

Content

Title :	Feed control act Ch
Date :	2002.01.30
Legislative :	<p>1.Promulgated by the President January 12, 1973 per presidential order referenced 62-Tai-Tung (I) Yi-Tze 182;</p> <p>2.Last amended by the President May 17, 2000 per presidential order referenced Hua-Chung (I) Yi-Tze 8900118430 Articles 10 through 12, Article 15, Article 16 and Article 25 of The Regulative Measures of Fodder are amended and made public under the</p> <p>3.President' s order numbered as 09100017010, filed as Hua-Chung (I) Yi-Tze and dated January 30, 2002</p>
Content :	<p>Chapter I. GENERAL PROVISIONS</p> <p>Article 1</p> <p>This Act is established to maintain the quality of feeds and promote the development of the animal husbandry and the aquaculture industry so as to maintain the public health. Matters that are not provided herein shall be governed by other applicable laws.</p> <p>Article 2</p> <p>For the purposes of this Act, the term "competent authority" shall denote the Council of Agriculture, Executive Yuan at the central government level; the municipal government at the municipality level; and the county/city government at the county or city level.</p> <p>Article 3</p> <p>For the purposes of this Act, the term "feeds" shall denote feedstuffs that either provide nutrition to livestock, poultry and marine products or promote their health and growth. Feeds are of the following categories:</p> <p>(1) Vegetable feeds, such as vegetables, vegetable products or any processed products thereof.</p> <p>(2) Animal feeds, such as animals, animal products or any processed products thereof.</p> <p>(3) Supplementary feeds, such as minerals, vitamins, amino acids or any processed products thereof.</p> <p>(4) Formula feeds, which are the compounds of two kinds or more of feeds.</p> <p>A detailed list of feeds shall be promulgated by the central competent authority.</p> <p>Article 3-1</p> <p>For the purposes of this Act, the term "feed additives" shall mean any substance added to a feed to improve its effect, maintain its quality, promote the growth of livestock, poultry and aquatic animals, and maintain their health or serve other purposes.</p> <p>A full description of all permissible feed additives, their specifications</p>

and rules on use shall be promulgated by the central competent authority.

Article 4

For the purposes of this Act, the term "compositions" shall denote as follows:

- (1) Feed compositions, which refer to compositions containing in feeds, such as crude protein, crude fat, crude ash, crude fiber, phosphate, calcium or other active compositions, limited compositions and hazardous substances.
- (2) Compositions of feed additives, which refer to compositions containing in feed additives, such as active compositions, limited compositions and hazardous substances.

The minimum requirements of feed compositions and feed additives shall be governed by the national standards. If no applicable national standards are available, the requirements shall be established by the competent authority in concert with the authority concerned after an application for product registration has been filed in respect of the specific compositions.

Article 5

For the purposes of this Act, the term "feed manufacturer" shall denote a business concern that manufactures, processes or repacks feeds or feed additives.

Article 6

For the purposes of this Act, the term "feed vendor" shall denote a business concern that deals in feeds or feed additives as a wholesaler, retailer, importer and exporter; provided that a feed manufacturer shall not be required to apply to be registered as a feed vendor if the feed manufacturer sells its products by wholesale.

Article 7

For the purposes of this Act, the term "labelling" shall mean any legend, logo or symbol appearing on containers or packages of feeds or feed additives.

Article 8

The central competent authority shall, in concert with the competent authority, work out plans with respect to the production, manufacture, transportation and marketing as well as the exportation and importation of feeds so as to avoid disrupting the demand and supply of feeds or creating abnormal prices.

Chapter II. MANUFACTURE, EXPORTATION AND IMPORTATION OF FEEDS

Article 9

A feed or feed additive factory shall be established in conformity with the feed or feed additive factory establishment standard; in addition, factory registration shall be obtained in accordance with law.

The above mentioned factory establishment standard shall be prescribed by the central competent authority in concert with the central competent

industrial development authority and the central health authority.
Feed or feed additive factory permits shall be issued by the competent industrial development authority in concert with the competent agricultural authority.

