

Operation Rules for Review and Assessment of World Trade Organization Members or Countries in Organic Equivalence

Legislative history

1. Full text of 9 rules was promulgated by the Council of Agriculture on June 6, 2019 per Order Nung-Liang-Tzu-Tze 1081069451A.

1. These Rules have been established by the Council of Agriculture, Executive Yuan (hereinafter referred to as the COA) to review and assess countries or members of World Trade Organization (WTO) in organic equivalence in accordance with Article 9 of the Enforcement Rules for Organic Agriculture Promotion Act.
2. Any country or WTO member who applies for review of organic equivalence (hereinafter collectively referred to as the Applicant) shall file applications with the following documents, to the COA:
 - (1) A letter of application, specifying the scope of the products applied for review and the information of contact persons;
 - (2) A comparison of the laws and regulations for management of organic agriculture between the Applicant and the ROC;
 - (3) Status of organic agriculture, which shall include the amount of certification bodies, the amount of certified farmlands and processing factories and the area of cultivation certified organic; and
 - (4) Management framework and measures for organic products, which shall include product testing, examination of labeling and disposal of violation cases, among other matters.
3. To conduct the review indicated in the previous article, the COA may invite relevant government authorities, experts, scholars, industries or institutions and organizations which have interests involved on a case-by-case basis to form the organic equivalence review team (hereinafter referred to as the Review Team), which shall participate in the review. The COA may require the Applicant to cooperate for on-site assessment, if necessary.
4. For conducting the on-site assessment in the previous article, except for competent staff designated by the COA, the COA may also appoint at least one person respectively from accreditation bodies, the Review Team and the experts or scholars in the field of relevant technologies, to form the assessment team, which shall participate in on-site assessment operation.
5. Targets to be assessed on-site by the assessment team are listed below and may be expanded if necessary.
 - (1) Accreditation bodies, or conformity assessment institutions with equivalent functions;
 - (2) Certification bodies: Preferably, two certification bodies shall be assessed (headquarters assessment). The number of certification bodies to be assessed may be increased or reduced, if necessary.
 - (3) Operators: Two of the operators that have been certified by the certification body shall be assessed (witness assessment). The number of operators to be assessed may be increased, if necessary.

6. An on-site assessment schedule for the assessment team shall be prepared and submitted by the Applicant to the COA and shall be followed only with the consent of the COA. Local transportation and translation expenses incurred during the assessment period shall be borne by the Applicant. Expenses of flight tickets to/from the applying country or area, meals, accommodations and relevant matters shall be borne by the COA.
7. From the arrival of the assessment team members at the airport in the territory of the Applicant, the Applicant shall arrange staff to provide pick-up and drop-off services and shall also designate a person or persons to accompany the assessment team all the way throughout the assessment so as to ensure the successful completion of the assessment schedule and the safety of the assessment personnel.
8. Preferably, the assessment team shall conduct on-site assessment in Chinese. In a non-Chinese speaking country, the Applicant shall arrange a person who is proficient in the local language and Chinese to interpret for the assessment team.
9. The assessment team shall submit an assessment report in Chinese to the COA after returning to the ROC. The COA shall have it translated into English and then deliver an English copy to the Applicant in writing.