content of nutrient(s) declared | |
| Content of other nutrient(s) | |
| Content values of health care effect ingredients | |

(B)

| Nutrition Labeling | | |
|--|-----------|---------------|
| Serving Size | g (or ml) | % Daily value |
| Servings Per Package | servings | |
| Calorie value | Kcal | % |
| Protein | g | % |
| Fat | g | % |
| Carbohydrate | g | % |
| Sodium | mg | % |
| Content of nutrient(s) declared | | |
| Content of other nutrient(s) | | |
| Content values of health care effect ingredients | | |

Daily Value: Calorie 2000 Kcal, Protein 60g, Fat 55g, Carbohydrate 320g, and Sodium 2400 mg.

For further information on the application for import approval, contact the DOH office listed below:

Bureau of Food Sanitation
 Department of Health
 12th Floor, 100 Ai Guo East Road
 Taipei, Taiwan
 Tel: (886-2) 2396-5625
 Fax: (886-2) 2392-9723
 E-mail: fslhcn@doh.gov.tw

Requirements Specific to Pet Food

According to Taiwan's Feed Controls Act, which was promulgated in 1973 and amended in 1986, feed or feed additives, without containing veterinary pharmaceuticals, must specify on the package or container, in Chinese characters, the following information prior to sale.

- Name and address of the manufacturer or the seller
- Classification, category and name of the product.
- Composition
- Major ingredients
- Usage, dosage, and precautions in use.
- Net weight
- Date (year/month/day) of manufacture, processing or repacking
- Date (year/month/day) of shelf life expiration
- Any other information which may be required by the Taiwan authorities for specific products.

The Chinese label for animal and plant feed must be affixed prior to retail sale. Pet food is still allowed to clear Taiwan Customs without the Chinese label, provided that the label is

affixed prior to entering the retail sales channel. There is a significant penalty for retail products sold without the Chinese label.

Feed or feed additives which contain veterinary pharmaceuticals should refer to "Veterinary Drugs Control Act."

SECTION III. PACKAGING AND CONTAINER REQUIREMENTS

There are no legal requirements stipulating specific packaging materials or sizes to be used for processed foods.

SECTION IV. FOOD ADDITIVE REGULATIONS

Imported processed food products, which contain artificial food additives, are subject to strict tolerance levels and acceptable use requirements for food additives as prescribed by Taiwan's Department of Health (DOH). The DOH's "Compilation of Food Sanitation Regulations" covers several hundred food additive standards and regulations. DOH has a useful website with the additives listed in English (<http://www.doh.gov.tw>). Imported foods are commissioned to be inspected at the port of entry by the Bureau of Standards, Metrology, and Inspection (BSMI), Ministry of Economic Affairs (MOEA). The food safety inspection focuses on labeling, food hygiene, and food additives.

Foreign suppliers or their Taiwan importers may apply to the DOH regarding acceptance of a new-to-Taiwan food additive. The DOH requires: (1) animal safety test data; (2) international status of acceptability of these food ingredients; (3) an evaluation report stating that the ingredients are necessary to manufacture the product; (4) analysis method and (5) specifications. The DOH will then evaluate the acceptability of these ingredients and make a formal determination within four to six months. The DOH will only consider accepting and/or adding new-to-Taiwan food ingredients to its "Compilation of Food Sanitation Regulations" upon receipt of a formal request/application from the manufacturer or manufacturer's representative.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Imports of fruit, vegetables, and meat products are subject to inspection for pesticides and animal drugs at port of entry by BSMI. On August 1, 1999, Taiwan began its pesticide residue inspection policy for imported fresh fruit and vegetables from *monitor only* to a policy of mandatory inspection. One out of 40 arriving fruit and vegetable shipments will be sampled and tested by BSMI upon arrival for pesticide residues. Shipments will be released after the retrieval of samples and a document review. Noncompliance with Taiwan's pesticide standards will result in the recall of unconsumed sampled shipment product. The next five shipments from the same origin, i.e. the same brand name/exporter, will be subject to testing. These shipments will not be released until testing is completed.

