

Food Administration Act

法規沿革(Legislative):

- 1.Promulgated on May 30, 1997.
- 2.Amendment to Article 2, Article 10 and Article 11, and deletion of Article 20, promulgated on May 17, 2000.
- 3.Amendment to full text 24 articles promulgated on November 7, 2001.
- 4.Amendment to Article 7 and addition of Article 17-1 promulgated on June 19, 2002.
- 5.Amendment to Article 7 and Article 24, and deletion of Article 17-1 promulgated on December 31, 2002. Amendment to the articles on December 27, 2002 shall take effect on January 1, 2003.
- 6.Addition of Article 5-1 promulgated on May 24, 2006.
- 7.President Order Hua-Tsung-Yi-Tzu No. 09900317101 on 24 November, 2010 (Paragraph 1 of Article 18 was revised and enlarged; Article 16, 19, and 20 were deleted; provisions of Article 4, Article 7, Article 8, Article 14, Article 15, Article 18, and Article 22 were also amended).
- 8.President Order Hua-Tsung-Yi-Tzu No. 10300093251 on 18 June, 2014 (Paragraph 1 of Article 14 ,2 of Article 18 was revised and enlarged; Article 22 were deleted; provisions of Article 3, Article 5, Article 10, Article 11, Article 14, Article 18 , 1 of Article 18,Article 21,and Article 24 were also amended).

法規內文(Content):

Article 1

This Act is enacted for the purposes of regulating food demand and supply, stabilizing food prices, improving food quality and maintaining the benefits of producers and consumers. Other applicable laws shall govern matters not provided in this Act.

Article 2

For the purposes of this Act, the term "competent authority" shall denote the Council of Agriculture, the Executive Yuan.

Article 3

The term "food" shall denote rice, wheat, flour, mixed grains containing more than 50% rice, and some coarse grains as well as processed rice products regulated by the competent authority

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Article 4

The definitions of the following terms of this Act shall be denoted as follows:

1. Rice: Paddy, brown rice, milled rice, broken rice and other related rice products.
2. Public stock: Food owned by the government.
3. Food dealers: Profit-seeking business entities, farmers associations or cooperatives registered as food dealers pursuant to this Act.
4. Public stock dealers: Food dealers that are commissioned by the competent authority to handle the collecting, take custody of, process and distribute public stock.
5. Food business: Business involved in the purchase and sale, brokerage, warehousing, processing, importation and exportation of food.
6. Market sale: Behaviors referring to the obtaining of price for merchandise in a public place with unspecific people.

Article 5

The competent authority, for the purpose of planning food production and marketing, degree of food self-sufficiency, and for the establishment of Taiwan food brands, shall devise plans every year to stabilize food supply, ensure national food security, and promote farmers' income and national agriculture

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Article 5-1

The competent authority, for the purpose of security and stability of food supply, shall stockpile rice based on the preceding year's average consumption and not below the safety stock level during specific period. The level of safety stock

shall be promulgated by the Executive Yuan.

Article 6

The competent authority, for the purpose of food management, shall be responsible for making surveys and statistics of the production, consumption, production cost and market prices of major foods as well as establishing the data of farm families and cultivated lands.

The above data of farm families and cultivated lands shall include the household registration records of family, the land registration records of cultivated land, the actual cultivators and cultivation records; the household registration records, land registration records, tax registration records necessary for filing purposes can be required of the household, land and tax offices to provide; the families shall file the information regarding the actual cultivator and cultivation record.

Article 7

Food shall be exported and imported freely. For the purpose of national food security, the export or import of food may have to be restricted. The competent authority shall promulgate the types, amount, regions, duration, conditions, and methods that are subjected to restriction.

Prior approval of the competent authority shall be obtained before the export or import of the restricted food items.

Rice and processed rice products within the quota regulated by the Customs Import Tariff shall be imported by the competent authority or imported by the qualified food dealers in proportions determined by the competent authority.

For quantum over and above the quota, the import of these food items shall be imported by the qualified food dealers in accordance with related regulations. For non-qualified food dealers, they are subject to the prior approval of the competent authority in accordance with related regulations.

