

Criteria for Determining the Penalties for Violating Organic Agriculture Promotion Act

Legislative history

This Criteria was promulgated on Jun. 13, 2019 per Order Nung-Liang-Tze 1081069433A.

1. This Criteria is established by the Council of Agriculture, Executive Yuan (hereinafter referred to as the COA) to address all incidents concerning violations of the Organic Agriculture Promotion Act (hereinafter referred to as the Act) and establish clear and consistent guidelines to enhance law enforcement efficiency and credibility.
2. The competent authority shall refer to the Table of the Criteria for Determining the Penalties for Violating Organic Agriculture Promotion Act (attached as the Appendix) to impose penalties on those who violate the Act.
The number of violations provided in the Table indicated in the previous paragraph shall be calculated backward to a year from the date of latest violation.
3. When the domestic production, processing, distribution or importing of agricultural products is found in violation of the Act, the operator who assumes the final responsibility for such products shall be punished.
4. When imported agricultural products are found in violation of the Act, the importer shall be held liable to take the legal punishment.
5. The number of violations shall be decided as follows:
 - (1) If different types of agricultural products from an operator are found in violation of the same provisions of the Act, such violations shall be deemed as different acts of violation.
 - (2) If different batches of the same type of agricultural products of an operator are found in violation of the same provision of the Act (e.g. date of expiration, date of manufacturing, date of production, and batch number), such violations shall be deemed as different acts of violation.

- (3) If the agricultural products on which a fine has been imposed for violation of the Act or which have been ordered to be corrected, withdrawn or recalled from the market within a given period are found in violation of the same provisions of the Act after the payment of the fine or the expiration of the period, such violations shall be deemed as different acts of violation, which will be counted toward the number of violations.
- 6. All penalties, except those on accreditation bodies or certification bodies, shall be imposed by the municipal/county/city governments where the household address of the violator or the address of the violating incorporation or group is registered.

Appendix: Table of the Criteria for Determining the Penalties for Violating Organic Agriculture Promotion Act

Unit: NTD

Violated Article	Content of the Article	Violation Description	Legal Grounds for Punishment	Violation Recurrence	Penalty or Fine Imposed	Applicable Subject
Paragraph 1 of Article 11	The entity that engages in accreditation activities shall apply for and obtain the permission from the Central Competent Authority.	Engaging in accreditation activities without the permission issued by the Central Competent Authority	Subparagraph 1 of Article 27	For the first time	NTD600,000	Entity engaging in accreditation activities
				For the second time	NTD12,000,000	
				For the third time	NTD24,000,000	
				For the fourth time	NTD36,000,000	
				For the fifth time	NTD48,000,000	
Paragraph 2 of Article 11	Upon expiration of the certificate of permission, the accreditation entity shall apply for renewal with the Central Competent Authority.	Engaging in accreditation activities before obtaining the renewal approved by the Central Competent Authority		For more than six times	NTD60,000,000	
Paragraph 1 of Article 12	The entity that engages in certification activities shall be accredited by an accreditation body and receive the accreditation certificate.	Engaging in certification activities before accredited by an accreditation body and obtaining the accreditation certificate.	Article 28	For the first time	NTD300,000	Entity engaging in certification activities
				For the second time	NTD6,000,000	
				For the third time	NTD12,000,000	
				For the fourth time	NTD18,000,000	
				For the fifth time	NTD24,000,000	
				For more than six times	NTD30,000,000	
Paragraph 4	The certification body	The certification body evades,	Subparagraph 1	For the first time	NTD100,000	Certification

Violated Article	Content of the Article	Violation Description	Legal Grounds for Punishment	Violation Recurrence	Penalty or Fine Imposed	Applicable Subject
of Article 12	shall coordinate with the competent authority for its examination and provide data and records and shall retain relevant data and records in accordance with the regulations provided for by the Central Competent Authority.	impedes or refuses the examination conducted by the competent authority, provides false data or records, or fails to retain relevant data and records in accordance with the regulations provided for by the Central Competent Authority.	of Article 30	For the second time	NTD200,000	body
				For the third time	NTD400,000	
				For the fourth time	NTD600,000	
				For the fifth time	NTD800,000	
				For more than six times	NTD1,000,000	
Paragraph 2 of Article 15	The operator shall not use prohibited substances.	The operator uses prohibited substances.	Subparagraph 1 of paragraph 1 of Article 31	For the first time	NTD60,000	Operator
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	
				For the fifth time	NTD480,000	
				For more than six times	NTD600,000	
Paragraph 3 of Article 15	The operator shall ensure the organic agricultural products and in-conversion agricultural products contain no	The organic agricultural products or in-conversion agricultural products contain prohibited substances.	Subparagraph 2 of paragraph 1 of Article 31	For the first time	NTD60,000	Operator
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	
				For the fifth time	NTD480,000	