Taiwan establishes its own maximum residue limits (MRLs) and many pesticides used in the United States have not been assigned Taiwan MRLs. However, because Taiwan

authorities cannot establish MRLs for all chemicals used by all its major trading partners, provisional MRLs were in effect until July 16, 2000. After that date, permanent MRLs will be adopted. US fruit and vegetable grower groups identified approximately 1,000 MRLs for their crops exported to Taiwan and the US chemical companies have been applying for import tolerances where there are no established Taiwan or Codex MRLs.

On July 16, 2000, Taiwan began to adopt permanent MRLs. After July 16, 2000, provisional MRLs will apply to chemicals with applications already in the review process until permanent MRLs are adopted. Codex MRLs will also be used after July 16, 2000 if there are no Taiwan MRLs until Taiwan establishes its permanent MRLs. DOH is responsible for establishing and promulgating Taiwan's permanent MRLs. The list of pesticide tolerance levels is published in the DOH *Compilation of Food Sanitation Regulations*.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

Some agricultural products, such as rice, are currently banned entry. Imports of some agricultural products, such as many types of fresh fruit, require an import permit issued by the Board of Foreign Trade (BOFT). Some require an import permit issued by banks authorized by BOFT, but others do not require import permits. The importation of some products are limited by quotas, the importation of others requires the prior approval of other authorities, and the importation of still others is limited to members of certain industry groups. For example, imports of breeding stock require the prior approval of the Council of Agriculture, the importation of potatoes and several meat products are restricted by quotas, and the quotas can only be obtained by importers belonging to certain groups. Agricultural imports from PRC are banned entry except certain products on the approved list, which currently accounts for nearly one fourth of the total agricultural commodities on Taiwan's tariff schedule. For information regarding import licensing, contact the following:

Board of Foreign Trade
1 Hu-Kou Street
Taipei, Taiwan
Tel: (886-2) 2351-0271
Fax: (886-2) 2351-3603

Taiwan only accepts government certifications. Private industry certificates are not accepted. Imports of US fruit or vegetables require phytosanitary certificates issued by USDA/APHIS. Imports of meat and poultry products require the *Meat and Poultry Export Certificate of Wholesomeness* and the *Certificate for Export* issued by USDA/FSIS. A new form of the FSIS Health Certificate will be in place effective October 1, 2000. At the request of the Taiwan authorities, information regarding the shipping port, vessel name, shipping date, container number and seal number must be included by exporters/shippers on the new certificate. Shipments that fail to meet this requirement will risk detention or rejection.

NOAA Export Health Certificate issued by the US Department of Commerce or a health certificate issued by the animal quarantine authorities of the exporting country, is required for the importation of fresh/frozen uneviscerated salmonids, perch, catfish and ciprinids, but not for other seafood imports.

SECTION VII. OTHER SPECIFIC STANDARDS

Imported Food in Tablet or Capsule Forms

The importation of foods in capsule and tablet forms, requires prior approval by Taiwan's Department of Health (DOH) for an import permit license. The following documentation is needed by the DOH to review the application and grant approval:

- (1) An application form.
- (2) One original and one duplicate copy of the list of ingredients issued by the manufacturer of the product within one year.
- (3) An original copy of the laboratory test report of the product
- (4) An official certificate attesting to the legitimacy of the original manufacturer
- (5) Two copies each of the Chinese label design, original label, outer package and inserted instruction of the product
- (6) Duplicate copies each of business license and company license of the applicant
- (7) A certificate of the business in operation of the applicant
- (8) A sample of the whole, intact product
- (9) In case the products are packed in thousand (or above) pieces or loose packs, or repackaging locally is required after import, the following documents and materials shall be submitted:
 - a) The original letter of authorization from manufacturer for repackaging into small quantities.
 - b) The original letter of agreement from the domestic repackaging company with duplicate copies of its business license and factory license.
 - c) Two copies each of the sample designs of its package, Chinese label, and inserted instruction for the repacked product.
 - d) Photos of the originally packed product in duplicate
 - e) A sample of the loose, packed product (about 20 tablets/capsules)

The documentation, listed in Items 2,3, and 4 must be notarized by a Taiwan consular office, or an equivalent organization in the exporting country (please refer to list of Taiwan's Representative Offices in the United States, below) or neighboring country, or notarized by a government agency of the exporting country.

