

Operating Guidelines in Review for Issuance of Document to Approve Organic Labeling of Imported Organic Agricultural Food Products and Organic Agricultural Food Processed Products

法規沿革(Legislative):

- 1.Enacted under Order Nung-Liang-Tze 0981046142 dated January 22, 2009
- 2.Amended under Order Nung-Liang-Tze 0981048477 dated September 8, 2009
- 3.Articles 4 amended under Order Nung-Liang-Tze 1001053766 dated July 5, 2011
- 4.Articles 3,4,12 and the appendix 8 in article 11 amended under Order Nung-Liang-Tze 1041071067A dated December 29, 2015

法規內文(Content):

Highlights of amendment of Operating Guidelines in Review for Issuance of the Document to Approve Organic Labeling of Imported Organic Agricultural Food Products and Organic Agricultural Food Processed Products:

1.There operating guidelines are duly enacted by the Council of Agriculture of the Executive Yuan (the Cabinet) (hereinafter referred to as COA or Council of Agriculture) in an effort to provide uniform specifications to review documents to approve application by importers for organic labeling of imported organic agricultural food products and organic agricultural food processed products (hereinafter referred to as Documents to Approve Organic Labeling in brief).

2.The operating procedures for application, review and issuance of Documents to Approve Organic Labeling: As provided in Appendix 1.

3.An importer shall, before filing application for issuing Documents to Approve Organic Labeling for the first time, fill out the application form for importer registration (Cf. Appendix 2) and submit it along with the profit-seeking enterprise registration certificate, one photocopy which shall be affixed with seals of the importer and its responsible person, to the Council of Agriculture for issuance of importer registration code.

The Council of Agriculture shall inform the importer in writing when issuing importer registration code in accordance with the preceding paragraph.

The importers who have received the approval for Organic Labeling issued by Council of Agriculture before December 31, 2009 shall apply for importer registration code based on Paragraph 1 on or before December 31, 2010.

4. An importer shall, while applying for issuance of the document to approve organic labeling, fill out the application form (Cf. Appendix 3) and submit the following documents to the Council of Agriculture for the application process:

(1) The profit-seeking enterprise registration certificate, one photocopy which shall be affixed with seals of the importer and its responsible person.

(2) Certificate of Organic Certification of imported organic agricultural food products and organic agricultural food processed products, one copy.

(3) One certificate issued by a foreign certification body which have been accredited by an accreditation body in a country or international organic accreditation body (organization) promulgated by the Council of Agriculture under Article 6, Paragraph 1 of Agricultural Product Production and Certification Management Act (hereinafter referred to as the Act). Such certificates may be dispensed with, nevertheless, if such foreign certification body has been registered with the Council of Agriculture.

(4) The import proof slips of import declaration in one photocopy.

(5) Review fee to be paid in a postal money order.

In case of imported organic agricultural food products and organic agricultural food processed products which are subject to plant, animal quarantine inspection, the importer shall additionally submit the import quarantine inspection document(s) issued by the quarantine authorities.

If the supporting certificates specified under Paragraph 1, Subparagraphs 2 were with errors found and had been reissued by the foreign certification body, the importers that have not yet received the origin certificates may have the photocopies which have been affixed with seals of importer and its responsible person with remark of "being identical to the original" submitted instead. Also, the original certificate should be submitted within one month since the next day of the photocopies submitted. If the original certificate has not been submitted before the deadline or the submitted original certificate is inconsistent with the submitted photocopies, the Documents to Approve Organic Labeling that was issued will be revoked. Such importers must submit original certificate for application for three years since the deadline for submitting the original certificate stated in the preceding paragraph.

The information of the foreign certification bodies registered with the Council of Agriculture mentioned in Paragraph 1, Subparagraph 3 and Paragraph 2 shall be disclosed through the website of the Agriculture and Food Agency, Council of Agriculture.

In case of application for import of agricultural food products which are difficult to be preserved fresh products, the photocopies of the import declaration may be taken in place of documents set under Paragraph 1, Subparagraph 4 to proceed with the review process. The import certificate of the import declaration issued by the Directorate-General of Customs, Ministry of Finance defined under Paragraph 1, Subparagraph 4, and its copy shall be resubmitted within seven days. In the event that such documents are not resubmitted within the specified time limit or are found inconsistent, the approval of the organic

labeling in that case shall be revoked, or the documents of agreement shall be annulled.

An applicant should file application mentioned in Paragraph I through an agent by issuing the Power of Attorney (Cf. Appendix 4).

5. While applying for issuing document to approve organic labeling, the applicant shall, based on the numbering and coding principles for organic labeling set forth in the remarks of the application form, complete coding process and enter the codes into the appropriate box of the application form and shall duly file application along with the accompanying documents specified in the preceding paragraph.

