

食品輸入管理與國際貿易

藥求安全 食在安心

亞太區域貿易協定發展趨勢研討會—食品、農產品
SPS-Plus規範：技術諮商、
透明化等議題



吳宗熹
2015.10.14

衛生福利部食品藥物管理署

Food and Drug Administration,
Ministry of Health and Welfare

<http://www.fda.gov.tw/>

大綱

壹、我國輸入食品之食品安全衛生管理

- 食品輸入通關流程與管理模式
- 法規及邊境查驗措施
- 食品輸入查驗統計

貳、食品貿易國際規範

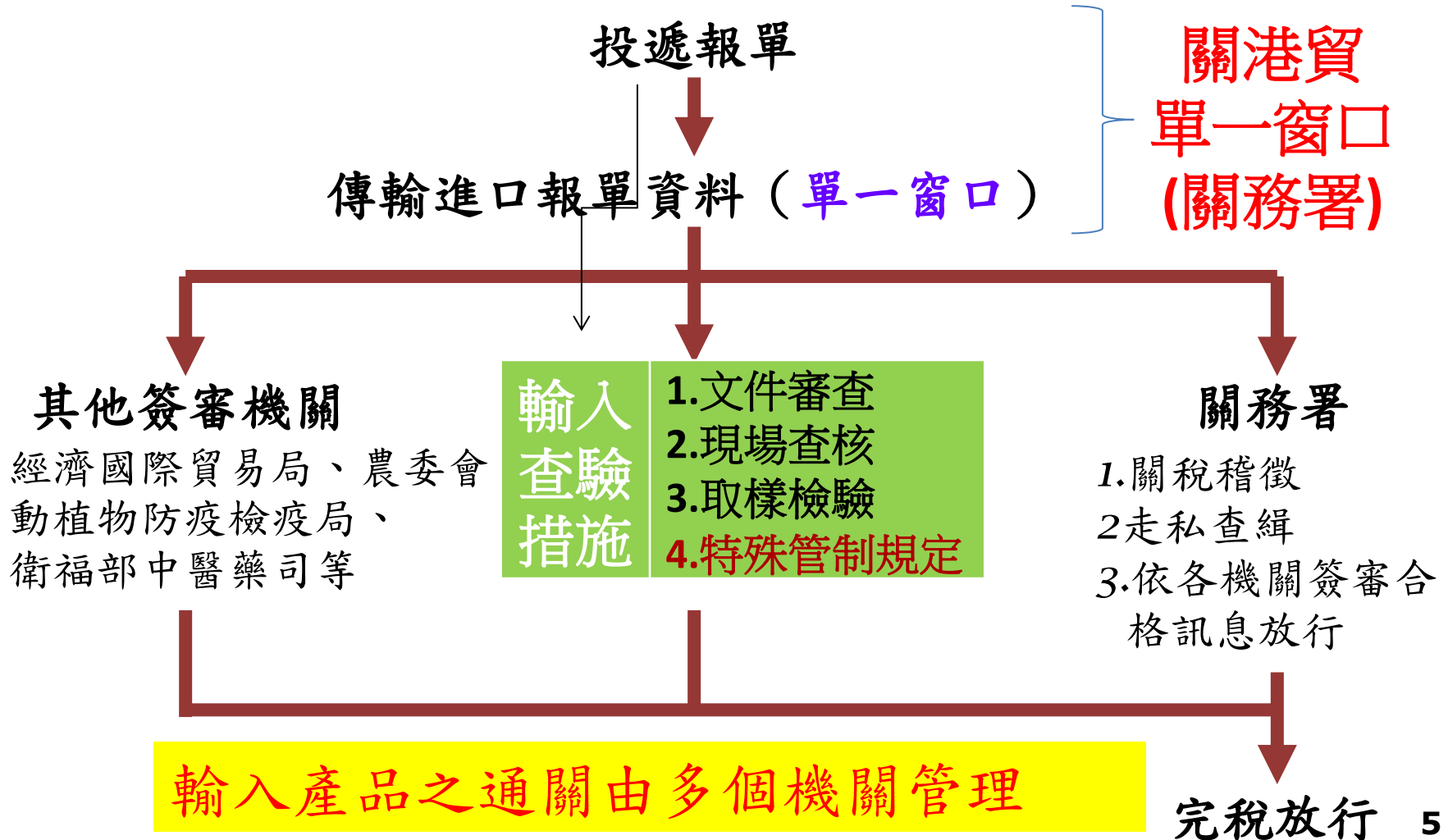
- 食品貿易國際規範-SPS協定
- 我國食品輸入管理之SPS符合性措施
- 食品安全衛生管理之國際貿易諮商

