

# Regulations Governing Management over Agricultural Product Certification Bodies

- Enacted and promulgated by the Council of Agriculture, Executive Yuan under Order Nung-Chi-Tze 0960010273 dated June 7, 2007

**Article 1** These Regulations are duly enacted in accordance with Article 9, Paragraph 2 of the Agricultural Production and Certification Act (hereinafter referred to as the Act).

**Article 2** As used in the Act, terms shall be defined as follows:

1. Accreditation criteria: The criteria which the accreditation body uses to verify and prove the capability of the qualified bodies to engage in certification work.
2. Surveillance: The assessment continually conducted by the accreditation body upon the accredited certification bodies to confirm the compliance with the accreditation criteria during the period of validity, or the audit conducted by the certification body to confirm the certified agricultural product operators are constantly satisfactory to the certification criteria during the period of validity.
3. Reassessment: The assessment duly conducted by the accreditation body upon the accredited certification bodies to check and verify whether they can be continually accredited after the validity of the accreditation expires, or the assessment conducted by a certification body to check and verify whether the certified agricultural products can be certified anew after the certification duration expires.
4. Extended assessment: The assessment duly conducted by the accreditation body upon the accredited certification bodies to check and verify whether they may increase the scope of accreditation during the period of validity or the assessment conducted by a certification body to check and verify whether the certified agricultural products can be added for additional scope of certification during the period of validity.

**Article 3** The agricultural product certification bodies are classified into three categories based on the certification business:

1. Premium agricultural product certification bodies: The bodies which engage in premium agricultural products and the processed products thereof under Article 4, Paragraph 1 of the Act.
2. Organic agricultural product certification bodies: The bodies which engage in organic agricultural products and organic agricultural processed products under Article 5, Paragraph 1 of the Act.
3. Traceability certification bodies: The bodies which engage in agricultural product traceability under Article 7, Paragraph 1 of the Act.

**Article 4** An accreditation body shall work out a variety of certification body accreditation procedures, surveillance procedures, reassessment procedures, extended assessment procedures and accreditation criteria and submit them to the central competent authority for approval before enforcement.

**Article 5** The various procedures set forth in preceding Article shall include a minimum of the following contents:

1. Accreditation procedures: Method of application, review of application forms, document checking, organization of assessment teams, document assessment, headquarter interview, working out the assessment plan, headquarters assessment, witness assessment and decision on accreditation.
2. Surveillance procedures: Frequency of surveillances, timing of surveillances, organization of surveillance assessment teams, working out the surveillance plans, headquarter surveillances, witness surveillances and determination of surveillances.
3. Reassessment procedures: Organization of the reassessment teams, assessment plans, headquarters reassessment, witness reassessment and decision on reassessment.
4. Extended assessment procedures: Method of application, document checking and verification, organization of assessment teams, working out assessment plans, headquarters assessment, witness assessment and decision on the extended assessment.

The contents of the accreditation criteria set forth in the preceding Article shall require the certification bodies to satisfy the minimum of the following requirements:

1. Possessing the capability of audit required for certification and the professional competence relevant to the agriculture.

2. Possessing the capability to engage in and solve problems on business operation with the central competent authority, accreditation bodies, certification applicants, those having satisfactorily passed certification and consumers.

**Article 6** An applicant for accreditation into an agricultural product certification body shall be an institution, school, juristic (legal) (corporate) person, entity and shall be the one having received no penalty of being annulled or abolished in accordance with Article 10, Paragraph 2, Article 21, Paragraph 2, Article 23, Paragraph 2 of the Act within three years prior to the date of application.

An applicant mentioned in the preceding paragraph shall fill out the application form based on the certification body categories set forth in Article 3, and submit the documents required for procedures of the desired category set forth in Paragraph 1 of the preceding Article and shall file application to the accreditation body.

**Article 7** An applicant for accreditation of an agricultural product certification body who is verified by the accreditation body to have been consistent with the review results of accreditation procedures under the applied category shall be duly accredited and shall be issued with the accreditation certificate.

The accreditation certificate mentioned in the preceding paragraph shall bear the following remarks:

1. Name and address of the certification body.
2. Scope for certification to be handled.
3. Term of the accreditation validity.
4. Name of the accreditation body.
5. Title of the accreditation criteria.
6. Month, date, year and file # of the accreditation certificate.

**Article 8** The accreditation granted to an agricultural product certification body is valid for three years from the date of accredited.

The agricultural product certification body should apply for reassessment six months prior to expiry of the validity of accreditation mentioned in the preceding paragraph. If it is overdue in filing the application, the body shall apply for accreditation as a new applicant.

Where an agricultural product certification body applies for reassessment, the accreditation body shall, if the application proves to satisfy the scope of accreditation for the desired category based on the review results of reassessment review, grant reassessment after the duration of the previous accreditation validity expires and shall replace the accreditation certificate based on the change in the validity of the accreditation.

**Article 9** A certification body should, for the same category of certification, apply to the accreditation body for the extended assessment.

While the accreditation body proves that the application set forth in the preceding paragraph is satisfactory the accreditation criteria under the procedure review of extended assessment, the accreditation body shall change the scope of accreditation and issue the accreditation certificate accordingly.

**Article 10** Where a certification body finds that part of the certification business in the scope of accreditation is unenforceable, such certification body shall inform the accreditation body in writing.

The accreditation body shall, after receipt of the notice mentioned in the preceding paragraph, report to the central competent authority to annul the accreditation of the part which the said certification body cannot enforce and shall, meanwhile, change the scope of accreditation and replace the accreditation certificate.