6. Where an application is found inconsistent with the specified process but where remedy proves possible, the case shall be handled in accordance with the following manner:

(1) The applicant shall complete the remedial actions within one month after receipt of the notice from the Council of Agriculture. If the applicant fails to complete remedial process within the specified time limit without a justifiable reason, the Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

(2) Where the applicant has submitted remedial action in response to the notice received from the Council of Agriculture but the remedy is still found inconsistent with the specified process, the applicant is deemed as having not submitted the remedy. The Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

7. Where an application is to be accompanied with samples for inspection, the application shall be handled in the following manner:

(1) Where the applicant is advised by the Council of Agriculture to submit samples for inspection, the applicant shall submit samples in two portions in the smallest possible packaging based on the notice for submittal of samples issued by the Council of Agriculture (Cf. Appendix 5) to the Council of Agriculture within one month. If the samples are not submitted within the specified time limit without justifiable reasons, the Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

(2) Upon receipt of the samples submitted by the applicant, the Council of Agriculture shall issue a receipt of samples received (Cf. Appendix 6) to the applicant in response.

(3) Where the samples submitted by the applicant are found inconsistent with the requirements but remedy proves possible, the procedures set forth in preceding paragraph shall apply.

(4) Where the samples submitted by the applicant prove inconsistent with the requirements after the inspection process, the Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

8. Where samples submitted in an application case prove necessary to receive inspection, the case shall be handled in the following manner:

(1) The applicant shall submit the inspection fee and samples enough for inspection and for archiving to the inspection body specified by the Council of Agriculture (hereinafter referred to as the Specified Inspection Body) based on the notice for submittal inspection issued by the Council of Agriculture (Cf. Appendix 7) within one month after receipt of the notice for sample inspection issued by the Council of Agriculture. If the fee and the samples are not submitted within the specified time limit without justifiable reasons, the Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

(2) The Council of Agriculture shall serve a duplicate copy to the Specified Inspection Body when advising the applicant in accordance with the preceding paragraph.

(3) The Specified Inspection Body shall, after completing the inspection of the samples, serve the result of inspection to the Council of Agriculture and serve a photocopy of the result to the applicant.

(4) In the event that the submitted samples fail to pass inspection and the applicant does not apply for recheck within the time limit specified under Article 10, and if application for recheck is not permitted, the Council of Agriculture shall dismiss the application with a receipt and with statement of the reasons of dismissal. The review fee already paid by the applicant shall not be returned.

9. The volume of the "samples enough for inspection and for archiving" mentioned in Paragraph 1 of the preceding Article shall be duly determined based on Rules on Sampling Methods and Quantities of Agricultural Food Products and Agricultural Food Processed Products.

10. Where an applicant objects the inspection results under Article 8, Paragraph 3, he or she may pay inspection fee and apply to the original Specified Inspection Body for re-inspection within fifteen days after receipt of the notice. The applicant may apply for re-inspection only once.

The re-inspection mentioned in the preceding paragraph shall be conducted only upon the original samples. If the original samples have been deteriorated, no re-inspection shall be permitted.

After the re-inspection mentioned in the preceding paragraph is completed, actions shall be subsequently taken in accordance with Article 8, Paragraphs 3 and 4.

11. After an application case satisfactorily passes the review process, the Council of Agriculture will issue the receipt of review fee to the applicant and will issue the document to approve organic labeling based on the code of Approval for Organic Labeling (Cf. Appendix 8).

12. Important notes to an importer who applies for issuance of the document to approve organic labeling:

(1) The document verifying certification of review over the imported organic agricultural food products and organic agricultural food processed products under application shall be duly issued by the

certification bodies duly accredited by a National or an International Organic Accreditation Body (Organization) promulgated by the Council of Agriculture in accordance with Article 6, Paragraph 1 of the Act.

(2)The imported products applied for review shall be agricultural food products the content of the organic raw materials of which shall not be less than 95%.

(3)The quarantine inspection for the imported organic agricultural food products and organic agricultural food processed products under the application shall be consistent with the requirements set forth in Certification Criteria of the Imported Organic Agricultural Food Products and Organic Agricultural Food Processed Products of the Republic of China.

(4)The Chinese labeling of the imported organic agricultural food products and organic agricultural food processed products under the application shall be consistent with the specified requirements.

(5)In the event that the documents specified under Article 4 are not in Chinese version, the applicant shall submit the Chinese translation version in one copy which shall be affixed with the seals of the importer and its responsible person and shall be remarked "identical to the original".

(6)A file number for organic labeling for the application, under Article 5 shall not repeat another number.

13.In case of a change in the entries of the document to approve organic labeling, the case shall be subject to review anew in accordance with these Operating Guidelines.

14.Issues to be handled by the Council of Agriculture under these Guidelines shall be implemented by the Agriculture and Food Agency and Fisheries Agency of the Council of Agriculture (Cf. Appendix 9)