


Content

Title :	Imported Organic Agricultural Product and Organic Agricultural Processed Product Management Regulations 
Date :	2009.07.24
Legislative :	1.Promulgated on July 27, 2007
Content :	<p>Article 1</p> <p>These regulations are established in accordance with Paragraph 2, Article 6 of the Agricultural Production and Certification Act (hereinafter referred to as the Act).</p> <p>Article 2</p> <p>If a mutual recognition agreement or arrangement on the accreditation of organic agricultural product certification bodies is concluded between the Republic of China (Taiwan) and other countries or between the organization/juristic person commissioned by the central competent authority and international organic accreditation organizations, the central competent authority may directly announce the name of the accreditation body of the partner country or the international organic accreditation organization in accordance with Paragraph 1, Article 6 of the Act.</p> <p>Article 3</p> <p>Under any of the following circumstances, the central competent authority shall cancel the recognition of an accreditation body or international organic accreditation organization announced in accordance with Paragraph 1, Article 6 of the Act, and shall make an announcement to that effect:</p> <ol style="list-style-type: none">1. Where the mutual recognition agreements or arrangements that the Republic of China (Taiwan) or the organization/juristic person commissioned by the central authority signed with other parties are no longer valid; or2. Where the central competent authority determines that, based on the information collected, large deviations exist between the regulations of organic agriculture products in the partner countries and the certification criteria for organic agricultural products and organic agricultural processed products of this country, or related management systems cannot be effectively implemented. <p>Chapter 2 Import Review and Management</p> <p>Article 4</p> <p>When an agricultural product or processed agricultural product is to be</p>

imported and sold as organic, the importer shall complete an application form and attach the following documents in duplicate and apply to the central competent authority for review prior to sale:

1. A photocopy of business registration certificate;
2. Documents demonstrating that the imported agricultural products or processed agricultural products have been granted organic certification;
3. Related quarantine documents of the imported agricultural products or processed agricultural products;
4. Chinese product labeling; and
5. Other documents required by the central competent authority.

The application mentioned in the preceding Paragraph may be made by an agent commissioned by the importer.

Article 5

The certification document mentioned in Subparagraph 2, Paragraph 1 of the preceding Article shall be issued by a certification body accredited by a national accreditation body or international organic accreditation organization announced by the central competent authority in accordance with Paragraph 1, Article 6 of the Act.

The certification document mentioned in the preceding Paragraph shall include the following items:

1. The name and address of the factory (farm) in foreign countries;
2. The name and batch number of the product, and the percentage content of organic raw materials in processed agricultural products;
3. The weight or volume of the product;
4. The name of the importer or buyer;
5. The name and address of the certification body;
6. The date of issuance; and
7. Other items required by the central competent authority.

The date of issuance mentioned in Subparagraph 6 of the preceding Paragraph shall not be more than three months prior to the date of receipt of the application form.

Article 6

When it is deemed necessary, the central competent authority may request that the applicant provide samples for inspection or testing in order to perform the review specified in Article 4.

Article 7

Under any of the following circumstances, the central competent authority shall reject the application and clearly state the reasons:

1. Where the organic raw material content of the imported organic agricultural processed products is less than 95%;
2. Where the imported agricultural products or processed agricultural products no longer comply with the certification criteria for organic agricultural products

and organic agricultural processed products in the Republic of China (Taiwan);

3. Where the applicant, without good cause shown, fails to make corrections or provide samples within the given time limit upon receipt of notice; or
4. Where the results of product testing do not comply with the requirements of Article 13 of the Act.

The requirements of certification criteria for organic agricultural products or organic agricultural processed products shall apply to the calculation of organic raw material content mentioned in Subparagraph 1 of the preceding Paragraph.

Article 8

The central competent authority shall issue an organic labeling approval document to the applicant when the imported organic agricultural products and organic agricultural processed products pass review. The organic labeling approval document mentioned in the preceding Paragraph shall state the following items:

1. The name and address of the importer;
2. The name of the factory (farm) in foreign countries;
3. The name and batch number of the products;
4. The weight or volume of the products;
5. The name of the certification body; and
6. The number of the organic labeling approval document.

