

**Protocol of Bovine Spongiform Encephalopathy (BSE)-Related Measures for the
Importation of Beef and Beef Products for Human Consumption from the Territory
of the Authorities Represented by the American Institute in Taiwan (AIT)**

October 22, 2009

Recognizing the obligations of all WTO Members under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;

Recognizing the animal quarantine and relevant sanitary requirements of the authorities represented by the Taipei Economic and Cultural Representative Office in the United States (TECRO);

The following import health requirements related to BSE shall be applied to beef and beef products exported from the territory of the authorities represented by AIT into the territory of the authorities represented by TECRO.

Definitions

1. Definitions for the purpose of these health requirements are as follows:
 - (1) "Beef or beef products" include all edible parts of cattle and products derived from all edible parts of cattle. However, "beef or beef products" excludes specified risk materials (SRMs); all mechanically recovered meat (MRM)/mechanically separated meat (MSM); and advanced meat recovery product (AMR) from the skull and vertebral column of cattle 30 months of age and over at the time of slaughter. AMR that is free of SRMs and central nervous system tissues (CNS) is allowed. Ground meat, processed products and beef extracts may contain AMR but excludes specified risk materials (SRMs) and all MRM/MSM.
 - (2) "BSE" means Bovine Spongiform Encephalopathy.
 - (3) "Cattle" means domesticated bovine animals (*Bos taurus* and *Bos indicus*) born and raised in the territory of the authorities represented by AIT, legally

imported into the territory of the authorities represented by AIT from a country deemed eligible by TECRO's designated representatives to export beef or beef products to the territory of the authorities represented by TECRO¹, or raised in the territory of the authorities represented by AIT for at least 100 days prior to slaughter.

- (4) "Food-safety hazard" means any biological, chemical, or physical property that may cause food to be unsafe for human consumption.
- (5) "Lot" means a quantity of beef or beef products identified on a single export certificate from one meat establishment, and consists entirely of the same process category and product standard of identity (sub-category).
- (6) "Meat establishment" include any slaughterhouse, processing plant, and storage facility for beef or beef products that operates under the inspection of AIT's designated representative, the U.S. Department of Agriculture (USDA).
- (7) "Non-compliance" means an inconsistency with this protocol that does not constitute a food-safety hazard.
- (8) "Serious non-compliance" means a food-safety hazard in a shipped product or a food-safety hazard found during a scheduled system audit.
- (9) "Specified risk materials (SRMs)" means:
 - (a) The distal ileum of the small intestine and the tonsils from cattle of all ages; and
 - (b) The brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia from cattle 30 months of age and older.
- (10) The territory of the authorities represented by AIT means the fifty states of the United States and the District of Columbia.

¹ Beef and beef products of cattle from Canada fed less than 100 days in the territory of the authorities represented by AIT shall be subject to the same import restrictions with respect to product scope as if shipped directly from Canada.

General Requirements

2. AIT through its designated representative, USDA, in accordance with the regulations of the authorities represented by AIT continuously maintains measures that meet or exceed World Organization for Animal Health (OIE) guidelines for controlled-risk status to effectively detect and prevent the introduction and spread of BSE. AIT through its designated representative, USDA, will provide notice to the World Trade Organization (WTO)—according to the WTO commitments of the authorities represented by AIT—and inform TECRO regarding the repeal or amendment of any BSE-related measures.

3. In the event an additional case or cases of BSE occur in the territory of the authorities represented by AIT, AIT through its designated representative, USDA, shall immediately conduct a thorough epidemiological investigation and inform TECRO, through its designated representatives, the Department of Health (DOH) and the Council of Agriculture (COA), of the results of the investigation. AIT through its designated representative, USDA, will consult with TECRO, through its designated representatives, DOH and COA, about the findings of the investigation. TECRO, through its designated representative, DOH, will suspend the importation of beef and beef products if the additional case(s) results in the OIE recognizing an adverse change in the classification of the BSE status of the territory of the authorities represented by AIT.

Requirements for Meat Establishments

4. Any meat establishment in the territory of the authorities represented by AIT that operates under inspection carried out by AIT's designated representative, USDA, is eligible to produce beef or beef products for the territory of the authorities represented by TECRO. The establishment should be notified to TECRO in advance through its designated representative DOH.

5. AIT through the efforts of its designated representative, USDA, will maintain a regular monitoring and auditing program for meat establishments that produce beef or beef products for export to the territory of the authorities represented by TECRO to ensure they comply with the relevant provisions of these health requirements and regulations of the authorities represented by AIT. In the event of a serious non-compliance, personnel of AIT's designated representative, USDA, would issue a Noncompliance Record (FSIS Form 5400-4) and would immediately control the non-compliant product. If the process that resulted in the non-compliant product is on-going, this designated representative would immediately stop the process until it determines that appropriate corrective and preventative measures have been taken. Only when this designated representative, USDA, determines that corrective actions are adequate will production be allowed to resume. AIT through its designated representative, USDA, will inform TECRO through its designated representative, DOH, if an establishment is suspended and when corrective action has been taken.

6. TECRO's designated representatives, DOH and COA, may conduct on-site audits of a representative sample of the meat establishments that export beef or beef products to the territory of the authorities represented by TECRO. When a serious non-compliance with these health requirements has been found as a result of the on-site audit, TECRO through its designated representative, DOH or COA, will inform AIT's designated representative, USDA, of the results and AIT's designated representative, USDA, shall take appropriate measures and inform TECRO's designated representative, DOH or COA, of the measures taken.

