

## The Organic Agriculture Act (Draft)

Articles	評論意見 Comments
Chapter 1 General Provisions	
<p>Article 1 The Act has been developed for promoting friendly environment, enhancing ecological balance, sustaining agriculture development, improving organic agricultural product quality, and maintaining public health and consumers' interests in order to be an organic ecosystem, to sustain farmers' organic production and support the organic living of consumers.</p> <p>Matters related to organic agriculture shall be governed by this Act. For matters not addressed in this Act, other relevant laws will be applied.</p>	
<p>Article 2 As used in this Act, the term "competent authority" is the Council of Agriculture of the Executive Yuan at the central level; the municipal/county/city governments at the local level.</p>	
<p>Article 3 As used in this Act, the terms shall be defined as the following:</p> <ol style="list-style-type: none"> <li>1. Agricultural product: any product which is produced or processed as food by utilizing natural resources, agricultural materials and technology, including agricultural, forestry, fishery and animal goods.</li> <li>2. Agricultural product operator: any person who engages in the business of production, processing, packaging, importing, distribution or marketing of agricultural products.</li> <li>3. Organic Agriculture: Referring to the farming practices from agriculture, forest, aquaculture, and animal husbandry without using chemical fertilizer, chemical pesticide, genetically modified organism and related products, based on the principle of ecological equilibrium and nutrient recycling.</li> <li>4. Organic agricultural product: Any agricultural product that is cultivated, processed, packaged and distributed in accordance with the organic standards prescribed by the Central Competent Authority and certified under this Act, or any imported agricultural product approved through import review.</li> <li>5. Agricultural products during the transitional period: Any agricultural product that is cultivated, processed, packaged and distributed in accordance with the organic standards prescribed by the Central Competent Authority and certified under this Act, or any imported agricultural product approved through import review during the transitional period toward organic farming.</li> <li>6. Organic Agricultural Product Label: the label indicating that the</li> </ol>	

<p>agricultural product which the label is affixed to have been certified in accordance with this Act.</p> <p>7. Labeling: words, illustrations, remarks or explanation affixed to agricultural products or to the containers or packaging thereof when they are displayed for sale.</p> <p>8. Accreditation body: the organization (institution) or legal entity who was reviewed and permitted by the Central Competent Authority and with the qualification to execute accreditation business prescribed by this Act.</p> <p>9. Accreditation: the process which the accreditation body evaluates whether an organization (institution), school or legal entity is qualified to conduct certification business prescribed by this Act under the contract with the accreditation body.</p> <p>10. Certification body: the organization (institution), school or legal entity who was accredited by the accreditation body to conduct certification business under the contract with the accreditation body.</p> <p>11. Certification: the process the certification body verifies whether the production, processing, packaging or distribution of a specific agricultural product is complied with this act under the contract with the agricultural product operator.</p>	
Chapter 2 Promotion of Organic Agriculture	
<p>Article 4 In pursuit of the harmony between agricultural production and ecosystem, the competent authority shall promote organic agriculture to reduce stress on the ecosystem thereby maintaining biodiversity.</p> <p>The competent authority shall promote organic agriculture based on the balance between production and marketing. The development and implementation of new technology shall be proceeded cautiously and wisely, thus improving production techniques of the operators and the quality of the product. Shall also make the organic agricultural products accessible to consumers meanwhile educating and earning the trust of the public. Hence, the farmers are willing to conduct organic agriculture practices.</p>	
<p>Article 5 To promote the sustainable development of agriculture, the Central Competent Authority shall set up organic agriculture fund of NTD○○○, allocate annual budget in ○ consecutive years and conduct action plan after the implementation of the Act.</p> <p>Funds for organic agriculture-shall be derived from the following sources:</p> <ol style="list-style-type: none"> <li>1.The allocation of budget preparation by year as aforementioned.</li> <li>2. Endowment income.</li> <li>3. Yield from fund holdings.</li> </ol>	

