

Consolidated List of Chinese Taipei's WTO-ILP Questionnaires and their Respective Governing Regulations in 2002

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
1.Commodities Subject to Conditional Import, Iron and Steel Products, Optical Disk Manufacturing Equipment	Board of Foreign Trade, Ministry of Economic Affairs	<ol style="list-style-type: none"> 1. FOREIGN TRADE ACT 2. ENFORCEMENT RULES OF THE FOREIGN TRADE ACT 3. REGULATIONS GOVERNING IMPORT OF COMMODITIES 4. REGULATIONS GOVERNING REGISTRATION AND ADMINISTRATION OF EXPORTERS AND IMPORTERS 5. OPTICAL DISK LAW 6. OPTICAL DISK MANUFACTURING IMPLEMENT IMPORTATION AND EXPORTATION REGULATIONS 	2002/06/12 Amended 2000/08/30 Amended 2000/08/09 Amended 2001/06/20 Amended 2001/11/14 Promulgated 2002/01/30 Amended	tonyan@trade.gov.tw
2.Methyl Bromide	Council of Agriculture, Executive Yuan	<ol style="list-style-type: none"> 1. OPERATING REGULATIONS GOVERNING THE CONTROL OF RESTRICTED METHYL BROMIDE 2. NOTIFYING IMPORT AND EXPORT RESTRICTIONS ON THE CHEMICALS SUBJECT TO CONTROL UNDER MONTREAL PROTOCOL 	1997/11/27 Announced 1995/04/13 Amended	vincent@mail.coa.gov.tw
HCFC	Industrial Development Bureau, Ministry of Economic Affairs	<ol style="list-style-type: none"> 3. REGULATIONS GOVERNING CONTROLLED SUBSTANCES PURSUANT TO THE MONTREAL PROTOCOL 	1995/12/21 Amended	8443@moeaidb.gov.tw 7455@moeaidb.gov.tw eric@moeaidb.gov.tw
3.Breeding Livestock/ Poultry and Genetic Resources	Council of Agriculture, Executive Yuan	<ol style="list-style-type: none"> 1. GUIDELINES FOR SCREENING APPLICATION FOR LETTER OF APPROVAL FOR THE IMPORTATION OF BREEDING LIVESTOCK AND POULTRY AND GENETIC RESOURCES 	2002/07/24 Amended	vincent@mail.coa.gov.tw
4.Rice Import Quota	Council of Agriculture, Executive Yuan	<ol style="list-style-type: none"> 1. FOOD ADMINISTRATION ACT (PARTIAL ARTICLES) 2. REGULATIONS OF RICE IMPORTS QUOTA ADMINISTRATION 	2001/11/07 Amended 2001/12/31 Promulgated	vincent@mail.coa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
5. Yellow-fin Tuna, Bluefin Tuna, Southern Bluefin Tuna, Swordfish, Big-eye Tuna	Fishery Administration, Council of Agriculture, Executive Yuan	<ol style="list-style-type: none"> 1. SCREENING CRITERIA AND PROCEDURES REGARDING APPLICATIONS FOR WRITTEN APPROVAL TO IMPORT YELLOW-FIN TUNA 2. NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT BLUEFIN TUNA AND ORIGINAL STATISTICAL DOCUMENT 3. NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT SOUTHERN BLUEFIN TUNA 4. NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT SWORDFISH 5. NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENSE TO IMPORT, BIG-EYE TUNA 	<p>2002/02/15 Amended</p> <p>2000/07/25 Announced</p> <p>2000/03/30 Announced</p> <p>2001/09/12 Announced</p> <p>2002/03/15 Announced</p>	chienson@ms1.fa.gov.tw
6. Tobacco, Liquor Products and Undenatured Ethyl Alcohol	Department of National Treasury, Ministry of Finance	<ol style="list-style-type: none"> 1. THE TOBACCO AND ALCOHOL ADMINISTRATION LAW 2. ENFORCEMENT RULES OF THE TOBACCO AND ALCOHOL ADMINISTRATION LAW 3. REGULATIONS GOVERNING UNDENATURED ETHYL ALCOHOL 	<p>2000/04/19 Promulgated</p> <p>2000/12/30 Promulgated</p> <p>2000/12/30 Promulgated</p>	chunghui@mail.dnt.gov.tw
