

Content

Title :	Act on Agro-pesticides Management <b>Ch</b>
Date :	2018.05.23
Legislative :	<ol style="list-style-type: none"><li>1. Promulgated on January 6, 1972.</li><li>2. Amendment to Articles 2~4, 14, 15, 22, 25, 29, 32, 43~46, 48, 49, 52, 53 and addition of 5-1 and deletion of Article 50 promulgated on December 5, 1983.</li><li>3. Amendment to Articles 2, 16, 48 promulgated on May 5, 1986.</li><li>4. Amendment to Articles 6, 7, 14, 16, 27, 44, 46~48, 52, 53 and addition of Article 29-1 promulgated on December 5, 1988.</li><li>5. Amendment to Articles 2, 21, 22, 29, 30 promulgated on June 19, 2002.</li><li>6. Amendment to Articles 13, 48 and addition of Articles 11-1, 11-2, 12-1, 13-1, 14-1, 21-1, 22-1, 40-1 promulgated on December 18, 2002.</li><li>7. Amendment to all Articles promulgated on July 18, 2007.</li><li>8. Amendment to Articles 7, 16, 20, 23, 24, 26, 29, 32, 35, 47, 48, 53 and addition of Articles 49-1, 50-1, 53-1 promulgated on December 24, 2014.</li><li>9. Amendment to Articles 45 and 46 promulgated on December 9, 2015.</li><li>10. Amendment to Articles 10 and 59 promulgated on May 23, 2018. The announcement was made on July 27, 2023 by the Executive Yuan Order tai-gui-zi No. 1125014346. The relevant matters set out in Article 2, Article 3, Item 4 of Subparagraph 2, Subparagraph 3 of Article 5, Article 6, Subparagraph 2 of Article 7, Article 9, Subparagraphs 4,5 of Paragraph 3, Paragraph 4 of Article 10, Article 11, Article 12, Article 13, Article 14, Subparagraph 5 of Paragraph 1, Paragraph 2 of Article 15, Paragraphs 1,4 of Article 16, Article 17, Article 18, Article 19, Paragraph 2 of Article 20, Article 21, Article 22, Paragraph 1,2 of Article 23, Paragraph 1,3 of Article 24, Paragraph 2 of Article 25, Paragraph 4 of Article 26, Subparagraph 5 of Article 27, Subparagraph 6 of Article 29, Paragraph 2 of Article 30, Article 31, Paragraph 1,3 of Article 33, Paragraph 2 of Article 34, Article 35, Paragraph 2,3 of Article 36, Article 37, Article 39, Article 40, Article 43, Article 44, Paragraph 2 of Article 52, Subparagraph 5 of Paragraph 1, Paragraphs 2,3 of Article 53, Article 53-1, Article 54, Paragraph 2 of Article 55, Article 58 pertaining to "Council of Agriculture, Executive Yuan" shall be handled by "Ministry of Agriculture" as governing body, effective August 1, 2023.</li></ol>
Content :	<b>Chapter 1 General Provisions</b>  <b>Article 1</b> This Act is enacted to protect agricultural production and ecological environment, prevent and eliminate pests, prevent hazards from agro-pesticides, strengthen agro-pesticide administration, promote the development of agro-pesticide industry, and enhance the safety of agricultural products.  <b>Article 2</b> Competent authorities as referred to in this Act: At the central government level: the Council of Agriculture, Executive Yuan; at the special municipal level: the government

of the special municipality; and at the county (city) level: the government of the county (city).

### Article 3

The matters governed by the central competent authority are as follows:

- 1.Planning, compiling, supervising, and implementing national agro-pesticide administration policies, schemes, and plans.
- 2.Enacting (formulating), reviewing, interpreting, and implementing national agro-pesticide administration laws and regulations.
- 3.Researching, developing, and advocating agro-pesticide administration.
- 4.Training and governing national agro-pesticide manager.
- 5.Supervising national agro-pesticide administrative affairs.
- 6.Coordinating or implementing of national agro-pesticide administration.
- 7.International cooperation and technical exchange pertaining to agro-pesticide administration.
- 8.Other matters related to national agro-pesticide administration.

