

Draft of the Organic Agriculture Act

1 November 2015

Article Content	Comments
Chapter 1 General Provisions	
<p>Article 1 The purpose of this Act is to: be environmentally friendly; promote ecological balance and agricultural sustainability; improve the quality of organic agricultural products; improve public health; safeguard consumer rights; achieve the objective of an organic and ecological environment; and promote organic agriculture and an organic lifestyle for consumers.</p> <p>This Act is primarily applicable to organic agriculture issues. Issues not specified in this Act are covered by other laws.</p>	
<p>Article 2 For the purposes of this Act 'competent authority' means the Council of Agriculture at central level, the special municipal government at special municipal level and the county or city at county (or city) level.</p>	
<p>Article 3 For the purposes of this Act:</p> <p>(1) 'Agricultural product' means any product which is produced or processed by the industries by utilising natural resources, agricultural materials and technology, including farming, forestry, aquaculture or animal husbandry.</p> <p>(2) 'Agricultural product operator' means an entity that produces, processes, packages, imports, distributes or sells agricultural products.</p> <p>(3) 'Organic agriculture' means an agricultural system that produces agricultural products in areas such as farming, forestry, aquaculture and animal husbandry, and is based on the principle of ecological balance and nutrient cycling by not using chemical fertilisers or chemical pesticides and not using genetically modified organisms or products thereof.</p> <p>(4) 'Organic agricultural product' means an agricultural product for which the production, processing, packaging and distribution processes comply with the organic standards formulated by the central governing authorities and have passed the inspection required in this Act. This also includes imported agricultural products provided that they comply with this Act.</p> <p>(5) 'In-conversion organic agricultural product' means an agricultural product for which the production, processing, packaging and distribution processes are being converted to produce an organic product. During this period, the in-conversion organic agricultural product meets the organic standards formulated by the central governing authorities and has passed the inspection required in this Act.</p> <p>(6) 'Organic agricultural product label' means a label indicating that an agricultural product has been certified in accordance with this Act.</p> <p>(7) 'Labelling' means the use of texts, images, markings or additional instructions affixed on the agricultural product, on its container(s), or on the internal or external packaging when the product is on display or for sale.</p> <p>(8) 'Accreditation body' means an organisation, institution or legal person approved by the central authorities to carry out accreditation in accordance with this Act.</p> <p>(9) 'Accreditation' means the approval process by which an accreditation body decides whether an organisation, institution, school or legal person is capable of carrying out the certification work set out in this Act and the two parties formulate a private contract.</p> <p>(10) 'Certification body' means an organisation, institution, school or legal person that has passed the accreditation, has signed a contract with an accreditation body and is permitted to carry out certification.</p> <p>(11) 'Certification' means the approval process by which a certification body decides whether an agricultural product is produced, processed, packaged or distributed in accordance with this Act, and the certification body and the</p>	

agricultural product operator sign a private contract.	