參、食品安全與安心 VS. 貿易便捷

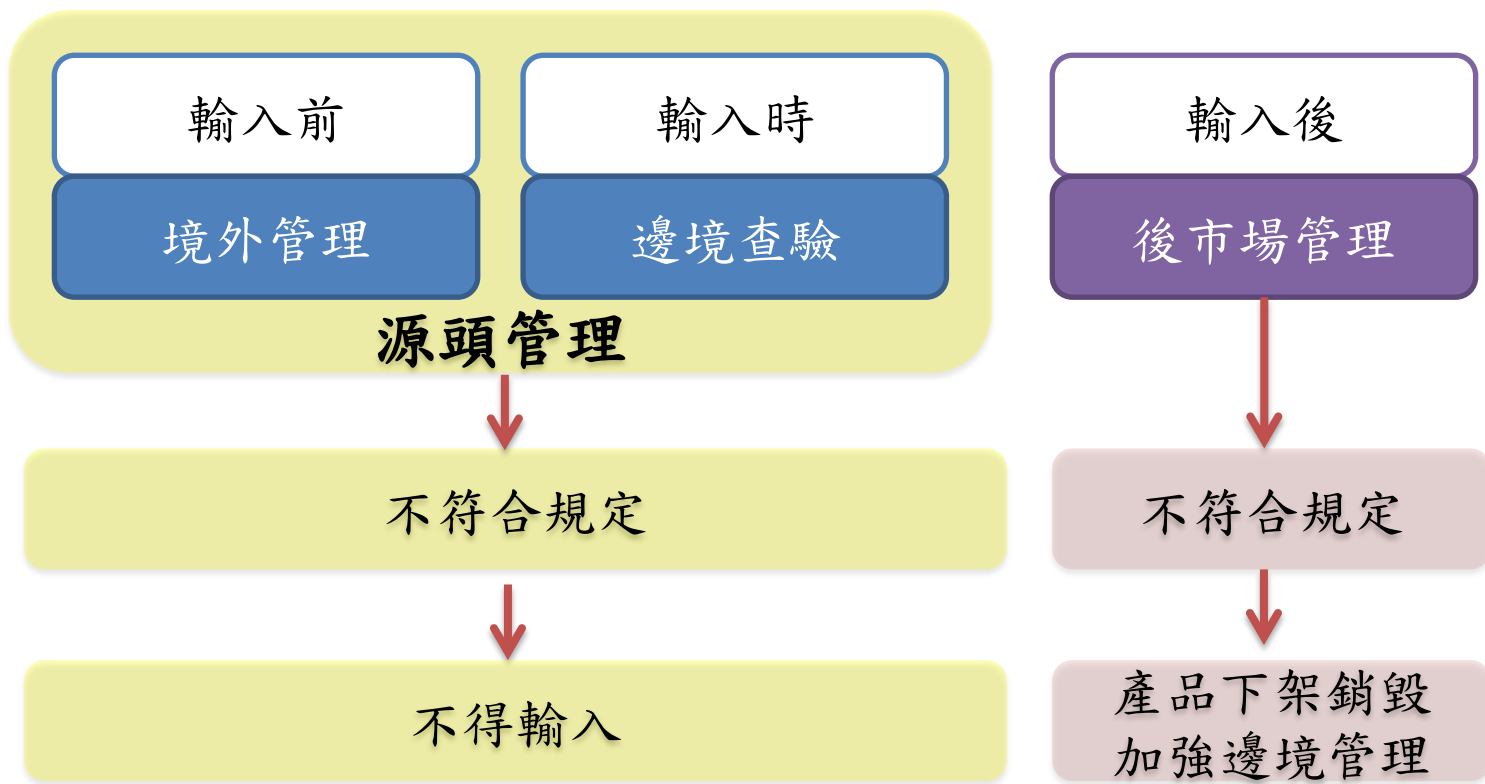
我國輸入食品之 食品安全衛生管理

食品輸入通關流程與管理模式

食品及相關產品輸入通關流程



我國輸入食品之管理(三管:管源頭、管邊境、管市場)



國際食品安全
警訊發生



1. 加強邊境管控
2. 若已有輸入，則追查流向、下架銷毀

輸入食品符合之事項/規定

藥求安全

食在安心

- 要符合我國食品安全與衛生標準
 - － 農藥殘留、動物用藥殘留、重金屬、食品添加物等標準
- 要符合輸入條件
 - － 來自核准輸入之國家、地區或製造廠；需要檢附所要求之文件等
- 要通過邊境食品輸入查驗
 - － 申報產品資訊、接受產品查核抽驗、繳交查驗規費等
- 輸入後上市販售、運輸、儲存、製造
 - － 要符合中文標示規定、廣告規定、食品良好衛生規範準則等
- 其他要求
 - － 登錄、追溯追蹤、自主檢驗(針對國內食品業者)



衛生福利部

食品藥物管理署

Food and Drug Administration

歡迎至本署網站查詢更多資訊 <http://www.fda.gov.tw/>

法規及邊境查驗措施

食品安全衛生管理法

藥求安全 食在安心

- 中華民國一百零四年二月四日總統令修正公布。
- 共有10個章節，60+7個條文。

一. 總則 (§1~3)

六. 食品輸入管理 (§30~36)

二. 食品安全風險管理 (§4~6)

七. 食品檢驗 (§37~40)

三. 食品業者衛生管理 (§7~14)

八. 食品查核及管制 (§41~43)

四. 食品衛生管理 (§15~21)

九. 罰 則 (§44~56)

五. 食品標示及廣告管理
(§22~29)

十. 附 則 (§57~60)



現行食品及相關產品之輸入管理

典型查驗

在邊境

- (一)文件審查
- (二)現場查核
- (三)取樣檢驗

依產品風險設定查驗機率

大部分外國食品輸入查驗措施
依據「食品及相關產品輸入查驗辦法」

非典型查驗

(一)輸入前審查/登記

- 1. 輸出國系統性查核(肉品輸入審查)
- 2. 查驗登記(嬰兒奶粉、膠錠食品、添加物)

(二)MOU / Agreement

- 1. 澳洲乳品及相關產品
- 2. 美國牛肉、加拿大牛肉

(三)免驗

- 1. 符合已公告之特定條件(6公斤或1千美元以下自用)
- 2. 專案免驗(非供食品用途或展覽、研發測試用)

(四)暫停受理報驗(禁止輸入)

(五)未強制在邊境查驗—市場稽查

輸入前之管理—境外源頭管理

藥求安全 食在安心

- 輸入檢附出口國官方衛生證明
- 核准輸台工廠清單
- 開放輸入前系統性查核
- 例行性境外查核
- 雙邊協議
- 國際警訊監控



輸入後管理-後市場管理

藥求安全

食在安心

- 食安法第41條：
 - 直轄市、縣（市）主管機關為確保食品、食品添加物、食品器具、食品容器或包裝及食品用洗潔劑符合本法規定，得執行：
 - 現場查核 及抽樣檢驗
 - 要求業者提供資料、證明或紀錄，並得查閱、扣留或複製
 - 命食品業者暫停作業及停止販賣，並封存該產品
 - 中央主管機關必要時，亦得為前項規定之措施
- 依年度監測或稽查計畫、依專案、依檢舉