TAIWAN'S REPRESENTATIVE OFFICES IN THE UNITED STATES

Taipei Economic and Cultural Representative Office in the United States (TECRO)

TECRO Washington D.C.
4201 Wisconsin Avenue, NW

TECRO Atlanta
Suite 1290, Two Midtown Plaza

Washington, D.C. 20016-2137
Tel: 202-895-1800
Fax: 202-363-0999

1349 West Peachtree St., NE
Atlanta, Georgia 30309
Tel: 404-872-0123
Fax: 404-873-3474

TECRO Boston
99 Summer St. Suite 801
Boston, MA 02110
Tel: 617-737-2050
Fax: 617-737-1684

TECRO Chicago
Two Prudential Plaza, 57 & 58 Floor
180 N. Stetson Ave
Chicago, IL 60601
Tel: 312-616-0100
Fax: 312-616-1490

TECRO Kansas City
3100 Broadway, Suite 800
Kansas City, MO 64111
Tel: 816-531-1298
Fax: 816-531-3066

TECRO Honolulu
2746 Pali Highway
Honolulu, Hawaii 96817
Tel: 808-595-6347
Fax: 808-595-6542

TECRO Houston
Eleven Greenway Plaza, Suite 2006
Houston, Texas 77046
Tel: 713-626-7445
Fax: 713-626-1202

TECRO Los Angeles
3731 Wilshire Boulevard Suite 700
Los Angeles, CA 90010
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TECRO New York
885 Second Ave., 47th Fl.
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San Francisco, CA 94111
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Suite 505, Bank of Guam Bldg.
111 Chalan Santo Papa Road
Hagatna, Guam 96932
Tel: 671-472-5865
Fax: 671-472-5869

Special Dietary Food

The following documents and materials are required for application on registration of the

special dietary food:

- (1) An application form for the new product
- (2) The original copy and its duplicate copy each of reports on ingredient list, product specification, and nutrient analysis.
- (3) The official certificate evidencing the product being sold or used by other countries and the retail samples in those countries, or the related clinical trial reports of the product.
- (4) A copy of a summarized diagram of the manufacturing process
- (5) An official certificate attesting to the legitimacy of the original manufacturer.
- (6) Two copies each of the original label, outer package, inserted instruction and Chinese label of the product.
- (7) A duplicate copy of the business license of the applicant
- (8) A sample of the whole, intact product
- (9) High protein product of adjust protein dietetic food for patients shall be submitted with its test method of protein. A clinical test report is required for the weight control products. Clinical test report or relevant information will be required depending on the nature of the product for other special dietary food.
- 10) In case the product for registration is to be repacked locally into small quantities, the following documents and materials should be submitted:
 - a) The original letter of authorization from the manufacturer for repackaging into a small quantity
 - b) The original letter of agreement from the domestic repackaging company with duplicate copies each of its business license and factory license.
 - c) In case laboratory testing is required subject to the nature of the products, a report of nutrient analysis on the repackaged sample shall be submitted.
 - d) Two copies each of the sample designs of its package, Chinese label, and inserted instruction for the repackaged products.
 - e) Photos of the originally packed products in duplicate
 - f) A sample of the repackaged product

For further information on the application for import approval, contact the DOH office listed below:

Bureau of Food Sanitation
Department of Health
12th Floor, 100 Ai Guo East Road
Taipei, Taiwan
Tel: (886-2) 2396-5625
Fax: (886-2) 2392-9723
E-mail: fslhcn@doh.gov.tw

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Trademarks and brand names are protected under domestic laws. The Intellectual Property

Office (IPO), Ministry of Economic Affairs (MOEA) is the statutory body responsible for Taiwan's copyright and trademark laws. The IPO, which was formerly the National Bureau of Standards, MOEA, was established on January 26, 1999. Taiwan's copyright and trademark laws can be purchased from the IPO. Information is available on the Internet at: www.moeaipo.gov.tw.

