Content

Title：	Excessive Product Packaging Restrictions Ch
Date：	2005.07.01
Legislative：	?
Content：	Contents of Announcement: I. Terms used in this Official Announcement are defined as follows. 1. Pastries means cakes, cookies, steamed cakes, rice flour desserts, pies, pastries, breads, egg tarts, rice snacks, egg wafer rolls, and other products of a similar nature. 2. Cosmetics means any cosmetic as defined by the Cosmetics Hygiene Control Act. 3. Alcoholic beverage means any alcoholic beverage as defined by the Tobacco and Alcoholic Product Management Act. 4. Processed food means any food as defined by the Food Sanitation Act, excluding fresh foods, such as grains, vegetables, fruits, meat, and sea food, raw materials for foods, and other foods as officially announced by the central competent authority. 5. Computer software optical disks means any pre-recorded optical disk containing computer program works for sale that is packaged in a box and sold off the shelf. 6. Full wrapping means packaging that entirely covers a packaged product, or packaging that does not entirely cover a packaged product but prevents the packaged product from falling apart. 7. Individual packaging means the first layer of packaging that fully wraps a product. 8. Packaged product means products with full wrapping packaging of one or more layers. 9. Repackaging means the addition of packaging to a packaged product. 10. Box means stiff packaging that prevents a fully wrapped product from falling apart, but excludes blister packaging and other types of packaging as officially announced by the central competent authority.

11. Product-separating packaging means stiff packaging used to separate several products or to divide several products into different groups, such as trays, liners, separation sheets and so on,but excluding the packaging of the packaged products themselves.

12. Packaging that separates packaged products from inner faces of a box means stiff packaging that prevents products from contacting the inner faces of a box, such as trays, liners, separation sheets, bases or protective padding, space fillers and so on,but excluding the packaging of the packaged products themselves.

13. Unit product means:

a. each packaged and non-packaged product in a gift box;

b. each gift box and packaged and non-packaged products within a multiple gift box set;

c. individual packaging of an optical disk or any other packaged or non-packaged product inside a computer software optical disk.

II. Designated products:

1. Pastry gift boxes: gift boxes or multiple gift boxes containing pastries.

2. Cosmetics gift boxes: gift boxes or multiple gift boxes containing cosmetics.

3. Alcoholic beverage gift boxes: gift boxes or multiple gift boxes containing alcoholic beverages.

4. Processed food gift boxes: gift boxes or multiple gift boxes containing processed food products.

5. Computer software optical disks.

III. Principles for identifying gift boxes and multiple gift box sets are as follows:

1. A product which is independently sold or presented and meets any one of the following conditions shall be deemed a gift box:

a. Several products repackaged in a box with packaging that separates the products or packaging that separates products from the inner faces of the box.

b. Moon cakes, wedding cookies, product gift boxes and so on that are packaged in a box and given at holidays and celebrations as presents.

c. Several pastries packaged in a box with packaging that separates the pastries.

2. A product that is independently sold or presented and meets any one of the following conditions shall be deemed a multiple gift box set:

a. Gift boxes that have been repackaged in a box.

b. Gift boxes that have been repackaged with other products in a box.

3. Gift boxes do not include several identical packaged or non-packaged products in a box that constitute a single sale unit, such as several small bottles of facial skin care emollient or packets containing several cookies.

IV. The following products and packaging are exempt from the restrictions under this Official Announcement:

1. products for export;

2. packaging specifically used for insulation;

3. carrying bags, shipping cartons and other such packaging specifically used for shipping;

4. packaging requested by consumers.

V. Designated enterprises:

1. manufacturer of a designated product: an enterprise that manufactures a designated product;

2. importer of a designated product: an enterprise that imports a designated product;

3. retail vendor of a designated product: an enterprise that sells or gives away a designated product.

VI. The principles for identifying the manufacturer of designated products are as follows:

1. If a designated product bears a trademark, the user of the trademark shall be deemed the manufacturer of such designated product.

2. If a designated product bears no trademark, the manufacturer on the product label shall be deemed the manufacturer of such designated product. If more than two manufacturers are listed on the label, the commissioning manufacturer shall be deemed the manufacturer of such designated product.

