Content

Title：	Regulations Governing Disposition of Commodities Failing Inspection Ch
Date：	2004.02.25
Legislative：	1.Adopted and promulgated by Ministerial Order on 9 January 2002. 2.Articles 5, 7, 10 amended and promulgated by Ministerial Order on 25 February 2004.

Content：

Article 1
These Regulations are established in accordance with Paragraph Two of Article .26 of the Commodity Inspection
Act (the Act).

Article 2
The ‘inspection authority’ mentioned in these Regulations refers to the Bureau of Standards, Metrology and
Inspection of the Ministry of Economic Affairs (the BSMI), its branches, or other commissioned government agencies,
legal entities, or organizations. The ‘applicant’ mentioned in these Regulations refers to the manufacturer,
exporter, importer or sales agent who is obligated to apply for inspection of the commodities involved.

Article 3
The inspection authority shall issue a notice of unsatisfactory inspection results for commodities that do not
comply with requirements.

Article 4
Other than commodities that are stored at customs, or sealed after sampling in whole or in part, the inspection
authority shall send its personnel to seal commodities that do not comply with inspection requirements in
accordance with Article 23 of the Act.

Article 5
Within fifteen days after receiving a notice of unsatisfactory inspection results, an applicant may apply to the
inspection authority for a re-inspection at no cost, in accordance with Paragraph One of Article 26 of the Act.
If the sanitary or safety aspects of the food, agricultural, or fishery commodities do not comply with inspection
requirements, re-inspection does not apply.
An applicant shall apply to the inspection authority where the original application is filed (the original inspection authority) for re-inspection by providing the completed application form and other

necessary documents.
The inspection authority may limit its re-inspection to non-conformity items only.

Article 6
The re-inspection shall be conducted on the original samples. If there are no original samples remaining, or if
the re-inspection cannot be conducted on the original samples, further sampling may be conducted.

Article 7
If commodities that fail inspection may be modified, adjusted, or reprocessed to comply with inspection requirements,
an applicant may apply to the inspection authority for a new inspection application by submitting an improvement
plan. However, if a special condition exists that is approved by the BSMI, a new application shall not be limited to
one time only.
For commodities for which a new inspection is made in accordance with the preceding paragraph, the inspection
authority may conduct complete or partial inspection based on the non-conformity items and the improvement plan, on
condition that all non-conformity items are included.

Article 8
The inspection authority may send its personnel to supervise the modification, adjustment, or reprocessing of
non-complying commodities mentioned in Clause 7 that are performed by the applicant.

Article 9
If commodities that fail inspection cannot be further modified, adjusted, or reprocessed to meet the inspection
requirements, or that fail the inspection again after re-inspection, the applicant shall return the shipment, destroy
or disassemble the commodities, or adopt other necessary measures within six months after receiving an a notice of
unsatisfactory inspection results.
When disposing of non-complying commodities mentioned in the preceding paragraph, an applicant shall apply to the
inspection authority for opening the seal, or may open the seal themselves after obtaining an approval from, and
under the supervision of, the inspection authority.
For commodities that do not comply with inspection requirements and are to be returned as mentioned in the first
paragraph, an applicant shall report to the inspection authority and provide documents related to export, in order
to close the case within three months after the commodities are returned. A case can also be closed on-line with a
crosschecking of the export information in the customs database by the inspection authority.

Article 10
Samples that fail inspection shall be taken back by the applicant within three months after receiving the notice of
unsatisfactory inspection results. The applicant shall made a new application for inspection, return the shipment,
destroy the commodities, or take other actions in accordance with these Regulations.
The inspection authority shall dispose of the samples that are not taken back within the period mentioned in the
preceding paragraph at its discretion, except for those with a retention period less than three months.

Article 11
When implementing surveillance or follow-up to disposition of non-complying commodities, the inspection authority
may request manufacturers to provide relevant information in accordance with Articles 49 and 50 of the Act.

Article 12
These Regulations shall take effect from the date of promulgation.

Data Source：Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System