### Article 4

The matters governed by the special municipal or county (city) competent authority are as follows:

- 1.Planning and implementing schemes and plans regarding agro-pesticide administration in the area under its jurisdiction.
- 2.Implementing of agro-pesticide administration laws and regulations, as well as enacting (formulating), interpreting, and implementing self-government regulations on agro-pesticide administration in the area under its jurisdiction.
- 3.Researching, developing, and advocating agro-pesticide administration in the area under its jurisdiction.
- 4.Analyzing and reporting data of agro-pesticide administration in the area under its jurisdiction.
- 5.Other matters related to agro-pesticide administration in the area under its jurisdiction.

### Article 5

The terms used in this Act are defined as follows:

- 1.Agro-pesticide means formulated agro-pesticides and technical grade agro-pesticides.
- 2.Formulated agro-pesticide means the chemicals or biologically-based formulations listed below:
  - (1) Those used for preventing and eliminating pests of crops and forest or the products thereof;
  - (2) Those used for regulating the growth of crops and forest or for influencing the physiological functions thereof;
  - (3) Those used for regulating the growth of beneficial insects;
  - (4) Any other chemicals designated by the central competent authority for protecting plants.
- 3.Technical grade agro-pesticide means any and all active ingredients or raw materials used for the manufacturing of formulated agro-pesticides specified in the Subparagraphs of the preceding Paragraph. However, any and all technical grade agro-pesticides shall be deemed formulated agro-pesticides if they can be directly used for any of the purposes specified in the preceding Paragraph and are approved and promulgated by the central competent authority.
- 4.Labelling means the illustrative text, patterns, or marks on the container, packaging, or enclosed specification of agro-pesticides.
- 5.Agro-pesticide manufacturers means those engaged in the manufacture, processing, and repackaging of agro-pesticides as well as the wholesale and export of agro-pesticides, and the import of technical grade agro-pesticides for self-use; manufacturers may also engage in the retail of their own products.

6. Agro-pesticide dealers means those engaged in the wholesale, retail, import, and export of agro-pesticides.
7. Manufacturing means the process of producing raw materials into technical grade agro-pesticides.
8. Processing means the process of producing technical grade agro-pesticides into formulated agro-pesticides.

#### **Article 6**

For the purpose of this Act, the term "prohibited agro-pesticides" refers to any and all agro-pesticides prohibited by the central competent authority in public announcement from being manufactured, processed, repackaged, imported, exported, sold, or used.

#### **Article 7**

For the purposes of this Act, the term "counterfeit agro-pesticides" means any agro-pesticides are found to fall within any of the following situations:

1. Agro-pesticides manufactured, processed, or imported without prior approval or counterfeit domestic or foreign products;
2. Agro-pesticides in which the content of other active ingredients added exceeds the standard limits prescribed by the central competent authority;
3. Agro-pesticides which have been replaced with domestic or foreign products;
4. Agro-pesticides whose validity labelling has been erased or altered; or
5. Agro-pesticides whose description of active ingredients is inconsistent with that approved.

#### **Article 8**

For the purposes of this Act, the term "inferior agro-pesticides" means registered agro-pesticides are found to fall within any of the following situations:

1. The content of the active ingredients does not conform to the standard specifications prescribed;
2. The validity of the agro-pesticides has expired; or
3. The quality other than the content of the active ingredients specified in Subparagraph 1 does not conform to the standard specifications prescribed.

### **Chapter 2 Registration**

#### **Article 9**

Agro-pesticides shall not be manufactured, processed, or imported without having passed the examination of, approval for registration with, and obtained a permit from the central competent authority, unless otherwise prescribed in this Act or in case that the agro-pesticides are promulgated by the central competent authority as exempted from registration agro-pesticides.

#### **Article 10**

When the agro-pesticide manufacturers and dealers apply for approval of registration for formulated agro-pesticides under specified in the preceding Article, the applicants shall fill in the application form, attach the certification documents that the agro-pesticides passed the tests of standard specifications prescribed, and submit the data of physicochemical and toxicological tests, field trials, and other relevant documents.