Article 10

In order to produce, process, package fodder or fodder additives, the person in charge needs to make ready with relevant papers or documents concerning their category, kind of item, name of product, components, physical and chemical properties, testing method, the object of application as well as the way to use it and apply to the central or municipal competent authority where the factory is located for testing registration. Before he is allowed to produce, process and package them, he has to pass the testing, is notified to pay for the certificate fee and is granted the registration certificate of production of fodder or fodder additives. In the event that the testing method is stipulated by the national standard, he is exempt from submitting the physical and chemical properties and testing method.

The charge rate of the foregoing item is prescribed by the central competent authority.

The production, processing and packaging of home-made fodder for the purpose of private usage or the fodder and fodder additives for the special usage by institutions of testing and research are exempt from going through the formalities of registration.

Concerning the home-made fodder into which additives need to be added, the person in charge needs to apply to the municipal or prefecture (city) competent authority for registration; the regulative measures of them are prescribed by the central competent authority.

The household which produces home-made fodder for private usage and which does not operate in accordance with the regulation of the foregoing regulative measures will be subjected to penalty according to this law; in addition, the municipal or prefecture (city) competent authority may notify the person in question to go through formalities or make corrections within a period of time. Those who fail to do so will have their registration certificates annulled.

Article 11

In order to import fodder or fodder additives, the person in charge needs to make ready with relevant papers or documents concerning its category, kind of item, name of product, components, physical and chemical properties, testing method, the object of application, the way to use it as well as package weight together with samples and testing fees and apply to the central competent authority or via municipal competent authority where the factory is located for testing registration. After the fodder passes the testing and the person in charge is notified to pay for the certificate fee and is granted the registration certificate sanctioning the import of fodder or fodder additives, he can apply to the competent authority of international trade to import them. In the event that the testing method is stipulated by national standard, he is exempt from submitting the physical and chemical properties and testing method.

The charge rate of the foregoing item is prescribed by the central competent authority.

The central competent authority may entrust the municipal authority to take charge of the registration of the first item.

Article 12

The registration certificate of the production or import of fodder or fodder additives is valid for four years. Those who continue to produce or import them after their certificates expire need to apply to the competent authority in advance for an extension only that each extension must not exceed four years.

If the registration certificate of the production or import of fodder or fodder additives is lost or damaged, the person concerned needs to state the reasons clearly, pay for the certificate fee and apply to the original authority which had issued the certificate for a duplicate or replacement. Those who lose their certificates need to revoke the original ones while those who have their certificates damaged need to submit and revoke the original ones.

Article 13

Change in any of the material facts, such as category, item, compositions and potential users of a feed/feed additive, which are specified in a feed/feed additive manufacture/import registration license, shall not be permissible. With respect to change in any material facts other than those enumerated above, approval shall be sought from the competent authority.

Article 14

Before being offered for sale, a feed/feed additive shall be conspicuously labelled in Chinese or a symbol in general use displayed on the container or package thereof to indicate the following material facts:

- (1) The name and address of the particular manufacturer or vendor;
- (2) The category, item and description of the product;
- (3) The compositions;
- (4) The name of the major raw materials used;
- (5) The purposes for which the feed/feed additive is manufactured, the use instructions and the important message for attention in using the feed/feed additive;
- (6) The net weight;
- (7) The reference number of the manufacture/import registration license;
- (8) The date on which the feed/feed additive was manufactured, processed or repacked; and
- (9) Other labelling requirements as may be prescribed by the central competent authority.

Article 15

Fodder or fodder additives which are to be exported, meet the demands of the foreign buyer, and go in accordance with the regulation of the importing country are exempt from the regulation as prescribed in Article 4

Item 2 concerning the component criterion after the central or municipal competent authority where the factory is located grants the producer the registration certificate of production.

Chapter III. VENDING

Article 16

Those who run the business of trading fodder need to apply to the municipal or prefecture (city) competent authority for registration. They can start their business only after the registration certificates of sale are issued. The formalities concerning registration in the foregoing item are prescribed by the central competent authority.

The municipal or prefecture (city) competent authority which issues the registration certificate of the sale of fodder may charge the applicant the certificate fees; the charge rate is set by the central competent authority.

Article 17

Within 15 days of the suspension of its business or the change in its business name, address and the name or address of its representative, a feed vendor shall file a report on such suspension or change with the competent authority of the municipal/county/city in which the vendor is located.

Article 18

Whoever is doing business concurrently as a feed vendor shall cause any and all feeds/feed additives being offered for sale to be displayed and stored independently of any goods hazardous to health.