<p>4. Other income.</p> <p>The organic agriculture fund shall be used for the following purposes:</p> <ol style="list-style-type: none"> <li>1. Investigation on the implementation of organic agriculture.</li> <li>2. Counseling for organic agricultural products production/marketing and certification.</li> <li>3. Counseling for the marketing channels of organic agricultural products.</li> <li>4. Incentives for farming transition into organic.</li> <li>5. Capacity building and research and development for organic agriculture production and products.</li> <li>6. Promotion for organic agricultural products and organic food and farming education for agencies at all levels, schools and consumers.</li> <li>7. Counseling the promotion of organic agriculture for relevant civil groups process.</li> <li>8. Other works that enhance the development of organic agriculture.</li> </ol> <p>The Central Competent Authority shall consulting the relevant authorities and groups to propose organic agricultural promotion solutions in every 4 years and implement after approval by the Executive Yuan.</p> <p>The Local Competent Authorities shall allocate ample funding in their budget to promote organic agriculture.</p>	
<p>Article 6 The Local Competent Authorities may themselves establish or encourage the private sector to establish professional organic farming zones depending on the conditions of their jurisdiction areas.</p> <p>The competent authority shall assist or provide subsidies for the deployment of public facilities in professional organic farming zones.</p>	
<p>Article 7 The competent authority shall provide proper assistances for the certification fees, the technology upgrade, marketing channel expansion, production-marketing facilities (equipment), material loan and other organic agriculture related matters in addition to providing incentives for the breeding activities and seedling production of organic agriculture.</p>	
<p>Article 8 The competent authority shall establish internet database platform to integrate information related to certification data from certification bodies, organic farming, marketing and materials used for agriculture product, seedling, qualified imported organic agricultural products and so on for public query.</p>	
<p>Article 9 The competent authority shall assist legal entities or groups to</p>	

establish farmers' market to offer the channels for selling organic agricultural products.	
<p>Article 10 The competent authority shall devote to organic agriculture technology research and development with the provision of information and capacity building.</p> <p>The competent authority shall encourage all the staff members to participate in organic agriculture related training.</p> <p>The Central Competent Authority shall participate in international organizations and international cooperation affairs to carry out the exchange of information, technology and personnel related to organic agriculture.</p>	
Chapter 3 Management of Accreditation body and Certification body	
<p>Article 11 An organization (institution) or legal entity shall not manage the following accreditation businesses until after attaching the documents and data to apply for permission and obtains the accreditation body certificate from the Central Competent Authority:</p> <ol style="list-style-type: none"> <li>1. Accepting application case for accreditation business in the countries or areas where designated by the Central Competent Authority as service areas.</li> <li>2. Assessing the application case according to the accreditation standards.</li> <li>3. Signing accreditation contracts with those who are duly assessed.</li> <li>4. Issuing conformance documents to the certification body in accordance with the category of certification business (hereinafter referred to as the accreditation certificate).</li> <li>5. Assessing the accredited certification bodies running the certification business.</li> <li>6. Other managing other businesses permitted by the Central Competent Authority.</li> </ol> <p>The validity of aforementioned certificate document may not exceed 5 years and the renewal for extension must be filed to the Central Competent Authority prior to expiration. Each extension may not exceed 5 years.</p> <p>The accreditation bodies shall comply with the following matters for operating the accreditation businesses:</p> <ol style="list-style-type: none"> <li>1. Submitting the accreditation standards mentioned in Subparagraph 2 of Paragraph 1 to the Central Competent Authority for reference within 7 days after their formulation, revision, modification or abolishment, and publishing the standards on the website.</li> <li>2. The records regarding operations of accreditation business shall be</li> </ol>	

<p>retained for at least 5 years with periodic report submitted to the Central Competent Authority for reference.</p> <ol style="list-style-type: none"> <li>3. Being supervised by the Central Competent Authority anytime and shall not evade, impede or refuse.</li> <li>4. Being accompany the Central Competent Authority to assess the certification bodies accredited in accordance with notification by the Central Competent Authority.</li> <li>5. In the event of changes in the registered information of the accreditation body certificate, application shall be filed to the Central Competent Authority for amendment of aforementioned certificate within 30 days.</li> <li>6. The action shall be taken according to the disposal of (accreditation) contract within 10 days once the accredited certification body certifies the agricultural products of the agricultural product operator failing to follow the certification standards prescribed by the Central Competent Authority by paragraph 2 of Article 13.</li> <li>7. Once accredited certification bodies that could not continue the certification business due to withdrawal of accreditation, cancellation of contract, dismissal or other reasons, the accreditation bodies shall assist and coordinate the agricultural product operator previously certified signing contract with the other certification bodies.</li> <li>8. Other administering other matters permitted by the Central Competent Authority.</li> </ol> <p>The Central Competent Authority shall formulate regulations governing the eligibility for permit application, procedure, documents to submit, data, permit criteria, issuance of permit certificate document by the accreditation bodies; indicated in paragraph 1; and the deadline for application of renewal extension indicated in paragraph 2, documents to submit, data, items of previous record, application for review, supervising procedures, documents, eligibility requirement, matters recorded on the approved certificate documents by the accreditation bodies, deadline for application of modification, documents to submit, data, and other matters of compliance.</p>	
<p>Article 12 An organization (institution), school or legal entity shall not engage in certification business until after has made agreement with accreditation bodies and acquire certificate conformance according to its approval of business category.</p> <p>The scope of aforementioned certification business is described below:</p> <ol style="list-style-type: none"> <li>1. Certify agriculture products according to the certification standards</li> </ol>	