In the following period, the data in the preceding Paragraph shall

not be cited by other applicants without receiving the approval of the data holder for use of the test data.

1. For a product that has a new active ingredient which has previously obtained approval for registration, a period of ten years starting from the date of approval for registration.
2. For a product that has a new or changed content or formulation that has previously obtained approval for registration, a period of seven years starting from the date of approval for registration.
3. For a product that has new scope of application that has previously obtained approval for registration, a period of four years starting from the date of approval for registration.

When the agro-pesticide manufacturers and dealers apply for approval of registration for formulated agro-pesticides, if one of the following conditions applies, all or a portion of the test data mentioned in Paragraph 1 may be exempted from submission.

1. After the expiration of the period stipulated in the preceding Paragraph, when applying for approval of registration with the same active ingredient, formulation, content, or the scope of application of the registered agro-pesticide, all or a portion of the data of the field trials and toxicological test may be exempted from submission.
2. Under the permission of data holder for the use of test data during the period in the preceding Paragraph, when applying for approval of registration with the same active ingredient, formulation, content, or the scope of application of the registered agro-pesticide, all data of the field trials and toxicological test may be exempted from submission.
3. When applying for registration approval for technical grade agro-pesticides, the data of the field trials may be exempted from submission.
4. The field trials may be exempted if a registered formulated agro-pesticide had previously applied for the permit of a comparatively safer new formulation and was approved by the central competent authority.
5. All or a portion of the data of the toxicological test may be exempted when applying for approval of registration for formulated agro-pesticide considered to be safe or has a low risk of application and was approved by the central competent authority.

The directions for the standard specifications, physicochemical property test, toxicological test, and field trials under Paragraph 1 shall be prescribed by the central competent authority.

#### **Article 11**

For the purpose of solving the lack of preventive agro-pesticides for the pests of minor crops, the competent authority may carry out the field trials for the new use and application of agro-pesticides, and extend the use according to the actual circumstances; the conducting procedures shall be promulgated by the central competent authority.

#### **Article 12**

The inspection of agro-pesticide on standard specifications shall be promulgated by the central competent authority; if the analytical method of inspection is not promulgated, a feasible method in current use shall be applied.

#### **Article 13**

The central competent authority shall promulgate the common name, active ingredients and the contents, the use and the scope of application of a registered agro-pesticide.

#### **Article 14**

The use and change of agro-pesticide labelling shall be approved by the central competent authority at first, and after such a change occurs, the original labelling shall be replaced within six months. The regulations governing the text, due contents, the pattern of warning and attention marks, and other relevant prescription regarding the agro-pesticide labelling under the preceding paragraph shall be prescribed by the central competent authority.

#### **Article 15**

An agro-pesticide permit shall specify the following information:

1. Permit number, date of registration, and period of validity;
2. Personal/business name and address of the manufacturer or dealer, name of the responsible person, and name and address of the original manufacturer overseas;
3. Common name, manufacturer brand, type of formulation, and physical properties of the agro-pesticide as well as description and percentage of active ingredients and other ingredients thereof;
4. Application method of the agro-pesticide and its scope; and
5. Other matters promulgated by the central competent authority.

Unless otherwise approved by the competent authority, change in any of the registered material facts under the preceding Paragraph shall not be permissible.

Upon any change in the standard specifications of an agro-pesticide, the registrant of the related agro-pesticide permit shall, within six months after the change, be filed for the alteration of the registration.

#### **Article 16**

An agro-pesticide permit shall be valid for five years. An application for an extension of said validity may be filed with the central competent authority within six months before the expiration, provided each extension shall not exceed five years.

Inspection of the agro-pesticide on standard specifications may be waived with respect to the application for extension under the preceding Paragraph.

After the enforcement of the amendment of this Act, on December 9, 2014, five years thereafter, the agro-pesticides obtained approval for registration more than fifteen years shall provide toxicity test report prescribed in Article 10 when applying for extension of permit validation. However, some items of the report shall be exempted, if they had been provided when registered.

The regulations governing the application for, issuance, re-issuance, exchange, extension, and alteration of the registered affairs of agro-pesticide permit, and other relevant affairs specified in Paragraph 1 shall be prescribed by the central competent authority.