3. If a designated product bears neither a trademark nor a manufacturer on the label, or the user of the trademark or the manufacturer on the label does not produce the designated product, the producer de facto shall be deemed the manufacturer of such designated product.

4. The commissioning manufacturer shall be deemed the manufacturer of designated products.

5. The manufacturer of computer software optical disks shall be deemed the
publisher of such computer programming works.
VII. The packaging of designated products shall meet the following standards:
1. Gift boxes and multiple gift box sets:
a. Packaging volume ratio: one or less.
b. Number of packaging layers:
a. Pastries: Three or less.
b. Cosmetics, alcoholic beverages and processed foods: two or less.
c. Multiple gift box sets: two or less.
c. Individual gift boxes within a mutliple gift box set shall conform to the rules
for packaging volume ratio and number of packaging layers for individual gift
boxes.
2. Computer software optical disks:
a. Packaging volume ratio: one or less.
b. Number of packaging layers: three or less.
VIII. The formula for calculating packaging volume ratio is as follows:
1. Packaging volume ratio is equal to packaging volume divided by allowable
packaging volume.
2. Packaging volume: the minimum cubic volume of the packaging surrounding a
designated product (not including handles, fastners, string, shrink wrap, etc.
attached to a box).
3. Allowable packaging volume: the total combined volume of the volume of each
unit product multiplied by its respective necessary space coefficent.
a. Necessary space coefficent:
a. Packaging not comprised of a single material:
b. Pastries: 6.0.
a. Other products: 2.7.
b. Single-material packaging:
a. Pastries: 6.9.
b. Other products: 3.1.
4. Unit product volume: the minimum cubic volume of the unit product exterior.
a. Pastries: the minimum cubic volume of the non-packaged pastry exterior.
b. Optical disk: the minimum cubic volume of the individually packaged optical
disk exterior.
c. Packaged product volume: the minimum cubic volume of the packaging
surrounding a packaged product.
d. Non-packaged product volume: the minimum cubic volume of the
non-packaged product exterior.
IX. The principles for identifying single-material packaging are as

follows:
1. All packaging materials shall be of the same metal, glass, plastic, or paper
material, except printing, date and price tags or other labels as required by law,
shrink wrap around (or on) a box or tape required for sealing.
2. Plastic shall be of the same type of plastic and labeled with recycling
identification code of the plastic material.
3. Paper may not be combined with other materials except for glazing and coating.
4. Pastry gift boxes: all packaging material is comprised of a single material.
However, airtight packaging or individual packaging of pastries without airtight
packaging shall not be subject to this restriction.
5. Other product gift boxes: all packaging material is comprised of a single
material.
However, unit product packaging are not subject to this restriction.
6. Computer software optical disks: all packaging material is comprised of a single
material.However, the individual packaging of an optical disk and the packaging
of non-optical disk packaged products are not subject to this restriction.
7. When necessary, the competent authority may require that designated enterprises
submit proof of materials obtained from the packaging manufacturer.
X. The principles for identifying the number of packaging layers are as follows:
1. Gift boxes and multiple gift box sets:
a. Pastries: The packaging and repackaging that fully wraps a pastry shall be
deemed as one layer.
b. Other: The packaging and repackaging that fully wraps a unit product shall be
deemed as one layer. However, the packaging layers of the unit products
themselves shall not be included in the calculation of gift box layers.
2. Computer software optical disks: The packaging and repackaging that fully wrap
computer software optical disk shall be deemed as one layer.
3. For designated products containing unit products or computer software optical
disks with different numbers of packaging layers, the greatest number of
packaging layers shall be deemed the number of packaging layers of said

designated product.

4. Only when several gift boxes, multiple gift box sets or computer software optical disks are shrink wrapped and sold as a set shall said shrink wrapping not be included in calculating the number of packaging layers.

5. Packaging such as trays or liners that do not fully cover a product but are used to keep the product in place or from falling apart shall not be deemed as a layer.

XI. Designated enterprises may apply for exemption from Paragraph 7 of this Official Announcement by providing to the central competent authority, or the commissioned professional organization thereof, for approval the following documents:

1. Audit report on the packaging volume ratio, number of packaging layers, and packaging materials of a designated product in accordance with Paragraph 14 of this Official Announcement.

