

The Commodity Inspection Act

[Chronicle of Promulgation and Amendments]

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Articles 60-1, 60-2, 63-1, 63-2, and 64-1 newly added, Article 64 deleted and Articles 3 to 6, 8 to 10, 12, 13, 17, 28, 31 to 33, 35, 40 to 43, 45, 47 to 49, 52, 59, 60 and 63 amended and promulgated by Presidential Order on 11 July 2007.

Chapter I General Provisions

Article 1

This Act is enacted to ensure compliance of commodities with the requirements set out in the safety, health, environmental protection, and other technical regulations or standards; to protect consumers' rights and interests; and to promote sound development of economic activities.

Article 2

The competent authority as referred to in this Act shall be the Ministry of Economic Affairs.

The Ministry of Economic Affairs shall set up the Bureau of Standards, Metrology and Inspection (hereinafter referred to as the BSMI) to take charge of the commodity inspection operations.

Article 3

The following commodities shall be inspected in accordance with this Act as long as the categories, the items, and/or the shipping destinations of such commodities have been so designated and made known to the public by the BSMI per public notice:

1. Agricultural, industrial and mining commodities domestically manufactured, including those produced, manufactured or processed;
2. Agricultural, industrial and mining commodities to be exported; or
3. Agricultural, industrial and mining commodities to be imported.

Article 4

The technical activities of inspection are conducted by the BSMI, and may be conducted by any relevant government agencies (bodies), juristic persons or organizations on behalf of the BSMI as entrusted by the BSMI.

The BSMI may commission any relevant government agencies (bodies), juristic persons or organizations to perform the operations in connection with the issuance of inspection certificates (new or replacement) and to conduct relevant inspection activities.

The expenses pertaining to the entrusted or commissioned inspection mentioned in the preceding two Paragraphs may be accordingly deducted from the commodity inspection fees.

Regulations governing the qualification, review, supervision, performance evaluation and other requirements of relevant government agencies (bodies), juristic persons or organizations so commissioned by the BSMI under Paragraph Two of this Article shall be prescribed by the competent authority.

Article 5

Commodities inspection shall be conducted in four schemes, namely batch-by-batch inspection, monitoring inspection, registration of product certification, and declaration of conformity.

Inspection schemes applicable to different commodities shall be designated and made known to the public by the BSMI per public notice.

Article 6

No commodities subject to inspection shall be released from the production premises, nor be exported or imported, if it does not conform to the inspection requirements. However, commodities identified by the BSMI as low risk of hazard may be exempted from this restriction.

Commodities as mentioned in the Proviso of the preceding Paragraph shall still comply with the inspection requirements before they are placed on the market.

The criteria for identification of risks of hazard as mentioned in the Proviso of Paragraph One of this Article, the assessment procedure, analysis and application, as well as guidelines for other matters shall be prescribed by the competent authority.

Sellers shall not display or sell commodities subject to inspection that do not comply with the inspection requirements.

Article 7

For commodities subject to import inspection, the BSMI may, as it is deemed necessary, issue a Notice for Prior Release of Imported Commodity for use in completing the customs clearance procedure, and may, in accordance with relevant provisions, dispatch its inspector(s) to the storage place of such cargo and to seal up such cargo pending inspection. No such cargo may be released from its storage place, unless it has passed the inspection.

The person whose imported goods are sealed up shall not, without good cause shown, evade, hinder or refuse the seal-up operation set forth in the preceding Paragraph.

The competent authority shall prescribe regulations governing the conditions for prior release of imported goods, the issue of Notice for Prior Release of Imported Commodity, the requirements for performing the sealing-up operation, and the management matters associated therewith.

Article 8

The following persons shall be obligated to file applications for commodities inspection (hereinafter referred to as the obligatory inspection applicant):

1. The manufacturer or exporter of a commodity involved if it is manufactured domestically. For commodities that are entrusted to be manufactured and sold or exported under the name of the entrusting person who has a domicile or business place in the Republic of China (Taiwan), the entrusting person shall be the obligatory inspection applicant.
2. The importer of a commodity involved if it is manufactured overseas. For commodities that are entrusted to be imported and sold domestically under the name of the entrusting person who has a domicile or business place in the Republic of China (Taiwan), the entrusting person shall be the obligatory inspection applicant.
3. The seller of a commodity involved in case the manufacturer, exporter/importer or the entrusting person of manufacturing, export or import is unknown or cannot be located.