#### **Article 17**

If an agro-pesticide manufacturer or importer uses fake data or certificates to apply for approval and registration of agro-pesticides, extension of permit, or alteration of registration, the central competent authority shall not approve such application; if approved, shall revoke the agro-pesticide permit.

In case of severe violation referred to the preceding Paragraph, the central competent authority shall not receive re-applications filed by the violator within two years from the date when the application is not approved or the permit is revoked.

#### **Article 18**

The central competent authority may perform safety assessment over the registered agro-pesticides; if an agro-pesticide endangers

the human health or pollutes the environment, the central competent authority shall announce restrictions on its usage or its scope of application according to the actual necessity or declare it to be prohibited agro-pesticide and annul the agro-pesticide permit. The central competent authority may perform effect assessment over the use and scope of registered agro-pesticides; if the effect is not obvious and there are no safety problems mentioned in the preceding Paragraph, the central competent authority may make a public notice to restrict the use and scope of application in whole or in part.

For the agro-pesticides, the permit of which is annulled or the use and scope of which are restricted as specified in the preceding two Paragraphs, if it is proven by scientific method that the reason for annulment or restriction has been eliminated, the central competent authority may make a public notice to recover the registration or cancel the restriction.

#### **Article 19**

If the permit of an agro-pesticide is annulled or revoked in accordance to this Act, the central competent authority may order the manufacturers or dealers to recall or destroy the said agro-pesticide within a specified time limit.

### **Chapter 3 Manufacturing, Import and Export**

#### **Article 20**

An agro-pesticide manufacturer shall establish an agro-pesticide factory that complies with agro-pesticides factory establishment standards and registers the factory in accordance with the relevant laws and regulations.

The agro-pesticide factory establishment standards specified in the preceding Paragraph, including the factory building, warehouse, production equipment, testing equipment, pollution control equipment, safety and health facilities, the qualifications of full-time technicians, as well as other relevant matters, shall be prescribed jointly by the central competent authority with the Ministry of Economic Affairs, Ministry of Labor, and the Environmental Protection Administration of the Executive Yuan.

#### **Article 21**

An agro-pesticide factory, the establishment of which has been duly approved, may apply to purchase the raw materials required for test-run purposes after orders for machinery and equipment have been placed.

#### **Article 22**

Unless under the approval of the central competent authority, an agro-pesticide manufacturer shall not authorize or accept the authorization to process the formulated agro-pesticides. The regulations governing the qualifications of the consignor and consignee as well as other relevant matters mentioned in the preceding Paragraph shall be prescribed by the central competent authority.

#### **Article 23**

To entrust the repackaging of formulated agro-pesticides, the entrusting party shall apply to the central competent authority for approval. The trustee shall be in possession of equipment for producing agro-pesticides of the same formulation.

If the approved entrusted repackaging contract is expired or terminated during the entrusted repackaging period, the entrusting party shall report to the central competent authority to annul the approval of the entrusted repackaging.

For agro-pesticides approved or annulled in accordance with Paragraph 1 and the preceding Paragraph, the agro-pesticide label shall be changed.

#### **Article 24**

With the approval of the central competent authority, the following agro-pesticides may be exempted from the restrictions prescribed in Article 9:

1. Those dedicated for experimental research, educational demonstration, or emergency prevention.
2. Those imported for manufacturing, processing, repackaging, and other related procedures dedicated for exporting.
3. Those manufactured or processed exclusively for exporting.

The agro-pesticides listed in the preceding Paragraph must not be sold domestically or used for other purposes. However, this shall not apply if such agro-pesticides are sold domestically for emergency prevention.

The regulations governing the application, review, and other relevant matters of the agro-pesticides listed in Paragraph 1 shall be prescribed by the central competent authority.

#### **Article 25**

Only the agro-pesticide manufacturers may apply for import of technical grade agro-pesticides.

The technical grade agro-pesticides imported with approval shall be self-use only and must not be transferred, unless otherwise approved by the central competent authority.

### **Chapter 4 Sales and Use**

#### **Article 26**

An agro-pesticide dealer shall designate full-time managers before proceeding to do the business and shall apply to the local special municipality or county (city) competent authority for issuing an agro-pesticide dealer's license.

