

Content

Title : Operation Directions for the Inspection of Organic Agricultural Products and In-conversion Agricultural Products and the Handling of its Results Ch

Date : 2019.06.13

Legislative : 1. These Directions were promulgated on Jun. 13, 2019 per Order Nung-Liang-Tze 1081069430A.

Content : 1. These Directions are established by the Council of Agriculture, Executive Yuan (hereinafter referred to as the COA) to facilitate the competent authority in managing organic agricultural products and in-conversion agricultural products in a consistent manner in accordance with the Organic Agriculture Promotion Act (hereinafter referred to as the Act) and enhancing management efficiency and credibility.

2. The terms used in these Directions shall be defined as follows:

- (1) Inspection: Any examination, sampling for test, or request for data or record from operators by the competent authority in accordance with Article 22 of the Act
- (2) Testing body: Any affiliated testing body (institution) appointed or any other body (institution), school or organization entrusted by the central competent authority in accordance with paragraph 2 of Article 23 of the Act
- (3) Organic product: Any organic agricultural product or in-conversion agricultural product defined in Article 3 of the Act

3. Matters that the competent authority shall inspect in accordance with the Act are provided as follows:

- (1) No use of such prohibited substances as stipulated in paragraph 2 of Article 15 of the Act, and assurance that organic products do not contain prohibited substance as stipulated in paragraph 3 of Article 15 of the Act;
- (2) Matters concerning sale, labeling, display or advertisement of organic products in paragraphs 1 and 2 of Article 16 of the Act;
- (3) Matters concerning naming of the non-natural operator in paragraph 3 of Article 16 of the Act;
- (4) Matters concerning sale, labeling, display, or advertisement of imported agricultural products as organic in paragraph 1 of Article 17 of the Act;
- (5) Matters concerning labeling and display of organic products in Articles 18 and 19 of the Act;
- (6) Matters concerning the use of organic marks in accordance with Article 20 of the Act;
- (7) Matters concerning advertisement about agricultural products in Article 21 of the Act;
- (8) Matters concerning agricultural products prohibited from being transported, withdrawn, recalled from the market or other measures in Article 25 of the Act; and
- (9) Other matters to be inspected in accordance with the Act.

4. Inspections conducted by the competent authority shall be recorded. The operator or its representative or designee shall cooperate with inspections and sign or stamp on inspection records. However, in case the operator refuses to sign or stamp on the records, the staff assigned by the

competent authority shall indicate the refusal and the time and place of inspection on the records.

5. The competent authority shall take samples for test in accordance with Article 22 of the Act in such sampling method and quantity for organic products (specified in the Appendix). The quantity of samples may be properly adjusted as practically needed for each tested item, providing that the samples shall be sufficient for test.

The samples taken in accordance with the preceding paragraph shall be sealed by the competent authority with the endorsement of the operator or its representative or designee by signing on the seal. If the operator or its representative or designee refuses to sign, the competent authority shall indicate the refusal on the aforementioned records. The competent authority shall take photos of the samples before and after being sealed. The competent authority shall issue a receipt of samples to the inspected party when conducting the inspection of samples and keep a copy of the receipt for its record. However, the competent authority does not have to issue a receipt of samples to the inspected party if it obtains the samples by paying for them.

The samples taken by the competent authority in accordance with the first paragraph shall be delivered to the testing body for testing within 3 days after the date of sampling.

6. The testing body, after receiving the samples delivered by the competent authority in accordance with the fourth paragraph of the previous article, shall complete the testing and submit a test report to the competent authority conducting the inspection within 20 days, and it shall also inform the Central Competent Authority.

The competent authority, after receiving the test report mentioned in the preceding paragraph, shall inform the domestically certified operator or importer of any non-compliance with the Act within 10 days in writing. Test results showing that the products are required to be destroyed by the regulations of the central health and welfare authority shall be notified to the operator in a written notice.

7. If the organic products, as shown by inspection results, do not meet the requirements provided in the Act and are therefore withdrawn or recalled from the market pursuant to the order of the competent authority, the operator or the owner of the agricultural products shall withdraw all the non-compliant products within one day after receiving the notice of inspection results from the competent authority, finish the recall of them within 10 days, and file the recall report in writing to the competent authority of the local municipality or county (city) government within 15 days. The report shall indicate clearly the names of relevant entities that have been informed and the results of the recall that has been conducted, including the name, weight or volume, batch number and quantity of each recalled product and other relevant information.

8. After receiving the notice of destruction from the competent authority, the operator shall inform the competent authority in its municipal/county/city government to jointly undertake the destruction five days before the scheduled date of destruction, or within five days before the scheduled date in case of emergency.

9. Competent authorities in municipal/county/city governments shall also inform the Central Competent Authority of the inspections specified in these Directions.

10. Results of the inspections conducted by the competent authority in accordance with these Directions shall be announced periodically. However, when an operator applies for a retest of organic products in accordance with paragraph 1 of Article 24 of the Act, the result shall be announced after the retest is completed.

Attachments : 附件_appendix.pdf

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System