**Article 11** A certification body shall comply with the accreditation criteria and scope of accreditation and shall engage in the following certification business:

1. Engage in certification, reassessment and extended assessment based on the provisions governing the approved categories of accreditation.
2. Issue a certification certificate to those who have satisfactorily passed certification.
3. Execute contracts in writing with those who have satisfactorily passed certification.
4. Conduct surveillance, at the minimum of once per annum, over those who have satisfactorily passed certification, every year in coordination with the harvesting seasons, either on a regular basis or on a nonscheduled basis.
5. Conduct sampling inspection over the agricultural products in the markets

which have satisfactorily passed its certification.

6. Advise those who have passed certification but have failed to continually live up to the certification criteria to request them to complete corrective actions within the specified time limit, increase the frequency of surveillances or to withdraw their certification.
7. Coordinate with the central competent authority to render relevant certification business in accordance with Article 16.
8. Take countermeasures against the appeal, illegal use or counterfeiting cases for certification which it has accepted.
9. Render other certification related services.

**Article 12** The written contracts a certification body executes with those having passed its certification process in accordance with Paragraph 3 of the preceding Article shall bear the following contents:

1. In the event that the agricultural products and processed products thereof which have satisfactorily passed certification process are found inconsistent with requirements by the products themselves, production process or labeling, the principles to identify the responsibility and to calculate the amount of damages indemnity.
2. In the event that the certification body withdraws the accreditation either in whole or in part in accordance with Article 10, Paragraph 2, or Article 15, Paragraph 2 which leads to a damage to the agricultural product operators, the principles to calculate the amount of damages indemnity.
3. In the event that a certification body divulges the technological information or business secrets which are known to it or are possessed by it due to implementation of the certification business, the principles to calculate the amount of damages indemnity.
4. The facts about the termination of certification.

**Article 13** A certification body shall coordinate with the accreditation body or the central competent authority to carry out the following business operation:

1. Administer those who have passed its certificate to use agricultural product mark in accordance with Article 12, Paragraph 2 of the Act.
2. Inform the accreditation body and the central competent authority in writing whenever it becomes aware of one who has passed certification process and who meets situations set forth in Article 24, Paragraph 1 of the Act.

3. Help the central competent authority proceed with the penalty upon those who have passed the certification under Article 25 of the Act.
4. Team up with the central competent authority and the accreditation body to conduct surveillance and performance matters.
5. On a regular basis every year, submit the data of the ones which have satisfactorily passed certificate process and reports about the annulment penalties to the accreditation body and the central competent authority for information.
6. Report to the accreditation body about the change in the statutory representatives or addresses of the certification body or other issues as specified by the accreditation body.

**Article 14** A certification body forfeits the capability of certification if meeting any one of the following:

1. Where it proves to lack the capabilities required to conduct certification business within the scope of accreditation specified in the accreditation criteria.
2. Where it proves to lack the capabilities required for certification business within the scope of certification specified in the accreditation criteria, and it proves to fails to inform the accreditation body in accordance with Article 10, Paragraph 1.
3. Where it proves to fail in impartial and independent performance on the organizational operation and stance.
4. Where it proves to have failed to conduct certification business in accordance with Article 11, Paragraph 1 or Paragraph 4.
5. Where a target certified by it proves to have failed to satisfy the certification criteria, in a critical offense and it fails to take effective corrective actions.
6. Where it breaches Paragraph 1 or 2 of the preceding Article, in a critical offense.
7. Where the result of reassessment conducted by the accreditation body proves it fails to comply with the accreditation criteria.

**Article 15** A certification body which meets any of the following shall receive penalty in accordance with the Act. Besides, the accreditation body may demand that

corrective action be completed within the specified time limit and shall increase the number of surveillances:

1. Where the certification body is found to have conducted certification business beyond the scope of accreditation.
2. Where the certification record or relevant data are found having been untrue in entries.
3. Where the certification body proves to violate Article 11 or Article 13.

Where a certification body is found in a critical offense as set forth in Subparagraph 1 or 2 of the preceding paragraph or is found to meet situations set forth in the preceding Article, the accreditation body shall report to the central competent authority to withdraw the accreditation of such certification body.

**Article 16** Where a certification body is withdrawn from accreditation; the central competent authority shall coordinate with other certification bodies to conduct certification services within the scope imposed in the penalty.

**Article 17** In the event that an agricultural product operator who has passed certification is found to meet any of the situations below, the certification body shall withdraw the certification in writing and shall retrieve the certification certificate:

1. Where the agricultural product operator fails to continually comply with the certification criteria of the category and fails to complete the corrective actions after being demanded so within the specified time limit or proves to be a critical offense.
2. Where the agricultural product operator evades, impedes or rejects surveillances from the certification body.
3. Where the contents of advertising prove inconsistent with the connotation of certification, in a critical offense.
4. Where the agricultural product operator meets the situations for withdrawal from certification set forth in Article 12, Paragraph 4.

In the event that the agricultural product operator objects the termination of its qualifications made by the certification body, he or she shall file an appeal with the original certification body within one month from receipt of the written notice with the supporting documents. The agricultural product operator may file an appeal only once. The original certification body informs the agricultural product operator of the result of settlement in writing.

In the event that the agricultural product operator objects the results conducted by

the certification body in response to its appeal, he or she shall file re-appeal to the accreditation body of the said certification body with supporting documents within one month from receipt of the written notice. The agricultural product operator may file re-appeal only once.

**Article 18** These Regulations come into effect upon promulgation.