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American Institute in Taiwan Washington Office

Mr. Stanley Kao  
Representative  
Taipei Economic and Cultural Representative Office  
in the United States  
4201 Wisconsin Avenue, N.W.  
Washington, D.C. 20016-2137

Dear Representative *Stanley* Kao:

On behalf of the American Institute in Taiwan (AIT), I am pleased to inform you that the United States Department of Agriculture (USDA) has reviewed Taiwan's Council of Agriculture (COA) Organic Agriculture Promotion Act and Enforcement Rules for the Organic Agriculture Promotion Act of 2019 (hereinafter "Taiwan organic regulations"). Based on that review, pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. Sec. 6501 et seq.), under authority delegated to the Secretary of Agriculture, USDA has determined that agricultural products produced and handled in accordance with Taiwan organic regulations in effect as of **May 30, 2020**, are produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of OFPA.

Accordingly, subject to the conditions set forth in Appendix 1 of this letter, agricultural products produced and handled in conformity with Taiwan organic regulations as in effect on **May 30, 2020**, are deemed by USDA to have been produced and handled in accordance with the OFPA and USDA's organic regulations under the National Organic Program (NOP) (7 CFR part 205). These products may be sold, labeled, or represented in the United States as organically produced, including by display of the USDA organic seal as well as the Taiwan organic mark, under the conditions set forth in Appendix 1.

AIT furthermore wishes to advise the Taiwan authorities that the United States is also pleased to acknowledge Taiwan's recognition of the equivalence of the organic system of the United States for products produced and handled in accordance with the OFPA and USDA's organic regulations in its letter effective as of **May 30, 2020**. USDA's Agricultural Marketing Service (AMS) and Foreign Agricultural Service and the Office of the United States Trade Representative are committed to working with the Taiwan COA's Agriculture and Food Agency (AFA) as described in this cover letter and its associated appendices and in the Taipei Economic and Cultural Representative Office in the United States' (TECRO) letter of today's date and its associated appendices.

With best regards,

Sincerely,

Ingrid D. Larson  
Managing Director

### **Appendix 1: Taiwan Products <sup>1</sup>**

- A. A Taiwan product may be sold, labeled, and represented as organic in the United States if it is:
1. Certified organic to Taiwan organic regulations;
  2. Either raised on Taiwan, produced on Taiwan, or a product for which final processing or packaging has occurred on Taiwan; and
  3. For livestock products or livestock products used as ingredients in any product covered under this paragraph, derived from animals not treated with antibiotics.
- B. A Taiwan organic product covered under Paragraph A above and imported into the United States:
1. Is labeled according to USDA NOP labeling requirements as described in the USDA NOP regulations;
  2. May display the USDA organic seal or the Taiwan organic mark, or both; and
  3. Is accompanied by a NOP Import Certificate, Form NOP 2110-1 issued by a certification body supervised by the AFA and accredited in compliance with Taiwan organic regulations that attests to compliance with the terms of this Appendix.
- C. The AFA notifies USDA in writing in a timely manner of any instances of the following:
1. Changes with respect to the accreditation status of certification bodies under the supervision of AFA;
  2. Issuance of regulations or guidelines, either proposed or final, on Taiwan that may affect this Appendix; and
  3. Notifications of non-compliances that may affect the organic status of Taiwan products covered under Paragraph A above.
- D. Following advance written notice from USDA through AIT, the AFA permits USDA officials to conduct on-site evaluations on Taiwan to verify that the relevant regulatory authorities and certification bodies of Taiwan's organic program are carrying out the requirements of that program. The AFA is to cooperate with and assist USDA, to the extent permitted, in carrying out these on-site evaluations, which may include visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that certification bodies under supervision of AFA have certified on Taiwan. The AFA provides a written response in a timely fashion to findings identified by USDA in any report of an on-site evaluation that USDA submits to the AFA, including any findings that may affect this Appendix.

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<sup>1</sup> Aquatic animal products and processed products containing aquatic animal product ingredients are not covered by this Appendix.

E. AFA provides to USDA the following documents in each calendar year by 31 March:

1. A report that contains information regarding the types and quantities of Taiwan products exported under this Appendix over the prior calendar year;
2. A report that contains the types of non-compliances identified by the AFA during any oversight reviews or audits, and steps taken by the AFA to ensure that non-compliances were corrected;
3. A list of certification bodies supervised by AFA and accredited in compliance with Taiwan organic regulations; and
4. A list of organic operations certified according to Taiwan organic regulations.

## Appendix 2

1. The United States and Taiwan plan to work together, under the auspices of AIT and TECRO, in an Organic Working Group consisting of representatives of AIT, the USDA and USTR on behalf of the United States and representatives of AFA and TECRO on behalf of Taiwan.
2. The Organic Working Group is to promote trade and to enhance regulatory and standards cooperation between AFA and USDA on issues related to organic agricultural products.
3. The Organic Working Group should meet annually, unless otherwise decided, to:
  - Review any proposed legislation or rulemaking with a view to maintain equivalency;
  - Foster technical cooperation between the competent authorities and share best practices related to implementing robust oversight controls;
  - Discuss best practices and other issues related to organic agricultural products; and
  - Consider the scope and further development of Appendix 1.
4. By December 31, 2023, the Organic Working Group should review the operations of Appendix 1 with a view to proposing any changes.

