

Content

Title :	Plant Protection and Quarantine Act Ch
Date :	2008.05.07
Legislative :	1.Promulgated on January 10, 1996 and effective as of January 10, 1996. 2.Amendment to Articles 2, 4, 13, 17~21, 26 promulgated on May 17, 2000. 3.Amendment to Articles 11, 24 promulgated on January 17, 2001. 4.Amendment to Articles 17, 22, 25, addition of Articles 8-1, 18-1, 19-1, 21-1 promulgated on February 6, 2002. 5.Amendment to Article 24, addition of Articles 6-1, 16-1, 19-2 promulgated on June 12, 2002. 6.Amendment to Articles 5, 17, 21~22, 24, 26, addition to Article 25-1 promulgated on May 7, 2008.
Content :	<p>Chapter I. GENERAL PROVISIONS</p> <p>Article 1 This Act is enacted to control plant diseases and pests and prevent their spread. Matters not provided herein shall be governed by other applicable regulations.</p> <p>Article 2 As used in this Act, the term "competent authority" shall denote the Council of Agriculture, Executive Yuan at the central government level (hereinafter referred to as the "central competent authority"); the municipal government at the municipality level (hereinafter referred to as the "municipal competent authority"); and the county(city) government at the county(city) level (hereinafter referred to as the "county(city) competent authority").</p> <p>Article 3 As used in this Act, the terms shall be defined as follows: (1) "plants" denotes the seed plants, ferns, mosses, liverworts and useful fungi, and the portion thereof which may be propagated or cultivated. (2) "plant products" denotes products originating from plants, whether processed or not, which are likely to spread plant diseases and pests. (3) "pests" denotes any form of plant or animal life, or any pathogenic agent that is directly or indirectly injurious to plants. (4) "plant disease and pest damages" denotes the injury and loss caused by pests to plants. (5) "susceptible plants" denotes host plants which are easily infected or infested with specific plant diseases and pests. (6) "cultivating medium" denotes substances to which plants are attached or fixed to maintain plant life.</p> <p>Article 4 The municipal or county(city) competent authority shall establish or designate plant protection authority with duly authorized personnel. The central competent authority shall establish plant protection and quarantine authority with duly authorized personnel, and establish plant</p>

protection research institution if so deemed necessary.

Article 5

Plant protection officer shall have the authority to enter the cultivation places, warehouses and other relevant places or vessels, vehicles or aircrafts to inspect plants, plant products and the package and containers thereof, examine relevant data of survey, monitor or prevention for pest or make enquiries of relevant party at used for public transportation. No particular owner or relevant party shall withhold consent to the said inspection or examination.

Plant quarantine officer shall have the authority to inspect plants, plant products and the package, container, commodity, postal parcel, luggage, vessels, vehicles, aircrafts and warehouse thereof, examine relevant data or make enquiries of relevant party. No particular owner or relevant party shall withhold consent to the said inspection or examination.

Article 6

Government authorities concerned shall render the necessary assistance and support to the plant protection or quarantine officers in implementing control measures.

Article 6-1

Informing of violation against plant protection and quarantine regulations shall be rewarded to facilitate implementation of this Act ; rules for aforementioned rewarding shall be formulated by the central competent authority.

Article 7

In performing their duties in accordance with this Act, plant protection or quarantine officers shall neither exceed their powers nor infringe the rights and interests of another person. The central competent authority shall establish rules for the enforcement of plant protection and quarantine.

Chapter II. PLANT PROTECTION

Article 8

For purposes of plant protection, the central competent authority shall designate and publish the types and scope of specific plant diseases and pests.

Article 8-1

Owners and managers of plants or plant products shall immediately report to the municipal or county(city) competent authority when control measures are practiced but are ineffective in curtailing the spread of a specific pest found on their plants or plant products thereof.

Article 9

The central competent authority shall designate the types of plants for propagation purposes that require specific plant disease and pest inspection. The inspection rules and fee schedule shall be formulated by

the central competent authority and submitted to the Legislative Yuan for approval and record.

The plants aforementioned for propagation purposes shall not be sold or relocated unless the inspection is passed and a certificate issued.