2. Written explanation of an even better way to avoid excessive packaging or facilitate resource recycling which does not comply with Paragraph 7 of this Official Announcement.

3. Written explanation of why the requirements of Paragraph 7 of this Official Announcement cannot be met although measures have already been taken to avoid excessive packaging.

XII. Designated enterprises that obtain a letter of approval pursuant to the foregoing regulation of this Official Announcement shall carry out procedures in accordance with the contents of said letter of approval.

XIII. Designated products manufactured or sold before this Official Announcement takes effect are not subject to the regulations herein; the principles for determining the manufacture or sell date of designated products are as follows:

1. For designated products bearing a manufacture date, the manufacture date shall be that which is indicated.

2. For designated products not bearing a manufacture date but bearing an expiry date and preservation period, the manufacture date shall be that which is calculated based on the indicated expiry date and preservation

period.
3. For designated products not bearing a manufacture date, or expiry date and preservation period, the manufacture date shall be the sell date.
4. For gift boxes or multiple gift box sets not bearing a date but containing unit products bearing a manufacture date, or an expiry date and preservation period, said manufacture date, or the manufacture date calculated on said expiry date and preservation period shall be deemed the manufacture date of said gift box or multiple gift box set.
5. For designated products containing products with different manufacture dates, the earliest date shall be deemed the manufacture date of said designated product.
6. The sell date shall be the date that a designated enterprise directly sells a designated product and shall be based on the date on the delivery receipt form; if there is no delivery receipt, the sell date shall be that which is on the sales invoice or receipt.

XIV. Designated enterprises may submit designated products to the central competent authority, or commissioned professional organization thereof, to conduct an audit of compliance with the regulations of this Official Announcement.

XV. The competent authority or its commissioned professional organization may request designated enterprises to submit designated products for inspection, and provide product catalogs, target customer information, sell date, source and date of delivered product, and other related data. Designated enterprises may not evade,obstruct, or refuse such requests.

XVI. The competent authority, or the commissioned professional organization thereof, shall conduct inspections mentioned in the foregoing paragraph according to the following rules:

1. In principle, samples shall be obtained from manufacturers and importers, with sample quantity being limited to an amount sufficient for conducting inspections.However, samples may be obtained from retail vendors when one of the following circumstances applies:

a. A retail vendor fully wraps a designated product.
b. A retail vendor evades, obstructs or refuses to provide products for photographing or recording purposes.
c. A sample cannot be obtained from the manufacturer or importer.

2. A receipt shall be given to the designated enterprise for provided samples.

3. In principle, inspections shall be conducted on the premises of the manufacturer or importer,and likewise when obtaining a sample from a retail vendor.

4. In principle, inspections shall not damage the packaging of products within a gift box or the individual packaging of computer software optical disks.Inspection of pastry gift boxes, however, shall be excluded from this rule.

5. Samples that have been fully inspected shall be returned to the designated enterprise.

XVII. Designated enterprises may list on designated products the audited packaging volume ratio, number of packaging layers, and packaging materials pursuant to Paragraph 14 of this Official Announcement.

XVIII. Those manufacturers and importers of designated products that violate Paragraph 7 or Paragraph 12 of this Official Announcement shall be penalized pursuant to Article 26, Paragraph 1, Subparagraph 3 of the Resource Recycling Act (herein referred to as the RRA).

XIX. Those retail vendors that package designated products or commission the packaging of designated products that violate Paragraph 7 or Paragraph 12 of this Official Announcement shall be penalized pursuant to Article 26, Paragraph 1, Subparagraph 2 of the RRA.

XX. For improvements required within a limited period of time to address violations of Paragraph 7 or Paragraph 12 of this Official Announcement, the competent authority shall issue an order to make improvements to the packaging of designated products that have not yet been packaged or imported.

XXI. Those designated enterprises that violate Paragraph 15 of this Official Announcement shall be penalized pursuant to Article 26, Paragraph 1,

Subparagraph 7 of the RRA.

XXII. This Official Announcement shall take effect on the dates as follows:

1. July 1, 2006 for pastry gift boxes, cosmetics gift boxes, alcoholic beverage gift boxes and computer software optical disks.

2. July 1, 2007 for processed food gift boxes.

Data Source：Ministry of Environment Laws and Regulations Retrieving System