To address the domestic food supply and demand instability on rice and processed rice products, actual or anticipated, or other essential situations, the competent authority shall approve the items that are to be imported. The items shall be imported at the in-quota tariff rate, while the quantum shall not be counted as in-quota imports.

Article 8

The competent authority may commission public stock dealers to collect, store, process and distribute public stock.

The conditions that the public stock dealers and their warehouses must possess, the collection, storage, processing, distribution, and other management items for public stock shall be regulated by the competent authority.

Article 9

During collecting of public stock, the inspection of paddies shall include foreign matter, moisture content, test weight and quality. Such standards of inspection shall prescribe by the competent authority.

Article 10

Dealers in food shall complete food business registration with the competent authority before conducting food deals. The above-mentioned shall not apply to those who engage in the small-quantity food retail business as a side job with a daily stock below the prescribed quantity as regulated by the competent authority.

According to the first paragraph of this Article, the conditions for and procedures of the application for food dealer registration, business activities to be allowed and restrictions, in addition, projects, procedures and deadlines subject to amendment registration, conditions for revocation of registration and other rules shall be promulgated by the competent authority.

Article 11

Details of food dealer's business shall make a record of the purchase, sale, storage, processing, and brokering. Imported foods and domestic foods shall be recorded separately. One who imports or processes foods of relevant quantity that is regulated by the competent authority, shall record the details about source of provisions and flow direction.

The records mentioned in the above two paragraph shall be kept for two years.

The competent authority can dispatch personnel for inspection and sampling surveys of matters listed in paragraphs 1 and 2.

If needed, it may demand relevant details of source of

provisions and flow direction for food provisions, and the food dealer may not avoid, obstruct or refuse.

Article 12

The competent authority shall submit the following to the Executive Yuan for reference and promulgation while occurred the event of natural disaster or sudden incidents that caused an unbalanced supply and demand of food:

1. The period, quantity and price of food sales and the price of food purchasing and selling.
2. Food storage, transportation and milling.
3. Emergency expropriation purchase and sale by ration distribution of food.

Article 13

The competent authority shall guide the production and marketing of high quality rice and establish the rice grading and inspection system.

Article 14

Packaged food sold at markets shall be labeled in Chinese and common symbols and denote the following subjects clearly and precisely:

- 1.The product name.
- 2.Quality specification.
- 3.Origin.
- 4.Weight.
- 5.Date of milling.
- 6.The expiration date.
- 7.Name of the manufacturer and domestic dealer, telephone number and address.

Unpackaged food sold at markets shall display the product name and origin.

The contents, methods and other items that shall be complied with, of the subjects indicated in the two paragraphs above, shall be regulated by the competent authority.

The labeling of food, except the regulation of the three paragraphs above, shall comply with the Act Governing Food Safety and Sanitation.

Article 14-1

Food sold at markets may not :

1. Have projects and contents of labeling on package, which are different from the actual contents, or contents are falsehoods and imitations, and the promotion or advertisements marked on the packages or containers indicate a false situation and that are exaggerating or misleading.
2. Mix the sale of imported rice and domestic rice.

Article 15

The competent authority may conduct checks on labels and inspect quality of the food sold in the market. The food dealers or the small quantity (size ??) food retail business as a side job regulated in paragraph 2 of Article 10 (the food retailers) shall not avert, interfere or refuse the inspections and shall provide relating information on the source of food. The persons that perform checks and inspections in accordance with the above-mentioned regulations shall display their documents for performing the work to the food dealers or food retailers. The sampled items from markets shall be paid as the price indicated.

The competent authority shall regulate the rules for sampling and inspection.

The checking method in the first paragraph shall be performed according to national standards or in other appropriate methods.

The competent authority may mandate all or part of the above-mentioned inspections to other inspections institutions, legal entities, scholars or researching institutions.

Article 16 (Deleted)

Article 17

For violation of the regulations promulgated by the competent authority according to Article 12 concerning announcement and management, imprisonment for no longer than three years or detention, and/or a fine below the total food price, will be sentenced.