7. Oil and Petroleum products	Energy Commission, Ministry of Economic Affairs	<ol style="list-style-type: none"> 1. PETROLEUM ADMINISTRATION LAW 	2001/10/11 Promulgated	slchen@moeaec.gov.tw
Salt	Department of Mines, Ministry of Economic Affairs	<ol style="list-style-type: none"> 2. STATUTE FOR SALT ADMINISTRATION 3. BYLAW OF THE STATUTE FOR SALT ADMINISTRATION 4. ANNOUNCEMENT OF THE STANDARDS AND PROCEDURES OF APPROVING THE APPLICATION FOR THE IMPORT OF SALT AND ISSUING PERMISSION DOCUMENT 	<p>1981/11/16 Amended</p> <p>1990/08/15 Amended</p> <p>1996/05/14 Amended</p>	ttsai@moea.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
8.Fishing Boats	Fishery Administration, Council of Agriculture, Executive Yuan	<ol style="list-style-type: none"> 1. FISHERIES LAW 2. ENFORCEMENT RULES OF THE FISHERIES LAW 3. THE REGULATION FOR FISHING VESSEL BUILDING PERMIT AND FISHERY LICENSE ISSUE 4. OPERATING RULES FOR SCREENING APPLICATIONS TO IMPORT FISHING VESSELS USING NEW FISHING METHODS 5. ADMINISTERING APPROACH OF RECREATIONAL FISHERY 	<p>1991/02/01 Amended</p> <p>2000/01/31 Amended</p> <p>2001/09/28 Amended</p> <p>1999/11/08 Amended</p> <p>2001/07/31 Amended</p>	chienson@ms1.fa.gov.tw
Vessels	Department of Navigation & Aviation, Ministry of Transportation and Communications	<ol style="list-style-type: none"> 6. THE SHIPPING INDUSTRIES LAW (PARTIAL ARTICLES) 7. REGULATIONS OF SMALL VESSELS (PARTIAL ARTICLES) 8. THE GOVERNING RULES ON CARRIERS BY SHIP AND SHIP LEASING COMPANIES (PARTIAL ARTICLES) 	<p>2002/01/30 Amended</p> <p>1996/09/24 Amended</p> <p>1996/07/17 Amended</p>	yc_wang@motc.gov.tw
Civil Aircraft	Civil Aeronautics Administration, Ministry of Transportation and Communications	<ol style="list-style-type: none"> 9. REGULATION OF CIVIL AIR TRANSPORT ENTERPRISE 10. REGULATION GOVERNING GENERAL AVIATION 	<p>2002/04/02 Amended</p> <p>2002/04/02 Amended</p>	clcheng@mail.caa.gov.tw
9.Controlled Weaponry, Guns	National Police Administration, Ministry of Interior	<ol style="list-style-type: none"> 1. THE WEAPONRY POSSESSED BY INDIVIDUAL OR GROUP 2. CONTROL OF FIREARMS, AMMUNITION AND WEAPONRY 	<p>1997/03/24 Promulgated</p> <p>2001/11/14 Promulgated</p>	s531239@npa.gov.tw
Police Weaponry	National Police Administration, Ministry of Interior	<ol style="list-style-type: none"> 3. SOCIAL ORDER MAINTAINING LAW (PARTIAL ARTICLES) 4. APPLICATION OF WEAPONRY 5. POLICE BAYONET, TRUNCHEONS, AND ELECTRIC WAND MANAGEMENT MEASURES 	<p>1991/06/29 Promulgated</p> <p>1985/01/18 Promulgated</p> <p>2000/03/20 Promulgated</p>	yug@npa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
Industrial Use Explosives	Bureau of Mines, Ministry of Economic Affairs	6. INDUSTRIAL USE EXPLOSIVE MATERIAL MANAGEMENT CODE	2001/10/31 Amended	shunn@mine.gov.tw
10. Tariff Quota	Department of Customs Administration, Ministry of Finance	1. THE IMPLEMENTATION RULES OF TARIFF QUOTA	2001/11/29 Promulgated	hmhuang@mail.mof.gov.tw