<p>promulgated by the Central Competent Authority pursuant to Paragraph 2 of Article 13 under the contract with agricultural product operator.</p> <p>2. Issuing certification conformance certificate and documents (hereinafter referred to as Certification Certificate) for organic agricultural products and organic agricultural products in the transitional period, issuing the organic agricultural product certificate label and administering the use by certified agricultural product operator.</p> <p>3. Inspecting agricultural products according to the contract.</p> <p>4. Operating other business announced by the Central Competent Authority.</p> <p>The certification bodies operating the aforementioned certification business shall maintain the relevant data and records according to the items, methods and period announced by the Central Competent Authority, in addition,-be inspected by the Central Competent Authority and shall not evade, obstruct, or refuse.</p>	
<p>Article 13 The certification bodies may sign agreement with agricultural product operator to certify the specific agricultural products for the production, processing, packaging, or distribution.</p> <p>The Central Competent Authority shall announce the category, items and certification standards of the specific agricultural products as mentioned above.</p> <p>The Central Competent Authority may announce the fee limit for certification business.</p> <p>In case the certification bodies fail to operate the certification business due to withdrawal of accreditation, cancellation of contract, dismissal, or other reasons, the contracted agricultural product operator shall resign a new contract with other certification bodies during the period announced by the Central Competent Authority . The organic agricultural products or the organic agricultural products in the transitional period shall remain valid.</p>	
<p>Article 14 The Central Competent Authority may announce mandatory or prohibitory provisions of the contracts between the accreditation bodies and certification bodies, as well as between the certification bodies and agricultural product operators.</p> <p>Provisions of the contract that violate the aforementioned announcement shall be null or void. Where by removing the part that are held to be null or void and the contract formation is not affected, the remaining part of the contract shall</p>	

still be valid. But, if it is obviously unconscionable to one of the party, then the entire contract shall be null and void.	
Chapter 4 Organic Agricultural Products Management	
<p>Article 15 The Central Competent Authority may announce the substances to be used on organic agriculture.</p> <p>Except for the aforementioned substances, no genetically modified organism derived products, chemical pesticide, chemical fertilizer, animal drugs, and other chemical substances (hereinafter referred to as biochemical substance) shall be used in the production, processing, packaging, and distribution of organic agricultural products and agricultural products in the transitional period.</p> <p>Agricultural product operator shall take necessary preventive measures to assure the production, processing, packaging, and distribution of organic agricultural products and organic agricultural products in the transitional period from containing biochemical substance .</p>	
<p>Article 16 No agricultural products shall be marked, represented or advertised as organic unless the producing, processing, packaging and distribution of such products are duly certificated.</p> <p>No agricultural products in the transitional period shall be labelled, displayed or advertised as transition to organic-unless the production, processing, packaging and distribution of such agricultural products are duly certificated.</p> <p>Non-natural person agricultural product operator may not use the word of organic, in whole or in part of its name, in one year from the second day of implementing the Act. Nonetheless agricultural products for sale with conformance certificate are excluded.</p>	
<p>Article 17 No imported agricultural products shall be labeled or advertised in the name of organic product unless such products meet one of the following conditions:</p> <ol style="list-style-type: none"> <li>1. Inshore or offshore Certification bodies that is accredited shall implement the approval conformance of organic agricultural products in designated country.</li> <li>2. Certification bodies accredited by national or members of World Trade Organization for organic equivalence shall acquire conformance of certification at within the territory of countries or members. The importers shall apply for review conformance from the Central Competent Authority and acquire the document of conformance for agricultural product review (hereinafter referred to as the organic labeling approval document).</li> </ol>	