Article 19

Complimentary or samples of feeds/feed additives imported with approval, feeds/feed additives manufactured for own use, or those manufactured, processed or repacked on a consignment basis for experiment purposes shall not be offered for sale.

Chapter IV. SUPERVISION, INSPECTION AND CRACKDOWN

Article 20

No feed or feed additive shall be manufactured, processed, repacked, offered for sale, exported, imported or utilized if:

- (1) the hazardous substances contained exceed the prescribed upper limits to such extent that the health of human beings will be injured indirectly.
- (2) no product registration for either manufacture or import purposes has been obtained.
- (3) any product which were manufactured, processed, repacked or imported by any third party in accordance with law were either replaced or adulterated with the feeds/feed additives not manufactured, processed, repacked or imported by that third party;
- (4) the feed/feed additive has mildewed or rotten, deteriorated or contains any substance that may be hazardous to the health of livestock, poultry or aquatic animals.

- (5) feed additive is utilized in violation of the rules on the use of feed additives;
- (6) the compositions contained do not conform to those declared in obtaining product registration; or
- (7) the feed/feed additive is either not duly labelled, or inconspicuously or incompletely labelled.

Article 21

No feed manufacturer or vendor shall place any false promotional advertisement containing any facts other than those contained in the registration about the feeds/feed additives manufactured or being offered for sale.

Article 22

The competent authority may, in concert with the authority concerned, inspect the feeds/feed additives, equipment, storage facilities and other relevant information of the manufacturer or vendor. If it is necessary, the inspector may also take for inspection and analysis purposes a sample of feeds/feed additives at any end-user thereof.

The samples taken for the inspection and analysis referred to in the preceding paragraph shall be only in an amount sufficient to serve the inspection and analysis purposes.

In performing his duties, an inspector shall show his identification card. No feed manufacturer/vendor or feed/feed additive end-user shall reject a requested inspection or taking of samples for analysis purposes under the first paragraph of this Article.

Article 23

Where taking of samples of any feed or feed additive is required to determine whether any of the situations under Article 20 hereof exists as alleged, the feed or feed additive shall be sealed and then held in trust by the specific manufacturer, vendor or end-user issue in accordance with an undertaking issued by the latter.

The samples taken in accordance with the preceding paragraph shall be delivered to the competent authority for analysis and appraisal. The period for the competent authority to take official actions with respect to the feeds/feed additives at issue shall not exceed 15 days from the date the analysis and assessment have been completed.

Article 24

If a sample of any feed or feed additive is taken and an analysis thereof made in accordance with the preceding Article, the batch from which the sample was taken shall be disposed of by the competent authority in pursuance of the following principles, depending upon the results of the analysis:

- (1) The batch shall be either confiscated or destroyed if there arises any of the situations under Article 20 (1), (2) and (3) hereof;
- (2) If there arises any of the situations under Article 20 (4), (5) and (6) hereof and if in the opinion of the competent authority, the feed or feed additive can be re-processed and used as feed or feed additive

or otherwise, the competent authority shall order the feed/feed additive concern to proceed with the remanufacture within a prescribed time limit and under the supervision of the competent authority. Any feed or feed additive that is considered to be of no use shall be abandoned.

- (3) The feed or feed additive concern shall be ordered to take remedial actions within a prescribed time limit and under the supervision of the competent authority if there arises the situation under Article 20 (7) hereof.

Article 25

Fodder or fodder additives which are found to be those described in the items of Article 20 will be dealt with according to this measure; in addition, it will be subjected to the following penalties:

1. Those who produce, process, package or import the fodder or fodder additives as described in Item 1 through Item 3 of Article 20 will have their registration certificates annulled.
2. Those who produce, process, package or import the fodder or fodder additives as described in Item 4 through Item 7 of Article 20 and who break the law again after they are penalized will have their registration certificates annulled.
3. Those who sell, import, exhibit or store with the intention to sell the fodder or fodder additives as described in the items of Article 20 and who break the law again after they are penalized will have their registration certificates annulled.
4. Those who provide others with their registration certificates for commercial usage will have their registration certificates annulled.
5. After the registration certificates concerning the fodder or fodder additives are annulled according to the regulation of the foregoing items, the person concerned cannot apply for the registration certificates of production, import or sale concerning the particular fodder or fodder additives.