Chapter 2 The promotion of organic agriculture	
<p>Article 4 In order to harmonise agricultural production with the environment, competent authorities shall promote organic agriculture to reduce environmental impact and maintain biodiversity.</p> <p>Competent authorities shall strike a balance between production and marketing, while promoting organic agriculture and having due regard to research and application of new technologies. Competent authorities shall help improve production technologies and product quality of agricultural product operators and facilitate consumer purchase of organic agricultural products. Competent authorities shall promote public understanding of organic agricultural products, instil consumer confidence in organic agricultural products, and encourage farmers to take part in organic farming.</p>	
<p>Article 5 In order to promote the sustainable development of agriculture, the central authorities shall establish an organic agriculture fund worth TWD xxx. Furthermore, the central authorities shall plan the budget yearly over x years after this Act takes effect, and formulate a detailed action plan to promote and implement relevant measures.</p> <p>The sources of funding for the organic agriculture fund include the following:</p> <ol style="list-style-type: none"> <li>(1) The sum indicated in the aforementioned yearly budgeting.</li> <li>(2) Income from donations.</li> <li>(3) Yield from the fund.</li> <li>(4) Other incomes.</li> </ol> <p>The fund may be used for the following purposes:</p> <ol style="list-style-type: none"> <li>(1) Conducting inspections on the actual implementation of organic agriculture.</li> <li>(2) Production and marketing of organic agricultural products and providing advice for certification.</li> <li>(3) Providing advice for establishing sales channels for organic agricultural products.</li> <li>(4) Giving rewards for conversion to organic agricultural production.</li> <li>(5) Carrying out scientific and technological research and development, and training staff in the areas of organic farming and organic agricultural products.</li> <li>(6) Promoting organic agricultural products and organic farming education for organisations and schools at every level and for consumers.</li> <li>(7) Providing advice to civil society groups to help promote organic agriculture.</li> <li>(8) Other work promoting the development of organic agriculture.</li> </ol> <p>The central authorities shall ask for suggestions from organisations and civil society groups and formulate an organic agriculture promotion programme every four years, and implement the programme upon approval of the Executive Yuan.</p> <p>To further promote organic agriculture, competent authorities of special municipalities and counties (or cities) shall establish sufficient budgets to complement the work of the central authorities.</p>	
<p>Article 6 Competent authorities of special municipalities and counties (or cities) shall take into account the circumstances in their jurisdiction and establish areas for organic agriculture and also encourage private facilities.</p> <p>Competent authorities shall provide advice on public facilities in designated organic agricultural areas, or provide subsidies.</p>	
<p>Article 7 Competent authorities shall provide appropriate assistance to agricultural product operators in terms of costs of certification, technological improvements, expansion of sales channels, production and marketing facilities (or equipment), loans for material resources and other issues related to organic agriculture, and provide rewards for organic breeding and organic seedling production.</p>	
<p>Article 8 Competent authorities shall establish online database platforms; organise the certification information collected by certification bodies; provide materials for</p>	

<p>organic production and marketing; provide other materials related to organic agricultural products and seeds; organise information on certified imported agricultural products; and make that information available to the public.</p>	
<p>Article 9 Competent authorities shall advise organisations, institutions and associations on setting up farmers' markets to help establish sales channels for organic agricultural products.</p>	
<p>Article 10 Competent authorities shall conduct research and development for science and technology in the area of organic agriculture, provide information and provide staff training.</p> <p>Competent authorities shall encourage staff in the organic agriculture sector to participate in relevant educational programmes.</p> <p>Competent authorities shall be members of international organisations; participate in international cooperation; and organise information exchanges, technological exchanges and personnel exchanges related to organic agriculture.</p>	
<p>Chapter 3 Management of accreditation and certification bodies</p>	
