

Content

Title :	Plant Protection and Quarantine Act <b>Ch</b>
Date :	2014.06.18
Legislative :	Promulgated on January 10, 1996 and effective as of January 10, 1996. Amendment to Articles 2, 4, 13, 17~21, 26 promulgated on May 17, 2000. Amendment to Articles 11, 24 promulgated on January 17, 2001. Amendment to Articles 17, 22, 25, addition of Articles 8-1, 18-1, 19-1, 21-1 promulgated on February 6, 2002. Amendment to Article 24, addition of Articles 6-1, 16-1, 19-2 promulgated on June 12, 2002. Amendment to Articles 5, 17, 21~22, 24, 26, addition to Article 25-1 promulgated on May 7, 2008. Amendment to Articles 3, 8, 8-1, 11, 14~16, 17~18-1, 22, 24, 25, addition to Article 13-1 promulgated on June 18, 2014.
Content :	Chapter I. GENERAL PROVISIONS 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.  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").  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 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 fertilizers originating from plants, whether processed or not, which are likely to spread plant diseases and pests. 3. "pests" denotes the fungi, slime molds, bacteria, viruses, viroids, phytoplasmas, parasitic plants, weeds, nematodes, insects, acarines, mollusks, other invertebrate animals, vertebrates animals, and any pathogenic agent that is directly or indirectly injurious to plants. It also denotes invasive

- plants that are likely to result in damage to the ecosystem.
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. "cultivation medium" denotes the soils, peat and other natural or artificial media to which plants are attached or fixed to maintain plant life.

#### 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 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 pests 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 reward 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

The central competent authority may publish the types and scope of specific plant diseases and pests, and therefore establish a monitoring or surveying plan.

The municipal or county (city) competent authority shall coordinate with the preceding plan and execute the monitoring and surveying thereof.

The central competent authority may publish the control scheme for plant diseases and pests pursuant to the preceding monitoring or surveying results and by referring to the domestic ecological environment, agricultural production, and other public interests. The municipal or county (city) competent authority shall formulate a regional control plan pursuant to the preceding scheme and report it to the central competent authority for approval before implementation, and the central competent authority shall inform the adjacent municipal or county (city) competent authority. The costs necessary for the preceding regional control plan shall be jointly borne by the central competent authority and municipal or county (city) competent authority.

### Article 8-1

Where the plants or plant products manifest plant diseases and pests, the owners and managers thereof shall control the plant diseases and pests pursuant to the notice or announcement of the municipal or county (city) competent authority.

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 disease or pest found on their plants or plant products thereof.

Upon receiving the preceding report, the municipal or county (city) competent authority shall conduct necessary disposal immediately and report to the central competent authority to notify the adjacent municipal or county (city) competent authority and research and experiment station to assist in necessary disposal.

### Article 9

The central competent authority may 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;
- 4.Designate the region to conduct joint control measures; or
- 5.Establish quarantine inspection stations at the essential passages on the islands of Kinmen, Matsu and Penghu for conducting inspection, and if they are not inspected or inspected but found not in compliance with relevant regulations, restrict the plants or plant products from moving off the islands or dispose of them in a way deemed necessary.

Inspection procedures, ways of disposal, fee schedule, place for conducting inspection and any other relevant rule in relation to subparagraph 5 of the preceding paragraph 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 pursuant to subparagraph 1 or 2 of the first paragraph, Article 11, 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 13-1

The central competent authority may designate the plants, plant products, and any other articles which are likely to spread the pest, and promulgate that these articles are subject to import quarantine (hereinafter referred to as “regulated articles” ). The plant quarantine authority may carry out quarantine treatment, re-export, destruction or other necessary measures whenever plants, plant products, or other kind of articles likely to have the risk for transmitting pests but not listed as regulated articles aforementioned.

### Article 14

The central competent authority may publish the quarantine measures of regulated articles from certain countries and areas as follows based on the pest status and the damage risk it might cause:

- 1.Prohibition of entry;
- 2.Enterable under precautionary requirements; and
- 3.Post-entry quarantine.

Governmental agencies (institutions), public enterprises, schools, corporations or organizations registered under relevant laws may import the prohibited regulated articles under subparagraph 1 of the first paragraph for purposes of experiment, research, educational or exhibition by the approval of the central competent authority; the application process and the way of declaration, safeguard isolation control measures, treatments, and rules of other relevant matters shall be established by the central competent authority.

If there is no import records of the regulated articles with capability of propagation, relevant data of pest risk assessment shall be submitted and approved by the plant quarantine authority for permission of importation.

The application process and procedure of post-entry quarantine, the requirement for the establishment of quarantine field sites and other relevant rules in relation to subparagraph 3 of the first paragraph shall be established by the central competent authority.

