

Appendix 2 Standards of Fines for Violation of Paragraph 2, Article 8 of the Act Governing Food Safety and Sanitation

| Statute Violated | Statute Imposing Penalty | Fact of Violation | Penalty | Standards of Fine | Remarks |
|-----------------------------------|--|--|--|---|--|
| Paragraph 2, Article 8 of the Act | Subparagraph 1, Paragraph 1, Article 44 of the Act | The food business belongs to a category and scale designated by the central competent authority in a public announcement, fails to meet Articles 3-12 of the Regulations on Food Safety Control System and fails to correct the violation within the time limit prescribed. | A fine between NT\$60,000 and NT\$200,000,000. | <ol style="list-style-type: none"> 1. Based on the number of violations, the basic fine (A) per count is as follows: <ol style="list-style-type: none"> (1) 1 violation: NT\$60,000. (2) 2 violations: NT\$80,000. (3) 3 violations: NT\$100,000. (4) 4 violations: NT\$120,000. (5) 5 violations and above: NT\$160,000. 2. If any of the following aggravating events exists, the final amount of penalty shall be the basic fine (A) times the aggravating multiple. | Number of violations: Number of violations of Subparagraph 1, Paragraph 1, Article 44 of the Act about the Regulations on Food Safety Control System during the period of 12 months preceding the date of discovery of the facts of violation by the competent authority. |

| Aggravating Events | Aggravating Multiple | |
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| Financial Factor (B) ^{Note} | <ol style="list-style-type: none"> 1. If the person punished meets the following financial conditions: B=1 <ol style="list-style-type: none"> (1) During the period of 12 months preceding the date of discovery of the facts of violation by the competent authority, the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers is below NT\$100 Million. (2) The amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China is less than NT\$100 Million, or there is no business registration. 2. If the person punished meets the following financial conditions: B=2 <ol style="list-style-type: none"> (1) During the period of 12 months preceding the date of discovery of the facts of violation by the competent authority, the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers is more than NT\$100 Million and below NT\$1 Billion. (2) The amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China is above NT\$100 Million and less than NT\$1 Billion. 3. If the person punished meets the following financial conditions: B=3 <ol style="list-style-type: none"> (1) During the period of 12 months preceding the date of discovery of the facts of violation by the competent authority, the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers is more than NT\$1 Billion and below NT\$5 Billion. (2) The amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China is above NT\$1 Billion and less than NT\$5 Billion. 4. If the person punished meets the following financial conditions: B=4 <ol style="list-style-type: none"> (1) During the period of 12 months preceding the date of discovery of the facts of violation by the competent authority, the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers is more than NT\$5 Billion and below NT\$10 Billion. (2) The amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China is above NT\$5 Billion and less than NT\$10 Billion. 5. If the person punished meets the following financial conditions: B=5 <ol style="list-style-type: none"> (1) During the period of 12 months preceding the date of discovery of the facts of violation by the competent authority, the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers is more than NT\$10 Billion. (2) The amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China is above NT\$10 Billion. | |
| | <p>Note:</p> <ol style="list-style-type: none"> 1. The “financial condition” referred to in the above aggravating multiples shall be based on the sale amount of all foods, food additives, food utensils, food containers or packaging and food cleansers during the period of 12 months preceding the date of discovery of the facts of violation by the competent authority. If such sale amount cannot be acquired, it shall be based on the amount of capital or paid-in capital under company or business registration, the working capital inside the Republic of China. 2. “The sale amount” referred to in the above aggravating multiples is the consideration received from the sale of goods, but not the business tax payable for that specific sale. 3. When the company registration includes both the amount of capital and the amount of paid-in capital, the amount of paid-in capital shall be used. | |
| Factory Illegality Factor (C) | 1. The person punished has acquired in accordance with the law an approval from the industry competent authority for exemption | The person punished shall manage factory registration with the industry competent authority but has not done so: C=2 |

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| | from factory registration: C=1 2. The person punished has factory registration (including temporary factory registration): C=1 | |
| Deficiency Factor for Violation of Regulations on Food Safety Control System (D) ^{Note} | 1. 1 deficiencies discovered: D=1 2. 2 deficiencies discovered: D=2 3. 3 deficiencies discovered: D=4 4. 4 deficiencies discovered: D=8 5. 5 deficiencies discovered: D=16 6. 6 deficiencies discovered: D=32 7. 7 or more deficiencies discovered: D=64 | |
| | Note: To determine the number of deficiencies for Violation of Regulations on Food Safety Control System: One deficiency is counted for each violation of Article 3-12 of the Regulations. | |
| Written Records and Filing Factor (E) | No violation of Paragraph 1, Article 12 of the Regulations on Food Safety Control System: E=1 | Violation of Paragraph 1, Article 12 of the Regulations on Food Safety Control System: E=2 |
| Other Aggravating Factor (F) | If the fine imposed in accordance with the above principles have been unconscionable at the time, individual situations of the case may be taken into consideration. The reasons shall be stated for aggravating factors to be applied in accordance with administrative penalty legislations. The aggravating factor may be above 1 or below 1. If an aggravating factor is applied, the underlying facts and the reasons for applying the aggravating factor shall be recorded clearly and in detail. | |
| Calculation of Final Amount of Fine | $\$AxBxCxDxExF$ | |
| Remarks | 1. For violation of Paragraph 2, Article 8 of the Act, the amount of fine shall be imposed in accordance with the formula listed. 2. In imposing a fine, if the amount calculated after applying the aggravating factor exceeds the maximum statutory amount of fine provided by the penalty clause, unless there is an event under Paragraph 2, Article 18 of the Administrative Penalty Act, the maximum statutory amount of fine shall be applied. The fine imposed shall not be lower than the minimum statutory amount of fine, unless the Administrative Penalty Act allows for a reduction or remission. | |