

TAIWAN

Source: <https://law.coa.gov.tw/GLRSnewsout/EngLawContent.aspx?lan=E&id=324>

Downloaded: 19th February, 2019

Unofficially consolidated version

Enforcement Rules of Plant Protection and Quarantine Act

2019.01.22

1. Promulgated on September 17, 1997
2. Amendment to all Articles promulgated on October 31, 2003
3. Amendment to Article 3, and 10~12, deletion to Article 28 promulgated on May 10, 2010
4. Amendment to all Articles promulgated on May 25, 2015
5. Amendment to Article 5 promulgated on December 3, 2015
6. Amendment to Article 15, 17 and 25 promulgated on January 22, 2019, and come into effect on March 1, 2019

Article 1

The enforcement rules are established pursuant to Article 27, Plant Protection and Quarantine Act (hereinafter called “the Act”).

Article 2

The term “useful fungi” under subparagraph 1 of Article 3 of the Act, denotes agriculturally or industrially useful fungi, yeast, or mushrooms.

Article 3

The scope of the terms “relevant data” and “relevant party” under Article 5 of the Act is specified as follows:

1. “Relevant data” denote the phytosanitary certificates, bills of lading and delivery orders, packing lists or other related documents.
2. “Relevant party” denotes the customs declaration or examination agents, the captains of vehicles, vessels or aircrafts, business representatives or other managing personnel.

Article 4

The term “Government authorities concerned” under Article 6 of the Act denotes the agencies responsible for transportation, customs, environmental protection, or judicial police, or other relevant agencies.

Article 5

Each of the following items may be conducted by relevant agency representatives, private organizations, or individuals authorized by the competent authority when it is deemed necessary:

1. The monitoring and surveying regulated in the second paragraph of Article 8 of the Act.
2. The implementation of the regional control plan regulated in the fourth paragraph of Article 8 of the Act.
3. The control measures regulated in the subparagraphs 1 to 4 of the first paragraph of Article 11 of the Act.

Each of the following items may be conducted by relevant agency representatives, private organizations, or individuals authorized by the plant quarantine authority when it is deemed necessary:

1. The inspection, examination or inquiry regulated in the second paragraph of Article 5 of the Act.
2. The quarantine treatment, re-shipment, destruction or other necessary measures regulated in the second paragraph of Article 13-1 of the Act.
3. The measures regulated in the subparagraphs 2 to 4 of the second paragraph of Article 16 of the Act.
4. The quarantine regulated in Article 18 of the Act.
5. The direct disposal regulated in Article 19 of the Act.
6. The appropriate quarantine or other safety measures regulated in Article 19-1 of the Act.
7. The implementation of quarantine regulated in Article 20 of the Act.

Article 6

Within the area of infestation designated pursuant to the first paragraph of Article 10 of the Act by the central competent authority, the municipal or county (city) competent authority shall conduct periodic inspection of designated plant diseases and/or pests. The scope of inspection shall be as follows:

1. cultivated plants, plants for propagation, or plant products;
2. soils or cultivating media;
3. packages or containers;
4. agricultural machines or tools;
5. the species of plant diseases and pests; and
6. other matters related to plant diseases and pests.

Article 7

The municipal or county (city) competent authority shall implement appropriate control measures when a plant disease or pest from a foreign area is found and report such a finding to the central competent authority pursuant to Article 8 and paragraph 1 of Article 11 of the Act.

Article 8

When the central competent authority implements necessary protection measures pursuant to the first paragraph of Article 11 of the Act, the municipal or county (city) competent authority shall implement and act in coordination with and report the implementation process to the central competent authority.

The central competent authority shall inform the adjacent municipal or county (city) competent authorities while the preceding protection measures are implemented.

Article 9

When conducting joint control measures in designated region pursuant to subparagraph 4 of the first paragraph of Article 11 of the Act, the municipal or county (city) competent authority shall promptly organize a joint control team or mobilize personnel from township (town, city, or district) governments within its authority or civil organizations to assist farmers in implementing such measures.

Article 10

The term “regulated articles with capability of propagation” under the third paragraph of Article 14 of the Act denotes fresh plants or plant products. Such regulated articles, however, do not include vegetables without fruits and their underground portion, and fruiting body of edible fungi.

Article 11

Unless prescribed in Article 12, relevant data of pest risk assessment shall be submitted by the importers to apply for approval before importing the regulated articles pursuant to the third paragraph of Article 14 of the Act:

1. The scientific name (including the name of genus and species) or cultivar name of the importing regulated articles.
2. Production areas, growth properties, propagation methods, climatic conditions for growing regulated articles, yield, harvest season, the post-harvest process, pest list of the regulated articles, the information of pest control and the list of chemicals used.
3. If the exporting country is in the immediate vicinity of a quarantine pest area, as defined under subparagraphs 1 and 2 of the first paragraph of Article 14 of the Act, but there are insufficient reports or no report about the pest status, the plant quarantine authority of the exporting country shall provide the official survey data, pest status and monitoring data for risk assessment.
4. Other related documents and information required by the plant quarantine authority. During the risk assessment, the plant quarantine authority may request the importers or their agents to contact the National Plant Protection Organization (NPPO) of the exporting country to provide supplementary documents, or dispatch inspector(s) to the exporting country for confirmation. All expenses associated with the visit will be borne by the exporting country or the importers.

