


Content

Title :	Food Administration Act 
Date :	2010.11.24
Legislative :	<p>1.Promulgated on May 30, 1997.</p> <p>2.Amendment to Article 2, Article 10 and Article 11, and deletion of Article 20, promulgated on May 17, 2000.</p> <p>3. Amendment to full text 24 articles promulgated on November 7, 2001.</p> <p>4. Amendment to Article 7 and addition of Article 17-1 promulgated on June 19, 2002.</p> <p>5. Amendment to Article 7 and Article 24, and deletion of Article 17-1 promulgated on December 31, 2002. Amendment to the articles on December 27, 2002 shall take effect on January 1, 2003.</p> <p>6. Addition of Article 5-1 promulgated on May 24, 2006.</p> <p>7.President Order Hua-Tsung-Yi-Tzu No. 09900317101 on 24 November, 2010 (Paragraph 1 of Article 18 was revised and enlarged; Article 16, 19, and 20 were deleted; provisions of Article 4, Article 7, Article 8, Article 14, Article 15, Article 18, and Article 22 were also amended).</p>
Content :	<p>Article 1</p> <p>This Act is enacted for the purposes of regulating food demand and supply, stabilizing food prices, improving food quality and maintaining the benefits of producers and consumers. Other applicable laws shall govern matters not provided in this Act.</p> <p>Article 2</p> <p>For the purposes of this Act, the term "competent authority" shall denote the Council of Agriculture, the Executive Yuan.</p> <p>Article 3</p> <p>The term "food" shall include rice, wheat, flour and some coarse grains as well as processed rice products promulgated by the competent authority.</p> <p>Article 4</p> <p>The definitions of the following terms of this Act shall be denoted as follows:</p> <ol style="list-style-type: none"><li>1. Rice: Paddy, brown rice, milled rice, broken rice and other related rice products.</li><li>2. Public stock: Food owned by the government.</li><li>3. Food dealers: Profit-seeking business entities, farmers associations or cooperatives registered as food dealers pursuant to this Act.</li><li>4. Public stock dealers: Food dealers that are commissioned by the competent authority to handle the collecting, take custody of, process and distribute public stock.</li><li>5. Food business: Business involved in the purchase and sale, brokerage, warehousing, processing, importation and exportation of food.</li><li>6. Market sale: Behaviors referring to the obtaining of price for merchandise in a public place with unspecified people.</li></ol> <p>Article 5</p> <p>The competent authority shall devise plans of food production and marketing every year in order to stabilize the supply and demand of food.</p> <p>Article 5-1</p> <p>The competent authority, for the purpose of security and stability of food</p>

supply, shall stockpile rice based on the preceding year' s average consumption and not below the safety stock level during specific period. The level of safety stock shall be promulgated by the Executive Yuan.

#### Article 6

The competent authority, for the purpose of food management, shall be responsible for making surveys and statistics of the production, consumption, production cost and market prices of major foods as well as establishing the data of farm families and cultivated lands.

The above data of farm families and cultivated lands shall include the household registration records of family, the land registration records of cultivated land, the actual cultivators and cultivation records; the household registration records, land registration records, tax registration records necessary for filing purposes can be required of the household, land and tax offices to provide; the families shall file the information regarding the actual cultivator and cultivation record.

#### Article 7

Food shall be exported and imported freely. For the purpose of national food security, the export or import of food may have to be restricted. The competent authority shall promulgate the types, amount, regions, duration, conditions, and methods that are subjected to restriction.

Prior approval of the competent authority shall be obtained before the export or import of the restricted food items.

Rice and processed rice products within the quota regulated by the Customs Import Tariff shall be imported by the competent authority or imported by the qualified food dealers in proportions determined by the competent authority.

For quantum over and above the quota, the import of these food items shall be imported by the qualified food dealers in accordance with related regulations. For non-qualified food dealers, they are subject to the prior approval of the competent authority in accordance with related regulations.

To address the domestic food supply and demand instability on rice and processed rice products, actual or anticipated, or other essential situations, the competent authority shall approve the items that are to be imported. The items shall be imported at the in-quota tariff rate, while the quantum shall not be counted as in-quota imports.

#### Article 8

The competent authority may commission public stock dealers to collect, store, process and distribute public stock.

The conditions that the public stock dealers and their warehouses must possess, the collection, storage, processing, distribution, and other management items for public stock shall be regulated by the competent authority.

#### Article 9

During collecting of public stock, the inspection of paddies shall include foreign matter, moisture content, test weight and quality. Such standards of inspection shall prescribe by the competent authority.

#### Article 10

Dealing food businesses shall file food dealer registrations with the competent authority and shall acquire the food dealer registration certificate before operating food businesses.

The above-mentioned shall not apply to those who engage in the small quantity food retail business as a side job with a daily stock below the prescribed quantity as regulated by the competent authority.

According to the first paragraph of this Article, the conditions for and

procedures of the application for food dealer registration, obtaining a certificate, business activities to be allowed and restrictions thereon, material facts subject to amendment registration and the relevant procedures and deadlines, conditions for revocation of registration and other control regulations shall be promulgated by the competent authority.

