

Regulations of Conduct for Executing Plant Protection and Quarantine

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

1. Promulgated on December 10, 1997
2. Amendment to Articles 2, 8~10, 13, 15, 16 and 18, addition of Articles 13-1 promulgated on March 29, 2002
3. Deletion of Articles 13-1 promulgated on November 3, 2005
4. Amendment to all Articles promulgated on May 25, 2015

Article 1

These Regulations are established pursuant to Article 7, Plant Protection and Quarantine Act (hereinafter called “the Act”).

Article 2

Plant protection officers shall present personal identification while executing plant protection measures pursuant to the Act. Identification document(s) shall be issued by the competent authority at each appropriate level.

Plant quarantine officers shall be in uniform and bear a badge while executing quarantine inspections pursuant to the Act. The types of uniform and badge shall be determined by the plant quarantine authority.

Article 3

Plant protection and quarantine officers shall prepare and maintain inspection or quarantine records while executing inspection or quarantine related activities pursuant to the Act.

Article 4

When the municipal or county (city) competent authority discovers the occurrence of designated plant diseases or pests on plants or plant products within the areas under its jurisdiction, it shall immediately designate plant protection officers to investigate and report the species of the plants or plant products infected or infested with designated plant diseases and pests, the total number of plants in the planting orchard, the acreage of planting and the scope of distribution. It shall also report to the central competent authority for designating the area of disease infection or pest infestation.

Article 5

When plant protection officers deems it necessary to collect samples of plants or plant products while conducting control measures pursuant to Article 11 of the Act, consent of the owner or manager of the plants or plant products shall be obtained. The owner or manager shall be notified of the inspection results.

Article 6

Plants ordered for removal or destruction pursuant to subparagraph 1 and 2 of the first paragraph, Article 11 of the Act shall include the whole of the plants. If the designated plant disease or pest is soil-borne, the soil and the packages, containers and cultivating media of the plants or plant products shall be subject to disinfection, disinfestation or destruction.

Article 7

In conducting control measures on designated plant diseases and pests pursuant to Article 11 of the Act, the municipal or county (city) competent authority shall designate appropriate personnel to carry out an on-site supervision over the completion of the control measures conducted by the owners or managers of the plants or plant products thereof.

Article 8

Compensation pursuant to Article 12 of the Act shall be based on statistic sampling and inspection to determine infection or the infestation rate, calculating the proportion of total number of relevant susceptible plants, or the plants or plant products suspected of having contracted specific plant disease(s) or pest(s). The remaining plants or plant products uninfected or uninfested with pests or those deemed uncertain after proper examinations shall be used to calculate suspected infection or the infestation rate. Using the suspected infection or infestation rate to calculate the total of the plants or plant products suspected of being infected or infested with pests. The compensation fees shall be paid on the basis of the prices determined by the appraisal committee.

Article 9

Regulated articles having any of the following conditions shall be re-exported or destroyed:

1. Importation of regulated articles enterable under precautionary requirements or to be subjected to post-entry quarantine of subparagraph 2 or 3 of the first paragraph of Article 14 of the Act, if the accompanied phytosanitary certificate

submitted by importers or their agents is fraudulent or altered.

2. Importation of plants or plant products listed in “Part A. Prohibited Plants or Plant Products” of the “Quarantine Requirements for the Importation of Plants or Plant Products into the Republic of China” pursuant to the first paragraph of Article 14 of the Act, if the importers or their agents failed to submit phytosanitary certificates.
3. Importation of plants or plant products subject to import restrictions as published by the Ministry of Economic Affairs (MOEA) and designated by the plant quarantine authority, if the importers or their agents failed to submit phytosanitary certificates.

Article 10

The residues of plants or plant products or other plants or plant products which are not applied for quarantine inspection pursuant to the Act carried by vehicles, vessels, aircrafts or other transportation means originated from foreign countries shall be prohibited from unloading, and shall be destroyed if loaded.

Article 11

Quarantine inspections of exporting plants or plant products or importing regulated articles shall be performed on a first come first served basis. If the dates of the applications for quarantine inspections are identical, the time of flight or freight schedules shall be used as a basis for scheduling of said inspections. Inspections shall be completed in two working days unless fumigation, disinfection or disinfestation, isolation and culture of organisms, or post-entry quarantine are required. Completion of the inspections may be extended when holidays, weekends or special conditions are involved.

Article 12

Plant quarantine officers shall take appropriate treatment, in addition to quarantine inspections, against the imported regulated articles when, besides the regulated articles or their containers, the filling materials, storage sites, or transportation means are deemed to spread pests.

Article 13

Importers or their agents shall follow the instructions of plant quarantine officers to provide labor assistance in moving, conveying, specimen preservation, unloading or

quarantine treatment or other relevant work for regulated articles during quarantine inspection.

Article 14

The plant quarantine authority, while conducting quarantine inspections of regulated articles or conducting disinfection or disinfestation measures pursuant to the Act, may authorize loading or storing of regulated articles at a specifically designated warehouse and then process them on the basis of the sequence of application for quarantine inspections.

Article 15

The samples required for isolation, cultivation and specimen preservation of exporting plants or plant products or importing regulated articles may be taken free-of-charge by plant quarantine officers, but the amount of sampling shall be limited to the requirement of quarantine inspection; exporters, importers, or their agents engaged thereof shall be issued with a certificate of sampling.

Article 16

The actions for disposal pursuant to Article 19 of the Act shall be in the form of disinfection or disinfestation, destruction or re-exportation.

Article 17

The measures of disinfection or disinfestation pursuant to Article 19 of the Act shall be published by the plant quarantine authority.

Article 18

These Regulations become effective on the date of promulgation.