The manufacturer as mentioned in the preceding Paragraph may be referred to either of the following parties:

1. The assembler: for commodities assembled for sale from individual parts and components; or
2. The modifier: for commodities conforming to the inspection requirements and modified for the purpose of sale before being placed on the market.

Article 9

Under any of the following circumstances, the commodity subject to inspection may be exempted from inspection:

1. Where the imported commodity is attached with an inspection certificate issued by the government of the country of origin of the commodity which provides a reciprocal inspection exemption treatment to the commodities of the Republic of China;
2. Where the commodity is exported from or imported to the Republic of China for personal use by any member of a foreign embassy or consulate located in the Republic of China or by any person who is entitled to diplomatic immunity;
3. Where the products not for sale, such as products for own-use, commercial samples, products for exhibition, or articles for use in research and development or in testing activities are imported or exported;
4. Where the imported or domestically manufactured commodities are intended to be exported after further processing or assembly or where the imported commodities are intended to be exported in its original form;
5. Where the imported or domestically manufactured parts or components of commodities subject to inspection are required for processing or assembly for the finished product(s) and will be inspected in its entirety as a finished product(s) in accordance with the same inspection standards applicable to such finished product(s);
6. Where the imported or domestically manufactured commodities are intended to be used by the military authority with

the official letter proof issued by the various authorities under the direct supervision of the Ministry of National Defense; or

7. Where the imported or domestically manufactured commodities are intended to be used for the emergency humane rescue with relevant government proof papers.

Regulations governing the requirements, approval and refusal, labeling of usages, close of cases, extension, alteration of usages, checks and evaluation for filing an inspection exemption application under the preceding Paragraph, and other compliance matters shall be prescribed by the competent authority.

Article 10

Inspection items and inspection standards of commodity shall be made known to the public per public notice by the BSMI.

The commodity inspection standards referred to in the preceding Paragraph shall be determined and identified by the BSMI in accordance with the obligations required by international conventions, and in reference to national standards, international standards and/or other applicable technical regulations, or shall be developed by the BSMI in the absence of such national standards, international standards, or other technical regulations.

In case the specifications of an exported commodity are inconsistent with official inspection standards, an inspection may be conducted in accordance with the standards agreed upon between the buyer and the seller thereof, with prior approval of the competent authority in charge of trade.

In case the specifications of an imported or domestically manufactured commodity are inconsistent with the official inspection standards for a specific reason, such reason shall be reported to and approved by the BSMI in advance.

Article 11

The obligatory inspection applicant shall mark on the commodity's body, package, label or instructions, the name of the commodity, and the name/title and address of the obligatory inspection applicant, in addition to the relevant markings as required by the inspection standards.

Article 12

The obligatory inspection applicant shall place the commodity inspection mark on the commodity's body provided; however, that the body of the commodity is too small or for other specific causes to accommodate such mark, the commodity inspection mark may be affixed to the commodity in accordance with other marking methods, except for those commodities which are designated or approved to be exempted from bearing the commodity inspection mark by the BSMI.

Regulations governing the design, identification number, labeling method, printing, pre-purchase, report, check, cancellation and use of the commodity inspection mark as required in the preceding Paragraph of this Article, and other compliance matters shall be prescribed by the competent authority.

Article 13

The BSMI may recognize the designated testing laboratories to conduct the testing of commodities subject to inspection.

Regulations governing the qualification requirements, conditions, application procedures and assessment of the designated testing laboratories, and the term of validity, the issuance/revocation/rescission of the certificate (new or replacement), and relevant administrative matters shall be prescribed by the competent authority..

Article 14

In order to upgrade the management of commodity or service in terms of quality, environment, safety or health, the BSMI may implement certification system in connection with products or management systems.

In order for the BSMI to handle applications for product certification or management system certification to be filed by relevant manufacturers and firms under the preceding Paragraph, the regulations governing the conditions and procedures for filing the application, and the term of validity, the issuance/revocation/rescission of the certificate (new and/or replacement), and other relevant matters shall be prescribed by the competent authority.

Article 15

Subject to the existence of bilateral or multilateral mutual recognition agreements or conventions signed by the Republic of China with other countries, regional organizations or international organizations, the BSMI may accept the test reports, inspection certificates and/or other relevant certification documents that are signed and issued in accordance with the provisions set out in such agreements or conventions.

