

Regulations Governing Prior Release of Commodities

Adopted and promulgated by Ministerial Order on 9 January 2002.

Amended and promulgated by Ministerial Order on 31 December 2003.

Amended and promulgated by Ministerial Order on 26 September 2006.

Articles 4,5,8 and 9 amended and promulgated by Ministerial Order on 18 November 2009.

Articles 3,5,7 and 8 amended and promulgated by Ministerial Order on 26 August 2016.

Article 1

These Regulations are established in accordance with Paragraph Three of Article 7 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 applicants who import commodities that are subject to batch-by-batch inspection or monitoring inspection may apply to the inspection authority for prior release of their commodities after submitting an application for inspection under the following circumstances:

1. The inspection processing period has required more than five days;
2. The commodities have not yet been marked or labelled in accordance with Articles 11 and 12 of the Act;
3. The commodities that are subject to type-approved batch inspection have not yet obtained type approval;
4. The commodity is bulky in size, requires special sampling tools, has various types, or is under other special conditions that cannot be sampled or examined at the airport or harbour warehouse;
5. The commodity requires modification, adjustment, reprocessing, or separate packaging;
6. The disqualified commodity has been approved to be modified, adjusted, or reprocessed, that re-application for inspection will be submitted for;
7. Unfinished commodities;
8. The commodity is disassembled in whole or in parts;
9. Liquid or gaseous petroleum commodities; or
10. Other commodities that are approved by the BSMI for prior release.

Permission for a prior release issued in accordance with subparagraph 3 of the preceding paragraph shall be limited to one time only for each applicant with the same commodities, except application for type test or type approval has been filed or under special conditions approved by the BSMI.

Article 4

The applicants who import commodities with application for registration of product certification may apply to the inspection authority for prior release of their commodities under the following circumstances:

1. The commodities have been registered under the Registration of Product Certification (RPC) Scheme and have not yet been marked or labelled in accordance with Articles 11 and 12 of the Act; or
2. The commodities which application for RPC has been made but registration has not been granted;
3. The commodities have been registered under the RPC Scheme but not yet been in accordance with border inspection in correctional condition;
4. The commodities have been registered under the RPC Scheme and sampled with border inspection but the inspection processing period over five days;

5. The commodities have been registered under the RPC Scheme and border inspection but cannot be sampled at the airport or harbour warehouse;
6. The unfinished commodities have been registered under the RPC Scheme;
7. The commodities have been registered under the RPC Scheme and disassembled in whole or in parts;
8. Other commodities that are approved by the BSMI for prior release.

Permission for a prior release issued in accordance with subparagraph 2 of the preceding paragraph shall be limited to one time only for each applicant with the same commodities, except under special conditions approved by the BSMI.

Article 5

A prior release of commodities to be imported shall be denied by the BSMI under any of the following circumstances:

1. If there is a prior disqualified inspection record or purchasing/sampling commodities with failure to file a new inspection application for importing commodities, and importation of the same commodities with the same item name, Commodity Classification Code, type, manufacturer, and brand is not able to pass two consecutive batches and the quantity of commodities passing inspection does not reach three times of the quantity of the disqualified commodities;
2. If there is a violation of the second half of Paragraph One or Paragraph Two of Article 7 of the Commodity Inspection Act within six months prior to the date of application;
3. If there is a failure to file a new inspection application, return, destroy, disassemble to no further use, or take other necessary measures pertaining to disqualified commodities within six months;
4. If an applicant violates Article 9 of the Commodity Inspection Act and importation of the same commodities with the same item name, Commodity Classification Code, type, manufacturer, and brand is not able to pass two consecutive batches and the quantity of commodities passing inspection does not reach three times of the quantity of the disqualified commodities;
5. If an applicant fails to obtain the inspection certificate within one year after a prior release of the same commodities was issued and there is no record showing that the subject commodities were returned, destroyed, disassembled to a state where further use is not possible or subject to other necessary measures;
6. If there are sanitary or safety concerns.

The preceding restrictions shall not apply to commodities that are bulky in size, require special sampling tools, have various types, or are under other special conditions and cannot be sampled or examined at the airport or harbour warehouse, as confirmed by the sampling staff, or under special conditions approved by the BSMI.

Article 6

The applicant shall submit an application for prior release to the inspection authority by submitting a completed application form and related documents. The approval letter from the BSMI mentioned in paragraph 2 of Article 3 or paragraph 2 of Article 4 shall also be attached, where applicable.

Article 7

The inspection authority may review and issue a prior-release notice to a qualified applicant after the review. and, notify the applicant as such.

The inspection authority may first transmit a Notice for Prior Release of Imported Commodity electronically to inform the Customs Administration, Ministry of Finance for prior releases of imported goods.

Article 8

If prior released commodities have one of the following circumstances, the inspection authority shall dispatch personnel to seal the commodities. Other prior released commodities shall be randomly sampled in batches and be sealed by the inspection authority depending on the circumstances. The random sampling shall take place at a rate of at least one out of five batches.

1. A prior release issued in accordance with subparagraph 3, paragraph 1, Article 3; or
2. A prior release issued in accordance with paragraph 1, Article 4; or
3. A prior release issued in accordance with paragraph 2, Article 5;

4. The applicants have a violation record on the same items of commodities within a year;
5. The inspection authority considers as high risk commodities.

If there are related procedures that shall be completed for the above-mentioned sealed commodities, an applicant shall first apply to the inspection authority for unsealing these commodities by himself and the inspection authority may dispatch personnel to supervise if necessary.

After all procedures are completed, an applicant shall notify the inspection authority to send its personnel to conduct examining, sampling or sealing at the commodity storage place.

Article 9

An applicant shall meet the requirements for a prior release to be issued in accordance with subparagraphs 2 or 5-8, paragraph 1, Article 3, subparagraph 1 to 3 or 6 to 7 paragraph 1, Article 4 within the prescribed time limit. The inspection authority may send its personnel to conduct inspection.

An applicant shall apply to the inspection authority for a single extension of no longer than six months, if the commodity has any of the followings:

1. A failure to obtain type approval in accordance with subparagraph 3, paragraph 1, Article 3 or register under the RPC Scheme in accordance with subparagraph 2, paragraph 1, Article 4 within the designated period prescribed by the inspection authority;
2. A failure to complete the modification, separate packaging, repair, adjustment, or improvement in accordance with subparagraph 5 or 6, paragraph 1, Article 3 or correction in accordance with subparagraph 3, paragraph 1, Article 4 within the designated period prescribed by the inspection authority;
3. A failure to assemble unfinished commodities that were disassembled in whole or in parts into finished commodities in accordance with subparagraph 7 or 8, paragraph 1, Article 3 or subparagraph 6 to 7, paragraph 1, Article 4 within the designated period prescribed by the inspection authority;
4. A failure to complete the required marking or labeling in accordance with Articles 11, 12, or other requirements within the designated period prescribed by the inspection authority; or
5. A change to the storage place of the commodity.

The applicant shall obtain an approval by inspection authority if storage place of the commodity has been changed.

Article 10

These Regulations shall take effect upon the date of promulgation.