The license mentioned in the preceding Paragraph shall be valid for five years. An application for extension of said validity shall be filed with local special municipality or county (city) competent authority before one month of the expiration; provided each extension shall not exceed five years. Failure to make an application for authorization within the time limit or the application is rejected shall apply for issuing a new license.

The relevant self-government regulations governing the application, issuance, re-issuance, exchange, extension, abolishment, and alteration under the preceding 2 paragraphs shall be prescribed by the corresponding special municipal or county (city) competent authority.

The regulations governing the training and qualification requirements of the managers under Paragraph 1, as well as the acquisition, annulment, and restrictions of re-application of their certificates, and other relevant matters shall be prescribed by the central competent authority.

Those who have obtained an agro-pesticide sales license before the implementation of the amended provisions of this Act on December 9, 2014, shall, within two years from the date of implementation of this amended Act, comply with the provisions stipulated in Paragraph 2.

#### **Article 27**

An agro-pesticide dealer's license shall specify the following information:

- 1.Name of the agro-pesticide dealer;
- 2.Address of the business place;
- 3.Name of the responsible person;
- 4.Category of the business; and
- 5.Other matters promulgated by the competent authority.

#### **Article 28**

Technical grade agro-pesticides shall be sold only to agro-pesticide manufacturers.

#### **Article 29**

An agro-pesticide dealer shall comply with the following provisions:

- 1.Hang the agro-pesticide dealer's license visibly in the business place;
- 2.Do not sell formulated agro-pesticides outside the business premise;
- 3.Do not sell formulated agro-pesticides with the original package unsealed;
- 4.Do not sell agro-pesticides without labelling or markings affixed or printed.
- 5.Display or store agro-pesticides separately from others if the dealer also sells other goods.
- 6.Prepare books of account or adopt other manner promulgated by the central competent authority to record the name, address, age, and contact of the purchaser as well as the name and quantity of agro-pesticides purchased, and keep such records for three years.
- 7.Do not sell to children and juveniles under 18 years old.
- 8.Ask the purchaser's purpose for buying such an agro-pesticide; do not sell if the use or its application scope is other than approved and registered.
- 9.Provide certificate of sale recording the item, quantity, application scope, purchaser, and the agro-pesticides seller to the purchaser.
- 10.Recycle and manage agro-pesticide waste containers in compliance with relevant environmental protection regulations.

#### **Article 30**

An agro-pesticide dealer shall, upon closedown of the business or alteration of registered affairs, file a report to the local special municipal or county (city) competent authority for reference within thirty days after closedown or alteration.

For an agro-pesticide dealer who ceases operation for more than one year or closes down, the agro-pesticide dealer's license shall be revoked. However, if the closure is justified and approved by the competent authority, this provision does not apply.

#### **Article 31**

The names of highly toxic formulated agro-pesticides and the qualifications for buyer shall be promulgated by the central competent authority.

The competent authority may appoint an agro-pesticide dealer registered according to Paragraph 1 of Article 26 to engage in the business as a wholesaler or retailer of highly toxic formulated agro-pesticides.

### **Article 32**

A dealer of highly toxic formulated agro-pesticides shall comply with the following provisions:

1. Do not sell any purchaser who fails to meet the qualifications promulgated under Paragraph 1 of the preceding Article.
2. Store such agro-pesticides safely in designated cabinets with locks.

### **Article 33**

The users of agro-pesticides shall use the agro-pesticides approved by the central competent authority.

Before appealing on the market, if the crop or its product's agro-pesticide residue exceed the Maximum Residue Limits (MRLs) promulgated by the health competent authority, the crop or its product shall appeal on the market when it has been re-examined or re-inspected to ensure compliance.

For the safety of human health, environmental protection, and ecological conservation, the central competent authority shall prescribe regulations governing the use of agro-pesticides, selective inspection methods of agro-pesticide residues in agricultural products, and other relevant matters.

