

Content

Title :	Enforcement Rules of Plant Protection and Quarantine Act Ch
Date :	2010.05.10
Legislative :	Promulgated on September 17, 1997. Amendment to all Articles promulgated on October 31, 2003. Amendment to Article 3, and 10-12, deletion to Article 28 promulgated on May 10, 2010
Content :	<p>Article 1</p> <p>The enforcement rules are established pursuant to Article 27, Plant Protection and Quarantine Act (hereinafter called “the Act”).</p> <p>Article 2</p> <p>As used in this the Act:</p> <p>“Useful fungi” under paragraph 1(1) of Article 3 of the Act, denotes the agriculturally or industrially useful molds, yeast, or mushrooms.</p> <p>“Plant products originating from plants, whether processed or not, which are likely to spread plant diseases and pests” under paragraph 1(2) of Article 3 of the Act, denotes the seeds or their embryos, bulbs, rhizomes, tubers, fresh fruits, nuts, dry fruits, vegetables, fresh flowers, dry flowers, grains, fresh medicinal herbs, lumbers or woods, organic media, and vegetable fertilizer.</p> <p>“Any pathogenic agent that is directly or indirectly injurious to plants” under paragraph 1(3) of Article 3 of the Act, denotes the fungi, slime molds, bacteria, viruses, viroids, phytoplasmas, parasitic plants, weeds, nematodes, insects, acarines, mollusks, other invertebrate animals, and vertebrates animals, etc., including species, strains or biotypes.</p> <p>“Substances to which plants are attached or fixed to maintain plant life” under paragraph 1(6) of Article 3 of the Act, denotes the soils, peat and other natural or artificial media.</p> <p>The objects not listed in the preceding paragraph 1(1) through 1(4) may be designated by an administrative order issued by the central competent authority to prevent the occurrence and spread of plant diseases and pests</p> <p>.</p> <p>Article 3</p> <p>The scope of the terms “relevant data,” and “relevant party” under Article 5 of the Act is specified as follows:</p> <p>“Relevant data” denotes the phytosanitary certificates, bills of lading and delivery order, packing list or other related documents.</p> <p>“Relevant party” denotes the custom declaration or examination agents, the captains of vehicles, vessels or aircrafts, business representatives or other managing personnel.</p> <p>Article 4</p> <p>The term “Government authority concerned” under Article 6 of the Act denotes the agencies responsible for transportation, custom, environmental protection, or prosecution and police, or other relevant agencies.</p> <p>Article 5</p>

The implementation of control and quarantine measures of the Act may be conducted by relevant institutes or private organizations authorized by the central competent authority when it deems necessary.

Article 6

Within the area of infestation designated pursuant to Article 10 of the Act by the central competent authority, the municipal or county (city) competent authority shall conduct periodic inspection of designated plant diseases and/or pests inspection. The scope of inspection shall be as follows:

- (1) cultivated plants, plants for propagation, or plant products;
- (2) soils or cultivating medium;
- (3) packages or containers;
- (4) agricultural machines or tools;
- (5) the species of plant diseases and pests; and
- (6) other matters related to plant diseases and pests.

Article 7

The municipal or county (city) competent authority shall implement appropriate control measures when a plant disease or pest from a foreign area is found and report such finding to the central competent authority pursuant to Article 8 and paragraph 1 of Article 11 of the Act.

Article 8

When the central competent authority implements necessary protection measures pursuant to Article 11 of the Act, the municipal or county (city) competent authority shall cooperated implement and report the process of implementing to the central competent authority and notify the same to other adjacent municipal or county (city) competent authorities.

Article 9

In conducting regional joint control measures pursuant to paragraph 1(4) of Article 11 of the Act, the municipal or county (city) competent authority shall promptly organize a joint control team or mobilize personnel from township (cheng, city, or district) governments within its authority or civic organizations to assist farmers in implementing such measures.

Article 10

Importation of the articles specified under Article 15 of the Act is limited for experimental, research, educational or exhibitive use by governmental agencies (institutions), public enterprises, schools, corporations or organizations founded and registered under relevant laws. The term "Importation" aforementioned includes importations through transshipment.

Article 11

Application for approval by the central competent authority to import the articles specified under Article 15 of the Act shall be in form with supporting documents or information listed as follows:

- (1) Related experimental, research, educational or exhibitive projects; with information of the duration. Intentions of utilization approved articles or its derivatives shall be stated in the project.
- (2) Name, quantity, source or other characteristics of the articles to be imported;
- (3) Post-entry quarantine plan; including address and safety features of isolation site for post-entry quarantine;

- (4) Packaging methods, domestic and international transportation routes and means of conveyance; and
- (5) Other related documents and information required by the central competent authority.