<p>Countries or members of WTO with organic equivalence defined in paragraph 2 shall sign the bilateral organic equivalence mutual recognition agreement or treaty with Taiwan, which shall be announced by the Central Competent Authority.</p> <p>The Central Competent Authority shall develop the regulations governing the application requirement, procedures, reservation of information, labeling and relevant management, as described in subparagraph 2 of paragraph 1.</p>	
<p>Article 18 The container or package of organic agricultural products and agricultural products in the transitional period shall be remarked in Chinese and conventional symbols to indicate explicitly the following items:</p> <ol style="list-style-type: none"> <li>1. The product name. Organic agricultural products require display of text organic, where the organic agricultural products in the transitional period shall be marked with text transition to organic.</li> <li>2. Name of raw material. When two or more types of mixture are present, mark the mixture according to the content and in descending order of the amount of the contents. In case the material is single material with the exact same name as the previous item, the name of raw material may be exempt from labeling.</li> <li>3. The name, address and telephone of agricultural product operator. However, the imported organic agricultural products should be marked with the name, address, and telephone number of the importer.</li> <li>4. Place (country) of origin, including but not limited to the manufacturing factory or certification premise with address sufficiently implying the place (country) of origin.</li> <li>5. Name of certification body.</li> <li>6. Certification certificate number. Nonetheless the organic agricultural products should display the organic labeling approval document number in accordance with subparagraph 2, Paragraph 1 of Article 17.</li> <li>7. Other matters required by the Central Competent Authority for announcement.</li> </ol> <p>In case the aforementioned matters could not be labeled due to space, material or other reasons, the Central Competent Authority may announce the exemption of partial labeling or alternatives.</p> <p>The labeling of organic agricultural products and organic agricultural products in the transitional period, except for the aforementioned two requirements, shall be complied with regulations governing the Food Safety and Hygiene</p>	



<p>Management Act.</p> <p>In case of modification with the labeling matters in the different items in paragraph 1, all previous labeling must be replaced within 3 months from the date of modification.</p>	
<p>Article 19 The organic agricultural products and organic agricultural products in the transitional period sold in bulk package shall be displayed with the description of the name and place of origin (country) on the display sign in the areas of sales. Additionally, the copy of certificate for organic agricultural or agricultural products during the transitional period shall be displayed and the organic agricultural products that have been imported should be accompanied by the copy of the organic labeling approval document.</p> <p>The aforementioned description and place of origin (country) on display are subject to provisions prescribed in subparagraph 1 and subparagraph 6 of paragraph 1.</p> <p>The font size of the display for place of origin (country) for item one may not be smaller than 3cm in width and length.</p> <p>The organic agricultural products and-organic agricultural products in transition period sold in bulk package shall be complied with the above three provisions as well as the provisions prescribed in Food Safety and Hygiene Management Act.</p>	
<p>Article 20 Organic agricultural products shall allow using organic agricultural product labels after the approval of certification.</p> <p>The Central Competent Authority shall develop the regulations governing the specification, pattern, usage, and other matters of compliance for the aforementioned organic agricultural product label.</p>	
<p>Article 21 For advertising the agricultural products under the term, organic or transition to organic period, the commissioned media carrier for broadcast shall preserve the name or title of the broadcast commissioner, personal identification number or unified business number, residence, business site or firm, and telephone and contents of broadcast, in 6 months from the date of broadcast, and the commissioned shall not evade, impede or refuse the provision of such items upon request by the competent authority.</p>	
<p>Article 22 The competent authority may send personnel with identification documents to enter the operational premises and conveyance for the producing, processing, packaging, storage, sales, and others of agricultural products labeled, displayed or advertised under the term of organic or organic in transition period. For the execution of inspection, sampling, testing, and</p>	