### **Article 34**

The agro-pesticide spraying service providers shall register with the local special municipal or county (city) competent authority. The service provider mentioned in the preceding Paragraph shall designate technicians qualified in the training on the use of agro-pesticides and to provide agro-pesticides spraying service for others; the regulations governing the training shall be prescribed by the central competent authority.

## **Chapter 5 Supervision, Inspection, Crackdown, and Encouragement**

### **Article 35**

An agro-pesticide manufacturer or dealer shall maintain books of account to record the quantity and trading counterparts of agro-pesticides produced, imported, purchased and sold, and shall make them available to the competent authority for inspection. The books of account mentioned in the preceding Paragraph shall be preserved for three years and regularly reported to the competent authority. The central competent authority shall promulgate the format, content, frequency, and manner of the report.

### **Article 36**

An agro-pesticide manufacturer or dealer shall neither produce or offer for sale any agro-pesticide beyond the scope of registration, nor engage in fake, exaggerated, or improper marketing, promotion, or advertisement.

Before proceeding to publish or run an advertisement, an agro-pesticide manufacturer or dealer shall submit all the written words, pictures, or oral statements to the central competent authority for approval and provide the written approval to the advertising agency for verification.

The regulations governing the application and review of the agro-pesticide advertisement mentioned in the preceding Paragraph and other relevant matters shall be prescribed by the central competent authority.

**Article 37**

The agro-pesticides exempted from registration promulgated by the central competent authority are not subject to the provisions this Act. However, the labelling, promotion, or advertising of such agro-pesticides shall not contain false or exaggerated claims.

**Article 38**

No agro-pesticides shall be labelled, promoted, or advertised as those with the efficacy of agro-pesticides if they are not as defined within this Act.

**Article 39**

Attention shall be paid to the safety of transportation and warehouse storage of agro-pesticides; the regulations governing the transportation, warehouse storage, and other relevant matters shall be prescribed by the central competent authority in concert with the Ministry of Transportation and Communications.

**Article 40**

The competent authority may dispatch agro-pesticide inspectors to enter the place of business or warehouse of an agro-pesticide manufacturer or dealer and other places where agro-pesticides are manufactured, processed, and repackaged to carry out inspections, and may order the manufacturer or dealer to provide the inspectors with a business report.

The regulations governing the contents selective inspection, re-inspection, sealing-upon, and other relevant matters of the agro-pesticide inspections under the preceding Paragraph shall be prescribed by the central competent authority.

**Article 41**

In performing the duties under Paragraph 1 of the preceding Article, agro-pesticide inspectors shall provide documents proving their authority or display identifiable badges, and shall pay for any samples taken at random.

**Article 42**

Any and all suspicious prohibited, counterfeit, or inferior agro-pesticides shall be first sealed upon being discovered if taking of random samples is required for examination purposes, and shall then be safeguarded by the manufacturer after signing an affidavit; the manufacturer must not refuse to do so. Samples taken according to the preceding Paragraph shall be examined and disposed as soon as possible, i.e. no more than two months of the date on which the agro-pesticides are seized. However, where the period of examination and disposal needs to be extended for the necessity of inspection, a written notice stating the cause and period of extension shall be given to the manufacturer before the said period expires.

**Article 43**

For those who inform the competent authority of the existence of prohibited, counterfeit, or inferior agro-pesticides or assist the competent authority in discovering such agro-pesticides, the competent authority shall not only keep in confidence the name and identification of the informer or assistant, but also pay rewards to the informer or assistant in accordance with the regulations prescribed by the central competent authority.

#### **Article 44**

The competent authority may appraise the agro-pesticide manufacturers or dealers periodically and reward those who are highly recognized in the appraisal.

The regulations governing the appraisal and rewards under the preceding Paragraph shall be prescribed by the central competent authority.

### **Chapter 6 Penal Provisions**

#### **Article 45**

Any person who commits to manufacturing, processing, repackaging, or importing prohibited agro-pesticides shall be sentenced to imprisonment for more than 1 year but less than 7 years and subjected to a fine of more than 7,500,000 New Taiwan Dollars but less than 1,500,000 New Taiwan Dollars.

Any person who attempts to commit the offense under the preceding Paragraph shall be punished.