<p>Article 11 Organisations, institutions and legal persons intending to operate as accreditation bodies shall provide the necessary documents and resources, when applying to the central authorities for a licence. Only upon obtaining an accreditation body licence certificate may they perform the following on behalf of the central authorities:</p> <ol style="list-style-type: none"> <li>(1) With the permission of the central authorities, designate competent accreditation bodies in countries or regions which may accept accreditation applications.</li> <li>(2) Examine applications according to the accreditation criteria.</li> <li>(3) Sign accreditation contracts with accredited parties.</li> <li>(4) Issue an accreditation certificate to the certification body according to the type of accredited certification work it conducts ('accreditation certificate').</li> <li>(5) Evaluate the certification work of certification bodies accredited by these accreditation bodies.</li> <li>(6) Conduct other work as permitted by the central authorities.</li> </ol> <p>The period of validity of the aforementioned licence shall not exceed five years. Before the licence has expired, an application for extension may be made to the central authorities. Each extension period shall not exceed five years.</p> <p>Accreditation bodies shall comply with the following when they carry out accreditation work:</p> <ol style="list-style-type: none"> <li>(1) Report any additions, modifications or deletions ('amendments') made to the accreditation criteria listed in Paragraph 1 Subparagraph 2 of this Article to the central authorities within seven days for recording and examination, and publish them on the website.</li> <li>(2) Keep at least five years of records related to accreditation. Accreditation bodies shall report their accreditation work to the central authorities on a regular basis.</li> <li>(3) Accept inspections from the central authorities at any time, and not avoid, hinder or refuse audit proceedings.</li> <li>(4) Upon receiving notification from the central authorities, accreditation bodies shall meet with the central authorities and inspect certification bodies that they have accredited.</li> <li>(5) If any changes are made to the information on the licence of the accreditation body, the accreditation body shall apply for permission to make those changes to the central authorities within thirty days.</li> <li>(6) If an accredited certification body has not inspected the agricultural products provided by agricultural product operators according to the certification criteria set out in Article 13 Paragraph 2 formulated by the central authorities, the matter shall be handled according to the contract signed by the certification body and the agricultural product operator within ten days.</li> </ol>	

<p>(7) If an accredited certification body that has passed accreditation is unable to carry out certification work due to a termination of accreditation, rescission cancellation of contract, dissolution or some other reason, the accreditation body shall assist and coordinate with the agricultural product operators who originally signed a contract with the certification body, and the agricultural product operator may sign a new contract with another certification body.</p> <p>(8) Other items as permitted by the central authorities. Item 1: For the licence application: qualifications, procedures, the necessary supporting documents, records, licensing conditions, and the issuing and evaluation of the accreditation body licence shall be prepared. Item 2: For the application for accreditation extension, the central authorities will decide the necessary supporting documents, records, items listed in Item 1 of this Paragraph, application records, inspection procedures, methods, approval criteria, items recorded in the accreditation body licence, deadlines for changes to an application, supporting documents, records and procedures.</p>	
<p>Article 12 Organisations, institutions and legal persons intending to operate as certification bodies shall make an agreement with accreditation bodies. Once the former have passed the type of accreditation necessary, they may receive their accreditation certificate and operate as certification bodies.</p> <p>The scope of their certification work is as follows:</p> <p>(1) Sign a contract with agricultural product operators and certify the agricultural products of agricultural product operators according to the certification standards set out in Article 13 Paragraph 2 by the central authorities.</p> <p>(2) Issue certification documents for organic agricultural products or organic in-conversion agricultural products ('certification document') and issue organic agricultural product labels. Monitor the usage of the above items</p> <p>(3) Inspect agricultural products in accordance with signed contracts.</p> <p>(4) Conduct other work as announced by the central authorities.</p> <p>When carrying out the aforementioned certification work, certification bodies shall comply with the inspection items, procedures and periods set out by the central authorities, keep all relevant information and records, and accept inspections from the central authorities. Certification bodies shall not avoid, hinder or refuse inspection proceedings.</p>	