7. AIT through its designated representative, USDA, shall verify that a suspended meat establishment has determined and implemented appropriate corrective and preventative measures before lifting the suspension described in item 5, item 6, and item 17. AIT through its designated representative, USDA, shall inform TECRO's designated representative, DOH, of the corrective action the meat establishment has taken and of the date the meat establishment's suspension is lifted.

Requirements for Beef and Beef Products

8. The beef or beef products were derived from cattle born and raised in the territory of the authorities represented by AIT, from cattle legally imported into the territory of the authorities represented by AIT from a country deemed eligible by TECRO to export beef or beef products to the territory of the authorities represented by TECRO², or from cattle raised in the territory of the authorities represented by AIT for at least 100 days prior to slaughter.

9. Cattle for producing beef or beef products for export were not suspect or confirmed BSE cases; confirmed progenies of BSE cases; or confirmed cohorts of BSE cases, as defined in the Terrestrial Animal Health Code adopted by the OIE.

10. Meat establishments that produce beef or beef products maintain a program for the hygienic removal of SRMs.

11. For the purpose of SRM removal, the age of cattle at the time of slaughter is verified by documentation, which identifies the age, or by dentition.

12. The beef or beef products were derived from cattle that were slaughtered in meat establishments certified by AIT's designated representative, USDA, as eligible to export beef or beef products to the territory of the authorities represented by TECRO and that passed ante-mortem and post-mortem inspection conducted by personnel of AIT's designated representative, USDA, under the supervision of the resident designated veterinary representative.

² Beef and beef products of cattle from Canada fed less than 100 days in the territory of the authorities represented by AIT shall be subject to the same import restrictions with respect to product scope as if shipped directly from Canada.

13. The beef or beef products were derived from cattle that were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process.

14. The beef or beef products were processed in a manner as to prevent contamination from SRMs or from mechanically separated meat from the skull and vertebral column of cattle 30 months of age and over, in accordance with regulations of AIT's designated representative, USDA.

Export Certificate

15. Import of beef and beef products shall be accompanied with certificates issued by the veterinary authority of AIT's designated representative, USDA, which include the following information to be submitted to the authorities represented by TECRO:
 - (1) Information specified in items 8 and 12-14 above;
 - (2) Name of the product (including species), number of packages and weight (net weight) listed by each final processing plant;
 - (3) Names, addresses, and establishment numbers of the slaughterhouse, meat processing plant, or storage facility;
 - (4) Slaughtering period and/or processing period (dd/mm/yy-dd/mm/yy);
 - (5) Names and addresses of the consignor and the consignee; and
 - (6) Date on which, district in which, and authority by which the export certificate was issued and the name and signature of the veterinary officer;
and
 - (7) Container number and seal number.

Import Inspection and Regulatory Action

16. If TECRO's designated representative, DOH, detects a food-safety hazard in a

lot during the port of entry inspection process, it may reject the lot. TECRO's designated representative shall notify and consult with AIT's designated representative, USDA, regarding the matter and may request corrective action if appropriate. If an SRM is found, AIT's designated representative will conduct an investigation to determine the cause of the problem. Product produced by the pertinent meat establishment shall continue to be eligible for import; however, TECRO's designated representative will increase the rate of inspection of subsequent beef and beef products from the meat establishment. After TECRO's designated representative inspects 5 lots totaling 3 times or greater quantity of the same product from the same meat establishment without finding a food-safety hazard, TECRO's designated representative shall apply its standard inspection procedures and rates.

17. If TECRO's designated representative, DOH, observes at least two incidents of food-safety hazards involving separate lots from the same meat establishment, it may request AIT's designated representative, USDA, to suspend the relevant establishment. Upon receiving the request, AIT's designated representative, USDA, shall suspend the establishment. Beef or beef products of the meat establishment that were certified prior to the date of suspension shall continue to be eligible for import inspection. An establishment shall remain suspended until AIT's designated representative verifies to TECRO's designated representative that corrective actions have been completed. AIT's designated representative shall inform TECRO's designated representative of the meat establishment's corrective action and of the date the meat establishment's suspension is lifted. TECRO's designated representative may include an on-site audit of the establishment during its next system audit of establishments in the territory of the authorities represented by AIT.

18. Brain, eyes, skull, or spinal cord from cattle less than 30 months of age are not SRMs or food-safety hazards. Nevertheless, as long as importers to the territory of the authorities represented by TECRO do not place orders for these products, if these items are detected during the import inspection process in the territory of the authorities represented by TECRO, TECRO's designated representative,

DOH, may return the relevant box or boxes to its owner.

19. For problems that do not involve food-safety hazards, TECRO's designated representative, DOH, may seek clarification through the importer with a view toward allowing the product to enter when an appropriate explanation and/or corrected documentation is accepted.


Consultations

20. Either TECRO or AIT, acting through their designated representatives, may request consultations concerning any matter regarding the interpretation or application of these import health requirements. Unless otherwise agreed, the consultations shall be held within 7 working days of the request. Unless otherwise agreed, the consultations shall, in the case of a request by TECRO, be held in the territory of the authorities represented by AIT, and in the case of a request by AIT, be held in the territory of the authorities represented by TECRO. Notwithstanding the above, TECRO and AIT, acting through their designated representatives, shall hold consultations within 180 days of the effective date of the protocol to review its implementation.

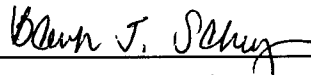
Addendum

This notice will go into effect on the date of its notification.

Signed in Washington, D.C. on October 22, 2009 in the English language.



Mr. Jason C. Yuan
Representative
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