

## **Management System of Imported Organic Agricultural Products and Organic Agricultural Processed Products**

### **Council of Agriculture**

1. The Agricultural Production and Certification Act (hereinafter referred to as the Act) was promulgated on 29 January 2007 for the purpose of improving the quality and safety of agricultural products and their processed products placed on the market. According to Article 6 of the Act, a management system of imported organic agricultural products and organic agricultural processed products was established so as to protect the rights of consumers. The management system consists of two stages, acceptance of foreign certification results and domestic review, which are described respectively in the followings.
  - (1) Stage one (acceptance of foreign certification results): Information on organic regulations and technical specifications implemented in foreign countries and by international organic accreditation institutes/organizations are collected and reviewed to determine whether they are equivalent to those implemented in this country. The central competent authority will announce a list of countries or international organic accreditation institutes/organizations of which their organic criteria are reviewed to be equivalent. The organic certification results of certification bodies accredited by the approved/recognized countries or international organic accreditation institutes/organizations will be accepted.
  - (2) Stage two (domestic review): Importers may apply to the central competent authority for selling their agricultural products as organic in Taiwan in accordance with Articles 4 and 5 of the Imported Organic Agricultural Product and Organic Agricultural Processed Product Management Regulations (amended draft), by submitting certification documents issued by accredited certification bodies of the approved/recognized countries or international organic accreditation institutes/organizations as well as other required documents. Products passing review shall be labeled in accordance with Chapter 3 "Labeling and Marks" of the same Regulations.
2. The review of countries or international organic accreditation institutes/organizations mentioned in 1(1) is done in accordance with Paragraph 1, Article 3 of the Enforcement Rules of the Act. Countries that export organic agricultural products or organic agricultural processed products to Taiwan,

suppliers or importers are invited to provide the following documents (in the language of Chinese or English) to the Council of Agriculture for review of organic equivalency.

- (1) Regulations and technical specifications concerning organic agricultural products and organic agricultural processed products implemented in a country or by an international organic accreditation institute/organization, and explanations on their implementation status;
  - (2) Information on accreditation bodies authorized by the country, including the name, address and validity period of authorization;
  - (3) Samples of organic marks of the country, accreditation marks of the accreditation bodies authorized by the country, or the mark of the international organic accreditation institute/organization;
  - (4) Information on certification bodies accredited by the country or accreditation bodies authorized by the country or international accreditation institute/organization, including the names, addresses, accreditation scopes, validity period of accreditation and samples of certification marks;
  - (5) Suggested scope of organic agricultural products or organic agricultural processed products to be reviewed for their equivalency; and
  - (6) The contact person and his/her contact information.
3. The following documents, both in Chinese and English, are attached hereto for references.
- (1) The Agricultural Production and Certification Act;
  - (2) Enforcement Rules of the Agricultural Production and Certification Act;
  - (3) Imported Organic Agricultural Product and Organic Agricultural Processed Product Management Regulations (amended draft); and
  - (4) Supplementary Explanation of Documents Required by the Council of Agriculture to Conduct Review of Organic Equivalency.

# Imported Organic Agricultural Product and Organic Agricultural Processed Product Management Regulations

(Proposed Amendment)

Promulgated on July 27, 2007

## Chapter 1 General Principles

Article 1 These Regulations are established in accordance with Paragraph 2, Article 6 of the Agricultural Production and Certification Act (hereinafter referred to as the Act).

Article 2 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.

Article 3 Under any of the following circumstances, the central competent authority shall cancel the recognition of a country or international organic accreditation institute/organization announced in accordance with Paragraph 1, Article 6 of the Act, and shall make an announcement to that effect:

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; or
2. 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.

## Chapter 2 Import Review and Management

Article 4 When an agricultural product or processed agricultural product is to be 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. A copy of customs declaration of import;

4. Chinese product labeling; and
5. Other documents required by the central competent authority.

Where the agricultural products or agricultural processed products to be imported are subject to quarantine requirements, the importer shall also provide quarantine documents issued by the quarantine authority at the time when the application is made in accordance with the preceding Paragraph.

The application mentioned in the Paragraph 1 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 the countries or international organic accreditation institutes/organizations 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 subject to quarantine requirements no longer comply with the certification criteria for organic agricultural products and organic agricultural processed products in the Republic of China (Taiwan) after quarantine treatment;
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 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; and
2. The markings shall be located in a visible place slightly below the center of the front of the packaging or container.

Article 14 ( Deleted )

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 organic mark of the country or international organic accreditation institute/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.

**Supplementary Explanation of Documents Required by the Council of  
Agriculture to Conduct Review of Organic Equivalency**

Documents		Explanations
I. Regulations or technical specifications concerning organic agricultural products and organic agricultural processed products		Information on whether the management of organic products (food products) are governed by regulations, whether compulsory accreditation or certification is required, penalties, etc.
1	Accreditation criteria and accreditation management	<ol style="list-style-type: none"> <li>1. Qualifications and conditions of certification bodies.</li> <li>2. Criteria to accredit certification bodies, accreditation procedures and requirements for validity period of accreditation.</li> <li>3. Management mechanism to follow up accredited certification bodies.</li> </ol>
2	Certification criteria	
	(1) Production criteria for organic crops	Transition period; conditions for production environment; seeds & seedlings; pest control & management; solid fertility management; cropping; packaging; storage and distribution management; maintenance of records; list of materials, etc.
	(2) Production criteria for organic animal products	Transition period; sources of livestock; feedings and nutrition; livestock management; growth environment; health care; parasite & barnyard manure management; transportation; slaughtering; collecting and packaging of livestock and livestock products; lists and purposes of materials; production records and related documents, etc.
	(3) Criteria for organic processing	Conditions of production environment; harmful organism control technology & materials; conditions of raw materials; processing methods; calculation of organic raw materials; packaging; storage and sales management; maintenance of records; additives or lists of other raw materials, etc.
3	Certification management	Follow-up management of premises granted certification.
4	Organic labeling requirements	<ol style="list-style-type: none"> <li>(1) Labeling requirements for certified products.</li> <li>(2) Special requirements concerning "organic" labeling.</li> </ol>
5	Management of organic mark	<ol style="list-style-type: none"> <li>(1) Patterns, conditions of use and printing requirements of national marks.</li> <li>(2) Patterns, conditions of use and printing requirements of certification bodies' marks.</li> </ol>
II. Implementation Status		



1	Accreditation status	Related information on the accredited certification bodies, including names, addresses, accreditation scopes, validity periods of accreditation and samples of certification marks.
2	Certification status	Square measure of farms, number of farmers, number of processed factories/farms certified by the certification bodies.
3	Surveillance of products placed on the market	(1) Explanation on organizations conducting surveillance. (2) Explanation on the frequency of product examination and labeling inspection. (3) Surveillance results of the last two years.
III. Information on accreditation bodies authorized by foreign countries		Where the accreditation of certification bodies is conducted by organizations authorized by the competent authorities over organic agricultural products and organic agricultural processed products in the foreign country, the information on the name, address and documents demonstrating the validity period of authorization for the authorized accreditation bodies.