Article 16

The commodity inspection to be conducted by the BSMI at the request of both parties or either party to a sales transaction, in accordance with the specifications agreed upon by the seller and the buyer thereto shall be regarded as a contracted inspection. Regulations governing the scope, application procedures, inspection method, review of documents and matters pertaining to the issue and replacement of a contracted inspection certificate shall be prescribed by the competent authority.

Article 17

In order to make the best use of inspection resources and provide technical services, the BSMI may accept the request of any manufacturer or firm to provide, in accordance with a commissioning arrangement, product testing service or other technical services. Regulations governing the commissioning procedures, testing, retesting, sample treatment and other compliance matters shall be prescribed by the competent authority.

When the testing report of the commodity so commissioned under the preceding Paragraph is used in the labeling, advertisement or other promotion activities of the commodity, information on the name of the commodity, specification, type, testing items, testing results, the way by which samples are provided and other notices as presented in the testing report shall also be noted and the wording of the labeled information shall not be misleading in a manner that would indicate that the BSMI has inspected and approved the commodity.

Chapter II Batch-by-Batch Inspection

Article 18

For commodities subject to batch-by-batch inspection, the obligatory inspection applicant shall file a batch-by-batch inspection application with the BSMI.

Commodities included in the same inspection application shall be the commodities of the same category, same type, or the same specifications, unless otherwise approved by the BSMI.

Article 19

For commodities subject to inspection and included in the list of commodities for which an application for domestic sale inspection registration in advance is required as designated and made known to the public by the BSMI per public notice, the obligatory inspection applicant may apply for commodity inspection only after completing the procedure of the foregoing registration.

Article 20

Regulations governing batch-by-batch inspection application procedures, the issuance of inspection certificates (new or replacement), the domestic sale inspection registration, and other relevant matters shall be prescribed by the competent authority.

Article 21

Commodity inspection shall be conducted at the BSMI, the port of exportation or importation, or where the commissioned government agency, the juristic person or organization is located. However, with prior approval, the inspection may be conducted at the production premises or warehouse.

Article 22

Samples required for commodity inspection may be taken, by sampling, or provided by the obligatory inspection applicant.

The quantity of samples to be taken under the preceding Paragraph shall be determined by the BSMI in accordance with the inspection standards, the nature of the products, or the inspection requirements.

After completion of the inspection, the inspected samples, with the exception of those consumed or damaged, shall be removed by the obligatory inspection applicant within a given time limit. Samples not withdrawn by the applicant by the deadline date shall be regarded as abandoned articles subject to the disposal by the BSMI, or the government agency, juristic person or organization originally commissioned to conduct the inspection.

Article 23

After samples are taken in accordance with the preceding Article and prior to the issuance of inspection certificate, the BSMI may seal up the commodities and place them under the custody of the obligatory inspection applicant.

The applicant shall not, without good cause shown, evade, hinder or refuse the implementation of the sealing-up procedure mentioned in the preceding Paragraph.

Article 24

An inspection certificate shall be issued when the commodity has passed the inspection. Where the term of the validity must be indicated in the inspection certificate, the terms of validity applicable to various categories of commodities shall be determined and made known to the public by BSMI per public notice.

Article 25

Where an inspection certificate is lost or if the commodity to be imported or exported is split into several batches of shipment, an application for a replacement or a new inspection certificate may be filed, and the new or replacement inspection certificate will be in force for the remaining validity term of the original certificate.

Article 26

For commodities that failed the inspection, the BSMI shall issue an unsatisfactory inspection notice to the obligatory inspection applicant, who shall in turn apply for a re-inspection at no cost within fifteen days after receiving the said notice.

Regulations governing disposition of the disqualified commodities set forth in the preceding Paragraph shall be prescribed by the competent authority.

Article 27

Under any of the following circumstances, a new application for inspection shall be filed for commodities that passed initial inspections:

1. Where the term of validity of the inspection certificate has expired;
2. Where the package of the commodity has changed or worn out to such extent that the quality of the commodity will be adversely affected;
3. Where the commodity has been damaged by water or fire, or appears to have been damaged or destroyed;
4. Where the commodity has been unduly labeled or appears to be in disorder;
5. Where the commodity has been further processed; or
6. Where any commodity has been altered in its characteristics for which inspection is required.

Article 28

In order to enhance inspection efficiency, the BMSI may make known to the public per public notice that a type approval application shall be filed in advance and a type approval certificate shall be obtained for a specific commodity before the filing of an inspection application, and may, for that specific commodity, simplify the inspection procedures when an inspection application is filed.