requesting the agricultural product operators to provide relevant certificate and records, which shall not be evaded, impeded or refused by any party. In case of the competent authorities need to handle major or emergency events involving organic agricultural product safety, the competent authority may enter the aforementioned premise and conveyance and conducting inspection. The competent authority may enforce the execution on the parties that evade, impede or refuse and the parties is also subject to penalty in accordance with subparagraph 3, paragraph 1 of Article 31.	
Article 23 The Central Competent Authority shall announce the examination methods of the agricultural products and agricultural products in the transitional period after consulting with related agencies of the Central Competent Authority ; if the aforementioned methods are not announced, the examination may be performed in accordance with the methods prescribed by the Central Health and Welfare Competent Authority according to Act Governing Food Safety and Sanitation. If none been announced by the Central Competent Authority and the Central Health and Welfare Competent Authority, the examination may be performed in accordance with the methods recognized by the international society.	
Article 24 In case of the agricultural product operator holds objection to the examination results, the operator may pay for the examination fees in 15 days after receiving the notice and apply for re-examination from the original sampling authority, limited to one time of re-examination.  The previous authority for accepting re-examination shall notify the examiner to conduct re-examination on the original specimen in 7 days. Nonetheless the authority reserves the right to refuse acceptance if the specimen has deteriorated or could not be preserved by proper method.	
Article 25 The competent authorities may apply the following process on organic agricultural products and the agricultural products in the transitional period that have been identified containing biochemical substance: 1. Order the agricultural product operator or owner from relocating his agricultural products, conducting withdrawal, recalling or adopting other appropriate measures. 2. Products with advertising activity, the Bailer shall be ordered to withdraw the contract or recall the advertising materials, or the Bailee shall be ordered to stop the advertising activity.	
Article 26. The competent authority shall offer rewards for reporting with seizure in violation of the laws, in addition to keeping confidentiality about the	

identification of the reporter. The Central Competent Authority shall develop regulations governing the aforementioned reporting incentives.	
Chapter 5 Penalties	
Article 27 Under any of the following circumstances , it may be levied with a fine of not less than NTD600,000 and not more than NTD60,000,000: 1. In violation of provisions specified in paragraph 1 of article 11, operating accreditation business without authorization and permission from the Central Competent Authority . 2. Accreditation bodies violating provisions in paragraph 1 of Article 33 to suspend the acceptance of new application for accreditation business during suspension period of accepting new applications for accreditation operations.	
Article 28 In violation of provisions specified in paragraph 1 of article 12, operating certification business without authorization or failing to acquire conformance of accreditation from the accreditation body is subject to a fine between NTD300,000 to NTD30,000,000.	
Article 29 Under any of the following circumstances , it may be levied with a fine of not less than NTD200,000 and not more than NTD2,000,000 and fines may be issued per violation:: 1. In violation of provisions prescribed in paragraph 1 of Article 20, the use of organic agricultural product mark without authorization and without certification conformance. 2. In violation of provisions prescribed in paragraph 3 of Article 32, the use of organic agricultural product labels without authorization during the period specified by the competent authority	
Article 30 Under any of the following circumstances , it may be levied with a fine of not less than NTD100,000 and not more than NTD1,000,000 and fines may be issued per violation: 1. In violation of provisions prescribed in paragraph 3 of Article 12, evading, impeding or refusing audit from competent authority or failing to preserve relevant information and records for the items, methods and periods announced by the Central Competent Authority , or preserving false information or records. 2. In violation of provisions in Article 21, failing to preserve information or evading, impeding or refusing to provide information, or providing false information. 3. In violation of provisions prescribed in Paragraph 1 of Article 22,	

<p>evading, impeding or refusing the competent authority to enter the premise and conveyance, from executing inspection, sampling or testing, or failing to provide relevant certificate or records, or deliberately providing false certification or records.</p> <p>4. In violation of the order issued by the competent authority pursuant to suspend the broadcast in accordance with provisions specified in Paragraph 2 of Article 34.</p> <p>For the agricultural product operator penalized for the provision specified in Article 3, and the agricultural products in violation of provisions specified in paragraph 2 and 3 of Article 15, Article 16, and subparagraph 1 of Article 17, the competent authority may take compulsive measures to enter the premise, conveyance, for executing inspection, sampling, and testing in accordance the provisions specified in paragraph 1 of Article 20</p>	
<p>Article 31 Under any of the following circumstances , agricultural product operator may be levied with a fine of not less than NTD60,000 and not more than NTD600,000 and fines may be issued per violation:</p> <ol style="list-style-type: none"> <li>1. In violation of provision specified in Paragraph 2 of Article 15, deliberate use of biochemical substance.</li> <li>2. In violation of provision specified in Paragraph 3 of Article 15, the organic agricultural products and agricultural products in the transitional period containing biochemical substance, the operator proven the adoption of necessary protection measures shall not penalized.</li> <li>3. In violation of provision specified in Paragraph 1 and 2 of Article 16, paragraph 1 of Article 17, the agricultural products have not been certified of conformance; or labeling, displaying or advertise with the term, organic, in text of Chinese or foreign language, without conformance after import review, or other practice of expression that could mislead others. .</li> <li>4. In violation of provision specified in Paragraph 3 of Article 16, non-natural person agricultural product operator, using the term, organic, in whole or in part, on the product, while the agricultural products have not been certified for conformance or fail to conform with the review provisions in subparagraph 2, paragraph 1 of Article 17.</li> <li>5. In violation of provision specified in Paragraph 3 of Article 32, the use of organic term on labeling, display or advertising without authorization during the period specified by the competent authority.</li> </ol> <p>The circumstances specified in item 2 of previous paragraph shall be penalized in accordance with the provisions prescribed in Subparagraph 2, Paragraph 1</p>	