#### **Article 46**

Any person who sells or intends to sell prohibited agro-pesticides by displaying or storing them shall be sentenced to imprisonment for more than six months but less than five years and subjected to a fine of more than 5,000,000 New Taiwan Dollars but less than 1,000,000 New Taiwan Dollars.

Any person who commits the offense stipulated in the preceding Paragraph due to negligence shall be sentenced to imprisonment for less than one year or detention, and/or a fine of less than 500,000 New Taiwan Dollars.

#### **Article 47**

Any person who commits to manufacturing, processing, repackaging, or importing counterfeit agro-pesticides under Subparagraph 1 of Article 7 shall be sentenced to imprisonment for more than six months but less than five years and subjected to a fine of more than 1,000,000 New Taiwan Dollars but less than 5,000,000 New Taiwan Dollars.

Any person who attempts to commit the offenses under the preceding Paragraph shall be punished.

#### **Article 48**

Any person who commits any of the following offenses shall be sentenced to imprisonment for not more than three years and subjected to a fine of not more than 500,000 New Taiwan Dollars:

1. Displaying or storing of counterfeit agro-pesticides as specified in Subparagraph 1 of Article 7, for selling or attempting to sell.
2. Selling domestically or diverting the use for other purposes the agro-pesticides specific for exporting as stipulated in Subparagraphs 2 or 3, Paragraph 1 of Article 24.

Any person negligently committing the offense as stipulated in the preceding Paragraph shall be sentenced to detention and subjected to a fine of not more than 250,000 New Taiwan Dollars.

#### **Article 49**

If the representative of a juridical person, or an agent, employee, or other staff of a juridical person or natural person commits an

offense under Article 45 to the preceding Article in the course of performing his or her duties, in addition to the punishment of the perpetrator, a fine specified in each Article shall also be imposed on the juridical person or natural person.

#### **Article 49-1**

Any person who commits to manufacturing, processing, repackaging, or importing counterfeit agro-pesticides under Subparagraphs 2, 3, and 5 of Article 7 shall be subjected to a fine of more than 300,000 New Taiwan Dollars but less than 3,000,000.

#### **Article 50**

Any person who commits to manufacturing, processing, repackaging, or importing counterfeit agro-pesticides under Subparagraph 1 of Article 8 shall be subjected to a fine of more than 60,000 New Taiwan Dollars but less than 600,000 New Taiwan Dollars.

#### **Article 50-1**

Any person who sells or intends to sell counterfeit agro-pesticides by displaying or storing under Subparagraphs 2 to 5 of Article 7 shall be subjected to a fine of more than 50,000 New Taiwan Dollars but less than 500,000 New Taiwan Dollars.

#### **Article 51**

Any person who commits to manufacturing, processing, repackaging, or importing counterfeit agro-pesticides under Subparagraph 3 of Article 8 shall be subjected to a fine of more than 30,000 New Taiwan Dollars but less than 300,000 New Taiwan Dollars.

#### **Article 52**

Any person who commits any of the following offenses shall be subjected to a fine of more than 20,000 New Taiwan Dollars but less than 200,000 New Taiwan Dollars:

1. Knowing displayings or storing for sale or intending to sell inferior agro-pesticides.
2. Violating the provision of Article 14;
3. Violating the provision of Article 19, Article 23, Paragraph 1 of Article 26, Article 28, Subparagraphs 1 to 4 of Article 29, Article 32, Paragraphs 1 and 2 of Article 36, Article 37, or Article 38;
4. Violating the establishment standards for agro-pesticide factories prescribed in Paragraph 2 of Article 20;
5. Violating the relevant provisions on the entrusted processing of formulated agro-pesticides in the regulations referred to in Paragraph 2 of Article 22;
6. Violating the relevant provisions on the publishing or advocacy of agro-pesticide advertisement prescribed in Paragraph Article 36;
7. Violating the relevant provisions on the inspection of agro-pesticides in the regulations referred to in Paragraph 2 of Article 40; or
8. Without justifiable reasons, refusing inspectors to inspect according to the provisions of Paragraph 1 of Article 40 or refusing to produce affidavit according to the provisions of Paragraph 1 of Article 42.

