

# Agro-pesticide Act Regulations for Implementation

(In case of any discrepancy between the Chinese text and the English translation thereof, the Chinese text shall govern.)

Promulgated by the Council of Agriculture on September 17, 1997  
per its order referenced 86 Nung-Liang-Tze No. 86147913

## Chapter I. GENERAL PROVISIONS

### Article 1

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

### Article 2

As used in this the Act:

"Useful fungi" under paragraph 1(1) of Article 3 of the Act, denotes the agriculturally or industrially useful molds, yeast, or mushrooms.

"Products originating from plants, whether processed or not, which are likely to spread plant diseases and pests" under paragraph 1(2) of Article 3 of the Act, denotes the seeds or their embryos, bulbs, rhizomes, tubers, fresh fruits, nuts, dry fruits, vegetables, fresh flowers, dry flowers, grains, fresh medicinal herbs, lumbers or woods, and organic media.

"Any pathogenic agent that is directly or indirectly injurious to plants" under paragraph 1(3) of Article 3 of the Act, denotes the fungi, slime molds, bacteria, viruses, viroids, phytoplasmas, parasitic plants, weeds, nematodes, insects, acarines, mollusks, and other invertebrate animals.

"Substances to which plants are attached or fixed to maintain plant life" under paragraph 1(6) of Article 3 of the Act, denotes the soils, peat and other natural or artificial media.

The objects not listed in the preceding paragraph 1(1) through 1(3) may be designated by an administrative order issued by the central competent authority to prevent the occurrence and spread of plant diseases and pests. Those designated shall be deemed applicable to this Act and the Enforcement Rules.

### Article 3

The term "plant quarantine agency responsible for inspection of plants and plant products to be exported and imported" under the third paragraph of Article 4 of the Act, is referred to the Bureau of Commodity Inspection and Quarantine, Ministry of Economic Affairs, before the establishment of a designated agency responsible for administering the functions of plant

quarantine.

#### Article 4

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

1. “Necessary places” denotes the airports, harbors, railroad or bus stations, post offices, warehouses, commodity centralizing areas, nurseries or fields, quarantine sites, or other related areas.
2. “Relevant data” denotes the phytosanitary certificates, bills of lading and delivery order, packing list or other related documents.
3. “Relevant party” denotes the custom declaration or examination agents, the captains of vehicles, vessels or aircraft, business representatives or other managing personnel.

#### Article 5

The term “Government authority concerned” under Article 6 of the Act denotes the agencies responsible for transportation, custom, environmental protection, or prosecution and police, or other relevant agencies.

### Chapter II. PLANT PROTECTION

#### Article 6

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

- (1) cultivated plants, plants for propagation, or plant products;
- (2) soils or cultivating medium;
- (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

Owners, possessors, managers, or cultivators of plants or plant products shall immediately report to the competent authority at each appropriate level when control measures are practiced but are ineffective in curtailing the spread of a specific pest found on their plants or

plant products thereof.

#### Article 8

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 finding to the central competent authority pursuant to Articles 8 and 11 of the Act.

#### Article 9

The municipal or county (city) competent authority, in conducting an emergency control measure pursuant to Article 11 of the Act, shall report the process of conducting such a measure to the central competent authority and notify the same to other adjacent municipal or county (city) competent authorities.

#### Article 10

If the plants or plant products thereof shall be removed or destroyed pursuant to paragraph 1(1) and 1(2) of Article 11 of the Act, but are not removed or destroyed within a time limit as specified, the municipal or county (city) competent authority, in addition to imposing a fine pursuant to Article 24 of the Act, may initiate actions to remove or destroy the said plants or plant products, the cost required for such actions shall be borne by their owners, possessors, managers, or cultivators.

#### Article 11

In conducting regional joint control measures pursuant to paragraph 1(4) 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 (cheng, city, or district) governments within its authority or civic organizations to assist farmers in implementing such measures.

### Chapter III. PLANT QUARANTINE

#### Article 12

Prior approval by the plant quarantine agency shall be obtained for the importation of plants and plant products thereof that are to be unloaded for transshipment through specific countries or regions

#### Article 13

Importation of the articles specified under Article 15 of the Act is limited for experimental, research or instructional use by research agencies (institutions) or schools.

#### Article 14

Application for approval by the central competent authority to import the articles specified under Article 15 of the Act shall be in form with supporting documents or information listed as follows:

- (1) related experimental, research or instructional projects;
- (2) name, quantity, source or other characteristics of the articles to be imported;
- (3) address and safety features of isolation site for post-entry quarantine;
- (4) management project for post-entry quarantine; and
- (5) other related information required by the central competent authority.