Article 9

Importers shall preserve records and documents pertaining to the import and sale of organic agricultural products and organic agricultural processed products for at least one year. However, when the label of a certified product indicates an expiration date, the records and documents shall be preserved until at least one year after the expiration date.

Chapter 3 Labeling and Marks

Article 10

The language used for labeling imported organic agricultural products and organic agricultural processed products shall be standard Chinese, which may be supplemented by foreign languages or commonly used symbols.

Article 11

The container or packaging of imported organic agricultural products and organic agricultural processed products shall state the following items at the time of sale:

1. Product name;
2. Names of raw materials;
3. Name, telephone number and address of the importer;
4. Place of origin;
5. Name of the certification body;
6. Number of the organic labeling approval document; and
7. Other items that are required to be labeled in accordance with other

labeling

regulations or as announced by the central competent authority.

The names of raw materials mentioned in Subparagraph 2 of the preceding Paragraph is not required when they are completely identical to the product name mentioned in Subparagraph 1.

The product name mentioned in Subparagraph 2, Paragraph 1 shall contain the word "organic."

Article 12

The labeling of raw materials mentioned in Subparagraph 2, Paragraph 1 of the preceding Article shall comply with the following requirements:

1. The names of raw materials shall be stated in descending order based on the percentage of content, if the product consists of two or more mixed or processed raw materials; and
2. Apart from water and salt, the word "organic" or other symbolic notation or modification may be used to indicate organic raw material items.

Article 13

The labeling of origin of place mentioned in Subparagraph 4, Paragraph 1 of Article 11 shall comply with the following requirements:

1. The country of origin shall be determined in accordance with Regulations Governing the Determination of Country of Origin of an Import Good ;
2. The height and width of characters may not be less than 6 mm; and
3. The markings shall be located in a visible place slightly below the center of the front of the packaging or container.

Article 14

The labeling of certification body mentioned in Subparagraph 5, Paragraph 1 of Article 11 shall comply with the following requirements:

1. The height and width of characters shall not be less than 6 mm; and
2. The labeling shall be marked in a visible place slightly below the center of the front of the packaging or container.

Article 15

When a business premise possessing a business registration certificate wishes to sell bulk organic agricultural products and organic agricultural processed products, it shall use a sign near the place of display and sale to state the product name and the place of origin, and shall also display a photocopy of the organic labeling approval document as specified in Subparagraph 6, Paragraph 1, Article 11.

The requirements of Paragraph 3 of Article 11 and Paragraph 1 of Article 13 shall apply to the labeling of product name and place of origin mentioned in the preceding Paragraph.

The height and width of the characters for marking the place of origin

mentioned in Paragraph 1 shall not be less than 3 cm.

Article 16

In addition to the requirements prescribed in Paragraph 3 of Article 11 and Subparagraph 2 of Article 12, the labeling of imported organic agricultural products and organic agricultural processed products shall not include other labeling that may be misleading. This requirement shall not be applicable when marks are used as the labeling method.

Article 17

Marks affixed to imported organic agricultural products or organic agricultural processed products are limited to the followings:

1. An agricultural product mark of national accreditation body or international organic accreditation organization announced by the central competent authority in accordance with Paragraph 1, Article 6 of the Act; and
2. The mark of a certification body.

Chapter 4 Supplementary Provisions

Article 18

The central competent authority may mandate its subordinate agency or authorize other organization/institute, juristic person or group to perform the review in Article 4, the inspection and testing in Article 6, the rejection of application in Article 7 or the issuance of organic labeling approval document in Paragraph 1 of Article 8.

Article 19

Where the attached documents as required by these Regulations are not in the language of Chinese, duplicate copies of certified Chinese translations notarized by a court or court-affiliated private notary public shall be attached.

Article 20

The central competent authority may request an embassy or representative office of the Republic of China (Taiwan), or relevant country or organization, to assist in verifying the authenticity of documents and content submitted by applicants in accordance with these Regulations.

Article 21

These Regulations shall come into force on the date of promulgation.