#### Article 11

Food dealers shall take a record of the purchase, sale, storage, processing, and brokerage of food. These records shall be kept for one year.

The competent authority may examine the record; food dealers shall not evade, hinder or refuse such examination.

#### Article 12

The competent authority shall submit the following to the Executive Yuan for reference and promulgation while occurred the event of natural disaster or sudden incidents that caused an unbalanced supply and demand of food:

1. The period, quantity and price of food sales and the price of food purchasing and selling.
2. Food storage, transportation and milling.
3. Emergency expropriation purchase and sale by ration distribution of food.

#### Article 13

The competent authority shall guide the production and marketing of high quality rice and establish the rice grading and inspection system.

#### Article 14

Food sold at markets shall be labeled in Chinese characters and signals precisely marking the product name, quality specification, origin, weight, date of milling, the expiration date, name of the manufacturer, telephone number, and address on the package or containers. The competent authority shall regulate the methods of labeling and other items that shall be complied with.

The labeling, promotion or advertisements marked on the above-mentioned packages or containers shall be truthful that are not exaggerating or misleading.

Except the above-mentioned two rules, the labeling of food shall comply with the *Food Sanitation Management*

#### Act.Article 15

The competent authority may conduct checks on labels and inspect quality of the food sold in the market. The food dealers or the small quantity (size ??) food retail business as a side job regulated in paragraph 2 of Article 10 (the food retailers) shall not avert, interfere or refuse the inspections and shall provide relating information on the source of food.

The persons that perform checks and inspections in accordance with the above-mentioned regulations shall display their documents for performing the work to the food dealers or food retailers. The sampled items from markets shall be paid as the price indicated. The competent authority shall regulate the rules for sampling and inspection.

The checking method in the first paragraph shall be performed according to national standards or in other appropriate methods. The competent authority may mandate all or part of the above-mentioned inspections to other inspections institutions, legal entities, scholars or researching institutions.

#### Article 16(Deleted)

#### Article 17

For violation of the regulations promulgated by the competent authority according to Article 12 concerning announcement and management,

imprisonment for no longer than three years or detention, and/or a fine below the total food price, will be sentenced.

#### Article 18

After the time limit, if one who operates a food business without registering as a food dealer according to paragraph 1 of Article 10 shall be punished with a fine of no less than NT\$60,000 and no more than NT\$240,000, and such fine may be imposed for each violation.

For any of the following circumstances, the competent authority shall order the food dealer to rectify its conduct within a specified time limit; if the food dealer fails to rectify its conduct before the expiration of the time limit, a fine of no less than NT\$30,000 and no more than NT\$150,000 shall be imposed on such food dealer, if the deal has the offense regulated in paragraph 4, a fine no less than NT\$40,000 of and no more than NT\$200,000 shall be imposed, and such fine may be imposed for each violation. In the event that the food dealer fails to rectify its conduct and has been punished for a total of three times, its food dealer registration shall be abolished, and its food dealer registration certificate shall be cancelled:

1. The violation of the provisions of paragraph 3 of Article 10 concerning the hanging, reissuance, replacement or amendment registration of food dealers' registration.
2. The violation of paragraph 1 of Article 11 to take a record of the handling of food or fail to keep these records for one year.
3. The violation of paragraph 1 of Article 14 for the labeling items and methods that shall be marked on the packages or containers of food selling on the markets.
4. The violation of paragraph 2 of Article 14 that the labeling, promotion or advertisements are untruthful, exaggerating or misleading.

For the profit business, farmers associations or cooperatives whose food dealer registrations are abolished and food dealer certificates are cancelled, they shall not apply for food dealer registration pursuant to the Act within one year starting from the date of its food dealer registration abolishment.

For food dealers that are punished according to subparagraphs 3 or 4 of paragraph 2, the competent authority shall announce the title, address, name of responsible person, name of products, and details of violation of the food dealers.

#### Article 18-1

If one has one of the following circumstances, it shall be punished with a fine no less than NT\$30,000 and no more than NT\$150,000 and such fine may be imposed for each violation:

1. The violations of paragraph 2 of Article 11 to evade, hinder, or refuse the inspection of the competent authority to check its registration records and the contents.
2. The violation of paragraph 1 of Article 15 to evade, hinder or refuse the check, inspection or refuse to provide information regarding the origin of food

#### Article 19 (Deleted)

#### Article 20(Deleted)

#### Article 21

The competent authority shall collect license fees and inspection fees when performing registrations and inspections according to this Act. The fee standards shall be prescribed by the competent authority.

#### Article 22

One who had applied and obtained the food dealer business license according to the Administrative *Regulations For Food Dealers* before the implementation of this Act on November 7, 2011, shall subject to the

administration of the provisions of Administrative *Regulations For Food Dealers*, and shall file for the re-issuance of the food dealer registration certificate within the time limit prescribed by the competent authority Those who fail to file for the issuance and change within the time limit shall have their food dealer business license cancelled by the competent authority.

Article 23

The implementing regulations of the Act shall prescribe by the competent authority.

Article 24

This Act shall take effect from the date of its promulgation.

The articles were amended on December 27, 2002 shall take effect on January 1, 2003.