#### Article 15

For importing the articles specified under Article 15 of the Act, the procedures listed below shall be followed:

- (1) An import permit shall be issued to the importer after the central competent authority approves the application for importation. The importer thereof shall forward the original import permit to the exporter for affixing on the package for the articles. The articles shall be imported under the procedures as approved.
- (2) The imported articles shall be inspected and approved for importation by the plant quarantine agency, and being transported to or informed for received by the importer.
- (3) The importer shall use the imported articles consistent with the intended purpose only at a location designated by the plant quarantine agency.
- (4) Whenever high-risk pests are found and likely to spread in the use of the imported articles, the importer shall immediately notify the plant quarantine agency to take appropriate control measures with the cost borne by the importer.
- (5) The importer shall destroy the imported articles under the supervision of the plant quarantine agency after the approved time limit for the use of the articles is expired. The importer shall notify the central competent authority within one month after the destruction action is taken.
- (6) The importer shall be subject to supervising by the plant quarantine agency during the time the articles are being used. The importer shall not evade, interfere or refuse such supervision.
- (7) The importer shall submit a report on the result of the use of the articles to the central competent agency within one month after the expiration date. Related experimental reports or publications shall bear the document number of the import permit thereof.

If the importer violates any provision under paragraph 1(3) through 1(6) of the preceding paragraph, resulting in the occurrence of a designated plant disease or pest, the emergency

control measures shall be taken under Article 11 of the Act.

#### Article 16

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

#### Article 17

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

- (1) phytosanitary certificate;
- (2) bills of lading and delivery order;
- (3) proof of values; and
- (4) other supporting documents specifically required by the plant quarantine agency.

#### Article 18

In order to carry out the plant quarantine inspection of imported plants or plant products are performing pursuant to Article 17 of the Act, the plant quarantine agency may coordinate with the competent authority of navigation to review ship logs or other related documents.

#### Article 19

Plant quarantine officials in coordination with personnel from other related agencies shall conduct on-site quarantine inspections of large quantity of grains carried by a cargo ship, upon arrival at a harbor or station. The cargoes are prohibited from being unloaded before completion of quarantine inspection.

#### Article 20

Packages used for importing plants or plant products by mail shall affix with a clearly legible label, indicating the contents of plants or plant products thereof.

#### Article 21

Passengers or personnel of vehicle, vessel or aircraft carrying plants or plant products shall apply for plant quarantine inspection upon arrival at the port of entry.

#### Article 22

Imported plants required for pos-entry quarantine pursuant to Article 16 of the Act shall be isolated for quarantine inspection at an quarantine field sites designated by the plant

quarantine agency.

#### Article 23

Importers of plants, which are isolated as required by the preceding Article and found to be free of pests or infested with pests deemed to be of low risk, shall remove the plants thereof from the isolation field site within a time limit upon notification by the plant quarantine agency; otherwise the plants shall be disposed by the quarantine agency.

#### Article 24

Importers of plants, which are required to be isolated for post-entry quarantine, shall assist in managing the imported plants during the quarantine isolation period and provide necessary fertilizers, pesticides and other materials.

#### Article 25

Quarantine inspections shall be periodically conducted at the quarantine field sites. When needed, related experts may be consulted for assistance in such inspections.

#### Article 26

Importers, or their agents, of plants undergoing post-entry quarantine may enter into the quarantine field sites for management or observation purposes with the approval by the plant quarantine agency, providing that related guidelines are followed.

#### Article 27

Plants or plant products in transit that are suspected to be infested with or have potential of spreading pests may be subject to appropriate quarantine or other safety measures by the plant quarantine agency.

#### Article 28

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

- (1) export certificate;
- (2) proof of values; and
- (3) other supporting documents required by the plant quarantine agency.

#### Article 29

If requested by the importing country, quarantine labels for plants or plant products approved for export, which have received phytosanitary certificates pursuant to Article 20 of the Act, may

be issued by the plant quarantine agency. Quarantine tags for plants or plant products thereof, within limited quantity, hand-carried by passengers or by mail may also be issued by the plant quarantine agency.

#### Article 30

If plants or plant products to be exported pursuant to Article 20 of the Act are deemed failure 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 agency. If the applicant fails to retrieve within a time limit, the plants or plant products shall be disposed by the plant quarantine agency.

#### Article 31

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

#### Article 32

Resubmission of the application for quarantine inspection of the plants or plant products, which have been determined as failure to meet the requirements, shall be prohibited.

#### Article 33

Formats for the certificates, tags, or other documents of proof mentioned in the Act and enforcement rules shall be determined by the central competent authority or the plant quarantine agency.

#### Article 34

This enforcement rules become effective on the date of promulgation.