Article 10

The central competent authority shall have the powers to designate an area of infestation and restrict or prohibit the relocation of plants, plant products, and soils, as well as the package, container and cultivation medium thereof beyond such area unless the prior approval of the central competent authority has otherwise been obtained.

Rules for granting the above approval shall be formulated by the central competent authority and submitted to the Legislative Yuan for approval and record.

Article 11

When it deems necessary, the central competent authority may take the following emergency control measures:

- (1) restrict or prohibit the cultivation of related susceptible plants; if necessary, order the owner thereof to remove or destroy those already cultivated within a prescribed time limit;
 - (2) order the owner to remove or destroy plants or plant products suspected of having been infected or infested with specific plant diseases and pests within a prescribed time limit; (3) order the owner to kill relevant pests and prohibit the culture thereof; or
 - (4) conduct regional joint control measures.
 - (5) establish quarantine inspection stations at the essential passages on the islands of Kinmen, Matsu and Penghu for conducting inspection, and restrict the plants or plant products from moving out the islands or dispose them in a way deemed necessary, if they are not inspected or inspected but found not in compliance with relevant regulations.
- Inspection procedures, ways of disposal, fee schedule, place for conducting inspection and any other relevant rule in relation to paragraph 1(5) shall be established by the central competent authority.

Article 12

With respect to the relevant susceptible plants or plants or plant products suspected of having contracted specific plant disease(s) or pest(s), which are ordered to be removed or destroyed within a prescribed time limit in pursuant to paragraph 1(1) or 1(2) of the preceding article, the municipal or county(city) competent authority shall set up an evaluation committee to evaluate the prices of those plants or plant products and pay their owner or management personnel full compensation as evaluated unless the owner or administrator is guilty of violating this Act, in which event no compensation shall be paid.

Members of the above evaluation committee shall be nominated by the municipal or county(city) competent authority.

Article 13

The compensation provided in the preceding article shall be borne and paid

by the municipal or county(city) competent authority. The central competent authority may provide the subsidy to the payment in accordance with the rules established by the central competent authority.

Chapter III. PLANT QUARANTINE

Article 14

The central competent authority may publish the prohibition of the import or transshipment of specific plants or plant products from specific countries or districts to the Republic of China unless prior approval by the central competent authority has been duly obtained.

Rules for the issuance of the above approval shall be formulated by the central competent authority and submitted to the Legislative Yuan for approval and record.

Article 15

Importation or transshipment of the following articles shall not be permitted unless otherwise approved by the central competent authority :

- (1) pests;
- (2) soils;
- (3) plants with soil; and
- (4) packages or containers used by or harboring the articles under the preceding three subparagraphs.

Article 16

Plants or plant products subject to quarantine requirements shall be imported with a phytosanitary certificate issued by the quarantine authority of the exporting country; special quarantine shall be given to those plants or plant products imported from a country without any plant quarantine authority.

The quarantine requirements aforementioned shall be published by the central competent authority.

Article 16-1

Transshipment of the plants or plant products are through countries or districts from where entry is prohibited or quarantine requirements were published by central competent authority pursuant to Article 14 or the preceding Article shall be approved by the plant quarantine authority. Unapproved ,the plants or plant products shall not allowed to be imported or necessary precautionary measures shall be taken.

Article 17

A plant or plant product importer or the agent thereof shall apply to the plant quarantine authority for quarantine of the plants or plant products to be imported or transit before their arrival at the ports of entry. The said importer or agent shall not unwrap or move the said plants or plant products before completion of quarantine inspection.

Passengers or personnel of vehicle, vessel or aircraft carrying plants or plant products shall apply for plant quarantine upon arrival at the port of entry.

If the plants or plant products are imported by mail, their packages shall

be affixed with a legible label indicating that they contain the plants or plant products, and the postal authority shall notify and request the plant quarantine authority to perform quarantine inspection.

Article 18

The plant quarantine authority shall issue a quarantine certificate upon completion of quarantine pursuant to the preceding article.

Article 18-1

Reapplication for quarantine of plants or plant products to be exported or imported, which are determined not in compliance with pertinent rules or regulations, shall not be permitted.

