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:
 - 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products on which a fine has been imposed for violation of the Act or which have been ordered to be corrected, withdrawn or recalled from the market within a given period are found in violation of the same provisions of the Act after the payment of the fine or the expiration of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.

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

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

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

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

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

Violated	Content of the Article	Violation Description	Legal Grounds	Violation Recurrence	Penalty or Fine	Applicable
Article			for Punishment		Imposed	Subject
	complied with.	requirements regarding		For the fourth time	NTD120,000	
		indication and display		For the fifth time	NTD180,000	
		required.		For the sixth times	NTD240,000	
				For more than seven times	NTD300,000	
Paragraph 1	Only agricultural	The agricultural products that	Subparagraph 1	For the first time	NTD200,000	Operator
of Article	products certified as organic under the Act are	have not been certified as	of Article 29	For the second time	NTD400,000	
20	allowed to be labeled with organic mark.	organic are labeled with organic mark.		For the third time	NTD800,000	
				For the fourth time	NTD1,200,000	
				For the fifth time	NTD1,600,000	
				For more than six	NTD2,000,000	
				times		
Paragraph 2	Regulations stipulating	The operator fails to comply	Subparagraph 4	For the first time	Notice to	Operator
of Article	the use condition and	with the regulations	of paragraph 1		correct within a	
20	other requirements	stipulating the use condition	of Article 32		specified	
	regarding the organic	and other requirements			period	
	mark shall be complied	regarding the organic mark.		For the second time	NTD30,000	
	with.			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	Content of the Article	Violation Description	Legal Grounds	Violation Recurrence	Penalty or Fine	Applicable
Article			for Punishment		Imposed	Subject
				For more than seven	NTD300,000	
				times		
Article 21	Those entrusted to	Those entrusted to	Subparagraph 2	For the first time	NTD100,000	Those
	disseminate advertisement about	disseminate advertisement	of Article 30	For the second time	NTD200,000	entrusted to
	agricultural products shall	about agricultural products		For the third time	NTD400,000	disseminate
	retain the information	fail to retain the information		For the fourth time	NTD600,000	advertisement
	concerning the entruster and provide the	concerning the entruster, fail		For the fifth time	NTD800,000	about
	information required.	to provide the information		For more than six	NTD1,000,000	agricultural
		required, or provide false		times		products
		information.				
Article 22	The operator shall	The operator evades, hinders	Subparagraph 3	For the first time	NTD100,000	Operator
	cooperate with the competent authority for	or refuses the inspection or	of Article 30	For the second time	NTD200,000	
	inspection and sampling	sampling for test conducted		For the third time	NTD400,000	
	for test and provide	by the competent authority, or		For the fourth time	NTD600,000	
	relevant data and records.	fails to provide relevant data		For the fifth time	NTD800,000	
		and records or provides false		For more than six	NTD1,000,000	
		data and records.		times		
Paragraph 2	The operator shall stop	The operator still uses organic	Subparagraph 2	For the first time	NTD200,000	Operator
of Article	using organic marks when the competent authority orders it to do	marks when the competent	of Article 29	For the second time	NTD400,000	
32		authority orders it to stop		For the third time	NTD800,000	
	SO.	using the organic marks.		For the fourth time	NTD1,200,000	

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

Violated	Content of the Article	Violation Description	Legal Grounds	Violation Recurrence	Penalty or Fine	Applicable
Article			for Punishment		Imposed	Subject
	advertise the agricultural	authority in accordance with		For the fifth time	NTD800,000	about
	products shall cooperate	Article 34.		For more than six	NTD1,000,000	agricultural
	to deal with the matters			times		products
	required.					