衛生福利部

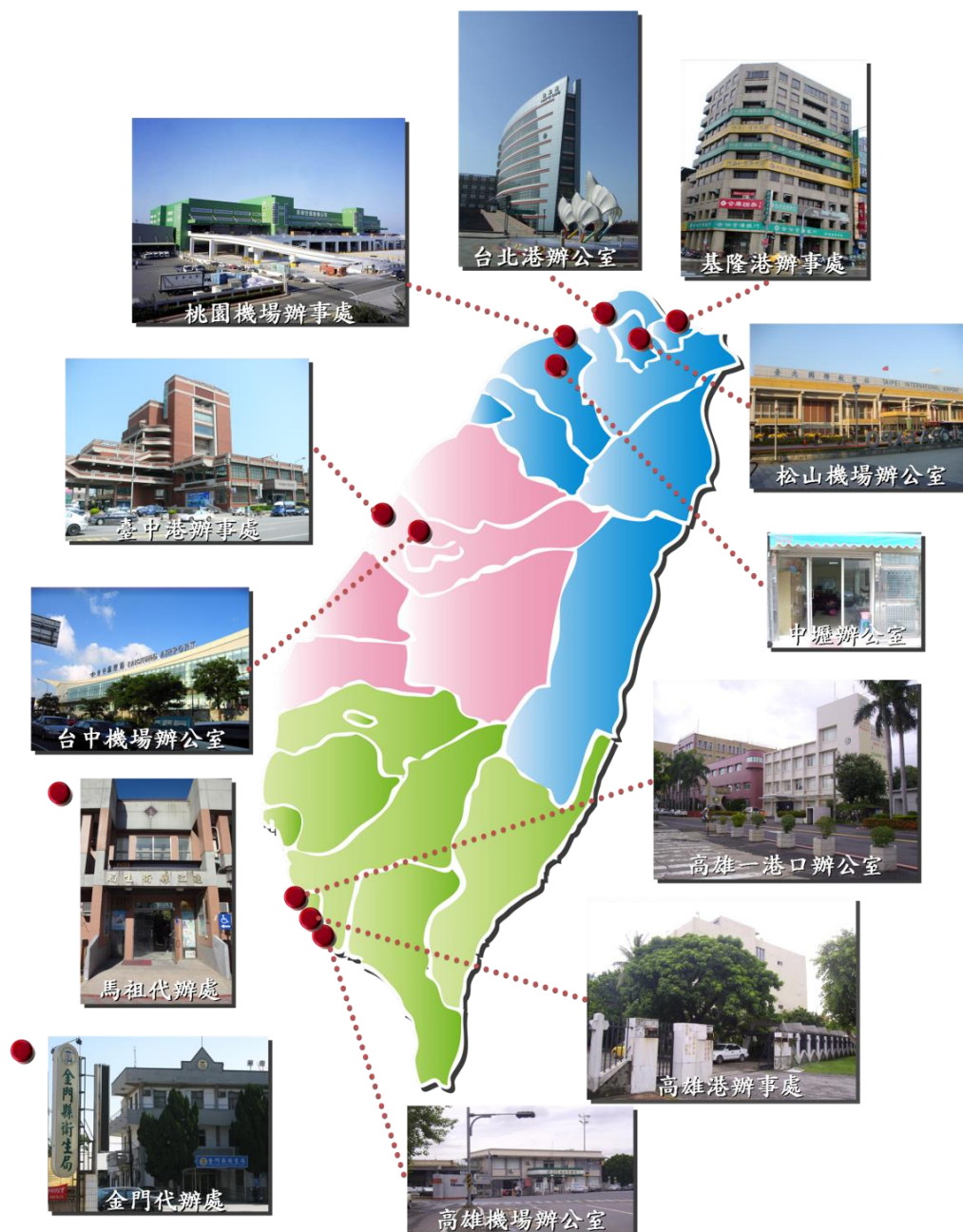
食品藥物管理署

Food and Drug Administration

歡迎至本署網站查詢更多資訊 <http://www.fda.gov.tw/>

邊境食品 輸入查驗

2011年1月1日
由食品藥物管
理署接辦輸入
食品邊境查驗
業務，於基隆、
桃園、臺中及
高雄各機場及
港口設立12個
辦事處。



輸入食品查驗措施

書面審查



審查報驗相關資料

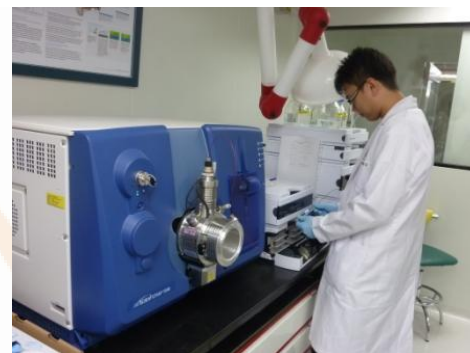
- 查驗申請書
- 基本資料申報表
- 報單影本
- 其他衛生證明

臨場查核



赴港埠開櫃開箱 檢查外觀、品質 及核對標示

抽樣檢驗



檢驗項目：

依產品特性及衛生標準等進行
包括農藥殘留、動物用藥、添
加物、重金屬、病原菌、成分、
輻射檢測等。

依據「食品及相關產品輸入查驗辦法」辦理查驗業務



輸入食品申請報驗作業流程圖

FDA Flow Chart of Imported Food Inspection Application

1. 受理報驗



2. 查驗



現場查核



送驗



3. 發證通關



4. 不合格處理

15天內可申請複驗

食品輸入查驗統計

100-103年度輸入食品查驗統計

藥求安全 食在安心

年報驗批數近62萬批

年度	查驗 批數	總淨重 (萬公噸)	檢驗 批數	檢驗比率 (%)	檢驗不合 格批數	檢驗不合 格率(%)
100	420,601	717.7	29,800	7.09	288	0.97
101	461,665	754.5	38,793	8.40	467	1.20
102	514,710	713.3	38,444	7.47	557	1.45
103	616,286	796.6	48,704	7.90	663	1.36

*103年為粗估數據，因尚有待確認案件



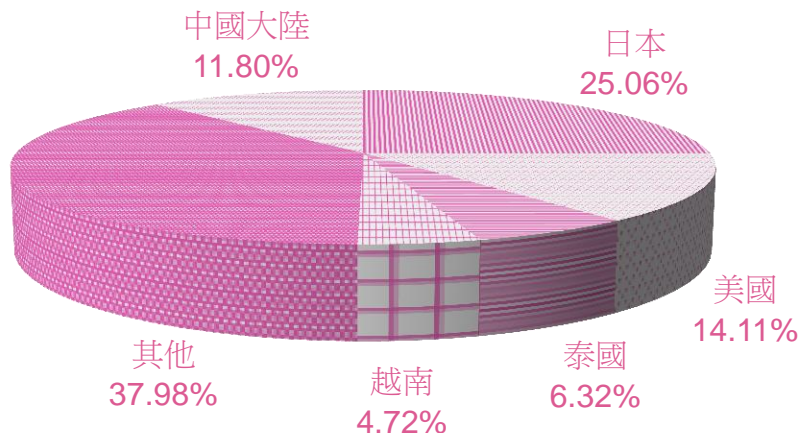


102年度輸入食品之概況

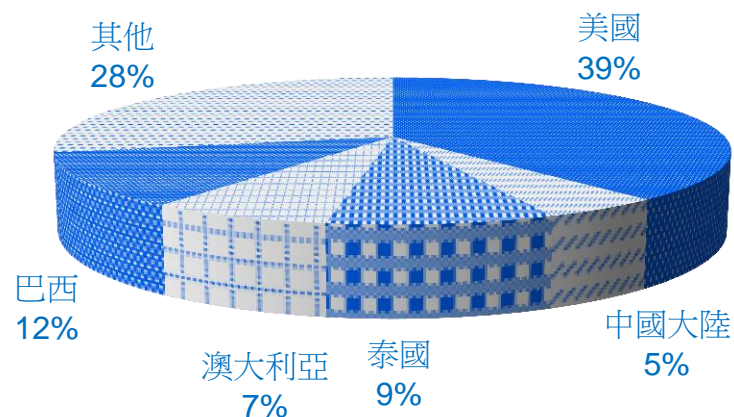
• 主要來源國家：

- 以批數計：日本、美國、中國大陸、泰國、越南
- 以重量計：美國、巴西、泰國、澳洲、中國大陸
- 以金額計：美國、澳洲、紐西蘭、巴西、中國大陸

批數



重量



102年度輸入食品及相關產品來源國家計162國家/地區
來源最多的是咖啡(73國)冷凍漁產品次之(71國)

食品貿易國際規範

食品貿易國際規範-SPS協定

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)

Article 2: Basic Rights and Obligations

- 1. Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are not inconsistent with the provisions of this Agreement.
- 2. Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence, except as provided for in paragraph 7 of Article 5.
- 3. Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members. Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade.
- 4. Sanitary or phytosanitary measures which conform to the relevant provisions of this Agreement shall be presumed to be in accordance with the obligations of the Members under the provisions of GATT 1994 which relate to the use of sanitary or phytosanitary measures, in particular the provisions of Article XX(b).