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	prohibited substances.			For more than six times	NTD600,000	
Paragraph 1 and 2 of Article 16	Agricultural products shall be certified qualified before they can be sold, labeled, displayed or advertised as organic or in-conversion agricultural products.	Agricultural products are sold, labeled, displayed or advertised as organic or in-conversion agricultural products before being certified qualified, or in a manner that people might think they are organic.	Subparagraph 3 of paragraph 1 of Article 31	For the first time	NTD60,000	Operator
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	
				For the fifth time	NTD480,000	
				For more than six times	NTD600,000	
Paragraph 3 of Article 16	All agricultural products sold by a non-natural operator that uses the term “organic” as a whole or a part of its name shall be certified qualified or reviewed qualified upon importation.	Any of the agricultural products sold by a non-natural operator that uses the term “organic” as a whole or a part of its name is not certified qualified or reviewed qualified upon importation.	Subparagraph 4 of paragraph 1 of Article 31	For the first time	NTD60,000	Non-natural operator
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	
				For the fifth time	NTD480,000	
				For more than six times	NTD600,000	
Paragraph 1 of Article 17	Imported agricultural products shall be certified or reviewed qualified before being sold,	Imported agricultural products not being certified or reviewed qualified are sold, labeled, displayed or	Subparagraph 3 of paragraph 1 of Article 31	For the first time	NTD60,000	Importer
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	

Violated Article	Content of the Article	Violation Description	Legal Grounds for Punishment	Violation Recurrence	Penalty or Fine Imposed	Applicable Subject
	labeled, displayed or advertised as organic.	advertised as organic or in a manner that people might think they are organic.		For the fifth time	NTD480,000	
				For more than six times	NTD600,000	
Paragraph 1 of Article 18	The container or packaging of organic agricultural products and in-conversion agricultural products shall be indicated with required items.	The container or packaging of organic agricultural products and in-conversion agricultural products is not indicated as required or is indicated falsely.	Subparagraph 1 of paragraph 1 of Article 32	For the first time	Notice to correct within a specified period	Operator
				For the second time	NTD30,000	
				For the third time	NTD60,000	
				For the fourth time	NTD120,000	
				For the fifth time	NTD180,000	
				For the sixth times	NTD240,000	
				For more than seven times	NTD300,000	
Paragraph 3 of Article 18	For any change to the subject matter being indicated on the container or packaging of organic agricultural products and in-conversion agricultural products, the label shall	For any change to the subject matter being indicated on the container or packaging of organic agricultural products and in-conversion agricultural products, the label is not updated within the period	Subparagraph 1 of paragraph 1 of Article 32	For the first time	Notice to correct within a specified period	Operator
				For the second time	NTD30,000	
				For the third time	NTD60,000	
				For the fourth time	NTD120,000	

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	be updated within the period provided.	provided.		For the fifth time	NTD180,000	
				For the sixth times	NTD240,000	
				For more than seven times	NTD300,000	
Paragraph 1 and 2 of Article 19	The operator selling organic agricultural products and in-conversion agricultural products in bulk package shall display relevant matters required.	The operator selling organic agricultural products and in-conversion agricultural products in bulk package does not display relevant matters required.	Subparagraph 2 of paragraph 1 of Article 32	For the first time	Notice to correct within a specified period	Operator
				For the second time	NTD30,000	
				For the third time	NTD60,000	
				For the fourth time	NTD120,000	
				For the fifth time	NTD180,000	
				For the sixth times	NTD240,000	
				For more than seven times	NTD300,000	
Paragraph 3 of Article 19	The regulations governing the items, methods, and other requirements regarding indication and display required shall be	The operator selling organic agricultural products and in-conversion agricultural products violates the regulations governing the items, methods, and other	Subparagraph 3 of paragraph 1 of Article 32	For the first time	Notice to correct within a specified period	Operator
				For the second time	NTD30,000	
				For the third time	NTD60,000	

