

MEMORANDUM OF UNDERSTANDING
ON
MUTUAL RECOGNITION OF ORGANIC PRODUCTS
BETWEEN
THE MINISTRY OF AGRICULTURE, TAIWAN
AND
THE DEPARTMENT FOR ENVIRONMENT, FOOD & RURAL
AFFAIRS, UNITED KINGDOM

The Ministry of Agriculture, Taiwan and the Department for Environment, Food & Rural Affairs, United Kingdom (hereinafter referred to as “the Participants” and separately as “a Participant”),

CONSIDERING the benefits of mutual recognition to facilitate trade in processed organic agricultural products for use as food,

HAVING REGARD to Taiwan’s Organic Agriculture Promotion Act (2018) and Article 8 of the United Kingdom’s Assimilated Regulation UK: (EC) No 1235/2008,

CONSIDERING that the Participants have successfully reviewed equivalence of the domestic laws and regulations applicable to the Participants to the extent that they apply to processed organic agricultural products for use as food;

HAVE REACHED the following understanding:

Paragraph I

Scope

This Memorandum of Understanding (“MOU”) applies only to processed organic agricultural products for use as food.

Paragraph II

Competent Authorities and Applicable Law

1. The competent authorities for the implementation of this MOU will be the Ministry of Agriculture, Taiwan and the Department for Environment, Food & Rural Affairs, United Kingdom.
2. The implementation of this MOU will take place in accordance with the domestic laws and regulations applicable to the Participants, as set out in Appendices I and II.

Paragraph III

Recognition of United Kingdom Organic Products in Taiwan

1. Taiwan will recognise the laws and regulations of the United Kingdom listed in Appendix I as equivalent to Taiwan's laws and regulations listed in Appendix II, to the extent that they apply to processed organic agricultural products for use as food.
2. A processed organic agricultural product for use as food may be imported, sold, labelled, and represented as organic in Taiwan if it:
 - 2.1 is certified as organic in compliance with the laws and regulations of the United Kingdom listed in Appendix I;
 - 2.2 is grown in the United Kingdom, produced in the United Kingdom, or is a product that has been substantially processed in the United Kingdom with ingredients that have either been grown in the United Kingdom or that have been imported into the United Kingdom in accordance with the laws and regulations of the United Kingdom listed in Appendix I;
 - 2.3 is made with only crop and/or livestock ingredients and contains no bee products in its ingredients;
 - 2.4 is not an alcoholic beverage;
 - 2.5 is not organic yeast (as a product) or any product containing organic yeast as an ingredient;
 - 2.6 is not derived from animals treated with antibiotics, in the case of a livestock product or any product made with livestock ingredients; and

- 2.7 is not produced with added sodium nitrite or potassium nitrate, in the case of a meat product.
3. The Ministry of Agriculture, Taiwan will operate organics testing and inspection according to its domestic regulations. The Ministry of Agriculture, Taiwan will inform the United Kingdom of any suspected irregularity it identifies. The United Kingdom will then carry out an investigation and notify the Ministry of Agriculture, Taiwan of the results.
4. Any processed organic agricultural product for use as food must comply with all requirements of Taiwan's domestic laws and regulations applicable to the import of processed agricultural products for food use for that product to be imported into Taiwan.
5. The United Kingdom will provide to the Ministry of Agriculture, Taiwan the following documents for each preceding calendar year by 31 March of the following year:
- 5.1 a report that describes in particular the monitoring and supervisory activities carried out by the competent authorities of the United Kingdom, including the results obtained and corrective measures taken in the previous calendar year;
 - 5.2 a report that contains information regarding the types and quantities of processed organic agricultural products for use as food exported to Taiwan under this MOU over the previous calendar year; and
 - 5.3 a report that contains the types of non-compliances identified by the United Kingdom during any oversight reviews or audits, and steps taken by the United Kingdom to ensure that non-compliances were corrected.