QUESTIONNAIRE 1

COMMODITIES SUBJECT TO CONDITIONAL IMPORT, IRON AND STEEL PRODUCTS, OPTICAL DISK MANUFACTURING

EQUIPMENT: BOARD OF FOREIGN TRADE, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 1-1](#)

Foreign Trade Act

Promulgated on February 5, 1993

Amended on May 7, 1997

Amendments and promulgated on December 15, 1999, adding Articles 27-1 and 27-2, repealing Article 34, and revising Article 2, name of Chapter 2, Articles 13, 15 through 17, 21, 23, and 27 through 32

Note: This translation is prepared solely for reference purposes. In the event of any discrepancy with the English translation, the original stipulations in the Chinese-language version shall govern.

Chapter 1 General Provisions

Article 1

This Act is enacted for the purposes of expanding foreign trade and maintaining a sound trade order so as to enhance the economic benefits of this country in the spirit of liberalization and internationalization and on the principles of fairness and reciprocity. For matters not provided herein, other applicable laws shall govern.

Article 2

The term “foreign trade” referred to in this Law means the act of exporting/importing goods and related matters.

The term “goods” referred to in the preceding Paragraph includes those attached thereto: exclusive rights for use of trademarks, patent rights, copyrights, and any other intellectual property rights protected by the laws enacted.

Article 3

The term “exporter/importer ”as used herein shall mean a firm registered in accordance with this Act to operate export/import trading business of a firm or a person though not operating export/import trading as its regular business but exporting or importing specific goods.

Article 4

The competent authority referred to in this Act shall be the Ministry of Economic Affairs (MOEA).

Any matter provided herein involving the competence of other ministries, commissions or government authorities, shall be handled by the competent authority in consultation with the authorities concerned.

Article 5

For the purpose of safeguarding national security, the competent authority may, in conjunction with the appropriate government authority or authorities, propose to the Executive Yuan for an approval to the ban and control of trading activities with specific countries or territories provided that such prohibition or control shall be submitted to the Legislative Yuan within one (1)month from the date of publication thereof for its ratification.

Article 6

Under any of the following circumstances, the competent authority may temporarily suspend import from or export to specific countries or territories or import/export of specific goods or take any other necessary measures:

1. when any act of God, incident, or war occurs;
2. when national security is endangered or protection of public safety is hindered;
3. when the domestic or international market suffers a serious shortage of a specific material or the price thereof drastically

fluctuates;

4. when serious imbalance is caused or threatened in international payments;
5. when any international treaty, agreement, or international cooperation calls for it; and
6. when a foreign country impedes import/export with measures violating international agreements or principles of fairness and reciprocity.

Application of items 1 through 4 or item 6 of the preceding paragraph shall be limited only to circumstances when there is an adverse impact or a threat thereof upon the normal development of the economy and trade of this country.

Before suspending import/export or taking any other necessary measures pursuant to item 4 or 6 of paragraph 1 above, the competent authority shall try to settle trade disputes through consultation or negotiation.

Suspension of import/export enforced or other necessary measures taken by the competent authority shall be lifted when causes therefor cease to exist.

The ratification requirement provided for in the preceding Article shall also be applicable for the purpose of this Article.

Article 7

The competent authority or another government agency designated by the Executive Yuan may negotiate and enter into pacts and/or agreements with foreign countries in respect of external trade affairs and shall consult and coordinate with other government agencies first if such other government agencies are involved in matters to be negotiated.

A private organization or body authorized by the competent authority may negotiate and enter into agreements with foreign countries on behalf of the government in respect of external trade affairs and shall report the matters contemplated in the agreements to the competent authority for approval.

Pacts or agreements concluded as a result of foreign trade negotiations, unless within the scope of the administrative discretion power of the signing authority or organization, shall be submitted to the Executive Yuan for forwarding to the Legislative Yuan for discussion and decision.

A pact or an agreement with contents involving amendment of any existing law or enactment of a new law shall become effective only after completion of legislative procedures.

Article 8

Before negotiating and concluding any pact or agreement with a foreign country in respect of economic and trading affairs, the competent authority or a government agency designated by the Executive Yuan may, if necessary and in conjunction with the Legislative Yuan and the appropriate ministries, commissions or government agencies, hold public hearings or solicit opinions from experts, scholars, and enterprises concerned.

Chapter 2 Regulation of trade and import relief

Article 9

A corporation or business firm registered with the Board of Foreign Trade, Ministry of Economic Affairs (BOFT) as an exporter/importer may engage in export/import business. Regulations governing registration of exporters/importers shall be prescribed by the Ministry of Economic Affairs.

Article 10

Any juristic person, organization, or individual not operating export/import as its (his/her) regular business, may export/import specific goods in accordance with the regulations stipulated by the BOFT.

Article 11

Export/import of goods shall be liberalized provided, however, that restriction thereof may be imposed by reason of the requirements of international treaty, trade agreement, national defense, social security, culture, hygiene, and environmental/ecologic protection, or policy. Nomenclatures of goods subject to export/import restriction under the preceding paragraph and regulations governing export/import of such goods shall be announced in public by the competent authority after consulting with government agencies concerned.

Article 12

Export/import of goods by military organizations shall be effected in accordance with regulations separately enacted by the Ministry of Economic Affairs in conjunction with the Ministry of National Defense and shall be included in the export/import statistics.

Article 13

To ensure national security, perform international cooperation and agreements, enhance regulation of exportation/importation and flow of strategic hi-tech goods, so as to facilitate the need of introducing hi-tech goods, the exportation/importation of such goods shall comply with the following provisions:

1. No exportation is allowed unless otherwise permitted;
2. Where import permits are granted, no change of the importer or transfer to any third country or region is allowed unless otherwise permitted;
3. Intended use shall be truthfully declared, no change is allowed unless otherwise approved.

Specific strategic hi-tech goods transported to the restricted regions may not transit, transfer or become stored in bonded warehouses via any commercial port of this country without permission.