Chapter V. PENAL PROVISIONS

Article 26

Whoever is guilty of manufacturing, processing, repacking or importing any feed or feed additive under Article 20 (1), (2) or (3) hereof shall be punishable by imprisonment for not more than two years, detention and/or fine of not more than 20,000 yuan.

Whoever is guilty of committing any of the acts under the preceding paragraph out of negligence shall be punishable by detention and/or fine of not more than 5,000 yuan

Punishment shall be imposed on whoever is guilty of committing any attempted offense under the first paragraph of this Article.

Article 27

Whoever is guilty of selling, exporting, displaying or storing with intent to sell any feed or feed additive in any manner under Article 20 (1), (2) or (3) hereof shall be punishable by imprisonment for not more than six months, detention and/or fine of not more than 10,000 yuan.

Whoever is guilty of committing any of the acts under the preceding paragraph out of negligence shall be punishable by fine of not more than 3,000 yuan.

Article 28
(Deleted)

Article 29

Whoever is guilty of manufacturing, processing, repacking or importing any feed or feed additive in any manner under Article 20 (4), (5), (6) or (7) or utilizing any feed or feed additive in any manner under Article 20 (1), (4) or (5) hereof shall be punishable by fine ranging from 6,000 to 20,000 yuan.

Article 30

Whoever sells, exports or displays or stores with intent to sell any feed or feed additive in any manner under Article 20 (4), (5), (6) or (7) shall be fined not less than 3,000 yuan, but not more than 10,000 yuan.

Article 31

A person shall be imposed a fine ranging from 2,000 to 6,000 yuan if:

- (1) the factory established does not meet the requirements of Article 9 hereof;
- (2) the product registration is not obtained in pursuance of the fourth paragraph of Article 10 hereof in respect of the feed additive added to any feed manufactured by the manufacturer for its own use;
- (3) any of the material facts contained in the product registration is changed in violation of Article 13 hereof;
- (4) the person is conducting business without being registered as a vendor in pursuance of Article 16 hereof;
- (5) the person is guilty of violating the first paragraph of Article 15, 19 or 21 or the fourth paragraph of Article 22 hereof; or
- (6) the re-manufacturing is not completed, remedial action not taken, or the useless feed or feed additive not abandoned within the time limit provided under Article 24 (2) or (3) hereof.

Article 32

Whoever is in any of the following situations shall be given a warning for the first violation, but shall be punishable by fine ranging from 1,000 to 2,000 yuan if a violation is repeated thereafter:

- (1) Where the person continues to use the old product registration license without filing application for extension in accordance with Article 12 hereof;
- (2) Where the person is guilty of violating Article 17 or 18 hereof; or
- (3) Where the person refuses to issue an undertaking in accordance with the first paragraph of Article 23 hereof.

Article 33

If the representative of a legal entity, or the agent, employee or any

other professional of any legal entity or natural person is guilty of the offenses under Article 26 or 27 hereof in performing their duties, not only the wrongdoer shall be punishable in accordance with Article 26 or 27, but also the legal entity or natural person shall be imposed the fines provided under any of the applicable Articles.

Article 34
(Deleted)

Article 35
A case in which the fine imposed in pursuance hereof is not paid within the prescribed time limit shall be referred to the court for compulsory execution.

Article 36
Whoever has reservations about the fine imposed in pursuance hereof may, within seven days of the receipt of the fine notice, file a written appeal, requesting reconsideration of the imposition of the fine; provided that only one appeal shall be permissible.
Whoever has reservations about the decision made upon reconsideration referred to in the preceding paragraph may file an appeal and bring an administrative action in accordance with law.

Article 37
The competent authority at each level shall be the authority with powers to impose sanctions and fine in accordance with this Act.

Chapter VI. SUPPLEMENTARY PROVISIONS

Article 38
Any and all feed manufacturers which were established prior to the amendment of this Act and which do not satisfy the requirements of Article 5 of this Act shall apply to be registered as feed vendors in accordance with this Act within one year of the effectiveness of this amended Act.

Article 39
The enforcement rules of this Act shall be established by the central competent authority.

Article 40
This Act shall become effective as of the date of its being promulgated.