<p>of Article 44 in Food Safety and Hygiene Management Act, where the provision of item 2 in previous paragraph does not apply.</p> <p>The agricultural product operator shall comply with the instructions from the commissioner or ordering party for production, process, packing or distribution of agricultural products. In the event of one of the circumstances described in the different items of the first paragraph, the commissioner or ordering party may be penalized.</p>	
<p>Article 32 Under any of the following circumstances , agricultural product operator may be levied with a fine of not less than NTD30,000 and not more than NTD300,000 and be ordered to take corrective measures within a specified time period. In the event when the operator fails to do so, a fine should be imposed each time the violation occurs.</p> <ol style="list-style-type: none"> <li>1. Failing to label in accordance with paragraph 1 of Article 18, providing false labeling, or failing to replace all labeling in 3 months from the date of modification in accordance with the provision specified in Paragraph 4 of Article 18.</li> <li>2. Failing to display the description or place of origin according to the provisions prescribed in paragraph 1 of Article 19, or failing to display the copy of certification certificate for organic agricultural products or for agricultural products in the transitional period, and copy of the organic labeling approval document.</li> <li>3. In violation of the regulations specified in paragraph 2 of Article 20, regarding the standards of labels specification, pattern or usage.</li> </ol> <p>In case of the previous conduct involving agricultural products has been certified of conformance for the first time in less than one year, the competent authority shall firstly order the agricultural product operator to take-corrective action within a limited period. Failing to improve on a timely basis then is subject to a penalty stated in aforementioned proviosion.</p> <p>In the involvement of one of the aforementioned circumstances described in paragraph 1, the competent authority may order to suspend the use of organic agricultural product labels or the use under the name of organic products for between at least 3 months and up to one year.</p>	
<p>Article 33 In case of the accreditation body involves in one of the following circumstances, the Central Competent Authority may issue warnings according to the gravity of circumstances or impose a penalty of suspending the acceptance of new application for accreditation between 2 months and 2 years:</p>	