<p>Article 13 Certification bodies shall arrange with agricultural produce operators for inspections to be carried out on production, processing, packaging and distribution processes.</p> <p>The type, variety, and certification criteria of the agricultural products mentioned in Article 12 will be announced by the central authorities.</p> <p>The central authorities will announce the maximum fees to be charged by the certification bodies for the certification work they carry out.</p> <p>If a certification body is unable to carry out certification work due to a termination of accreditation, cancellation of contract, dissolution or some other reason, the agricultural product operators who had signed contracts with the certification body shall, within the announcement period, sign a new agreement with another certification body. Agricultural products or agricultural products in conversion that were originally certified will still be considered certified during the announcement period.</p>	
<p>Article 14 The central authorities shall announce which items are and are not to be recorded in contracts between accreditation bodies and certification bodies, and between certification bodies and agricultural product operators.</p> <p>Any clauses in the aforementioned contracts that violate the conditions set out in the aforementioned announcements will be nullified. If the contract is still considered valid without those parts, then the rest of the contract will still be valid. However, if the contract is obviously unfair to one party, the entire agreement will be null and void.</p>	
<p>Chapter 4 Management of organic agricultural products</p>	

<p>Article 15</p> <p>The central authorities shall announce which substances are permitted to be used in organic agriculture.</p> <p>Apart from these substances, the production, processing, packaging, distribution and sale of organic agricultural products and in-conversion agricultural products shall not use substances containing genetically modified organisms, chemical pesticides, chemical fertilisers, animal medicines or other chemical substances ('biological and chemical substances').</p> <p>Agricultural product operators shall take necessary preventive measures to ensure that the production, processing, packaging and distribution of organic agricultural products and in-conversion agricultural products do not contain any biological or chemical substances.</p>	
<p>Article 16</p> <p>Only if an agricultural product has been certified as organic with respect to its production, processing, packaging and distribution, may the agricultural product operator use the term 'organic' on labels and displays and in advertisements.</p> <p>Only if an agricultural product has been certified as organic in conversion with respect to its production, processing, packaging and distribution, may the agricultural product operator use the term 'organic in conversion' on labels and displays and in advertisements.</p> <p>Agricultural product operators who are non-natural persons may not use the term 'organic' in all or part of their entity names until a year after this Act takes effect. However, this is not applicable to those certified agricultural products that they sell.</p>	
<p>Article 17</p> <p>Only if agricultural imports meet one of the following requirements, may the term 'organic' be used on their labels or in advertisements.</p> <p>(1) Organic agricultural products certified in designated countries by domestic or foreign accredited certification bodies.</p> <p>(2) Certification bodies that are accredited by a country with equivalence regarding organic imports or by a member of the World Trade Organisation will carry out domestic certification work in that country or that WTO member state. Certified importers may apply for approval from the central authorities and obtain an agricultural import approval document ('approval document').</p> <p>Countries with equivalence regarding organic imports or members of the World Trade Organization mentioned in Paragraph 2 above shall sign a bilateral protocol or agreement on mutual recognition of equivalence regarding organic imports, which would later be announced by the central authorities.</p> <p>The application requirements, audit procedures, data conservation, labelling methods and relevant management mentioned in Paragraph 1, Subparagraph 2 will be decided and formulated by the central authorities.</p>	
<p>Article 18</p> <p>The container or packaging of organic agricultural products or in-conversion agricultural products shall be written in Chinese and commonly used symbols, and shall clearly state the following information:</p> <p>(1) Product name. For organic agricultural products, the term 'organic' shall be on the label. For organic products in conversion, the term 'organic in conversion' shall be on the label.</p> <p>(2) List of raw materials. For mixtures that contain two or more raw materials, these shall be listed in descending order of weight. Products which are made up of only one raw material, and whose names are the same as their raw materials may be exempted from raw material labelling requirements.</p> <p>(3) The name, address and telephone number of the agricultural product operator. For imported organic agricultural products, the name, address and telephone number of the importer shall be listed.</p> <p>(4) Place (or country) of origin; except when the address of the manufacturing or</p>	