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Taipei Economic and Cultural Representative Office  
in the United States

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Tel: (202) 895-1800

Ms. Ingrid Larson  
Managing Director  
American Institute in Taiwan  
1700 N. Moore Street, Suite 1700  
Arlington, VA 22209

Dear Managing Director Larson:

On behalf of the Taipei Economic and Cultural Representative Office in the United States (TECRO), I am pleased to advise you that Taiwan's Council of Agriculture (COA), Agriculture and Food Agency (AFA) has reviewed the U.S. Department of Agriculture's (USDA) National Organic Program (NOP) regulations (Title 7, Part 205 of the U.S. Code of Federal Regulations) (hereinafter "USDA NOP regulations"). Based on that review, AFA has determined that agricultural products produced and handled in accordance with the USDA NOP regulations in effect as of **May 30, 2020**, are produced and handled under an organic certification program, which provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of the Taiwan Organic Agriculture Promotion Act and Enforcement Rules for the Organic Agriculture Promotion Act of 2019 (hereinafter "Taiwan organic regulations").

Accordingly, subject to the conditions set forth in Appendix 1 of this letter, agricultural products produced and handled in conformity with the USDA NOP regulations as in effect on **May 30, 2020**, are deemed by AFA to have been produced and handled in accordance with Taiwan organic regulations. These products may be sold, labeled, or represented on Taiwan as organically produced, including by display of the USDA organic seal, under the conditions set forth in Appendix 1.

On behalf of TECRO, I further wish to advise you that the Taiwan authorities are also pleased to acknowledge the United States' recognition of the equivalence of the organic system of Taiwan for products produced and handled in accordance with Taiwan organic regulations in its letter effective as of **May 30, 2020**. Taiwan's COA AFA is committed to working with USDA's Agricultural Marketing Service (AMS) and Foreign Agricultural Service and the Office of the United States Trade Representative as described in this cover letter and its associated appendices and in the American Institute in Taiwan's (AIT) letter of today's date and its associated appendices.

Sincerely,



Stanley Kao  
Representative

Enclosure : As stated

## Appendix 1: U.S. Products

- A. A U.S. product may be sold, labeled, and represented as organic on Taiwan if it is:
1. Certified organic to the USDA NOP regulations;
  2. Either raised in the United States, produced in the United States, or a product for which final processing or packaging has occurred in the United States; and
  3. For livestock products or livestock products used as ingredients in any product covered under this paragraph, derived from animals not treated with antibiotics, or systemic use of pain killers or analgesics, including the use of Lidocaine or Procaine.
- B. A U.S. product covered under Paragraph A above and imported into Taiwan:
1. Is labeled according to COA AFA labeling requirements as described in the Taiwan organic regulations;
  2. May display the USDA organic seal; and
  3. Is accompanied by a USDA TM-11 export certificate from an NOP-accredited certification body that attests to compliance with the terms of this Appendix.
- C. The USDA notifies AFA in writing in a timely manner of any instances of the following:
1. Changes with respect to the accreditation status of NOP-accredited certification bodies;
  2. Issuance of regulations or guidelines, either proposed or final, in the United States that may affect this Appendix; and
  3. Notifications of non-compliances that may affect the organic status of U.S. products covered under Paragraph A above.
- D. Following advance written notice from AFA through TECRO, the USDA permits AFA officials to conduct on-site evaluations in the United States to verify that the relevant regulatory authorities and certification bodies of the U.S. organic program are carrying out the requirements of that program. USDA is to cooperate with and assist AFA, to the extent permitted, in carrying out these on-site evaluations, which may include visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that NOP-accredited certification bodies have certified in the United States. The USDA provides a written response in a timely fashion to findings identified by AFA in any report of an on-site evaluation that AFA submits to the USDA, including any findings that may affect this Appendix.
- E. USDA provides to AFA the following documents in each calendar year by March 31:
1. A report that contains information regarding the types and quantities of U.S. products exported under this Appendix over the prior calendar year;

2. A report that contains the types of non-compliances identified by the USDA during any oversight reviews or audits, and steps taken by USDA to ensure that non-compliances were corrected;
3. A list of certification bodies accredited and supervised by NOP within the scope of the U.S. organic program; and
4. A list of organic operations certified according to USDA NOP.

## Appendix 2

1. Taiwan and the United States plan to work together, under the auspices of TECRO and AIT, in an Organic Working Group consisting of representatives of AFA and TECRO on behalf of Taiwan and representatives of AIT, the USDA, and USTR on behalf of the United States.
2. The Organic Working Group is to promote trade and to enhance regulatory and standards cooperation between AFA and USDA on issues related to organic agricultural products.
3. The Organic Working Group should meet annually, unless otherwise decided, to:
  - Review any proposed legislation and rulemaking with a view to maintain equivalency;
  - Foster technical cooperation between the competent authorities and share best practices related to implementing robust oversight controls;
  - Discuss best practices and other issues related to organic agricultural products; and
  - Consider the scope and further development of Appendix 1.
4. By December 31, 2023, the Organic Working Group should review the operations of Appendix 1 with a view to proposing any changes.