

Regulations for imposition of the additional duty on agriculture products

Article 1

To execute the special safeguard and impose the additional duty, the Ministry of Finance enacts the Regulations.

Article 2

The scope of the additional duty is peanuts, pears, sugar, garlic, betel nuts, chicken, liquid milk, offal, red beans, dried shiitake, pomelo, persimmon, dried day lilies, pork belly, and rice.

Article 3

The agriculture products listed in Article 2 shall be imposed the additional duty where the cumulative import volume exceeds the trigger level or the customs value falls below the trigger price, and the higher additional duty is imposed under two methods' calculation; offal shall be imposed the additional duty only where the cumulative import volume exceeds the trigger level.

Article 4

The trigger level is enacted in accordance with paragraph 4 Article 5, the Agreement on Agriculture, World Trade Organization (WTO), and methods, amount, and period of imposition are as follows.

(a) Methods of imposition

- (i) Where the cumulative import volume, which includes the volume with/without certificates of tariff quota and is cumulated in accordance with the import year of transportation means and customs declaration time, reaches the trigger level, the additional duty shall be imposed except customs declarations with certificates of tariff quota;
- (ii) Imports carried by tourists or mailed by postal parcels, which have been submitted import declarations, shall be included in the cumulative import volume and be imposed the additional duty after the threshold; those, which have not been submitted import declarations, shall not be included in the cumulative import volume but shall be imposed the additional duty after the threshold.
- (iii) G1 declarations (foreign goods imported) and D2 declarations (bonded goods imported from bonded warehouse) shall be included in the cumulative import volume except triangular trade goods, detained goods, abandoned goods, returned goods, and reexported domestic goods (Customs duty treatment codes are 90, 91, 92, 94, and 71).
- (iv) Where the total import volume of customs declarations exceeds the trigger level at the same time, the volume of exempt from the additional

duty shall be calculated by the proportion of the import volume of individual customs declaration; where the total import volume in the same customs declaration exceeds the trigger level, the volume of exempt from the additional duty shall be calculated by the declaration items in order.

- (v) The cumulative import volume shall be disclosed on the website at any time by Customs; where the cumulative import volume reaches 90 percent of the trigger level, Customs shall verify related customs declarations, confirm the sequence of declaration time, and determine whether an additional duty shall be levied before releasing; where the duty-payer needs to pick up goods in advance, he/she will pay the deposit of guarantee, the amount of customs duties payable including the additional duty, and apply for examination and release.
 - (vi) Where Customs verify imported goods that belong to the scope of the additional duty after importers declare the wrong Customs Import Tariff, the volume shall be included in the cumulative import volume at the same time; where the cumulative import volume reaches the trigger level, the additional duty shall be imposed.
- (b) The amount of imposition of the additional duty is 33.3 percent of duties payable under Customs Import Tariff.
 - (c) The period of imposition is from the date where the cumulative import volume reaches the trigger level until December 31 of the year.

Article 5

The trigger price, in accordance with Paragraph 1 of Article 5 of Agricultural Agreement, WTO, adopts 1990 to 1992 averages C.I.F., and no import records may refer to the neighboring country C.I.F. or estimated foreign price for calculating tariff; the methods and amount of imposition are as follows.

- (a) Methods of imposition
 - (i) In accordance with Paragraph 1 of Article 5 of Agricultural Agreement, WTO, where the difference between the customs value of imported goods and the trigger price exceeds 10 percent of the trigger price, the additional duty shall be imposed except for customs declarations with certificates of tariff quota;
 - (ii) Imports carried by tourists or mailed by postal parcels, which have been submitted import declarations, shall be imposed the additional duty except for not being submitted import declarations.
- (b) Amount of imposition

- (i) Where the difference between the customs value of imported goods expressed in terms of the domestic currency and the trigger price (hereinafter referred to as the "difference") is less than or equal to 10 per cent of the trigger price, no additional duty shall be imposed;
- (ii) Where the difference is greater than 10 percent but less than or equal to 40 percent of the trigger price, the additional duty shall equal 30 percent of the amount by which the difference exceeds 10 percent of the trigger price;
- (iii) Where the difference is greater than 40 percent but less than or equal to 60 percent of the trigger price, the additional duty shall equal 50 percent of the amount by which the difference exceeds 40 percent of the trigger price, plus the additional duty allowed under (ii);
- (iv) Where the difference is greater than 60 percent but less than or equal to 75 percent, the additional duty shall equal 70 percent of the amount by which the difference exceeds 60 percent of the trigger price, plus the additional duties allowed under (ii) and (iii);
- (v) Where the difference is greater than 75 percent of the trigger price, the additional duty shall equal 90 percent of the amount by which the difference exceeds 75 percent of the trigger price, plus the additional duties allowed under (ii), (iii) and (iv).