<p>certification site is displayed in a way that the place (or country) of origin can be easily identified.</p> <p>(5) Name of the certification body.</p> <p>(6) The certification document number. Imported agricultural products shall also state their approval document number, as mentioned in Article 17, Paragraph 1, Subparagraph 2.</p> <p>(7) Other labelling information as requested in announcements made by the central authorities.</p> <p>If, due to surface area, material type or other reasons, it is difficult to affix a label with the information required in the above paragraphs, the central authorities shall allow an exemption of part of the label, or the information shall be displayed in other ways.</p> <p>In addition to the information listed in the two paragraphs above, the labelling of organic agricultural products and in-conversion agricultural products shall also comply with the Food Safety and Sanitation Act, where appropriate.</p> <p>Any changes to the labelling information specified in the subparagraphs in Paragraph 1 shall be made within three months of the occurrence of the change in labelling.</p>	
<p>Article 19</p> <p>Agricultural product operators intending to sell loose organic agricultural products or in-conversion agricultural products shall indicate the product name and the place (or country) of origin on a signboard at the point of display or point of sale. Furthermore, they shall display a copy of the certification document for the agricultural product or in-conversion agricultural products. For organic agricultural imports, a copy of the products' approval document shall be displayed.</p> <p>The rules set out in the preceding Article, Paragraph 1, Subparagraphs 1 and 6 may apply to the display of the product name and place (or country) of origin.</p> <p>The font size of the characters indicating the place (or country) of origin as required by Paragraph 1 shall be at least three centimetres in height and width.</p> <p>Apart from complying with requirements stated in the above three paragraphs, organic agricultural products and in-conversion agricultural products that are sold loose shall also comply with the Food Safety and Sanitation Act, where appropriate.</p>	
<p>Article 20</p> <p>Only certified agricultural products may use the organic agricultural product labelling.</p> <p>The central authorities will decide the specifications, logo, usage rules and other compliance measures of the organic agricultural product labelling.</p>	
<p>Article 21</p> <p>Parties in the communications industry who agree to advertise for organic agricultural products or in-conversion agricultural products shall keep records of the entity's details asking for an advertisement for six months after broadcast of the advertisement, including full name or designation, National Identification Card number or Unified Business Number, residential address, business or office address, telephone number and advertising content. If the central authorities require disclosure of that advertising information, the parties in the communications industry may not avoid or refuse to provide it, or cover up any information.</p>	
<p>Article 22</p> <p>Competent authorities may dispatch personnel with ID cards to visit business premises or means of transport of an agricultural product operator that labels, displays or advertises for the production, processing, packaging, storage, or sale of organic or in-conversion organic products, whereupon the personnel may conduct inspections, spot checks, examinations, or request the agricultural operator to provide relevant certification or records. No one may refuse, avoid, or hinder the conduct of such visits.</p> <p>In order to handle a major or urgent incident relating to organic agricultural</p>	

<p>product safety, competent authorities may enter the business premises or means of transport mentioned in the paragraph above and conduct inspections. If the competent authorities are met with refusals, avoidance or hindrance, they may impose mandatory inspections and fine the agricultural product operator in accordance with Article 30, Paragraph 1, Subparagraph 3.</p>	
<p>Article 23  Inspection methods of organic agricultural products and in-conversion agricultural products will be announced by the central authorities. If no announcement is made, the inspection methods shall comply with the Act Governing Food Safety and Sanitation published by the Ministry of Health and Welfare. In the event that no announcement is made and that the Ministry of Health and Welfare has not indicated an inspection method, internationally recognised methods shall be used instead.</p>	
<p>Article 24  If agricultural product operators have objections to the inspection results, they shall make an application to the inspection body for a re-inspection within fifteen days of receipt of notification, and pay the re-inspection fees. Operators may only apply for re-inspection once.  The aforementioned inspection body which accepts re-inspection shall inform the personnel who conducted the first inspection of the re-inspection. However, re-inspections will be dismissed if the item to be inspected has spoiled or was not stored properly.</p>	
