

The Partial Amended Provisions for the Regulations of Inspection of Imported Foods and Related Products

Article 4 Obligatory Inspection Applicants shall submit the following documents and papers to the inspection authority for inspection:

1. An application form for inspection.
2. A declaration form of product information.
3. A photocopy of application for import declaration.
4. Necessary documents and papers required by the Food and Drug Administration, Ministry of Health and Welfare (hereinafter as "TFDA").

In accordance with Article 32 of the Act, the inspection authority may require Obligatory Inspection Applicants to provide other necessary documents and papers. The Obligatory Inspection Applicants shall not evade, obstruct or refuse.

The forms of inspection in Paragraph 1 may be by electronic files or any other manner required by TFDA.

Article 5 (Discard)

Article 17 Verifying and sampling of inspection shall conduct in the place where the products were stored. If the products were shipped in full container load, which shall be verifying and sampling in the centralized inspection area of port or where be approved by TFDA, but if it takes too long or has other difficult situations, TFDA shall ask to open container for warehouse delivery.

During the verifying and sampling in preceding paragraph, Obligatory Inspection Applicants shall cooperate accordingly and cannot appoint any specific sample.

Article 19 Due to requiring five or more days for examination, or sampling of such products is difficult in a container yard, or the product is perishable, or the products in bulk and no warehouse in wharf, after the obligatory inspection applicant sign an affidavit of custodial responsibility, the inspection authority may issue a Notice of Prior Release for import for customs clearance. However, for products designated for batch-by-batch inspection shall be retained at border temporarily.

Article 19-1 If the product which applied or labeled as Organic Agricultural Product, is substantiation of their compliance with the Act and other related laws and regulations, after the obligatory inspection applicant sign an affidavit of custodial responsibility, the inspection authority may issue a Notice of Prior Release for import for customs clearance before the applicant gets Approval Documents for Organic Agricultural Products.

Article 20 Products that belong to one of the following situations, and conformed to the preceding two Articles by the inspection authority, the authority may issue a prior release notice after the obligatory inspection applicant paying a guarantee bond :

1. Products were belonging to Reinforced randomly-selected batch inspection.
2. Products were belonging to Oversee inspection and the result is not qualified.
3. The obligatory inspection applicant fails to finish the process of inspection after elapse of ninety days from the inspection authority issued a prior release notice, and applies for prior release notice again.

The amount of the guarantee bond in the preceding paragraph shall be twice as the products DDP (Delivered Duty Paid) price.

Article 21 Paying the guarantee bond in accordance with preceding article by an obligatory inspection applicant shall be by financial-institutions-issued cashier's check or check, or postal order.

With any of the following conditions and no violation of Subparagraph 3 of Article 51 of the Act, the obligatory inspection applicant may request the inspection authority to refund the guarantee bond.

1. After the products applied for inspection conform to the regulations, and earned a permission notice.
2. The products applied do not conform to the regulations but deal with them in accordance with the provisions Article 24.

Article 23 Products that fail to conform to the regulations, a

notification of noncompliance for import food and relevant products shall be issued.

The obligatory inspection applicant can apply for re-examination to the original inspection authority within 15 days upon the receipt of the notification of results. Application for re-examination is limited to one time only and shall be performed by the original inspection authority using remaining samples for the re-examination.

Remaining samples of products that do not conform to regulations shall be destroyed at the end of the period of application for re-examination.

Article 24 Imported products that do not conform to regulations upon inspection shall be disposed of in one of the following ways by the obligatory inspection applicant:

1. Return or destroy.
2. For products do not conform to Article 17 or Article 18 of this Act or violate Paragraph 1 of Article 21 of this Act, the obligatory inspection applicant may apply to TFDA for disinfection, reconditioning or taking the enforcement of appropriate safety measures.
3. For products violate Article 22, Article 24, Article 26, Article 27 or Paragraph 1 of Article 28 of this Act, the obligatory inspection applicant may apply to TFDA for relabeling.

When the obligatory inspection applicant takes appropriate action in accordance with the Subparagraph 2 or 3 of the preceding Paragraph, the TFDA may issue a prior release notice to the obligatory inspection applicant and then takes disinfection, reconditioning, enforcement of appropriate safety measures or relabeling.

If imported products that have been released via a prior release notice fail an inspection, the inspection authority shall order the obligatory inspection applicant to retrieve and take appropriate action in accordance with the provisions of Paragraph 1 of this Article.

Article 27-1 The Certificate of course completion according to Article 5 herein before the amended and came into enforcement in October 18 2018 shall be still valid for the valid period.