### Article 15

Importation of the following articles shall not be permitted unless they are applied for experimental, research, educational or exhibit use by governmental agencies (institutions), public

enterprises, schools, corporations or organizations founded and registered under relevant laws, and approved by the central competent authority.

- 1.Pests;
- 2.Natural enemies, antagonist or competitor and other organisms used as biological control agents for controlling pests;
- 3.Soils;
- 4.Plants, plant products or other articles with soil; and
- 5.Packages or containers used by or harboring the articles under the preceding four subparagraphs.

The application process, methods of declaration, safety isolating control measures, methods of disposal, and any other relevant rule related to the above approval shall be formulated by the central competent authority.

#### Article 16

The importer or its agent shall import the regulated articles with a phytosanitary certificate issued by the plant quarantine authority of the exporting country; exemptions are published by the plant quarantine authority.

The plant quarantine authority shall take the following measures of which the cost shall be borne by the importers of regulated articles pursuant to the preceding paragraph, if the importers fail to submit phytosanitary certificates or the phytosanitary certificates submitted contain information inconsistent with the pertinent quarantine requirements.

- 1.Submit properly corrected phytosanitary certificates within a specified time limit;
- 2.Quarantine measures;
- 3.Re-export;
- 4.Destroy.

The phytosanitary certificate referred in the first paragraph, issued by the plant quarantine authority of the exporting country, may be issued electronically with the agreement by the plant quarantine 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 the central competent authority pursuant to Article 14 or the preceding article shall be approved by the plant quarantine authority. The plants or plant products without approval shall not be allowed to be imported or necessary precautionary measures shall be taken.

#### Article 17

The importer or its agent shall apply to the plant quarantine authority for quarantine of the regulated articles to be imported or transited 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 regulated articles shall apply for plant quarantine upon arrival at the port of entry.

If regulated articles are imported by mail, their packages shall be affixed with a legible label indicating the ingredients, the postal authority shall notify and request the plant quarantine authority to perform quarantine inspection thereof.

The central competent authority may formulate certain regulations to simplify the quarantine procedure and its supporting documents of regulated articles from other countries stored in Free Trade Zones and not for purpose of importation.

#### Article 18

Upon completion of quarantine pursuant to the preceding articles, the plant quarantine authority shall issue a certificate of unserviceability for those that are not compliant and then forbid its import; the importer or its agent who follows the rules may apply for the certificate of compliance.

#### Article 18-1

Reapplication for quarantine of regulated articles or articles listed in Article 15 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 subjected 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 central quarantine authority.

### Chapter IV. PENAL PROVISIONS

#### Article 22

Any person who is guilty of importing or transshipping articles in violation of subparagraph 1 of the first paragraph, Article 14 or subparagraph 1 of the first paragraph, Article 15 shall be penalized by imprisonment for not exceeding three years, detention and/or a fine of not exceeding NT\$150,000.

The regulated articles, other goods or things, and the packages, containers and cultivation medium thereof in violation of subparagraph 1 of the first paragraph, Article 14 or subparagraph 1 of the first paragraph, Article 15, no matter who is the owner, shall be seized before the first-instance judgement.

#### 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 and selling or relocating the plants;
2. Violating the order of restriction or prohibition under the first paragraph of Article 10;
3. Violating anyone of subparagraph 1 to 3 of the first paragraph, Article 11;
4. Violating the second paragraph of Article 14 and the second paragraph of Article 15 regarding relevant rules shall be followed by importer;
5. The importer or its agent violating the first paragraph of Article 17, not applying for quarantine, or unwrapping or moving the plants or plant products before completion of quarantine inspection;
6. Owners or managers of vessels, vehicles, or aircrafts violating Article 19-2 loading the residue of plants or plant products.

If penalty is carried out pursuant to subparagraph 1 to 3 of the first paragraph, 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 not 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 the subparagraph 6 of the first paragraph, 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 managers of vehicles, vessels or aircrafts.

#### Article 25

A fine ranging from NT\$10,000 to NT\$50,000 shall be imposed on the particular violator if the violator 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;
2. Violating the first paragraph of Article 8-1 and failing to conduct control measures pursuant to the notice or announcement by the municipal or county (city) competent authority;
3. Failing to report the pest status as required under the second paragraph of Article 8-1 without appropriate reason;
4. 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;
5. Owners or managers of the plants or plant products fail to conduct joint control measures prescribed by the central competent authority pursuant to subparagraph 4 of the first paragraph, Article 11; or

6. Violating the subparagraph 5 of the first paragraph, Article 11, moving out the plants or plant products which are not inspected or inspected but found not in compliance with relevant regulations. If a penalty is carried out pursuant to subparagraph 2 of the preceding paragraph, the municipal or county (city) competent authority may order the violator thereof to make improvements within a prescribed time frame; if improvement is not made within the time limit, a penalty will be carried out according to the times thereof.

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.