Under any of the following circumstances, the commodity may be exempted from type approval and an inspection application may be filed directly for such commodity. A certificate shall be issued after the relevant documents submitted along with the application have been verified to be in accord with the requirements and a letter of undertaking has been made by the obligatory inspection applicant to assure its completion of the procedures to close the case within a specific period of time:

1. Where the commodity is required for use in testing;
2. Where the commodity is re-imported after having been repaired abroad; or

3. Where the commodity is needed for making emergency repair or maintenance.

Regulations governing the requirements and procedures for filing a type approval application, the period of validity, the issuance/revocation/rescission of the type approval certificate (new or replacement), the examination of a direct inspection application, the procedure for filing the letter of undertaking, the procedure and manner for closing cases, the issuance/revocation/rescission of the certificate (new or replacement), and other compliance matters as required in the preceding two Paragraphs shall be prescribed by the competent authority.

Chapter III Monitoring Inspection

Article 29

The obligatory inspection applicant shall apply to the BSMI to monitor an inspection for commodities subject to monitoring inspection and shall obtain an inspection certificate, except for the commodities subject to random inspection as identified by public notice.

Where a term of validity must be indicated in the inspection certificate set forth in the preceding Paragraph, the term of validity applicable to various categories of commodities shall be determined and made known to the public by BSMI per public notice.

Article 30

If a commodity subject to monitoring inspection may be deemed to be in conformity with the inspection requirements based on its (unique) characteristics or a satisfactory report of a specific number of batch-by-batch examination, the monitoring inspection of such commodity may be conducted in the manner of batch-by-batch verification, random-selected batch inspection, release after document examination, or a specific monitoring program.

Article 31

A commodity subject to monitoring inspection may be exported or imported only when the management and inspection systems of the production premises thereof have been examined to comply with the requirements of provisions.

In case the production premise set forth in the preceding Paragraph is located abroad, a letter of recommendation of such production premises issued by the competent authority or an inspection organization recognized by the BSMI, either being located in the same country of such premise, shall be required. In addition, the BSMI may send its representative to make an on-site survey at such premise.

Regulations governing the qualification requirements of the production premises set forth in the preceding two Paragraphs, the procedure for filing an application for examination of production premises, and relevant administrative matters shall be prescribed by the competent authority.

Article 32

Regulations governing the registration, procedures for filing monitoring inspection applications, the implementation methods, the issuance of certificates (new or replacement), and other compliance matters shall be prescribed by the competent authority.

Article 33

For a commodity subject to monitoring inspection as designated and made known to the public by the BSMI per public notice, where the management system of the production premises and inspection system comply with the requirements established by the BSMI after examination and approval, the manufacturer of the commodity concerned may perform the inspection on its own in accordance with this Act and issue, with counter-signature, monitoring inspection certificates and submit periodically the certificate issuing records to the BSMI. For the production premises of commodity concerned located outside the territory of the Republic of China, the obligatory inspection applicant shall submit the inspection records to the BSMI for approval before issuing the monitoring inspection certificates.

Regulations governing the requirements for production premises, the application procedure of the approval, suspension/revocation/rescission and other compliance matters mentioned in the preceding Paragraph shall be prescribed by the competent authority.

Article 34

The provisions set out in Article 18, Article 19, Article 21 through Article 27 of this Act shall apply mutates mutandis to the monitoring inspection procedures.

Chapter IV Registration of Product Certification

Article 35

Commodities subject to registration of product certification shall meet the requirements set forth in the conformity assessment procedures prescribed under Article 37 of this Act.

The conformity assessment procedures shall include the requirements in the design and manufacturing stages of commodities.

The conformity assessment modules or the combination of such modules applicable to various categories of commodities shall be made known to the public by the BSMI per public notice.

Article 36

In applying for registration of product certification, the applicant shall submit an application form to the BSMI and annex thereto relevant information and technical documents as required in the conformity assessment procedures.

Where the relevant information and technical documents as required in the preceding Paragraph are written in a language other than Chinese, the BSMI may require the applicant to provide a Chinese translated version thereof.

Article 37

Regulations governing the qualification requirements and the procedure for filing an application for registration of product certification, the conformity assessment modules, the issuance of the product registration certificate (new or replacement) under Article 39 of this Act, and other relevant administrative matters shall be prescribed by the competent authority.