<p>Article 25  If the organic agricultural products or in-conversion agricultural products are found to contain biological and chemical substances, the competent authority may take one or more of the following actions:  (1) Prohibit the agricultural product operator or owner from moving the product to another location, order the product to be removed from shelves, recall the product, or take other appropriate action.  (2) The competent authority may order the party who places an advertisement to request that the advertisement is no longer published or broadcast and to recall the advertising materials, or it may order the party who broadcasts the advertisement to stop publishing or broadcasting the advertisement.</p>	
<p>Article 26  The competent authorities shall protect the identity of individuals reporting violations of this Act and provide a reward.  The central authorities shall establish reward schemes for reporting violations.</p>	
<p>Chapter 5 Penalties</p>	
<p>Article 27  In any of the cases below, a fine of no less than 600 000 TWD and no more than 60 000 000 TWD shall be imposed:  (1) Entities that conduct accreditation work without authorisation from the central authorities, in violation of Article 11, Paragraph 1.  (2) Accreditation bodies that are suspended from accepting new applications for accreditation but nonetheless accept new accreditation applications, in violation of Article 33, Paragraph 1.</p>	
<p>Article 28  Entities that have not been accredited by an accreditation body but have nonetheless carried out certification work, are in violation of Article 12 Paragraph 1 and shall be fined no less than 300 000 TWD and no more than 30 000 000 TWD.</p>	
<p>Article 29  If any of the following acts are committed, a fine of no less than 200 000 TWD and no more than 2 000 000 TWD shall be imposed for each violation:  (1) Using uncertified organic agricultural product labels, in violation of Article</p>	

<p>20, Paragraph 1.</p> <p>(2) Using the term 'organic' in labels, displays, or advertisements without authorisation for a period of time specified by competent authorities, in violation of Article 32, Paragraph 3.</p>	
<p>Article 30</p> <p>If any of the following acts are committed, a fine of no less than 100 000 TWD and no more than 1 000 000 TWD shall be imposed for each violation:</p> <p>(1) Refusing, avoiding or hindering the performance of an inspection by a competent authority; failing to comply with the rules, procedures and time frames set out by the central authorities; or failing to keep all relevant information and records, in violation of Article 12, Paragraph 3.</p> <p>(2) Failing to keep records; refusing, avoiding or hindering the provision of records; or providing false information, in violation of Article 21.</p> <p>(3) Refusing, avoiding or hindering competent authorities from entering premises or a means of transport, conducting inspections, spot checks or examinations, or failing to provide certification or records, or deliberately providing false certification or records, in violation of Article 22, Paragraph 1.</p> <p>(4) Failing to stop a broadcast when ordered to do so by a competent authority, in violation of Article 34, Paragraph 2.</p> <p>If agricultural product operators have been fined in accordance with Subparagraph 3 due to agricultural products being in violation of Article 15 Paragraphs 2 and 3, Article 16, and Article 17, Paragraph 1, competent authorities may enforce Article 22, Paragraph 1 and enter premises or means of transport to conduct mandatory inspections, spot checks or examinations.</p>	
<p>Article 31</p> <p>If agricultural product operators commit any of the following acts, they shall be fined no less than 60 000 TWD and no more than 600 000 TWD, to be applied for each violation:</p> <p>(1) Deliberately using biological or chemical substances, in violation of Article 15, Paragraph 2.</p> <p>(2) If the organic agricultural products or in-conversion agricultural products contain biological or chemical substances, in violation of Article 15, Paragraph 3. However, if the agricultural product operators can prove that necessary preventive measures have been adopted, no fines will be imposed.</p> <p>(3) If the agricultural products have not passed certification, or have not passed import inspections, but nonetheless use the term 'organic' in labels, on displays, or in advertisements in Chinese or in a foreign language, or otherwise using misleading information, in violation of Article 16, Paragraphs 1 and 2, or Article 17, Paragraph 1.</p> <p>(4) In violation of Article 16, Paragraph 3, agricultural product operators who are non-natural persons using the term 'organic' in all or part of their entity names, when their agricultural products have not passed certification or inspection, as specified in Article 17, Paragraph 1, Subparagraph 2.</p> <p>(5) Using the term 'organic' in labels, displays, or advertisements without authorization for a period of time specified by competent authorities, in violation of Article 32, Paragraph 3.</p> <p>For violations of the nature described in Subparagraph 2 above, penalties shall be applied in accordance with Article 44, Paragraph 1, Subparagraph 2 of the Act Governing Food Safety and Sanitation and not this Act.</p> <p>If agricultural product operators have followed the instructions given by a commissioning agent or a client in the course of production, processing, packaging, or distribution of agricultural products, and if any of the above subparagraphs in Paragraph 1 are violated, the commissioning agent or the client who gave instructions will be penalised.</p>	