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	complied with.	requirements regarding indication and display required.		For the fourth time	NTD120,000	
				For the fifth time	NTD180,000	
				For the sixth times	NTD240,000	
				For more than seven times	NTD300,000	
Paragraph 1 of Article 20	Only agricultural products certified as organic under the Act are allowed to be labeled with organic mark.	The agricultural products that have not been certified as organic are labeled with organic mark.	Subparagraph 1 of Article 29	For the first time	NTD200,000	Operator
				For the second time	NTD400,000	
				For the third time	NTD800,000	
				For the fourth time	NTD1,200,000	
				For the fifth time	NTD1,600,000	
				For more than six times	NTD2,000,000	
Paragraph 2 of Article 20	Regulations stipulating the use condition and other requirements regarding the organic mark shall be complied with.	The operator fails to comply with the regulations stipulating the use condition and other requirements regarding the organic mark.	Subparagraph 4 of paragraph 1 of Article 32	For the first time	Notice to correct within a specified period	Operator
				For the second time	NTD30,000	
				For the third time	NTD60,000	
				For the fourth time	NTD120,000	
				For the fifth time	NTD180,000	
				For the sixth time	NTD240,000	

Violated Article	Content of the Article	Violation Description	Legal Grounds for Punishment	Violation Recurrence	Penalty or Fine Imposed	Applicable Subject
				For more than seven times	NTD300,000	
Article 21	Those entrusted to disseminate advertisement about agricultural products shall retain the information concerning the entruster and provide the information required.	Those entrusted to disseminate advertisement about agricultural products fail to retain the information concerning the entruster, fail to provide the information required, or provide false information.	Subparagraph 2 of Article 30	For the first time	NTD100,000	Those entrusted to disseminate advertisement about agricultural products
				For the second time	NTD200,000	
				For the third time	NTD400,000	
				For the fourth time	NTD600,000	
				For the fifth time	NTD800,000	
				For more than six times	NTD1,000,000	
Article 22	The operator shall cooperate with the competent authority for inspection and sampling for test and provide relevant data and records.	The operator evades, hinders or refuses the inspection or sampling for test conducted by the competent authority, or fails to provide relevant data and records or provides false data and records.	Subparagraph 3 of Article 30	For the first time	NTD100,000	Operator
				For the second time	NTD200,000	
				For the third time	NTD400,000	
				For the fourth time	NTD600,000	
				For the fifth time	NTD800,000	
				For more than six times	NTD1,000,000	
Paragraph 2 of Article 32	The operator shall stop using organic marks when the competent authority orders it to do so.	The operator still uses organic marks when the competent authority orders it to stop using the organic marks.	Subparagraph 2 of Article 29	For the first time	NTD200,000	Operator
				For the second time	NTD400,000	
				For the third time	NTD800,000	
				For the fourth time	NTD1,200,000	

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				For the fifth time	NTD1,600,000	
				For more than six times	NTD2,000,000	
Paragraph 2 of Article 32	The operator shall stop selling, labeling, displaying or advertising its agricultural products as organic when the competent authority orders it to do so.	The operator still sells, labels, displays or advertises its agricultural products as organic when the competent authority orders it to stop such sale, labeling, display or advertisement.	Subparagraph 5 of paragraph 1 of Article 31	For the first time	NTD60,000	Operator
				For the second time	NTD120,000	
				For the third time	NTD240,000	
				For the fourth time	NTD360,000	
				For the fifth time	NTD480,000	
				For more than six times	NTD600,000	
Paragraph 1 of Article 33	The accreditation body shall stop accepting new accreditation applications when the competent authority orders it to do so.	The accreditation body still accepts new accreditation applications when the competent authority orders it to stop accepting new accreditation applications.	Subparagraph 2 of Article 27	For the first time	NTD600,000	Accreditation body
				For the second time	NTD12,000,000	
				For the third time	NTD24,000,000	
				For the fourth time	NTD36,000,000	
				For the fifth time	NTD48,000,000	
				For more than six times	NTD60,000,000	
Article 34	When the operator is punished pursuant to Article 31 or 32, the broadcaster entrusted to	The broadcaster entrusted to advertise the agricultural products violates the decision provided by the competent	Subparagraph 4 of Article 30	For the first time	NTD100,000	Those entrusted to disseminate advertisement
				For the second time	NTD200,000	
				For the third time	NTD400,000	
				For the fourth time	NTD600,000	

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	advertise the agricultural products shall cooperate to deal with the matters required.	authority in accordance with Article 34.		For the fifth time	NTD800,000	about agricultural products
				For more than six times	NTD1,000,000	