

法規名稱：ARRANGEMENT GOVERNING THE MUTUAL RECOGNITION OF ORGANIC EQUIVALENCE BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN AUSTRALIA AND THE AUSTRALIAN OFFICE IN TAIPEI

簽訂日期：民國 109 年 01 月 23 日

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BACKGROUND

On the basis of Article 3.(iii) of the Memorandum of Understanding between the Taipei Economic and Cultural Office in Australia and the Australian Office in Taipei on Agribusiness and Agricultural Cooperation signed on September 18, 2018, the Taipei Economic and Cultural Office in Australia (TECO) and the Australian Office in Taipei (AO) (hereinafter referred to as the Parties) have come to an understanding to set out a framework through which the Council of Agriculture, Executive Yuan, Taiwan, (hereinafter referred to as COA) and the Department of Agriculture (DA), Australia, will work together in order to facilitate the trade of organic products between the customs territories represented by the Parties through the mutual recognition of organic equivalence and waiver of additional certifications of imported products upon trade. COA and DA are collectively referred to as the Competent Authorities.

Through this Arrangement, the Parties intend to:

- ensure that organic products traded between Taiwan and Australia are accurately described and their production and processing meets relevant laws, regulations and requirements established by Taiwan and Australia (hereinafter referred to as Requirements);
- establish an Official Organic Assurance mechanism that issues documents to attest for the products traded under this Arrangement.
- These intentions embodied in this Arrangement are set out as follows:

1 SCOPE AND EFFECT OF THIS ARRANGEMENT

1.1 This Arrangement covers organic products that are produced, and made in, the jurisdictions of the Parties, including crops, livestock, aquatic plants, and processed foods with the exception of bee products. The requirements for the above product categories are listed in the Appendix.

1.2 Organic products that are subject to this Arrangement are any and all products described as ‘organic’ produced in accordance with the Parties’ respective organic production standards and certified by a duly constituted organic certification body or authority.

2. OPERATION OF THIS ARRANGEMENT

2.1 Nothing in this Arrangement affects in any way, the rights and obligations of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu and Australia under the Marrakesh Arrangement Establishing the World Trade Organization (WTO Arrangement).

3. RESPONSIBILITIES OF THE COMPETENT AUTHORITIES

- 3.1 The Competent Authorities will operate according to their own export inspection and certification programs covering the export of organic products from their respective jurisdictions, as described in:
in the case of the COA, the Organic Agriculture Promotion Act and associated Standards, which require that organic products exported from Taiwan meet Taiwan ' s organic Requirements; and
in the case of DA, the Export Control Act 1982 and associated Regulations and Orders, including the Export Control (Organic Produce Certification) Orders 2005, which require that organic products exported from Australia meet Australia ' s organic Requirements, and the additional requirements for organic products exported to Taiwan that the Australian authority agreed to in 2008 and 2017 respectively.
- 3.2 The Competent Authorities will mutually recognise each other as a foreign exporting authority that is capable of providing inspection and certification of the nature of the organic products and recognise the document issued under the Official Organic Assurance as a valid attestation such that:
the additional certification of the organic nature of the product upon the trade of organic products from Taiwan to Australia will not be required; and
the additional certification of the organic nature of the product upon the trade of organic products from Australia to Taiwan will not be required.
- 3.3 Each Competent Authority will immediately notify the other in writing if the Requirements have been found not to be met.
- 3.4 The Competent Authorities will notify of any changes to their respective organic legislation through the World Trade Organisation Technical Barriers to Trade Arrangement.
- 3.5 In the event that a systems audit is required, each Party should cover all expenses associated with conducting the audit of the other Party's systems unless otherwise mutually decided.

4. ASSESSMENT AND VERIFICATION PROVISIONS

- 4.1 COA will check the validity of the document accompanying each shipment of organic products issued under the

Official Organic Assurance and will not implement additional certification of the organic nature of the product.

- 4.2 DA may check the validity of the document accompanying each shipment of organic products issued under the Official Organic Assurance and will not implement additional certification of the organic nature of the product. It is noted that such verification is not required by Australia ' s Imported Food Control Act 1992 (Commonwealth).

5. TRANSPARENCY, INFORMATION EXCHANGE AND COOPERATION

- 5.1 Subject to the statutory limitations in each Party ' s jurisdiction, the Competent Authorities will cooperate and communicate as appropriate in relation to the operation of this Arrangement. This will include, but not be limited to, communication and cooperation on legislation, policies, procedures and guidelines concerning enforcement and inspection. Specific information that will be exchanged to facilitate the continued operation of this Arrangement includes:

- (a) Descriptions of adverse findings during inspections conducted by a Competent Authority that may cause product in trade to fail the Requirements.
- (b) Descriptions of adverse findings of random compliance checks carried out by a Competent Authority and the disposition of implicated product and inspection rates that may be applicable to subsequent shipments.
- (c) Falsification of documents issued under the Official Organic Assurance.

6. NOTIFICATIONS OF SERIOUS PUBLIC HEALTH RISKS

- 6.1 Subject to the statutory limitations in each Party ' s jurisdiction, the Competent Authorities will inform each other in writing when there is an identified risk of serious public health effects related to the trade of organic products between Taiwan and Australia.

7. DISPUTE SETTLEMENT

- 7.1 In the event of disagreement between the Parties in relation to the interpretation or application of this Arrangement, the Parties should seek consultations between the Competent Authorities, without prejudice to the rights and obligations of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu and Australia under the WTO Arrangement, or to the Parties' rights under the dispute settlement mechanisms of other international organisations or to those that are established under any other international Arrangement, or to relevant dispute settlement mechanisms applicable in the territories of the Competent Authorities.

8.LIAISON OFFICIALS

8.1 All notices and communications issued under this Arrangement will be issued to the following personnel who will act as the contact point for each respective Party:

Taiwan	Australia
Director-General	Assistant Secretary
Agriculture and Food	Export Standards
Agency	Branch
Council of Agriculture	Department of
	Agriculture

9.REVIEW, MODIFICATION AND TERMINATION

9.1 This Arrangement may be amended and supplemented as mutually consented to in writing by both Parties at any time.

9.2 Either Party may terminate this Arrangement at any time by giving six (6) months ' prior written notice to the other Party. This Arrangement will cease to have effect six (6) months after receipt thereof by the other Party.

10. COMING INTO EFFECT

This Arrangement will come into effect on the date of the last signature.

In witness whereof, the Parties have caused their duly authorized representatives to sign this Arrangement.

Signed in two originals in the English language

For Taipei Economic
and Cultural Office in
Australia

For Australian Office
in Taipei

Mr Yii-Lih Charng
Representative, TECO
Date: 23 Jan 2020
Place: Canberra

Mr Gary Cowan
Representative, AO
Date: 20 Jan 2020
Place: Taipei