<p>Article 32</p>	

<p>If agricultural products operators commit any of the following acts, a fine of no less than 30 000 TWD and no more than 300 000 TWD shall be imposed. Rectifications shall be made within a specified time period; failing that, penalties shall be applied for each violation:</p> <p>(1) Using labels that do not comply with Article 18, Paragraph 1, using labels with false information, or failing to change the original label within three months of the occurrence of an information change, as specified in Article 18 Paragraph 4.</p> <p>(2) Failing to display the product name or place of origin, or failing to display a copy of certification documents for the organic agricultural products and organic agricultural products in conversion, or a copy of the organic labelling approval document, as specified in Article 19 Paragraph 1.</p> <p>(3) Violating rules relating to the specifications, logo or usage of labels as specified in Article 20, Paragraph 2.</p> <p>If the agricultural product in question has been certified for less than a year, then instead of issuing a penalty, the competent authority shall first order the operator to rectify the situation within a certain time period. If the situation is not rectified within the time period specified, the operator will be penalised according to rules set out in the aforementioned paragraphs.</p> <p>If any of the subparagraphs in Paragraph 1 above are violated, the competent authority will order the agricultural product operator to suspend the use of organic agricultural product labelling or the term 'organic' for a period of more than three months but less than a year.</p>	
<p>Article 33</p> <p>If an accreditation authority commits any of the following acts, the central authorities may decide, depending on the severity of the situation, to issue a warning, or to order a suspension of accreditation on new applications, for a period of no less than two months but no more than two years:</p> <p>(1) Refusing without cause an accreditation application, or accepting accreditation applications from countries or regions outside of the scope of its licence, in violation of Article 11, Paragraph 1, Subparagraph 1.</p> <p>(2) Failing to examine accreditation cases according to the accreditation criteria, in violation of Article 11, Paragraph 1, Subparagraph 2.</p> <p>(3) Refusing without cause to sign a contract with parties that have passed accreditation, in violation of Article 11, Paragraph 1, Subparagraph 3.</p> <p>(4) Failing to issue an accreditation certificate to a certification body in accordance with the type of certification work, in violation of Article 11, Paragraph 1, Subparagraph 4.</p> <p>(5) Failing to report any amendments to accreditation criteria to the central authority within seven days, in violation of Article 11, Paragraph 3, Subparagraph 1.</p> <p>(6) Failing to keep records relating to accreditation for at least five years or keeping false records, in violation of Article 11, Paragraph 3, Subparagraph 2 or failing to follow the procedures set out by the central authorities regarding keeping reports for future reference in accordance with Article 11, Paragraph 4.</p> <p>(7) Refusing, avoiding or hindering the proceedings of an audit by the central authorities, in violation of Article 11, Paragraph 3, Subparagraph 3.</p> <p>(8) Failing, without cause, to meet with certification bodies accredited by the central authorities, upon notification by the latter, in violation of Article 11, Paragraph 3, Subparagraph 4.</p> <p>(9) Failing to notify the central authorities within thirty days if any changes are made to the information on the licence of the accreditation body, in violation of Article 11, Paragraph 3, Subparagraph 5.</p> <p>(10) Failing to comply, within ten days, with terms stipulated in the contract, in violation of Article 11, Paragraph 3, Subparagraph 6.</p> <p>(11) Violating the items specified by the central authorities regarding evaluation arrangements, as specified in Article 11, Paragraph 4.</p>	