Article 17-1 (Deleted)

Article 18

The violation of paragraph 1 of Article 10 for engaging in food businesses without finishing food dealer registration, or violation of paragraph 3 of Article 10 regarding business active projects to be allowed and restrictions, in addition, projects, procedures and deadlines subject to amendment registration, or relevant regulations which have to follow the competent authority for amendment within the time limit: after the time limit, a continuing violation of the stated amendment, shall be punished with a fine of no less than NT\$60,000 and no more than NT\$240,000, and such fine may be imposed for each violation. For any of the following circumstances, the competent authority shall order the food dealer to rectify its conduct within a specified time limit. If the food dealer fails to rectify its conduct before the expiration of the time limit, a fine of no less than NT\$30,000 and no more than NT\$150,000 shall be imposed on such food dealer, and such fine may be imposed for each violation.

- 1.The violation of paragraph 1 of Article 11, failing to record imported foods and domestic foods separately.
- 2.The violation of paragraph 3 of Article 11, failing to keep records for 2 years.
- 3.The violation of paragraph 1 or paragraph 2 of Article 14, failing to label the projects that should be labeled, or the violation of paragraph 3 of Article 14, the violation of labeling contents and methods that the relevant projects are required.

If it's serious for the situation stated above, the competent authority may force them to suspend all or part of businesses for relevant period, or revoke food business registration or part of registered projects on registration.

Article 18-1

The violation of paragraph 2 of Article 14-1 shall be punished with a fine no less than NT\$100,000 and no more than NT\$15,000,000 and such fine may be imposed for each violation.

If in serious violation of the situation stated above, the competent authority may force them to suspend all or part of their business for a relevant period, or revoke their food business registration or part of registered projects on registration.

If the competent authority has ordered a food dealer who is in

violation of paragraph 1 of Article 14-1 to rectify its conduct within a specified time limit and the food dealer fails to rectify its conduct before the expiration of the time limit, a fine of no less than NT\$40,000 and no more than NT\$4,000,000 shall be imposed on such food dealer, and such fine may be imposed for each violation. If in serious violation of the situation stated above, the competent authority may deal with the situation and shall force them to suspend all or part of business for a relevant period, or revoke food business registration or part of registered projects on registration. For any of the following circumstances, a fine of no less than NT\$30,000 and no more than NT\$3,000,000 shall be imposed on such food dealer, and such fine may be imposed for each violation:

1. The violation of paragraph 1 of Article 11, the dealer information fails to record, or one who engages in foods imported and processing fails to record the details of source and flow direction according to the regulation of paragraph 2 of Article 11.
2. The violation of paragraph 4 of Article 11, avoids, obstructs or refuses inspection or sampling survey of recording details, or refuses to offer the relevant details of source and flow direction.
3. The violation of paragraph 1 of Article 15 for a food dealer or retail dealer, who avoids, obstructs or refuses inspection or sampling survey of the market products, or refuses to offer the relevant details of source and flow direction.

Article 18-2

Food business registration or part of registered projects on registration revoked with the relevant regulation of 2 paragraphs above, the relevant enterprise, farmers association or cooperative may not apply for food business registration or part of registered projects on registration with this Act within 1 year from the date revoked.

According to subparagraph 3 paragraph 2 of Article 18, one who is ordered to rectify, or is punished with the regulations of paragraph 3 of Article 18, or paragraph 1, 2, of preceding Article, the competent authority may announce the name of the food business, address, name of responsible person, name of products, details of violation, and site, date of sampling survey.

The competent authority shall force those products that seriously harm consumers, to be removed from the shelves within 3 days, and to be withdrawn within 1 month.

If a food dealer fails to quit products off the shelves and withdraw products within the time limit, it shall be punished with a fine of no less than NT\$100,000 and no more than NT\$3,000,000, If serious cases has been caused, the competent authority shall force them to suspend all or part of business for a relevant period, and shall revoke food business registration or part of registered projects on registration, and may not apply for food business registration or part of registered projects on registration with this Act within 1 year from the date revoked.

Article 19 (Deleted)

Article 20 (Deleted)

Article 21

The competent authority shall collect license fees and inspection fees when performing registrations and inspections according to this Act. The fee standards shall be prescribed by the competent authority.

Article 22 (Deleted)

Article 23

The implementing regulations of the Act shall prescribe by the competent authority.

Article 24

This Act shall take effect from the date of its promulgation. The articles were amended on December 27, 2002 shall take effect on January 1, 2003. The articles that were amended on May 30, 2014 shall take effect 6 months after the date promulgated.