



Article Content

| | |
|---------------------|---|
| Title | Regulations Governing Subsidization for Food Safety Protection Fund Ch |
| Amended Date | 2016.12.08 |
| Category | Ministry of Health and Welfare (衛生福利部) |
| Article 1 | These Regulations are prescribed pursuant to Paragraph 6, Article 56-1 of the Act Governing Food Safety and Sanitation (hereinafter referred to as “the Act”). |
| Article 2 | To be eligible, an applicant must: <ol style="list-style-type: none"> 1. Qualify as a consumer advocacy group, as stipulated in Article 49-1 of the Consumer Protection Act, that initiates legal actions pursuant to Article 50 and Article 53 of the same Act. 2. Be an academic research institute, corporation, organization or government agency, appointed or chosen through an open selection process by the competent central authority, to engage in the assessment of human health risks posed by publicly announced food sanitation and safety incidents. 3. Be an employee who discloses his/her employer’s violation of the Act with final administrative disposition or criminal judgement rendered brings an action pursuant to subparagraph 3, Paragraph 4, Article 56-1 of the Act. 4. Be a competent authority that qualifies for subsidies from the Fund to finance the reward for reporting food safety issues pursuant to Article 43 Paragraph 2 of the Act. 5. Be an entity, appointed or chosen through an open selection process by the competent central authority, to engage in activities or research projects to the benefit of promoting food safety. |
| Article 3 | The Applicant who applies for the subsidization of the Fund (hereinafter referred to as “the Applicant”) shall submit the application form and documentations of qualification to the Central Competent Authority. The Applicant who applies for the subsidization under subparagraph 1 and 3, Paragraph 4, Article 56-1 of the Act shall further to submit such materials sufficiently to show the damage actually suffered, adverse sanction or the food business’ material violation of customer protection provisions under Consumer Protection Act. The Applicant who applies for the subsidization under subparagraph 2 and 5, Paragraph 4, Article 56-1 of the Act shall further to submit the executive plan of the application. |
| Article 4 | The Central Competent Authority shall conduct the preliminary examination of the application. If the forms, documents or materials submitted by the Applicant are incomplete, the Central Competent Authority may inform the Applicant to amend. The Applicant shall mend as required within 30 days after receiving the notice. The application will be revoked if the Applicant fails to mend within such 30 days stated above. The Applicant may, with reasonable justification, apply for extension of the amendment period before the expiration of the period under the preceding paragraph; however, the extension period shall not exceed 30 days, and shall be limited to once per application. |
| Article 5 | The application which passes the preliminary examination shall be forwarded directly to the supervision panel for management and utilization of the Fund (hereinafter referred to as “the Panel”) for examination. The Applicant may be informed to submit the explanations and evidence related to the examination under the preceding paragraph. Such explanations and evidences shall be submitted no later than with sixty days from the next day after the amendment notice is |

served. If the Applicant fails to submit the complete explanations or evidence within the period stated above, the examination result shall be no subsidy provided.

- Article 6 The maximum subsidy of the remuneration of attorneys and relevant litigation fees for each case as the following:
1. The litigation under subparagraph 3, Paragraph 4, Article 56-1 of the Act shall be NTD 200,000.
 2. The litigation under Article 50 of Consumer Protection Law, if the numbers of the consumers assigning the rights of claims at the time of the initiation of the action are 20 to 49, then the maximum subsidy shall be NTD 1,000,000; 50 to 99 shall be NTD 2,000,000; more than 100 shall be NTD 3,000,000.
 3. The litigation under Article 50 of Consumer Protection Law shall be NTD 1,000,000. The maximum subsidy may not be limited to the amount under the preceding paragraph due to a special circumstance with evidence.
- The subsidy amount under Paragraph 1 of this Article shall be examined and decided within the maximum subsidy by the Panel based on disbursement items, expense details and reasons in the application form submitted by the Applicant.
- The subsidy amount of the applications under subparagraph 2 and 5, Paragraph 4, Article 56-1 of the Act shall be examined and decided by the Panel based on the plan submitted by the Applicant.
- Article 7 The approved subsidy amounts may be disbursed by installments pursuant the progress of subsidized items made by the Applicant.
- Article 8 In order to inspect and under the circumstances or financial status of the subsidy case performed by the subsidized party, the Central Competent Authority may order to provide the related documents, materials or reports, and may dispatch personnel or cooperate with the authorities concerned to conduct onsite investigations or due diligence when necessary, the subsidized party shall not evade, obstruct or refuse.
- Article 9 The Central Competent Authority may revoke, cancel the whole or a part of the subsidy amounts and may restrain the subsidized party from applying the subsidy of the Fund for three years, and the subsidy amounts received shall be returned in case of revocation, in the event that:
1. The subsidized party violates the laws and regulations or is in the poor performance and fails to improve within the period designated by Central Competent Authority.
 2. The subsidized party violates the laws and regulations or is in the poor performance and it is deemed as in serious circumstances.
 3. The subsidized party evades, obstructs or refuses to provide the documents, reports, and onsite investigations or due diligence under Article 8.
 4. The subsidized party fails to perform the subsidy case based on the original purpose of the application, the application form or the content of the plan.
- Article 9-1 An applicant that applies to other agencies for subsidies or financial aids of the same nature shall accept payment only from one provider. A recipient of other subsidies or financial aids of the same nature is not eligible to apply under the Act.
- Article 10 These Regulations shall become effective as of the day of promulgation.