<p>If the central authorities suspend an accreditation body from conducting accreditation work twice in three years and it commits an act in violation of any of the aforementioned rules a third time, the central authorities will revoke the accreditation body's licence and bar the accreditation body from applying for a new licence for the next two to five years, in accordance with Article 11, Paragraph 1.</p> <p>If an accreditation body has its licence revoked in accordance with the rules above, certification bodies previously accredited by that accreditation body may continue their certification contracts with the central authorities acting as their accreditation body, beginning on the date on which the former accreditation body's licence is revoked. These certification bodies shall seek to sign contracts with other accreditation bodies within the period of announcement by the central authorities.</p>	
<p>Article 34</p> <p>If any violations regarding agricultural products advertised in related advertisements are committed as described in subparagraphs in Article 30, Paragraph 1, Article 32, Paragraph 1 or Article 33, Paragraph 1, penalties will be imposed by the competent authority in accordance with the rules in this Act, and the following measures will be taken:</p> <p>(1) The party that placed the advertisement will be required place a new advertisement with rectifications of certain content, with the same page size (in the case of print media), or the same time slot (in terms of broadcast media) as the previous advertisement, to be published or broadcast for a certain number of times. The content shall include an apology and clarify any misleading information.</p> <p>(2) Competent authorities may order the advertising company to stop publishing or broadcasting the advertisement, or to remove advertising materials.</p>	
<p>Article 35</p> <p>If any of the Paragraphs or Subparagraphs in Articles 29 to 32 are violated, the competent authorities shall impose a penalty in accordance with this Act. Furthermore, the competent authorities shall announce the details of the violation, the name of the agricultural product, the name and adress of the agricultural product operator, the name of the legal person or group, the office or business premise, the name of the manager or representative, and the place and date of the spot check of the agricultural product.</p>	
<p>Article 36</p> <p>Penalties shall be imposed by competent authorities of special municipalities, counties (or cities) unless otherwise specified. However, penalties for accreditation bodies and certification bodies shall be imposed by the central authorities.</p>	
<p>Chapter 7 Supplementary Provisions</p>	
<p>Article 37</p> <p>If countries that have been recognised by the central authorities as having equivalence regarding organic imports before this Act is implemented do not sign bilateral protocols or agreements recognising the equivalence of organic regulations within one year of implementation of this Act, the central authorities shall make an announcement to revoke the equivalence recognition.</p> <p>Nationally accredited certification bodies that have had their organic equivalence revoked for the above reasons may still use the term 'organic' on labels, displays and advertisements for any certified agricultural products that have been examined by the central authorities and were imported before the organic equivalence revocation came into force.</p>	
<p>Article 38</p> <p>Accreditation and certification bodies that carry out their respective accreditation and certification work on organic agricultural products according to the rules of the Agricultural Production and Certification Act will be considered working in compliance with this Act within six months after the implementation of this Act.</p> <p>Before the central authorities make an announcement in accordance with Article 13, Paragraph 2, the agricultural product quality types, varieties and certification</p>	

<p>criteria as specified in Article 13, Paragraph 1 will not yet be in effect, and the rules specified in Article 5, Paragraph 2 of the Agricultural Production and Certification Act will be used instead.</p>	
<p>Article 39</p> <p>When no organisation, institution or legal person acts as a domestic accreditation body, the central authorities shall announce the designation of an organisation, an institution, a school, or a legal person to act as an accreditation body (an 'appointed accreditation body') for a certain period of time. Certification bodies who have not yet signed a contract with the appointed accreditation body in accordance with Article 12, Paragraph 1, shall sign a contract with the appointed accreditation body within seven days from the date of entry into force of said announcement.</p> <p>When no organisation, institution or legal person acts as a domestic certification body, the central authorities shall announce the appointment of an organisation, an institution, school or a legal person to act as a certification body (hereafter known as the appointed certification body) for a certain period of time. Agricultural product operators who have not signed a contract with the appointed certification body in accordance with Article 13, Paragraph 1, shall sign a contract with the appointed certification body within seven days from the date of entry into force of said announcement.</p>	
<p>Article 40</p> <p>Detailed rules for implementation of this Act shall be laid down by the central authorities.</p>	
<p>Article 41</p> <p>This Act shall come into force on the date of promulgation.</p>	