Article 26 of the Trademark Law

The owner of the right of the exclusive use of a trademark may license other persons to use his trademark on the whole or a part of the goods covered by his trademark registration.

The licensing set forth in the preceding paragraph shall be recorded with the Government Office in charge of trademark matters. Unregistered licensing may not be set up as a defense against third parties. The same provision shall also apply where the trademark is sub-licensed to a third party by the licensed user with prior consent of the owner of the right to the exclusive use of the trademark.

The licensed user of a trademark shall indicate on his goods, the package or container thereof the licensing of the trademark.

SECTION IX. Import Procedure

Brokers

Use of a professional Customs broker, while not required, may expedite the clearance process..

Shipping Documentation

- Invoice
- Packing List
- Bill of Lading
- Certificate of Origin (required for alcoholic beverages. Not mandatory, but helpful for seafood imports)
- Sanitary/Phytosanitary Certificates

Customs Clearance Cost

In addition to import tariffs and monopoly taxes for alcoholic beverages, there are several miscellaneous fees pertaining to customs clearance procedures for the importation of fresh, frozen and processed foods, as listed below:

- | | |
|-----------------|--|
| -- Import Duty | -- Varies, according to HS Code and product |
| -- Monopoly Tax | -- Alcoholic beverages, NT\$119/liter on wine; NT\$30/liter on beer |

| | |
|--|--|
| -- Harbor Construction Fee | -- 0.3% of CIF value (sea shipments only) |
| -- Trade Promotion Fee | -- 0.0425% of CIF value |
| -- Commodity Tax | -- Applies to diluted natural fruit & vegetable juices (8%), as well as other non-alcoholic beverages (15%), based on CIF value + import duty + harbor construction fee. |
| -- Container yard handling fee | -- NT\$4,819/20' container; NT\$6,104/40' container |
| -- B/L handling fee | -- NT\$200-NT\$1,200/bill of lading |
| -- Demurrage charge, if applicable | -- Free (within 7 days) NT\$1,000/day/40' container; NT\$500/day/20' container (when over 7 days) |
| -- Inspection (processed food) fee | -- Basic fee --NT\$3,000/item; for additional items – NT\$800/item |
| -- Quarantine Fee | -- NT\$2,000/shipment |
| -- Customs Brokers' fee including all other miscellaneous fees | -- NT\$4,000 for air shipments -- NT\$3,500 for sea shipments |

The above cost information is for reference only. For detailed information on exact fees, charges, and other costs relating to the customs clearance process, we suggest that you work with your importer(s) or your freight forwarders in the United States.

Length of Customs Clearance Procedures

| | |
|-----------------------------------|------------------------|
| Shipments carried by air freight | Approximately 2-3 days |
| Shipments carried by ocean liners | Approximately 3-5 days |

Current exchange rate: US\$1=NT\$31.10 (July, 2000)

APPENDIX I: REGULATORY AGENCY CONTACTS

1. Food Safety:

Dr. Chen Shu-Kong, Director
Bureau of Food Sanitation
Department of Health
12F, 100 Ai-Kuo East Road
Taipei, Taiwan
Tel: (886-2) 2393-8209
Fax: (886-2) 2392-9723

2. Animal & Plant Quarantine:

Dr. Lee Ching-Lung, Director General
Bureau of Animal & Plant Health Inspection & Quarantine
Council of Agriculture
9F, 51 Chung-Ching South Road, Section 2

Taipei, Taiwan
Tel: (886-2) 2343-1456
Fax: (886-2) 2343-1455

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

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Stan Cohen
Office Director
Agricultural Trade Office
54 Nan-Hai Road
Taipei, Taiwan
Tel: (886-2) 2337-6525 x 287
Fax: (886-2) 2305-7073