

Content

Title :	Fertilizer Management Act Ch
Date :	2002.06.19
Legislative :	<p>1. Thirty-six articles were enacted and promulgated by the president on June 16, 1988 per presidential order referenced 1988-Hua-Tsong (I) Yi-Tze 8800140840</p> <p>2. Articles 24~26 were amended and promulgated by the president on June 19, 2002 per presidential order referenced 2002-Hua-Tsong (I) Yi-Tze 09100121050</p> <p>The announcement was made on July 27, 2023 by the Executive Yuan Order tai-gui-zi No. 1125014346. The relevant matters set out in Article 2, Article 4, Article 5, Paragraph 1 of Article 6, Subparagraph 6 of Paragraph 1 of Article 7, Article 8, Article 9, Article 10, Article 11, Subparagraph 8 of Paragraph 1 of Article 13, Article 20, Paragraph 1 of Article 21, Paragraph 1,2 of Article 22, Article 24, Article 25, Article 26, Article 31, Article 34, Article 35 pertaining to “ the Council of Agriculture of the Executive Yuan” shall be handled by “Ministry of Agriculture” as governing body, effective August 1, 2023.</p>
Content :	<p>Chapter 1 General Provisions</p> <p>Article 1</p> <p>This Act is specifically enacted to ensure sound fertilizer regulations and maintain fertilizer quality, as well as to sustain soil fertility, enhance agricultural productivity, and protect the environment. Any matters not covered by this Act shall be governed by other applicable regulations.</p> <p>Article 2</p> <p>Competent authorities as referred to in this Act: At the central government level: the Council of Agriculture, Executive Yuan, hereinafter referred to as the Central Competent Authority; at the special municipal level: the government of the special municipality; and at the county/city level: the government of the county/city.</p> <p>Article 3</p> <p>The terms used in this Act are defined as follows:</p> <ol style="list-style-type: none">1. “Fertilizer” means goods that provide plants with nutrients or/and promote nutrient utilization.2. “Compost” means a fertilizer made from organic materials that have been through composting processes to become mature.3. “Registered ingredients” means the fertilizer ingredients and content that meet the fertilizer specifications and have been recorded on the registration certificate.4. “Fertilizer dealer” means the dealer specified in one of the following items:

- (1)Fertilizer manufacturers: refer to operators with a fixed location and production facilities, and engage in fertilizer manufacturing, processing, wholesale, and export.
 - (2)Fertilizer importers: refer to operators engaged in fertilizer import and fertilizer packaging and wholesale.
 - (3)Fertilizer sellers: refer to operators engaged in fertilizer purchase, wholesale, retail, or export.
5. "Fertilizer labeling" means, under the provisions of this Act, the words, graphics, or marks used on the package, container, or instructions of the fertilizer to record the fertilizer' s name, registered ingredients, usage, dosage, or other relevant matters.

Article 4

The categories, item numbers, and specifications of fertilizers shall be prescribed and promulgated by the Central Competent Authority.

Chapter 2 Registration

Article 5

A fertilizer may not be manufactured, imported, or/and sold without applying to the Central Competent Authority for approval and issuance of a fertilizer registration certificate. The Central Competent Authority shall prescribe the application criteria, procedures, and rules concerning the issuance of a fertilizer certificate.

Article 6

The manufacture and import of fertilizer samples exclusively for research, testing, or registration purposes, approved by the Central Competent Authority, are not subject to the restrictions of Paragraph 1 of the preceding Article.

The packaging or container of the fertilizer sample mentioned in the preceding Paragraph shall bear the word 'sample' and shall not be sold or given away.

Article 7

The fertilizer registration certificate shall include the following information:

1. Registration certificate number and validity period;
2. Fertilizer item number;
3. Registered ingredients, properties, and packaging weight or/and volume;
4. Name, address, and responsible person of the fertilizer manufacturer or importer;

5. Name and address of the fertilizer manufacturing plant (facility); and
6. Other matters designated to promulgate by the Central Competent Authority.

Article 8

A fertilizer registration certificate is valid for four years. An application for an extension must apply to the original issuing authority within 6 months prior to the expiration date of the certificate if the certificate holder desires to continue manufacturing, importing, or selling of the fertilizer. Each extension application shall not exceed four years. Those who fail to apply for an extension within the expiration date or are not allowed to extend their registration will have their registration certificate cancelled.

Article 9

If a fertilizer registration certificate is lost or damaged, the certificate holder shall apply to the original issuing authority, stating the reason for reissuance or replacement within 30 days after the fact occurs. The original registration certificate shall be canceled or announce its cancellation.