Paragraph IV

Recognition of Taiwan Organic Products in the United Kingdom

1. The United Kingdom will recognise the laws and regulations of Taiwan listed in Appendix II as equivalent to the United Kingdom's laws and regulations listed in Appendix I, to the extent that they apply to processed organic agricultural products for

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use as food and without prejudice to the Windsor Framework¹, in so far as it applies to the United Kingdom in respect of Northern Ireland.

2. A processed organic agricultural product for use as food may be imported, sold, labelled, and represented as organic in the United Kingdom if it:

2.1 is certified as organic in compliance with the laws and regulations of Taiwan listed in Appendix II;

2.2 is grown in Taiwan, produced in Taiwan, or is a product that has been substantially processed in Taiwan with ingredients that have either been grown in Taiwan or that have been imported into Taiwan in accordance with the laws and regulations of Taiwan listed in Appendix II;

2.3 is made with only crop and/or livestock ingredients and contains no bee products in its ingredients;

2.4 is not an alcoholic beverage; and

2.5 is not organic yeast (as a product) or any product containing organic yeast as an ingredient.

3. The United Kingdom will operate organics testing and inspection according to its domestic regulations. The United Kingdom will inform the Ministry of Agriculture, Taiwan of any suspected irregularity it identifies. The Ministry of Agriculture, Taiwan will then carry out an investigation and notify the United Kingdom of the results.

4. Any processed organic agricultural product for use as food must comply with all other requirements of the United Kingdom's domestic laws and regulations applicable to the import of processed agricultural products for food use for that product to be imported into the United Kingdom.

5. The Ministry of Agriculture, Taiwan will provide to the United Kingdom the following documents for each preceding calendar year by 31 March of the following year:

¹ The Protocol on Ireland/Northern Ireland to the *Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*.

- 5.1 a report that describes in particular the monitoring and supervisory activities carried out by the competent authorities of Taiwan, including the results obtained and corrective measures taken in the previous calendar year;
- 5.2 a report that contains information regarding the types and quantities of processed organic agricultural products for use as food exported to the United Kingdom under this MOU over the previous calendar year; and
- 5.3 a report that contains the types of non-compliances identified by the Ministry of Agriculture, Taiwan during any oversight reviews or audits, and steps taken by the Ministry of Agriculture, Taiwan to ensure that non-compliances were corrected.

Paragraph V

Information Sharing

1. Without delay following the coming into effect of this MOU, each Participant will inform the other Participant of:
 - 1.1 a list of its competent authorities, accreditation bodies, control authorities and control bodies, including contact details (in particular their names, addresses, email addresses, Internet addresses and code numbers);
 - 1.2 any update to the information provided under Paragraph [V.1.1];
 - 1.3 any changes or repeals anticipated in respect of laws or regulations listed in Appendix I or Appendix II, any proposals for new laws or regulations or any relevant proposed changes to administrative procedures and practices related to processed organic agricultural products for use as food covered by this MOU, in so far as it is appropriate to share; and
 - 1.4 any changes or repeals adopted in respect of laws or regulations listed in Appendix I or Appendix II, any new legislation or relevant changes to administrative procedures and practices related to processed organic agricultural products for use as food covered by this MOU.

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Paragraph VI

Nature of Cooperation

1. Where possible, the Participants will cooperate with regard to the following:

- 1.1 exchanges of visits, information, and knowledge to facilitate cooperation on matters of mutual concern;
 - 1.2 review and discussion of issues of mutual interest, and of any relevant problems requiring resolution; and
 - 1.3 the expansion of trade in organic products and the reduction of trade barriers between the Participants, especially considering possible ways to extend mutual recognition to a wider scope of organic products in due course.
2. A Participant who deems it necessary may visit the other participant to conduct on-site assessments to review the organic agriculture accreditation and certification system. The dates of any visit, and the itinerary and procedures to be followed are to be decided between the Participants in advance of the commencement of the visit. The assessed Participant will provide all the necessary assistance to the assessing Participant.