Article 38

The registration of product certification shall be effected for commodities to be classified by the type or model. Commodities with the same basic designs may be classified as commodities under series of the same type.

Article 39

Where an application for registration of product certification has passed the examination, the registration request shall be approved, and the product registration certificate shall be issued accordingly.

The term of validity of a product registration certificate may vary depending on the categories of commodities, and shall be determined and made known to the public by BSMI per public notice.

In the process of examining an application filed under Paragraph One of this Article, the BSMI may, when necessary, require the production premises of the commodity at issue to provide samples for use in performing necessary tests or witness testing on specific features of said commodity.

Article 40

Where a commodity is granted registration, it shall be used in accordance with the scope, type or function specified in the product registration certificate. The certificate shall not be used for commodities that are beyond the scope of the certificate. If any alteration has been made to a commodity that has been granted a product registration certificate, a new application, or an application made for series of the same type, or an application for approval of such alteration shall be filed by the applicant concerned.

Where the inspection standards of commodities that have been granted registration of product certification are revised, for purposes of safety, health, environmental protection, efficiency of resource utilization or other public interests, the BSMI may notify the certificate holder to apply for replacing the certificate to conform to the revised standards within a given time limit.

Article 41

Where the registration was acquired through fraudulent means, such registration shall be revoked and the registration certificate is required to be returned within a given time limit.

Article 42

Under any of the following circumstances, the registration of product certification made shall be rescinded:

1. Where the commodities purchased or sampled are inspected to be not in conformity with the inspection standards;
2. Where the commodity was not marked in the manner as required in Articles 11 and 12 of this Act, and the required correction has not been made within a given time limit after receipt of notice;
3. Where the company of the registered product, without good cause shown, has refused or failed to provide, within a given time limit, the registration certificate, technical documents or samples as required;
4. Where the defect in the registered product has caused severe injury to any person or endangered public safety;
5. Where the product registration certificate was not used in compliance with Paragraph One of Articles 40 of this Act, and the required correction has not been made within a given time limit after receipt of notice;
6. Where the registered production premises failed to meet the conformity assessment procedures at manufacturing stage;
7. Where the procedural (annual) fees due were not paid, and have further been not paid within the given time limit;
8. Where the announcement of a commodity subject to registration of product certification has been rescinded by a public notice; or
9. Where the registration certificate was not replaced to be in conformity with the revised inspection standards within a given time limit in accordance with Paragraph Two of Article 42.

Chapter V Declaration of Conformity

Article 43

The obligatory inspection applicant shall prepare relevant technical documents to assure that the commodity conforms to the inspection standards, and shall, based on such technical documents, execute and issue a declaration of conformity.

The requirements to be met by and essential elements to be contained in the technical documents and the declaration of conformity shall be made known to the public per public notice by the BSMI in respect of various categories of commodities.

For commodities that are identified by the BSMI as high risk of hazard, the obligatory inspection applicant shall be registered with the BSMI by following related provisions before the declaration of conformity it issued becomes valid.

Where the inspection standards of commodities described in declaration of conformity are revised, for purposes of safety, health, environmental protection, efficiency of resource utilization or other public interests, the BSMI may notify, by public notice, the obligatory inspection applicant to issue a new declaration of conformity based on the revised inspection standards within a given time limit.

Article 44

The testing of the commodity described in a declaration of conformity shall be conducted by the BSMI or the designated testing laboratories recognized by the BSMI.

In case a commodity is assembled from modular parts and components that are subject to commodity inspection and have passed such inspection, the BSMI may exempt the assembled commodity from the testing set forth in the preceding Paragraph.

Article 45

For a commodity described in a declaration of conformity, the manufacturer thereof shall adopt control measures during the manufacture thereof to ensure that the product conforms to the specifications set forth in the technical documents. The quality of such products shall be consistent with that of the samples used in the testing described in the test reports annexed to the technical documents.

Upon the issuance of a declaration of conformity, a commodity shall conform to the content of the declaration. In case the commodity is altered, the obligatory inspection applicant shall execute and issue a new declaration to ensure the conformity of the commodity with the inspection standards.

Article 46

The obligatory inspection applicant shall keep the declaration of conformity and relevant technical documents for an applicable period as determined and made known to the public by BSMI per public notice in respect of various categories of commodities subject to inspection.