Article 10

Fertilizer dealers who cease operations, suspend operations, resume operations, or make changes to other registered matters shall, within 30 days after the occurrence of the event, submit the fertilizer registration certificate along with relevant documents and information to the original issuing authority for processing in accordance with the following regulations:

1. Cease operations: cancel registration certificates.
2. Suspend operations: note the suspension date on the registration certificate.
3. Resume operations: note the resumption date on the registration certificate.
4. Changes in registered information: change the information of registration documents

Article 11

To apply for a fertilizer registration certificate and to extend the validity period, a certification fee must be paid. The amount of the fee shall be prescribed by the Central Competent Authority.

Chapter 3 Manufacture, Import and Export

Article 12

Fertilizers shall be packaged and labeled before they can be placed on the market. However, this Act does not apply to compost produced domestically and transported from the fertilizer manufacturing plant (facility) directly to a farm for field application.

Article 13

Fertilizer labels shall record the following information in Chinese:

1. Fertilizer registration certificate number;
2. Fertilizer item number;
3. Registered ingredients, properties, and packaging weight or/and volume;
4. Name and address of the fertilizer manufacturer or importer;
5. Name and address of the fertilizer manufacturing plant (facility);
6. Methods and rates of application;
7. Manufacturing year, month, batch number, and expiry date; and
8. Other matters prescribed by the Central Competent Authority.

Article 14

The quality of fertilizers manufactured or imported shall comply with this Act, and the standard inspection competent authority may conduct relevant inspections.

The quality as mentioned in the receding Paragraph refers to those specifications in compliance with registered ingredients and specifications announced in accordance with Article 4.

The operating procedures and charging standards for fertilizer inspection shall be prescribed by the standard inspection competent authority.

Article 15

Imported fertilizers containing organic components from animals or plants must comply with animal and plant quarantine regulations. Fertilizers that fail to pass quarantine inspections must be returned or destroyed.

Article 16

For domestically manufactured fertilizers intended exclusively for export, in addition to specifying the country of origin, their item numbers, specifications, packaging, or labeling may, comply with the requirements of foreign buyers, without subject to the restrictions stipulated under Articles 4 and 13.

Chapter 4 Selling

Article 17

Fertilizers offered for sale or intended for sale, when displayed or stored, must not be unsealed, repackaged, mixed, diluted, or have their fertilizer labeling altered. But fertilizer manufacturers or importers are exempt from these restrictions while manufacturing, processing, and packaging fertilizers.

Article 18

Fertilizers with one of the following conditions shall not be displayed or stored for sale or intended for sale:

- 1.Those without a fertilizer registration certificate;
- 2.Those of unknown origins;
- 3.Those not packaged or labeled in compliance with this Act; and
- 4.Those with poor qualities.

The term "poor quality" as mentioned in subparagraph 4 of the preceding Paragraph refers to those that do not meet the registered ingredients or the specifications announced in accordance with Article 4.

Article 19

Those who publish fertilizer advertisements shall include the fertilizer registration certificate number, item number, and registered ingredients, and are prohibited from engaging in false, exaggerated, and other inappropriate advertising practices.

Article 20

Items not complying with the fertilizer specifications prescribed and announced by the Central Competent Authority in accordance with Article 4 may not be labeled, advertised, or promoted with the name of the fertilizer or with claims of having fertilizer effects.

Chapter 5 Inspection and Supervision

Article 21

Fertilizer manufacturers or importers shall record separately the manufacturing or importing, sales and inventory quantities to facilitate inspection by competent authority.

The records mentioned in the preceding Paragraph shall be retained for 3 years.

Article 22

The competent authority may dispatch inspectors to enter

premises used for manufacturing, processing, packaging, warehousing, exhibiting, and selling fertilizers, and the inspectors may take fertilizer samples. Business operators shall not evade, refuse, or obstruct the inspections. Samples taken by the inspectors shall be limited to amounts necessary for the identification.

The results from the inspection mentioned in the preceding Paragraph may be published. The protocols for an inspection shall be prescribed by the Central Competent Authority. The inspectors shall present identifications documents when conducting inspections.

Article 23

If any fertilizer suspected of violating the provisions of Articles 5, 14, or 25 is found and needs to be sampled for identification, it shall be sealed first and kept under the custody of the fertilizer operator with an affidavit.

The period for identification and verification of the fertilizers sealed mentioned in the preceding Paragraph shall not exceed 40 days from the date of discovery.

Article 24

If the documents or data accompanying the application for a registration certificate were found to be false, altered, or untruthful after the issuance of a fertilizer registration certificate, the issuing authority shall revoke the registration certificate. Anyone who has violated Article 12 or Paragraph 1 of Article 14 of this Act and has been penalized more than twice within one year shall have that registration certificate annulled.

If one of the circumstances mentioned in the preceding Paragraph occurs, the business operators may not reapply for a registration certificate for the fertilizer concerned for two years.