1. Necessity.

2. Scientific principles and sufficient evidence

3. No arbitrary or unjustifiable discrimination

4. Shall not constitute a disguised restriction on international trade

- **Article 3: Harmonization**

- 1. To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3.
- 2. Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement and of GATT 1994.
- 3. Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a Member determines to be appropriate in accordance with the relevant provisions of paragraphs 1 through 8 of Article 5 (2) Notwithstanding the above, all measures which result in a level of sanitary or phytosanitary protection different from that which would be achieved by measures based on international standards, guidelines or recommendations shall not be inconsistent with any other provision of this Agreement.
- 4. Members shall play a full part, within the limits of their resources, in the relevant international organizations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the International Office of Epizootics, and the international and regional organizations operating within the framework of the International Plant Protection Convention, to promote within these organizations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of sanitary and phytosanitary

- **Article 4: Equivalence**

- 1. Members **shall accept** the sanitary or phytosanitary measures of other Members as **equivalent, even if these measures differ from their own** or from those used by other Members trading in the same product, if **the exporting Member objectively demonstrates** to the importing Member that its measures **achieve the importing Member's appropriate level of sanitary or phytosanitary protection**. For this purpose, **reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.**
- 2. Members shall, upon request, enter into consultations with the aim of **achieving bilateral and multilateral agreements on recognition of the equivalence** of specified sanitary or phytosanitary measures.

Article 5: Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection

- 1. Members **shall ensure** that their sanitary or phytosanitary measures **are based on an assessment**, as **appropriate** to the circumstances, of the risks to human, animal or plant life or health, **taking into account risk assessment techniques developed by the relevant international organizations**.
- 2. In the **assessment of risks**, Members **shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods**; prevalence of specific diseases or pests; existence of pest- or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment.
- 3. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members **shall take into account as relevant economic factors**: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.

Article 5: Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection

- 4. Members **should**, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.
- 5. With the objective of achieving consistency in the application of the concept of appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health, each Member **shall avoid arbitrary or unjustifiable distinctions** in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade. Members shall cooperate in the Committee, in accordance with paragraphs 1, 2 and 3 of Article 12, to develop guidelines to further the practical implementation of this provision. In developing the guidelines, the Committee shall take into account all relevant factors, including the exceptional character of human health risks to which people voluntarily expose themselves.
- 6. Without prejudice to paragraph 2 of Article 3, when establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members **shall ensure** that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility.



Article 5: Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection

- 7. In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.
- 8. When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure.



Article 7: Transparency

- Members **shall notify** changes in their sanitary or phytosanitary measures and **shall provide** information on their sanitary or phytosanitary measures in accordance with the provisions of **Annex B**.
- **Annex B: Transparency Of Sanitary And Phytosanitary**
 - *Publication of regulations*
 - *Enquiry points*
 - *Notification procedures*

我國食品輸入管理之 SPS符合性措施

食品輸入管理之SPS符合性措施-透明化

藥求安全 食在安心

- 行政程序法

- **第 154 條**:行政機關擬訂法規命令時，除情況急迫，顯然無法事先公告周知者外，應於政府公報或新聞紙公告，載明下列事項：一、訂定機關之名稱，其依法應由數機關會同訂定者，各該機關名稱。二、訂定之依據。三、草案全文或其主要內容。四、任何人得於所定期間內向指定機關陳述意見之意旨。行政機關除為前項之公告外，並得以適當之方法，將公告內容廣泛周知。
- **第 157 條**:法規命令依法應經上級機關核定者，應於核定後始得發布。數機關會同訂定之法規命令，依法應經上級機關或共同上級機關核定者，應於核定後始得會銜發布。法規命令之發布，應刊登政府公報或新聞紙。
- **第 160 條**:行政規則應下達下級機關或屬官。行政機關訂定前條第二項第二款之行政規則，應由其首長簽署，並登載於政府公報發布之。
- 一般性預告至少七天

- WTO通報(Notifcation)

- 一般通報:60天評論期
- 緊急通報:評論期小於60天、即時實施或已經實施之措施
- 提供資料與回應評論



16 June 2014

Page: 1/2

(14-3488)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION OF EMERGENCY MEASURES

1.	Notifying Member: <u>THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU</u> If applicable, name of local government involved:
2.	Agency responsible: Food and Drug Administration, Ministry of Health and Welfare
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): 224 different commodities, food additives classified under 224 specific CCC codes
4.	Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5.	Title of the notified document: Notice is hereby given, for the stipulation of commodities classified under 224 specific CCC codes (including to "Iacs", to be annexed) shall follow the "Regulations of Inspection of Imported Foods and Related Products". The importer shall apply for inspection to the Food and Drug Administration, Ministry of Health and Welfare. Language(s): Chinese Number of pages: 5 http://members.wto.org/crnattachments/2014/sps/CHT/14_2752_00_x.pdf

衛生福利部 公告

受文者：衛生福利部食品藥物管理署食品組

發文日期：中華民國103年4月24日

發文字號：部授食字第1031300610號

附件：貨品分類號列表

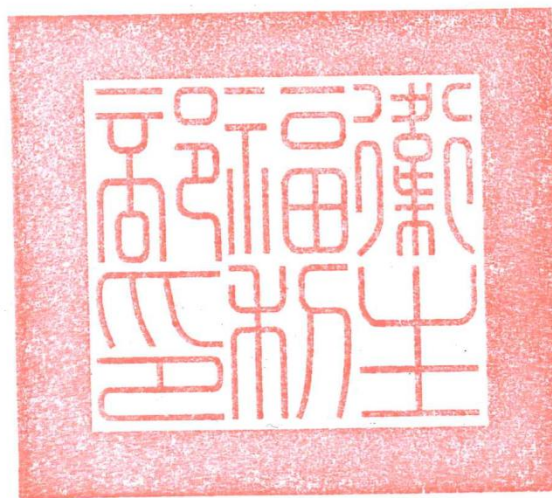


主旨：預告訂定「中華民國輸出入貨品分類號列1301.90.40.00-7『蟲漆』等224項(附件1)號列，如屬食品添加物(含香料)用途者，應依照『食品及相關產品輸入查驗辦法』規定，向衛生福利部食品藥物管理署申請辦理輸入查驗；如非屬食品添加物者，於進口報單填列專用代碼『DH99999999508』」草案。