Paragraph VII

Dialogue for Cooperation on Organics

1. For the purpose of implementing this MOU, the Participants will continue to engage in dialogue for cooperation on trade in Organic products, and create an 'Organics Dialogue'.
2. The Organics Dialogue may, among other things, perform the following functions:
 - 2.1 consider the policy aspects relevant to the implementation of this MOU;
 - 2.2 identify priority areas of mutual interest, taking into account any new emerging information, studies or other material as appropriate;
 - 2.3 set up expert groups for individual areas of scientific and technological cooperation and engage experts to assist in its work if necessary;
 - 2.4 monitor the progress of the implementation of this MOU;
 - 2.5 propose specific measures to enhance the range and quality of cooperation under this MOU, including any amendments to this MOU and its Appendices as may be necessary; and
 - 2.6 other forms of Cooperation in Organics as may be jointly decided upon by the Participants.

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Paragraph VIII

Cost Sharing

Unless otherwise jointly decided, the Participants will each bear their own costs in relation to the preparation of this MOU and in any collaborative activities carried out under this MOU.

Paragraph IX

Coming into Effect, Amendment and Termination

1. This MOU will come into effect on the date both Participants sign in duplicate two copies of this MOU written in the English language.
2. Amendments to this MOU may be made at any time by joint decision of the Participants via an exchange of letters. Any such amendment will take effect from the date of the signature of the second Participant on the exchange of letters.
3. This MOU may be terminated by either Participant giving six months' written notice to the other. Termination of this MOU will not affect the validity or duration of the activities approved pursuant to this MOU and initiated before the termination.

Paragraph X

Status of this MOU

1. This MOU will, in no way, affect the rights or legal obligations of the Participants under bilateral or multilateral agreements.
2. This MOU does not affect the rights and obligations of third parties or the rights of the Participants to conclude arrangements or agreements with respect to any matter described in this MOU.

Paragraph XI

Interpretation and Dispute Settlement

The Participants are committed to acting in good faith. Any questions or disputes arising out of the interpretation or application of any provision of this MOU will be resolved through cooperative consultation and dialogue between the Participants and will not be referred to any third party, court, or tribunal.



The foregoing record represents the understandings reached between the Ministry of Agriculture, Taiwan and Department for Environment, Food & Rural Affairs of the United Kingdom of Great Britain and Northern Ireland, upon the matters referred to therein.

Signed in duplicate at London and Taipei on 22nd May 2024 in two originals in the English language.

**FOR the Ministry of Agriculture,
Taiwan**



Vincent Chin-Hsiang Yao

Representative

Taipei Representative Office in the U.K.

**FOR the Department for Environment,
Food & Rural Affairs, United Kingdom**



John Dennis

Representative

British Office Taipei

Appendix I

Laws and Regulations on Organic Products Applicable in the United Kingdom

The following laws and regulations are applicable in the United Kingdom:

1. Assimilated Regulation (EC) No 834/2007
2. Assimilated Regulation (EC) No 889/2008
3. Assimilated Regulation (EC) No 1235/2008
4. Regulations relating to organic production and labelling of organic products, including supplementing or implementing acts, in so far as they apply to the United Kingdom in respect of Northern Ireland under the Windsor Framework (the Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community)

Appendix II

Laws and Regulations on Organic Products Applicable in Taiwan

The following laws and regulations are applicable in Taiwan:

1. Organic Agriculture Promotion Act (2018)
2. Enforcement Rules for Organic Agriculture Promotion Act (2019)
3. Regulations for Approving and Supervising Organic Accreditation Bodies (2019)
4. Regulations for Managing the Labeling and Marks of Organic Agricultural Products and In-conversion Agricultural Products (2019)
5. Regulations for Managing and Reviewing Imported Organic Agricultural Products (2019)
6. Items Required to be Stated in the Contract between Organic Certification Bodies and Agricultural Operators (2019)
7. Operating Records Required to Be Kept by Organic Certification Bodies and Their Methods and Periods (2019)
8. Certification Standard for Organic Agricultural Products and In-conversion Agricultural Products and Allowable Substances in their Production, Processing, Packaging, Distribution, and Sale (2019)
9. Categories and Items of Organic Agricultural Products and In-conversion Agricultural Products (2019)