Upon the occurrence of the situation described in Subparagraph 4 or 5 of the preceding Paragraph, the competent authority shall, in addition to the punishment under the preceding Paragraph, notify the offender to take corrective action within a prescribed time limit. If corrective action is not taken within the prescribed

time limit, the competent authority may suspend the offender's manufacturing or processing either in whole or in part.

#### **Article 53**

Any person who commits any of the following offenses shall be subjected to a fine of more than 15,000 New Taiwan Dollars but less than 150,000 New Taiwan Dollars:

1. Offering formulated agro-pesticides for wholesale to a dealer not duly registered or designated according to this Act;
2. Violating the provisions of Paragraph 2 of Article 25, Subparagraphs 5 to 9 of Article 29, Paragraph 1 of Article 30, Paragraphs 1 and 2 of Article 33, Articles 34 or 35;
3. Selling domestically of any agro-pesticides designated for experimental research or educational demonstration under Subparagraph 1, Paragraph 1 of Article 24;
4. Using any agro-pesticides designated for experimental research, educational demonstration, or emergency prevention under Subparagraph 1, Paragraph 1 of Article 24 for other purposes;
5. Violating the relevant provisions on the use of agro-pesticides in the provisions referred to in Paragraph 3 of Article 33; however, if the applier violates the relevant provisions on the application method and scope but complies with the Maximum Residue Limits (MRLs) promulgated by the health competent authority, the competent authority shall mandate the applier to attend agro-pesticides safety use lessons. Punishment shall be imposed when the applier violates again or refuses to participate in the lesson; or
6. Violating the provisions on the transportation and storage of agro-pesticides stipulated in Article 39.

The promotion period is one year after enforcement of the amendment of this Act, on December 9, 2014. The violator shall not be imposed with the fine stipulated under Subparagraph 9 of previous Paragraph during the period, and the competent authority shall strengthen the promotion.

A violation of the agro-pesticides Maximum Residue Limits (MRLs) as specified in Paragraph 3 of Article 33 shall not be imposed with the fine, if it has been determined by the competent authority as polluted by neighbor farms and been re-examined in compliance with Maximum Residue Limits (MRLs).

#### **Article 53-1**

The competent authority may publish the name of manufacturers, dealers, personnel names, addresses, products, and situations of violation the violation that violate the provisions of this Act.

#### **Article 54**

If an agro-pesticide manufacturer or dealer commits a violation of this Act again even after having been punished by way of imprisonment or fine, the competent authority shall have the authority to annul the relevant permit or license which has been issued to the manufacturer or dealer.

Applications for agro-pesticide permit or dealer's license filed by agro-pesticide manufacturer or dealer whose permit or license is annulled in accordance with the preceding Paragraph shall be rejected by the competent authority within two years from the date of annulment.

#### **Article 55**

If any of the following circumstances occur, regardless of the ownership, the relevant items shall be confiscated:

1. Prohibited agro-pesticides or counterfeit agro-pesticides seized

in accordance with this Act;

2. Inferior agro-pesticides seized in accordance with this Act;
3. Appliances and/or raw materials used for the manufacturing, processing, or repackaging of prohibited agro-pesticides or counterfeit agro-pesticides stipulated in Subparagraph 1 of Article 7;
4. Violating the provisions of Articles 19, 37, or 38, by claiming the agro-pesticide, labelling, promotion, or advertising thereof has the effectiveness of agro-pesticides.

The regulations governing the disposal of goods confiscated under the preceding Paragraph shall be prescribed by the central competent authority.

#### **Article 56**

Where it is necessary to appropriately dispose the agro-pesticides, appliances, raw materials, and goods confiscated in accordance with this Act, the expenses of disposal shall be borne by the punished person.

#### **Article 57**

The fines stipulated in this Act shall be imposed by the special municipal or county (city) competent authority.

### **Chapter 7 Supplementary Provisions**

#### **Article 58**

The Enforcement Regulations of this Act shall be prescribed by the central competent authority.

#### **Article 59**

This Act takes effect on the date of its promulgation. However, the date of entering into force of the Articles amended on May 8, 2018 shall be prescribed by the Executive Yuan.