依據：行政程序法第一百五十四條第一項。

衛生福利部 公告

發文日期：中華民國103年6月24日
發文字號：部授食字第1031301390號
附件：貨品分類號列表1份



主旨：公告訂定「中華民國輸出入貨品分類號列1301.90.40.00-7『蟲漆』等224項(附件)號列，如屬食品添加物(含香料)用途者，應依照『食品及相關產品輸入查驗辦法』規定，向衛生福利部食品藥物管理署申請辦理輸入食品查驗，並自中華民國一百零三年七月一日生效」。

依據：食品安全衛生管理法第三十條第一項。

公告事項：輸入中華民國輸出入貨品分類號列1301.90.40.00-7『蟲漆』等224項號列(附件)產品，如供食品用途者，應依輸入規定「F01」辦理。其中中華民國輸出入貨品分類號列3203.00.19.00-8「其他動物性著色料」、3203.00.29.00-6「其他植物性著色料」、3501.10.00.00-6「酪蛋白」、3501.90.12.00-5「酪蛋白酸鹽(酯)」、3504.00.19.00-4「其他蛋白質及其衍生物」及3505.10.20.00-8「醚化及酯化澱粉」等6項號列產品，刪除輸入規定「F02」。

食品輸入管理之SPS符合性措施

-科學依據、風險評估

藥求安全

食在安心

- 食安法第4條

- 食品安全管理措施應以風險評估為基礎，符合滿足國民享有之健康、安全食品以及知的權利、科學證據原則、事先預防原則、資訊透明原則，建構風險評估以及諮議體系。
- 必要時得依風險評估或 流行病學調查結果，公告對特定產品或特定地區之產品採取下列管理措施：
 - 一、限制或停止輸入查驗、製造及加工之方式或條件。
 - 二、下架、封存、限期回收、限期改製、沒入銷毀。

食品輸入管理之SPS符合性措施

-科學依據、風險評估

藥求安全

食在安心

- 食安法第34條
 - 中央主管機關遇有重大食品衛生安全事件發生，或輸入產品經查驗不合格之情況嚴重時，得就相關業者、產地或產品，停止其查驗申請。
- 食安法第35條
 - 中央主管機關對於管控安全風險程度較高之食品，得於其輸入前，實施系統性查核。
 - 管理等效性(SPS Agreement Article 4: Equivalence)
 - 開放輸入前審查出口國管理體系
 - 前項實施系統性查核之產品範圍、程序及其他相關事項之辦法，由中央主管機關定之。
 - 中央主管機關基於源頭管理需要或因個別食品衛生安全事件，得派員至境外，查核該輸入食品之衛生安全管理等事項。
 - 食品業者輸入食品添加物，其屬複方者，應檢附原產國之製造廠商或負責廠商出具之產品成分報告及輸出國之官方衛生證明，供各級主管機關查核。但屬香料者，不在此限。

衛生福利部

食品藥物管理署

Food and Drug Administration

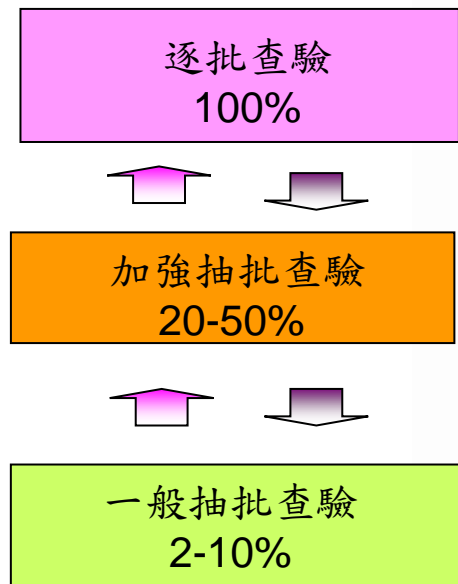
歡迎至本署網站查詢更多資訊 <http://www.fda.gov.tw/>

食品輸入管理之SPS符合性措施

-科學依據、風險評估

藥求安全 食在安心

「食品及相關產品輸入查驗辦法」
第三章 查驗程序（第8~13條）
第八章 其他查驗規定（第25、26條）



- **不合格紀錄**

一次不合格，第二次同一進口商進口相同產地相同產品時，抽驗率提高至20%~50%。如再違反規定，則採100%逐批查驗。

- **產地**

6個月內違規達3次之產品，要求其國外製造業者改善，並提高該產地該項產品查驗率

- **風險訊息**

- **重大衛生安全事件**

- **管理政策需要**

食品安全衛生管理之國際貿易諮商

- WTO場域的諮商
 - COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES (SPS例會)
 - Bilateral Talks
 - Special Trade Concerns
 - TRADE POLICY REVIEW (TPR, 貿易政策檢討)
- 雙邊諮商
 - 經貿諮商會議
 - SPS工作小組會議
 - 農業合作會議
 - 食品安全合作協議

WTO第63屆SPS例會2015年7月15-16日

3 JULY 2015

SUBJECT: COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES - MEETING OF 15-16 JULY 2015

1. THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES WILL HOLD ITS SIXTY-THIRD MEETING ON 15-16 JULY 2015, STARTING AT 3 P.M. ON WEDNESDAY, 15 JULY 2015, AND CONTINUING ON THURSDAY, 16 JULY 2015. THE MEETING WILL BE HELD AT THE CENTRE WILLIAM RAPPARD, GENEVA.

2. THE REGULAR MEETING WILL BE PRECEDED BY INFORMAL MEETINGS ON 14 JULY 2015 AND BY AN INFORMAL THEMATIC SESSION ON RISK COMMUNICATION ON 15 JULY 2015, STARTING AT 10 A.M.

3. THE FOLLOWING AGENDA IS PROPOSED FOR THE REGULAR MEETING:

1. ADOPTION OF THE AGENDA

2. INFORMATION ON RELEVANT ACTIVITIES

(a) INFORMATION FROM MEMBERS

- (i) AUSTRALIA - UPDATE ON BSE COUNTRY ASSESSMENTS
- (ii) ARGENTINA - STRUCTURE OF THE NATIONAL AGRICULTURE AND FOOD QUALITY AND HEALTH SERVICE
- (iii) PERU - PRESENTATION OF THE NATIONAL AGENCY FOR HEALTH OF FISHERIES (G/SPS/GEN/1423)
- (iv) ARGENTINA - PHYTOSANITARY EMERGENCY PLAN FOR FRUIT FLIES IN VILLA REGINA, RIO NEGRO PROVINCE
- (v) RUSSIAN FEDERATION - POSSIBLE SCENARIO ON AFRICAN SWINE FEVER SPREAD IN THE EURASIAN REGION
- (vi) EUROPEAN UNION - COMMISSION PROPOSAL TO AMEND REGULATION (EC) NO. 1829/2003 AS REGARDS THE POSSIBILITY FOR EU MEMBER STATES TO RESTRICT OR PROHIBIT THE USE OF GENETICALLY MODIFIED FOOD AND FEED (G/TBT/N/EU/284)
- (vii) JAPAN - UPDATE ON THE SITUATION SURROUNDING JAPANESE FOOD AFTER THE FUKUSHIMA DAIICHI NUCLEAR POWER STATION ACCIDENT