<ol style="list-style-type: none"> <li>1. In violation of provision prescribed in subparagraph 1, paragraph 1 of Article 11, accreditation bodies rejecting acceptance of accreditation application or acceptance of accreditation for application from countries or areas other than the county or area assigned for permit.</li> <li>2. In violation of provision prescribed in Subparagraph 2, Paragraph 1 of Article 11, assessing the application case not according to the accreditation standard.</li> <li>3. In violation of provision prescribed in Subparagraph 3, Paragraph 1 of Article 11, refusing to sign accreditation contract with the certification bodies with conformance for no reason.</li> <li>4. In violation of provision prescribed in Subparagraph 4, Paragraph 1 of Article 11, issuance of accreditation certificate to certification bodies accredited for conformity not in accordance with the category of certification business.</li> <li>5. In violation of provision prescribed in Subparagraph 1, Paragraph 3 of Article 11, failing to report the revised accreditation standards to the Central Competent Authority for review in 7 days.</li> <li>6. In violation of provision prescribed in Subparagraph 2, Paragraph 3 of Article 11, failing to retain the records of operations of accreditation operation for at least 5 years, preserving false records, and failing to comply with the provisions regarding the declaration and reporting prescribed in paragraph 4 of Article 11 regulated by the Central Competent Authority.</li> <li>7. In violation of provision prescribed in Subparagraph 3, Paragraph 3 of Article 11, evading, impeding or refusing audit from the Central Competent Authority.</li> <li>8. In violation of provision prescribed in Subparagraph 4, Paragraph 3 of Article 11, failing to co-audit the accredited certification bodies with the Central Competent Authority upon receiving notice from the Central Competent Authority.</li> <li>9. In violation of provision prescribed in Subparagraph 5, Paragraph 3 of Article 11, the accreditation bodies having modified matters recorded on the documents of permit certificate but failing to apply for modification from the Central Competent Authority in 30 days from the date of modification.</li> <li>10. In violation of provision prescribed in Subparagraph 6, Paragraph 3 of Article 11, failing to process in accordance with the contract in 10 days.</li> <li>11. In violation of paragraph 4, Article 11 of the regulations governing the</li> </ol>	
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<p>matters of compliance for organizing appraisal, developed by the Central Competent Authority.</p> <p>After the Central Competent Authority suspends the acceptance of new application for accreditation business from the accreditation bodies twice in two years, and in the event of one of the circumstances described in previous paragraph, the Central Competent Authority shall abolish the permit and shall prohibit the accreditation body to apply for permit during the period of at least two years and up to five years, in accordance with the provisions stated in paragraph 1 of Article 11.</p> <p>For the accreditation body abolished of permit in aforementioned, the Central Competent Authority shall serve as the accreditation body for the certification bodies accredited and adopt the accreditation contract, starting from the date of accreditation abolishment. The prescribed certification bodies shall also sign contract with other accreditation bodies during the period of announcement made by the Central Competent Authority.</p>	
<p>Article 34 For the agricultural products that are mentioned in the agricultural product advertisement and meet conditions prescribed in paragraph 1 of Article 30, paragraph 1 of Article 32 or paragraph 1 of previous Article, one of the following actions may be ordered jointly with a fine as regulated by the competent authority:</p> <ol style="list-style-type: none"> <li>1. Ordering the advertising bailer to commission the broadcast of certain content on the same article and timeslots of the original broadcast, and a specific number of corrective advertising with content expressing apologies and message of correction.</li> <li>2. Ordering the commissioned advertiser to suspend broadcast and withdraw advertising materials.</li> </ol>	
<p>Article 35 For circumstances defined between Article 29~32, the competent authority may impose penalty according to the regulations and announce the severity of violations, name of agricultural products, name and address of agricultural product operator, legal entity, corporate or group name, firm or business premise, name of manager or representative , and sampling site and date for the agricultural products.</p>	
<p>Article 36 The penalty defined by the act, unless otherwise specified, shall be governed by the Local Competent Authorities. Nonetheless the Central Competent Authority shall impose penalties to the accreditation bodies and certification bodies.</p>	
<p>Chapter 7 Supplementary</p>	

<p>Article 37 Prior to the implementation of the act, countries with equivalence announced by the Central Competent Authority not signing the bilateral organic equivalence mutual recognition agreement or treaty with Taiwan in one year after the implementation of the act, the Central Competent Authority shall announce the abolishment of equivalence recognition accordingly.</p> <p>The certified conformance agricultural products were imported prior to the announcement for abolishment of equivalence recognition specified in previous paragraph enters into force, may still use the term of organic for labeling, display or advertising.</p>	
<p>Article 38 Prior to the implementation of the act, the bodies that have complied with the provisions related to the Agricultural Production and Certification Act for the accreditation and certification of organic agricultural products shall be deemed as accredited and certified in 6 months after the implementation of the act.</p> <p>Prior to the announcement made by the Central Competent Authority in accordance with the paragraph 2 of Article 13, the Central Competent Authority shall apply the regulations prescribed in paragraph 2, Article 5 of the Agricultural Production and Certification Act to the category, items and certification standards for specified agricultural products in paragraph 1 of Article 13.</p>	
<p>Article 39 In the absence of accreditation bodies served by any Taiwan authority (body) or corporations, the Central Competent Authority may announce and assign an organization (institution) , school or legal entity to serve as the accreditation body (hereinafter referred to as assigned accreditation body) during a specific period of time. The certification bodies that have not signed contract with assigned accreditation bodies shall sign contract with the assigned accreditation body in accordance with the provisions prescribed in paragraph 1 of Article 12, in 7 days from the date of effective date of contract.</p> <p>In the absence of certification bodies served by any Taiwan authority (body) or corporations, the Central Competent Authority may announce and assign an organization (institution) , school or legal entity to serve as the certification body (hereinafter referred to as assigned certification body) during a specific period of time. The agricultural product operators that have not signed contract with assigned certification bodies shall sign contract with the assigned</p>	



certification body in accordance with the provisions prescribed in paragraph 1 of Article 13, in 7 days from the date of effective date of contract.	
Article 40 Enforcement Rules for this Act shall be enacted by the Central Competent Authority.	
Article 41 This act shall enter into force on the date of promulgation.	