Article 19

If any pest is found in the importing plants or plant products after quarantine inspection, the plant quarantine authority shall notify and request the importer or its agent to disinfect, destroy or re-export such plants or plant products together with the packages and containers thereof within a prescribed time limit. If no such action is taken within the said time limit or if taking emergency measures is necessary, the plant quarantine authority shall directly dispose of the plants or plant products with the cost borne by the importer.

Article 19-1

Plants or plant products in transit that are suspected of contracting or possibly spreading pests may be subject to appropriate quarantine or other safety measures by the plant quarantine authority.

Article 19-2

The residues of plants or plant products carried by vehicles, vessels or aircrafts originated from foreign countries shall be prohibited from unloading.

Article 20

If an importing country requests a quarantine certificate for plants or plant products to be exported, the exporter may apply to the plant quarantine authority for quarantine of the plants or plant products. The quarantine authority shall issue a phytosanitary certificate upon completion of the quarantine inspection.

The said quarantine inspection shall be performed on the premises of the plant quarantine authority; on-site inspection may be performed if so deemed necessary by the authority.

Article 21

Necessary costs may be charged for quarantine services performed. The rates and fee schedule shall be established by the central competent authority.

Article 21-1

When the importers or their agents apply for quarantine inspection of plants or plant products to be exported, imported or transited, the

relevant regulations on mode, procedure and duration of application, quarantine operation procedure, standard and method of quarantine treatment, treatment for pests, post-entry quarantine procedure, issuance of phytosanitary certificate, and other related matters shall be established by the plant quarantine authority.

Chapter IV. PENAL PROVISIONS

Article 22

Any person who is guilty of importing or transshipping articles in violation of Article 14 or 15 shall be penalized by imprisonment for not exceeding three years, detention and/or a fine of not exceeding NT\$150,000.

The plants, plant products, pests, soils, plants with soils, and the package, containers and cultivation medium thereof in violation of Article 14 or 15 shall be seized.

Article 23

If the representative of a legal entity, or the agent, employee or other staff of a legal entity or natural person is guilty of committing the offense under the first paragraph of the preceding article in the course of rendering their services, the violator shall be penalized; in addition, the legal entity or natural person shall be imposed with the fine under the said paragraph; if the representative of a legal entity or a natural person can prove that best effort has been made to prevent the commission of the offense, neither the legal entity nor the natural person shall be penalized.

Article 24

A fine ranging from NT\$30,000 to NT\$150,000 shall be imposed on the particular violator if the violator is guilty of:

- (1) violating the second paragraph of Article 9;
- (2) violating the order of restriction or prohibition under Article 10;
- (3) violating the emergency control measures under any of the provisions of the first paragraph of Article 11; or
- (4) violating the first paragraph of Article 17.
- (5) violating the second paragraph of Article 19.

If penalty is carried out pursuant to paragraphs 1(1), 1(2) and 1(3), the plants, plant products, pests, soils, and the packages, containers and cultivation medium thereof shall be removed or destroyed within a prescribed time limit. If the said articles are removed or destroyed within the time limit, the municipal or county (city) competent authority shall act to remove or destroy the said articles, and the cost for such actions shall be borne by their owners or management personnel.

If penalty is carried out pursuant to paragraphs 1(5), the plants or plant products shall be destroyed by the plant quarantine authority or its commissioned organizations, and the cost for such actions shall be borne by owners or management personnel of vehicles, vessels or aircrafts.

Article 25

A fine ranging from NT\$10,000 to NT\$50,000 shall be imposed if the culprit is guilty of:

- (1) evading, hindering or refusing the execution of duties performed by plant protection or quarantine officers pursuant to Article 5 without appropriate reason; or
- (2) failing to report the pest status as required under Article 8 - 1 without appropriate reason; or
- (3) evading, hindering or refusing the inspection of specific plant diseases and pests by the central competent authority pursuant to the first paragraph of Article 9 without appropriate reason.

Article 25-1

Passengers or personnel of vehicle, vessel or aircraft violate the second paragraph of Article 17 shall be fined ranging from NT\$3,000 to NT\$15,000.

Article 26

The fine provided herein shall be imposed by the municipal or county (city) competent authority or the plant quarantine authority.

Chapter V. SUPPLEMENTARY PROVISIONS

Article 27

The enforcement rules of this Act shall be established by the central competent authority.

Article 28

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