(b) INFORMATION FROM THE RELEVANT SPS STANDARD-SETTING BODIES

- (i) CODEX
- (ii) IPPC
- (iii) OIE (G/SPS/GEN/1427)

3. SPECIFIC TRADE CONCERNS

(a) NEW ISSUES

- (i) CHINESE IMPORT REGIME, INCLUDING QUARANTINE AND TESTING PROCEDURES FOR FISH - CONCERNS OF NORWAY
- (ii) THE RUSSIAN FEDERATION'S IMPORT RESTRICTIONS ON PROCESSED FISHERY PRODUCTS FROM ESTONIA AND LATVIA - CONCERNS OF THE EUROPEAN UNION
- (iii) MALAYSIA'S IMPORT RESTRICTIONS RELATED TO APPROVAL OF POULTRY MEAT PLANTS - CONCERNS OF BRAZIL
- (iv) CHINA'S IMPORT RESTRICTIONS DUE TO AFRICAN SWINE FEVER - CONCERNS OF THE EUROPEAN UNION
- (v) KOREA'S IMPORT RESTRICTIONS DUE TO AFRICAN SWINE FEVER - CONCERNS OF THE EUROPEAN UNION
- (vi) COSTA RICA'S TEMPORARY SUSPENSION OF THE ISSUING OF PHYTOSANITARY IMPORT CERTIFICATES FOR AVOCADOS (G/SPS/N/CRI/160 AND G/SPS/N/CRI/160/ADD.1) - CONCERNS OF GUATEMALA AND MEXICO
- (vii) CHINA'S PROPOSED AMENDMENTS TO THE IMPLEMENTATION REGULATIONS ON SAFETY ASSESSMENT OF AGRICULTURAL GMOS (G/SPS/N/CHN/881) - CONCERNS OF PARAGUAY AND THE UNITED STATES
- (viii) EU PROPOSAL TO AMEND REGULATION (EC) NO. 1829/2003 TO ALLOW EU MEMBER STATES TO RESTRICT OR PROHIBIT THE USE OF GENETICALLY MODIFIED FOOD AND FEED (G/TBT/N/EU/284) - CONCERNS OF ARGENTINA, PARAGUAY AND THE UNITED STATES

(b) ISSUES PREVIOUSLY RAISED

- (i) APPLICATION AND MODIFICATION OF THE EU REGULATION ON NOVEL FOODS - CONCERNS OF PERU (G/SPS/GEN/1422) (NO. 238)
- (ii) US MEASURES ON CATFISH - CONCERNS OF CHINA (NO. 289)
- (iii) GENERAL IMPORT RESTRICTIONS DUE TO BSE - CONCERNS OF THE EUROPEAN UNION (NO. 193)
- (iv) US NON ACCEPTANCE OF OIE CATEGORIZATION OF INDIA AS "NEGLIGIBLE RISK COUNTRY" FOR BSE - CONCERNS OF INDIA (NO. 375)

WTO第63屆SPS例會2015年7月15-16

- (vii) CHINESE TAIPEI'S IMPORT RESTRICTIONS ON JAPANESE FOODS IN RESPONSE TO THE NUCLEAR POWER PLANT ACCIDENT - CONCERNS OF JAPAN (NO. 387)
 - (viii) CHINA'S IMPORT RESTRICTIONS ON JAPANESE FOODS IN RESPONSE TO THE NUCLEAR POWER PLANT ACCIDENT - CONCERNS OF JAPAN (NO. 354)
 - (ix) INDIA'S IMPORT CONDITIONS FOR PORK AND PORK PRODUCTS - CONCERNS OF THE EUROPEAN UNION (NO. 358)
 - (x) US HIGH COST OF CERTIFICATION FOR MANGO EXPORTS - CONCERNS OF INDIA (NO. 373)
 - (xi) EU BAN ON CERTAIN VEGETABLES FROM INDIA - CONCERNS OF INDIA (NO. 374)
 - (xii) EUROPEAN UNION REVISED PROPOSAL FOR CATEGORIZATION OF COMPOUNDS AS ENDOCRINE DISRUPTORS - CONCERNS OF THE UNITED STATES (NO. 382)
 - (xiii) FRANCE'S BAN ON *BISPHENOL A* (BPA) - CONCERNS OF THE UNITED STATES (NO. 346)
 - (xiv) US PROPOSED RULE FOR USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES - CONCERNS OF MEXICO (NO. 388)
 - (xv) EU WITHDRAWAL OF EQUIVALENCE FOR PROCESSED ORGANIC PRODUCTS - CONCERNS OF INDIA (NO. 378)
 - (xvi) EU PHYTOSANITARY MEASURES FOR CITRUS BLACK SPOT - CONCERNS OF SOUTH AFRICA (NO. 356)
 - (c) CONSIDERATION OF SPECIFIC NOTIFICATIONS RECEIVED
 - (i) KOREA'S NOTIFICATIONS G/SPS/N/KOR/495, G/SPS/N/KOR/503 AND G/SPS/N/KOR/504 - CONCERNS OF THE EUROPEAN UNION
 - (d) INFORMATION ON RESOLUTION OF ISSUES IN G/SPS/GEN/204/REV.15
4. OPERATION OF TRANSPARENCY PROVISIONS (G/SPS/GEN/804/REV.7)
5. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

我國第三次WTO貿易政策檢討

EU Question No. 14: Which measures, if any, is Chinese Taipei adopting to avoid such cases in the future and comply with its notification obligations?

Answer:

Since we acceded to the WTO, we have made every effort to comply with our obligations under the SPS and TBT agreements, including transparency requirements. Barring emergencies, we have tried to notify all our SPS and TBT measures that may affect international trade to the WTO. If certain measures can facilitate trade or are consistent with international standards, we would shorten the comment period when appropriate. All our new and updated measures from this point on will be given a comment period of 60 days whenever possible.

Page 56, paragraph 3.106

The report indicates that Chinese Taipei prohibits to import, *inter alia*, ground beef from non-epidemic areas with a reported case of Bovine Spongiform Encephalopathy (BSE) or new variant of Creutzfeldt-Jacob Disease within the past ten years. This specific condition is an example where Chinese Taipei does not recognise the list of safely traded products as laid down by the OIE and does not respect the BSE- risk categorisation for countries as carried out by the OIE.

The EU is generally concerned about Chinese Taipei's interpretation of OIE guidelines on BSE. The World Organisation for Animal Health Code provides for conditions under which beef and other bovine products can be safely traded from all countries. Most EU countries have now been classified by the OIE as countries with "negligible risk" or "controlled risk". EU Member States have to undergo a lengthy and non-transparent risk assessment process which can take several years (one Member State has an application pending for now more than 8 years), while other WTO Members with the same or even a higher country-risk status for BSE (under OIE), can export beef and beef products to Chinese Taipei.