Article 47

Under any of the following circumstances, a declaration of conformity shall be deemed not made:

1. Where no technical document has been prepared in accordance with the provisions of Paragraph One of Article 43 of this Act, or no testing application has been filed with the BSMI or the designated testing laboratories recognized by the BSMI in accordance with the provisions of Article 44 of this Act; or
2. Where a declaration of conformity or a technical document is found to contain false or incorrect information. or incompliance with the provisions of Paragraph Two of Article 43 of this Act.

Article 48

Under any of the following circumstances, the declaration of conformity made under this Act shall become null and void:

1. Where the commodities purchased or sampled are inspected to be not in conformity with the inspection standards;
2. Where the commodity was not marked in the manner as required in Articles 11 and 12 of this Act, and the required correction has not been made within a given time limit after receipt of notice;
3. Where the obligatory inspection applicant refused or failed to provide a declaration of conformity, the relevant technical documents or samples without good cause shown or within a given time limit;
4. Where the declaration of conformity was not used in accordance with the content of declaration, and the required correction has not been made within a given time limit after receipt of notice;
5. Where the announcement of a commodity to be subject to inspection has been rescinded or the inspection scheme of declaration of conformity is announced to be no longer applicable to a commodity per public notice;
6. Where the required correction was not completed within a given time limit after receipt of the notification of the revision of inspection standards in accordance with the provisions of Paragraph Four of Article 43 of this Act; or
7. Other serious violations of regulatory provisions.

Chapter VI Market Surveillance

Article 49

In order to ensure the conformity of commodities to the provisions of this Act, the BSMI may send its representative to the following places to conduct a check of the commodities subject to inspection:

1. the place of display and sale of commodities;
2. the production premises or storage places where the commodities subject to inspection are produced or stored; or
3. places of business, work place, or other places whereat the commodities are installed or being used.

In order to conduct the check described in the preceding Paragraph, the BSMI may require the responsible person(s) of such place(s) to provide relevant information, and may further require the obligatory inspection applicant to submit relevant inspection certificate(s), technical documents and samples for use in conducting the verification or testing.

Regulations governing the targeted group subject to check, the method and scope of check, the disposal of law-violating commodities and relevant matters set forth in the preceding two Paragraphs shall be prescribed by the competent authority.

Where incidents with commodities subject to inspection have caused damage to the life, body, health or property of consumers, or have damage concerns, the obligatory inspection applicant shall notify the BSMI. Regulations governing the time point, method, content of the notification and other compliance matters shall be prescribed by the competent authority.

Article 50

The BSMI may proceed to an investigation of the likelihood of any violation of the provisions of this Act discovered while performing the check or other relevant activities under the preceding Article.

The investigation under the preceding Paragraph may be conducted in accordance with the following methods:

1. To enquire the obligatory inspection applicant, the distributor(s) of the commodity at issue, or other interested parties, and to require them to provide relevant documents or information;
2. To dispatch its personnel to the place(s) described in Paragraph One of Article 49 to conduct an investigation, and to

take samples suspected to have violated the law, or to request the obligatory inspection applicant or the distributor concerned to provide products of the same type or model with that of the commodity in question for further inspection; or

3. To seal up the suspect commodity and place it under the custody of the representative set forth in Subparagraph One hereinabove against an undertaking executed by such representative, or to request the representative set forth in Subparagraph One to store the suspect commodity at a designated place.

Minutes of the interview conducted during the investigation shall be made at the site of investigation to be conducted under the preceding Paragraph. The representative of the party being investigated set forth in Subparagraph One hereinabove may be notified to make necessary statements while making such minutes.

In case the investigation conducted under Paragraph One of this Article is impeded and such impediment cannot be eliminated without the assistance of the police, the police authority may be requested to provide appropriate assistance as the situation calls for.

Article 51

The personnel appointed to execute the check, investigation or inspection in accordance with the preceding two Articles shall show their credentials before carrying out the mission.

Parties subject to the check, investigation, inspection or sealing-up of the commodity suspected under the preceding two Articles shall not evade, impede or reject such procedures unless good cause is shown.

Article 52

The BSMI may select and engage, on its own or as recommended by consumers' protection organization(s), volunteers to assist in uncovering law-violating commodities.

Regulations governing the selection and engagement of volunteers set forth in the preceding Paragraph, the procedures for uncovering law-violating commodities, and other relevant administrative matters shall be prescribed by the competent authority in consultation with relevant government agencies.