Article 12

For approving the importation of the articles specified under Article 15 of the Act, the procedures listed below shall be followed:

- (1) An import permit shall be issued to the importer after the central competent authority approves the application for importation. The importer thereof shall forward the original import permit to the exporter for affixing on the package for the articles. The articles shall be imported under the procedures as approved.
- (2) The imported articles shall be inspected and approved by the plant quarantine authority and those articles can be received by the importer or its representing agent upon notification.
- (3) The importer shall use the imported articles consistent with the intended purpose only at a location designated by the plant quarantine authority.
- (4) Whenever high-risk pests are found and likely to spread in the use of the imported articles, the importer shall immediately notify the plant quarantine authority to take appropriate control measures with the cost borne by the importer.
- (5) The importer shall be subject to supervising by the plant quarantine authority during the approved time the articles are being used. The importer shall not evade, interfere or refuse such supervision.
- (6) The importer shall reexport or destroy the imported articles under the supervision of the plant quarantine authority after the approved time limit for the use of the articles is expired.
- (7) The importer shall submit a report on the result of the use of the articles to the central competent agency within thirty days after the expiration date. Related experimental reports or publications shall bear the document number of the import permit thereof.

Importer may apply for approval by the central competent authority to extend the duration of utilization thirty days prior to expiration date. Application for exhibitive use is only allowed to extend the duration of utilization once under the following conditions:

- (1) Reason of application for extension is limited to changes of exhibition schedule, natural disasters, or other unpredictable force majeure reasons recognized by the central competent authority.
- (2) Application shall be done seven days prior to expiration date, the extension time shall not be longer than the exhibition project.

In case of applications for uses other than exhibition, importer may apply for approval by the central competent authority to lift the restriction of utilization of imported article thirty days prior to expiration date. The restriction will be lifted after assessment and confirm there is no risk of plant diseases and pests.

If the importer violates any provision under paragraph 1(3) through 1(6) or paragraph 2 of the preceding paragraph, resulting in the occurrence of a designated plant disease or pest, the emergency control measures shall be taken under Article 11 of the Act.

Article 13

Imported plants required for post-entry quarantine pursuant to paragraph 2 of Article 16 of the Act shall be isolated for quarantine inspection at quarantine field sites designated by the plant quarantine authority.

Article 14

Importers of plants, which are isolated as required by the preceding Article and found to be free of pests or infested with pests that not belong to the pest list published and controlled by the central competent authority and deemed to be of low risk, shall remove the plants thereof from the isolation field site within a time limit upon notification by the plant quarantine authority; otherwise the plants shall be disposed by the quarantine authority.

Article 15

Importers of plants, which are required to be isolated for post-entry quarantine, shall assist in managing the imported plants during the quarantine isolation period and provide necessary fertilizers, pesticides and other materials.

Article 16

Quarantine inspections shall be periodically conducted at the quarantine field sites. When needed, related experts may be consulted for assistance in such inspections.

Article 17

Importers, or their agents, of plants undergoing post-entry quarantine may enter into the quarantine field sites for management or observation purposes with the approval by the plant quarantine authority, providing that related guidelines are followed.

Article 18

In order to carry out the plant quarantine inspection of the imported plants or plant products as specified under Article 17 of the Act, the central competent authority may designate a specific harbor, airport or station to conduct such inspection.

Article 19

“the ports of entry” under paragraph 1 of Article 17 of the Act denotes the harbor, airport or station where the plants or plant products are unloaded upon their arrival, or ports approved by the plant quarantine authority.

Article 20

When the plant quarantine authority performs quarantine in accordance with the Act, the quarantine on the imported plants or plant products shall be implemented based on single batch. Each batch is subject to quarantine excluding those approved plants or plant products, which can be proceeded by sampled batch mode.

Article 21

When applying for import quarantine inspection pursuant to Article 17 of the Act, the importers or their agents shall submit to the plant quarantine authority a completed application form and inspection fees along with supporting documents listed as follows:

(1) phytosanitary certificate. However, pursuant to Article 16 of the Act exempted those who imported from a country without any plant quarantine authority. ;

- (2) bills of lading ;
- (3) proof of values; and
- (4) other supporting documents specifically required by the plant quarantine authority.

Article 22

In order to carry out the plant quarantine inspection of imported plants or plant products are performing pursuant to Article 17 of the Act, the plant quarantine authority may coordinate with the competent authority of navigation to review ship logs or other related documents.

Article 23

“The pests” under Article 19 of the Act denotes the quarantine pests that are published by the central competent authority pursuant to Article 14 and paragraph 2 of Article 16 of the Act.

Article 24

When applying for export quarantine inspection pursuant to Article 20 of the Act, the exporters or their agents shall submit to the plant quarantine authority a completed application form and inspection fees along with supporting documents listed as follows:

- (1) export certificate;
- (2) proof of values; and
- (3) other supporting documents required by the plant quarantine authority.

Article 25

If requested by the importing country, quarantine labels for plants or plant products approved for export, which have received phytosanitary certificates pursuant to Article 20 of the Act, may be issued by the plant quarantine authority. Quarantine tags for plants or plant products thereof, within limited quantity, hand-carried by passengers or by mail may also be issued by the plant quarantine authority.

Article 26

If plants or plant products to be exported pursuant to Article 20 of the Act are deemed failure to meet the requirements of the importing country, the applicant shall retrieve the plants or plant products thereof upon receipt of the notification by the plant quarantine authority. If the applicant fails to retrieve within a time limit, the plants or plant products shall be disposed by the plant quarantine authority.

Article 27

The plant quarantine authority shall not be held liable for any financial claim against the consequence of the death of plants in isolation, plants being ordered for destruction pursuant to the Act, or other unavoidable damage or losses in plants resulted from the necessary quarantine actions taken.

Article 28

(Deletion)

Article 29

This enforcement rules become effective on the date of promulgation.