EU Questions No. 15 to 17:

- Could Chinese Taipei confirm when and how it will bring its import conditions in line with the international standard of OIE with regard to BSE?
- Could Chinese Taipei explain when it will allow the imports of beef and other products from EU Member States and thus apply a non-discriminatory treatment as for other WTO members?
- Could Chinese Taipei provide its standard processing period for the risk assessment related to BSE, thus in line with following the WTO SPS Agreement requirements mentioned Annex C 1. (b)?

Answer:

We have been gradually amending our BSE-related regulations to align with the OIE guidelines. For example, the recently amended "Quarantine Requirements for the Importation of Dog and Cat Food" have incorporated the BSE-risk categorization as laid down in the OIE Terrestrial Animal Health Code and WTO members' risk status according to the latest announcement made by the OIE on its website.

The review of import applications of meat and meat products are based on the standards of OIE and Codex, relevant international regulations, and the principles of WTO/SPS Agreement.

Risk communications and the import control measures are formulated and carried out according to the results of the risk assessment.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

WT/TPR/M/302/Add.1

23 October 2014

Page: 1/139

(14-6160)

Trade Policy Review Body
16 and 18 September 2014

Original: English/anglais/inglés

TRADE POLICY REVIEW

CHINESE TAIPEI

MINUTES OF THE MEETING

Addendum

Chairperson: H.E. Ms Mariam Salleh (Malaysia)

This document contains the advance written questions and additional questions by WTO Members, and replies provided by Chinese Taipei.¹

- 93 -

BRAZIL (additional questions)

"Trade restrictions have been imposed by Chinese Taipei on imports of Brazil's beef products and pet food, including pet food not originating from ruminant material. Despite the fact that the OIE has assigned Brazil the status of country of insignificant risk for BSE, the existing embargo on beef products from Brazil has not yet been lifted.

Additional Question No. 1 and No. 2: What are the measures that have been implemented to lift the ban on beef products from Brazil in accordance with the relevant decision from OIE? What is the timeframe for the full removal of that trade restriction?

Answer:

All countries to export meat and meat products to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu are required to submit application for approval for market access. If Brazil plans to export beef products to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, we suggest Brazil follow our required procedures to submit the application.

Additional Question No. 3: What is the scientific basis for the ban on imports of pet food containing ruminant material from Brazil, given that such a product would be consumed by dogs and cats and is partly made up of poultry origin material?"

Answer:

We have already completed the document review and on-site audit for the Brazilian manufacturing plant for dog and cat food intending to export its products into the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu. An audit report remains to be finalized and we will notify Brazil of the outcome as soon as possible. Besides, we recently amended the Quarantine Requirements for the Importation of Dog and Cat Food so that the Requirements are consistent with international standards. In accordance with the amended quarantine requirements, the ruminant materials originated from Brazil will be eligible to produce the dog and cat food exported from Brazil into the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

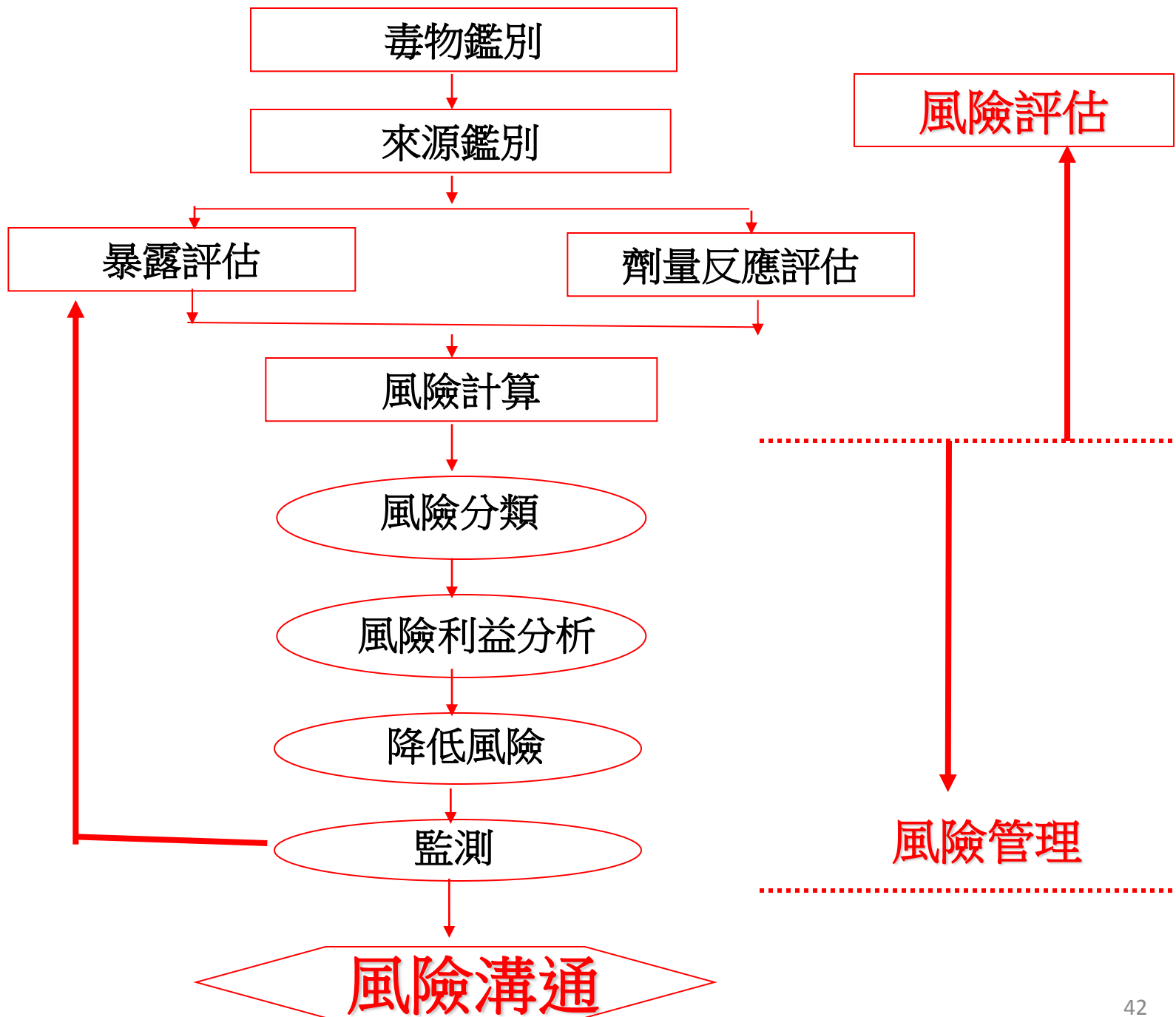
各國對臺主要之輸入食品管理諮商議題

藥求安全 食在安心

- 市場進入(開放輸入)
- 措施應具有必要性(科學依據)避免不必要之貿易障礙(解除管制措施)
- 不歧視原則(最惠國待遇、國民待遇)
- 國際規範/標準調和(CODEX、OIE、IPPC)
- 透明度(通報、審查流程)