Chapter VII Inspection Fees

Article 53

In conducting the commodity inspection, examination, assessment, registration and issuance of certificates in accordance with this Act, the competent authority shall charge the appropriate inspection, examination, assessment, registration and/or certification fees arising therefrom.

Where the inspection fees set forth in the preceding Paragraph are to be charged based on the pre-established rates, no charging rate shall exceed three-thousandths (0.3%) of the market price of the inspected commodity. Nonetheless, if the amount of the chargeable inspection fees is less than the minimum amount of the fee chargeable, such minimum amount of inspection fee shall apply.

Article 54

For an on-site inspection conducted at the request of an obligatory inspection applicant by personnel dispatched to a place outside the BSMI or the place of any other government agency, juristic person or organization commissioned by the BSMI, an on-site inspection fee shall be charged.

Article 55

For the testing of materials or products or technical services to be conducted or provided by the BSMI at the request of any manufacturer or firm, a test fee or service fee shall be charged.

Article 56

Regulations governing the charging rates, the amount and the minimum amount of the inspection fees to be charged under the preceding three Articles, and other relevant matters shall be prescribed by the competent authority in respect of various categories of commodities.

Article 57

Any and all of the warehousing, handling, transportation, sterilization, disposal or destruction, and/or improvement costs that are incurred by a commodity that failed the inspection shall be borne either by the manufacturer, or the exporter/importer of such commodity.

Article 58

The fees and costs payable under this Act shall be paid to the BSMI, or to the state exchequer, or other government agency, juristic person, or organization commissioned by the BSMI.

Chapter VIII Penal Provisions

Article 59

The obligatory inspection applicant of a commodity subject to inspection who violated the provisions governing the labeling of commodity as set out in Article 11 or Article 12 of this Act and who has further failed to correct the violation within the given time limit as required after receipt of notice shall be imposed with a fine in an amount of not less than New Taiwan Dollar One Hundred Thousand (NTD 100,000), but not more than New Taiwan Dollar One Million (NTD 1,000,000).

The obligatory inspection applicant of a commodity subject to inspection who has made false or incorrect labeling on such commodity shall be imposed with a fine in an amount of not less than New Taiwan Dollar One Hundred Fifty Thousand (NTD 150,000), but not more than New Taiwan Dollar One Million Five Hundred Thousand (NTD 1,500,000).

Article 60

Under any of the following circumstances, the obligatory inspection applicant of a commodity subject to inspection shall be imposed with a fine in an amount of not less than New Taiwan Dollar Two Hundred Thousand (NTD 200,000), but not more than New Taiwan Dollar Two Million (NTD 2,000,000):

1. Having violated the provisions of Paragraph One or Paragraph Two of Article 6 by releasing from the production premises or exporting or importing or placing on the market, any commodity that do not conform to the inspection requirements;
2. Having violated the Paragraph One of Article 7 which prohibits the release of any commodity from the storage place;
3. Having violated Article 27 regarding a new application for inspection, Paragraph One of Article 40 regarding a new application for registration, or Paragraph Two of Article 45 regarding a new declaration;
4. Having acquired the inspection certificate through fraudulent means;
5. Having failed to apply for cancellation of original records within a specific period of time as required by Paragraph Two of Article 28 hereof.
6. Having failed to comply with the requirement set out in Subparagraph One of Article 47, or making false statements prohibited by Article 41 or Subparagraph Two of Article 47 hereof.

Under any of the circumstances set forth in the preceding Paragraph and upon failure of the commodity to pass the inspection, the obligatory inspection applicant shall be imposed with a fine in an amount of not less than New Taiwan Dollar Two Hundred Fifty Thousand (NTD 250,000), but not more than New Taiwan Dollar Two Million Five Hundred Thousand (NTD 2,500,000).

Article 60-1

The obligatory inspection applicant of a commodity subject to inspection, having the penalty situations set forth in the preceding two Articles of this Act, shall be imposed with a fine in an amount of not more than 2 times of the total price of the commodities but not less than New Taiwan Dollar Ten Thousand (NTD 10,000), if the total price of commodities is not more than New Taiwan Dollar One Hundred Thousand (NTD 100,000).

The total price of commodities set forth in the preceding Paragraph is calculated by multiplying the quantity of law-violating commodities by the per-unit price of the commodity. The per-unit price of exported commodities will be the FOB price, the CIF price for imported commodities and the price without tax as out of factory for domestically manufactured commodities.