Article 12

If the regulated articles are imported for the purpose of experiment, research, education or exhibition by governmental agencies (institutions), public enterprises, schools, corporations or organizations registered under relevant laws pursuant to the third paragraph of Article 14 of the Act, the following documents shall be provided for application of pest risk assessment. The said regulated articles may be imported only after approval by the plant quarantine authority.

1. Related experiment, research, education or exhibition projects including the duration for the intended use;
2. Post-entry quarantine management plan, including the address and safety measures of the isolation site;

3. Packing methods and the routes and means of transportation, both domestically and internationally; and
4. Other related documents and information required by the plant quarantine authority.

The importers shall re-export or destroy the regulated articles of the preceding paragraph upon the expiration date jointly with the plant quarantine authority unless prior approval of the pest risk assessment pursuant to the preceding Article and the permission for importation has otherwise been obtained.

The importer may apply for approval by the plant quarantine authority to extend the duration of the designated regulated articles thirty days prior to expiration date pursuant to the subparagraph 1 of the first paragraph. Application for extending the duration for exhibition use may be done three days prior to the expiration date; the extension shall not be longer than the exhibition project.

Article 13

The import application pursuant to the Article 11 will not be approved if any of the following conditions exist:

1. Risk of damage to the ecological environment.
2. Risk of introducing pest and not having appropriate risk management measures.

The import application pursuant to the preceding Article will not be approved if post-entry quarantine management plan cannot effectively manage pest risks.

Article 14

The term “biological control agents” under the subparagraph 2 of the first paragraph of Article 15 of the Act excludes biological pesticide imported with approval according to the “Agro-pesticides Management Act”.

Article 15

In order to carry out the plant quarantine inspection of imported regulated articles as specified under Article 17 of the Act, the central competent authority may designate a specific harbor, airport, or station to conduct such inspection.

The inspection shall be conducted in the centralized inspection area of port, warehouses, or other safe areas recognized by the plant quarantine authority.

If the plant quarantine authority conducts the inspection in the centralized inspection area of port, warehouses or other safe areas recognized by the plant quarantine authority in preceding paragraph, container terminals and warehouses may provide a site with inspection tables, rain-proof facilities, lighting fixtures, and power supply for lighting for quarantine operations.

Article 16

“The ports of entry” under the first paragraph of Article 17 of the Act denotes the harbor, airport or station where the regulated articles are unloaded upon their arrival, or ports approved by the plant quarantine authority.

Article 17

When the plant quarantine authority performs import quarantine in accordance with the Act, the quarantine inspection shall be implemented for every batch or by sample batch inspection based on the risk level of the goods.

The quarantine result shall be determined based on the entire batch when conducting the quarantine operation described in the preceding paragraph. However, if there are other quarantine requirements which are published under the first paragraph of Article 14 of the Act by the central competent authority, then the quarantine result must comply with such requirements.

Article 18

When applying for import quarantine inspection pursuant to Article 17 of the Act, the importers or their agents shall submit to the plant quarantine authority a completed application form and inspection fees along with supporting documents listed below:

1. phytosanitary certificate; exemptions are published by the plant quarantine authority pursuant to the first paragraph of Article 16;
2. delivery order;
3. proof of values; and
4. other relevant documents required by the plant quarantine authority.

Article 19

In order to carry out the plant quarantine inspection of the regulated articles and to ensure that they are performed in accordance with Article 17 of the Act, the plant quarantine authority may act in coordination with the competent authority of maritime navigation to review ship logs or other related documents.

Article 20

“The pests” under Article 19 of the Act denote pests that are published by the central competent authority pursuant to subparagraphs 1 and 2 of the first paragraph of Article 14 of the Act, and those without occurrence record but with risk of causing damage in Taiwan.

Article 21

When applying for export quarantine inspection pursuant to Article 20 of the Act, the exporters or their agents shall submit to the plant quarantine authority a completed application form and inspection fees along with supporting documents listed below:

1. proof of values; and
2. other relevant documents required by the plant quarantine authority.

Article 22

If requested by the importing country, quarantine labels for plants or plant products that are approved for export and have received phytosanitary certificates pursuant to Article 20 of the Act, may be issued by the plant quarantine authority. Quarantine tags for plants or plant products thereof, within are of limited quantity and hand-carried by passengers or by mail may also be issued by the plant quarantine authority.

Article 23

If plants or plant products to be exported pursuant to Article 20 of the Act are deemed to fail to meet the requirements of the importing country, the applicant shall retrieve the plants or plant products thereof upon receipt of the notification by the plant quarantine authority. If the applicant fails to retrieve the said plant or plant products within a time limit, the plants or plant products shall be disposed of by the plant quarantine authority.

Article 24

The plant quarantine authority shall not be held liable for any financial claim against the consequence of the death of plants in isolation, plants or plant products being ordered for destruction pursuant to the Act, or other unavoidable damage or losses in plants or plant products resulting from the necessary quarantine actions taken.

Article 25

These enforcement rules shall become effective on the date of promulgation.

These amendments of the enforcement rules shall become effective on the date of promulgation. But the articles amended and promulgated on January 22, 2019 shall come into effect on March 1, 2019.