Article 25

If a fertilizer manufactured or imported is found to have negative impacts on soils, plants, or people's health after a registration certificate is granted, the Central Competent Authority shall not only announce the prohibition of its production and importation at any time, but also annul its registration certificate.

Manufacturers or importers of the fertilizer mentioned in the preceding Paragraph shall take back commercially available products and dispose of them together with the inventory in accordance with the disposal methods and deadlines determined by the Central Competent Authority.

Article 26

The issuance, extension of validity period, cancellation, revocation, or annulment of fertilizer registration certificates shall be periodically announced by the issuing authority.

Chapter 6 Penal Provisions

Article 27

Those who manufacture or import fertilizers in violation of Paragraph 1 of Article 5 shall be subject to a fine of more than one hundred thousand New Taiwan Dollars but less than five hundred thousand New Taiwan Dollars.

Those who has been notified to stop manufacturing or importing fertilizers by a specified time but fail to comply may be imposed consecutive daily fines starting from the date of the notification.

Article 28

Anyone with one of the following conditions may be subject to a fine of more than fifty thousand New Taiwan Dollars but less than two hundred and fifty thousand New Taiwan Dollars:

1. Those who violate the requirements of Article 12;
2. Those who violate the requirements of Paragraph 1, Article 14 by manufacturing or importing fertilizers that do not comply with the registered ingredients or meet the specifications set by this Act;
3. Those who violate the requirements of Article 17.
4. Those who violate the requirements of Subparagraphs 1 or 2, Paragraph 1, Article 18.
5. Those who violate the requirements of Paragraph 1 of Article 22 by evading, refusing, or obstructing with inspection or sampling.
6. Those who violate the requirements of Paragraph 1 of Article 23 by refusing to seal the fertilizers or to take the fertilizers under custody with an affidavit.
7. Those who violate the requirements of Paragraph 2 of Article 25.

Those fertilizers mentioned in Subparagraphs 1 to 4 of the preceding Paragraph may be confiscated if the business operators fail to address the problem after being notified to rectify the problem by a specified timeframe.

Article 29

Anyone with one of the following conditions shall be subject to a fine of more than thirty thousand New Taiwan Dollars but less than one hundred and fifty thousand New Taiwan Dollars:

- 1.Those who violate the requirements of Paragraph 2 of Article 6 by not labeling “sample” , selling, or giving out samples.
- 2.Those who violate the requirements of Article 13 by not labeling clearly, completely, truthfully, or not labeling at all.
- 3.Those who violate the requirements of Article 19.
4. Those who violate the requirements of Article 20.
- 5.Those who violate the requirements of Article 21.

Those fertilizers mentioned in Subparagraphs 1 and 2 of the preceding Paragraph may be confiscated if the business operators fail to address the problem after being notified to rectify the problem by a specified timeframe. Those with the conditions specified in subparagraphs 3 or 4 of Paragraph 1, and have been notified but fail to comply or stop advertising or promoting may be fined consecutively.

Article 30

Those with one of the following conditions shall be subject to a fine of more than twenty thousand but less than one hundred thousand New Taiwan Dollars:

- 1.Those who violate the requirements of Article 9 by failing to submit applications for replacement or new fertilizer registration certificates within 30 days after the fact occurs.
- 2 Those who violate the requirements of Article 10 by failing to conduct transaction for suspension, termination or resumption of businesses, modification of registered items or obtaining new fertilizer registration certificates 30 days after the violation.
- 3.Those who violate the requirements of Subparagraphs 3 or 4, Paragraph 1, Article 18.

Article 31

The fines determined in accordance with this Act will be transferred to the court for compulsory execution if they are not paid within the time limit. Before the case is fully paid and settled, the operator’ s application for a fertilizer registration certificate should be suspended.

Article 32

The court will enforce those fines charged pursuant to this Act that become delinquent. Application from the business for fertilizer registration certificates may not be accepted until the fines are paid up.

Chapter 7 Supplementary Provisions

Article 33

The provisions of this Act do not apply to farmers or families who produce organic fertilizers for their own use without selling them.

Article 34

Fertilizer registration certificates applied for in accordance with the Fertilizer Management Rules before this Act becomes effective shall be renewed on the date specified and announced by the Central Competent Authority. If the registration certificate is not processed within the expiration date, the original registration certificate will become invalid and be canceled by the original issuing authority. Those who continue manufacturing or importing the fertilizers without applying for replacement shall be subject to penalties as specified in Article 27.

Article 35

The Enforcement Rules of this Act shall be prescribed by the Central Competent Authority.

Article 36

This Act shall become effective on the date of its promulgation.

NOTE:

This translation is for information purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language, Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of this statute.