Article 60-2

The seller who has violated the provisions of Paragraph Four of Article 6 of this Act and has not completed correction

within a given time after receipt of notice shall be imposed with a fine in an amount of not less than New Taiwan Dollar Ten Thousand (NTD 10,000), but not more than New Taiwan Dollar One Hundred Thousand (NTD 100,000), and may further be fined each time for his successive violation of the same nature.

Article 61

The obligatory inspection applicant of a commodity subject to inspection who has violated the provisions of this Act and thus has caused any damage to the life, body and health of consumers, or whose product is likely to cause severe damage shall be imposed with a fine in an amount of not less than New Taiwan Dollar Seven Hundred Fifty Thousand (NTD 750,000), but not more than New Taiwan Dollar Seven Million Five Hundred Thousand (NTD 7,500,000).

Article 62

Any person who has violated the provisions of Paragraph Two of Article 7, Paragraph Two of Article 23, or Paragraph Two of Article 51 of this Act by evading, impeding or rejecting the commodity sealing-up, check, investigation or inspection shall be imposed with a fine in an amount of not less than New Taiwan Dollar One Hundred Fifty Thousand (NTD 150,000), but not more than New Taiwan Dollar One Million Five Hundred Thousand (NTD 1,500,000), and in addition thereto, may be subject to consecutive punishment and compulsory execution of a commodity sealing-up, check, investigation or inspection.

Article 63

The obligatory inspection applicant who has violated the provisions of notification as set out in Paragraph Four of Article 49 of this Act shall be imposed with a fine in an amount of not less than New Taiwan Dollar Ten Thousand (NTD 10,000), but not more than New Taiwan Dollar One Hundred Thousand (NTD 100,000).

Under any of the circumstances set forth in Paragraph Two of Article 59, Article 60 or Article 61 of this Act, the obligatory inspection applicant may be notified to recall or correct the commodities within a given time limit, and may further be ordered to discontinue the export, import, production, manufacture, display or sale of the commodity at issue within a given time limit.

Having failed to recall or correct commodities within the given time limit as set forth in the preceding Paragraph, the obligatory inspection applicant shall be imposed with a fine in an amount of not less than New Taiwan Dollar One Hundred Thousand (NTD 100,000), but not more than New Taiwan Dollar One Million (NTD 1,000,000), and may further be fined each time for his successive violation of the same nature.

Having failed to discontinue the export, import, production, manufacture, display or sale of the commodity within the given time limit as set forth in Paragraph Two of this Article, the obligatory inspection applicant shall be imposed with a fine in an amount of not less than New Taiwan Dollar Two Hundred Fifty Thousand (NTD 250,000), but not more than New Taiwan Dollar Two Million Five Hundred Thousand (NTD 2,500,000), and may further be fined each time for his successive violation of the same nature.

Upon finding any violations as set forth in Paragraph Two of this Article, the commodity at issue may further be confiscated and destroyed, or subject to other necessary and appropriate measures.

Article 63-1

Where a commodity complying with inspection requirements is found to be not in compliance with the inspection requirements during market surveillance, the obligatory inspection applicant may be notified to recall or correct the commodity within a given time limit.

The obligatory inspection applicant who has violated the order as set out in the preceding Paragraph shall be imposed with a fine in an amount of not less than New Taiwan Dollar One Hundred Thousand (NTD 100,000), but not more than New Taiwan Dollar One Million (NTD 1,000,000).

Commodities that are not recalled or corrected within the given time limit as set forth in Paragraph One of this Article may further be confiscated and destroyed, or subject to other necessary and appropriate measures.

Article 63-2

Any person who has violated the provisions as set forth in Paragraph Two of Article 17 of this Act and has further failed to correct the violation within the given time limit shall be imposed with a fine in an amount of not less than New Taiwan Dollar Twenty Thousand (NTD 20,000), but not more than New Taiwan Dollar Two Hundred Thousand (NTD

200,000), and may further be fined each time for his successive violation of the same nature till the correction has been accomplished.

Article 64 (deleted)

Article 64-1

The imposed fine, correction within a given time limit, recall, discontinuation of import/export, production, manufacture, display or sale, confiscation, destruction or other necessary and appropriate measures as mentioned in this Chapter shall be prescribed by the BMSI.

Chapter IX Supplementary Provisions

Article 65

The enforcement rules of this Act shall be prescribed by the competent authority.

Article 66

This Act shall come into force from the date of promulgation.