食品安全與安心 VS. 貿易便捷

風險分析



輸入食品的風險因子(物質)

- 可預測的警訊/風險

- 國際組織之風險分級

- OIE對國家BSE風險分級

- 國際警訊

- 各國食品安全機關發布回收或其他風險警訊

- 天候與地理環境

- 寒帶地區之微生物風險與熱帶不同
 - 蟲害嚴重地區之農藥風險與非蟲害地區不同
 - 輻射災害鄰近地區的風險高於遠離地區
 - 紅潮發生地區海洋毒素風險高於其他地區
 - 工業汙染發生地區的產
品，化學汙染風險高於其
他地區

- 不可或難以預測的警訊/
風險

- 違規添加化學物質

- 三聚氰胺

- 違規使用不符衛生條件之原料

- 飼料油、地溝油、回收油

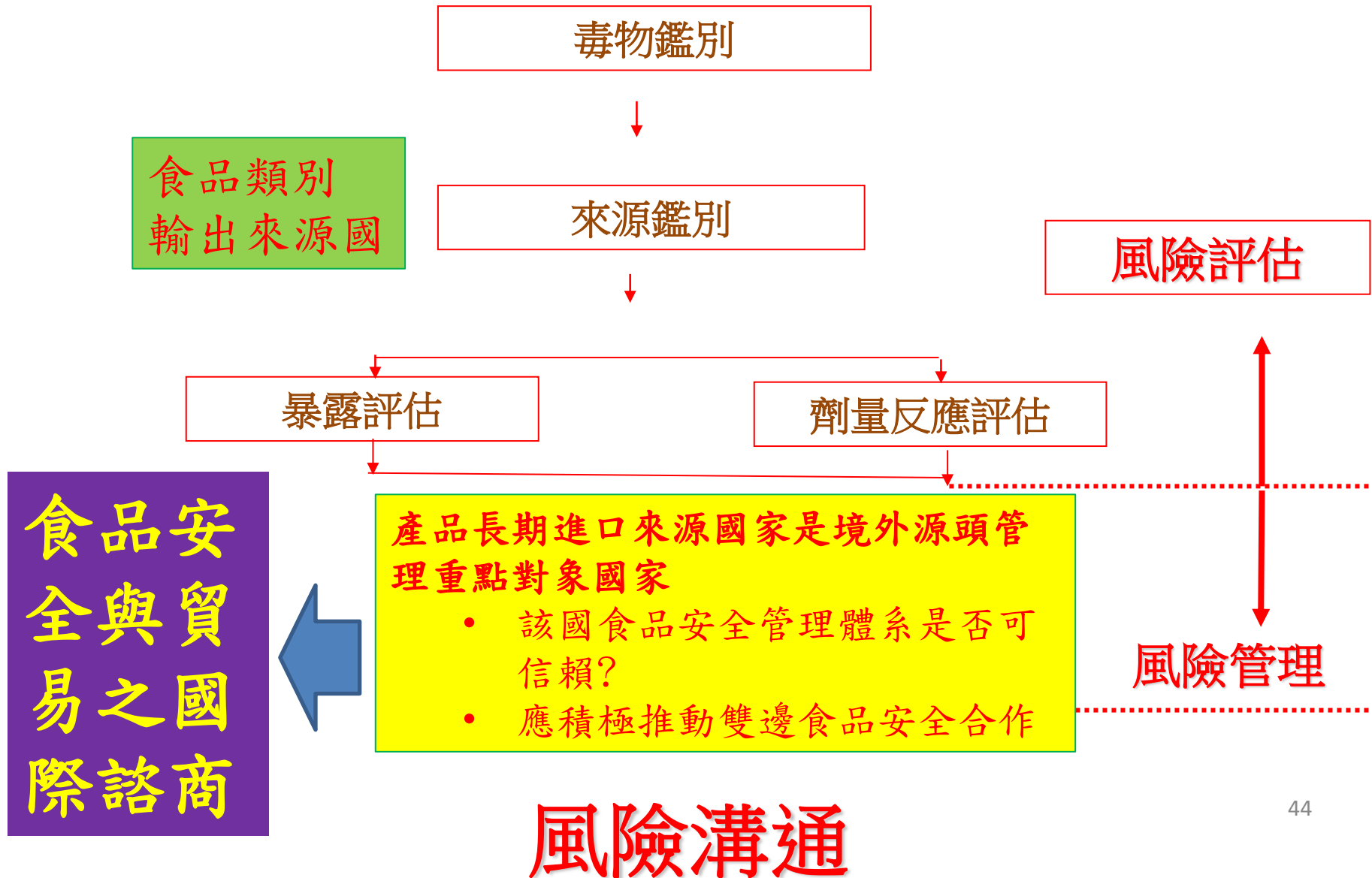
- 地震海嘯造成核電廠爆炸

- 油輪擱淺造成漏油汙染

- 網路傳言

- 某國愛滋病患將血液摻到水果罐頭？
 - 某國飲料摻有禁藥

風險分析與輸入管理國際貿易諮商



風險溝通—— “安全”與消費者之所“欲”

藥求安全 食在安心

- 可接受之風險 VS. 零風險
- 殘留容許量 VS WHY ?
 - 為何要添加/使用?
 - 為何要容許有汙染?
 - 為何要
- 科學上無健康風險 VS UNKNOWN
 - 長期風險?未知
- Safety in real VS. I don' t want it

產品標示資訊揭露

TBT



全球經貿整合

藥求安全 食在安心

◆ WTO規範之基本理念與規範準則

- 基本理念:創造自由、公平之國際貿易環境，使資源依照永續發展之原則，作最佳使用以提升生活水準，確保充分就業，並擴大生產與貿易開放、平等、互惠與互利，透過貿易提升開發中與低度開發國家經濟發展。
- 五項基本理念與規範準則
 - (一) 無歧視之貿易
 - (二) 經由談判逐步開放市場
 - (三) 經由對關稅與農業補貼之約束以及服務業市場開放之承諾等建立市場開放之可預測性
 - (四) 促進公平競爭
規劃一個公開、公平與不扭曲之競爭體系，以確保公平的貿易條件。
 - (五) 鼓勵發展與經濟轉型

◆ 區域經貿整合(TPP、RCEP等)

- WTO PLUS



現代輸入食品之風險管理

傳統食品科學、風險管理學

- WTO
- 區域經濟整合/競爭
- 國際(政治)關係

溝通

- 民主法治程序
- 消費者權益保護
- 產業保護

食品安全管理之國際/國內
政治、經濟與社會學

Thank you for your attention.