For the types of goods and the regions restricted as referred to in the two preceding Paragraphs, the competent authority shall give a public notice after consulting with other government agencies concerned.

The requirements and procedures for permission application, the regulations governing exportation/importation, transit, transfer or storage in bonded warehouses, the declaration, changes and restriction of the export/import use, and any other matters required for compliance as referred to in Paragraphs 1 and 2 of this Article shall be prescribed by the competent authority after consulting with other government agencies concerned.

Article 14

The BOFT may entrust the following matters to financial institutions, business associations, or juristic persons:

1. Issuance of goods export/import permits;
2. Administration of export/import quotas of goods;
3. Other matters relating to examination and registration of export/import of goods.

Any financial institution, business association, or juristic person administering the matters entrusted to it as set forth in the preceding Paragraph shall subject itself to the supervision of the BOFT and, if necessary, shall be obliged to go to the Legislative Yuan to respond to interpellations. Performance of duties relating to the entrusted matters by its personnel shall be deemed as discharge of official duties, and the personnel concerned shall take responsibilities for their acts respectively.

Article 15

To export/import the goods of which exports/imports are restricted by this Law or to export/import specific goods in accordance with Article 10, if export/import permits could be granted, the exporters/importers shall proceed as prescribed in the export/import permits. Regulations governing the issuance, amendments and effective period of export/import permits, marks of place of origin, trademark declaration and all other export/import related matters required for compliance shall be prescribed by the competent authority.

Article 16

For the purposes of facilitating trade negotiations or performing pacts and/or agreements, the BOFT may prescribe quotas either free or required premium for export/import quantities of goods or other related measures.

The measures of quotas as referred to in the preceding Paragraph shall be prescribed pursuant to the requirements, pacts/agreements of international trade/economic organizations, the commitments derived from trade negotiations, or as provided for by laws and regulations, whichever applicable; otherwise, the quotas shall be for public auction.

Upon exporting/importing the goods of which exports/imports are subject to quotas, the exporters/importers may not engage in any of the following conducts:

1. Forging or altering quota-related documents, or using such forged or altered documents.
2. Illegal transfer of exports/imports or circumvention from inspection.
3. Improper use of the quotas and therefore causing the disruption of trade order or breach of pacts/agreements with other countries.
4. Evading quota regulations.
5. Failure to comply with offshore processing as certified.
6. Untruthful declaration for the utilization of quotas.
7. Other improper acts obstructing quota regulations.

Export/import quotas may not be pledged or subject to compulsory execution of judgments. Quotas allocated for free may not be assigned to others unless otherwise provided for by the laws and regulations governing specific goods.

The allocation methods, procedures, quantities, effective periods of export/import quotas, obligations of the exporters/importers granted

with quotas and the regulations governing quota disposal of such exports/importers shall be prescribed by the competent authority in accordance with the regulatory need of each type of goods respectively.

Article 17

An exporter/importer shall not:

1. Infringe any intellectual property rights protected by laws of this country or other countries.
2. Fail to mark the source identification or the country of origin as required or untruthfully mark.
3. Fail to declare trademarks or declare untruthfully.
4. Use false export/import permits or relevant trade permits/certificates.
5. Fail to perform business contracts honestly or in good faith.
6. Disturb trade order with undue means.
7. Commit any other act damaging the goodwill of this country or creating trade barriers.

Article 18

In case of the increase in the import volume of a goods causing or threatening to cause serious injury to the domestic industry which produces like or directly competitive products, the authority in charge of the said industry, the said industry, its associations, or related organizations may apply to the competent authority for investigation of the injury and for import relief.

For investigating injuries to domestic industries, the MOEA shall co-ordinate with the International Trade Commission. The organization rules of the Commission shall be separately stipulated by the MOEA.

Regulations governing the process of applications for import relief filed under paragraph 1 of this Article shall be drafted by the MOEA in conjunction with government agencies concerned and submitted to the Executive Yuan for approval and subsequent promulgation.

Regulations governing the process of applications for import relief on textiles and clothing products which are specifically designated and published by the competent authority pursuant to the WTO Agreement on Textiles and Clothing shall be separately stipulated by the MOEA and submitted to the Executive Yuan for approval and subsequent promulgation.

Article 19

In the event that a foreign country exports any goods to this country by way of subsidizing or dumping thereby causing or threatening to

cause substantial injury to domestically produced products competing with the said goods or creating substantial hindrance to the establishment of the domestic industry concerned, and the injury has been verified after investigation by the MOEA, the Ministry of Finance may impose, by law, countervailing or anti-dumping duties.

Article 20

The competent authority shall be responsible for supervision over and assistance to the operation activities of export/import trade related associations. Regulations governing such supervision and assistance shall be prescribed by the MOEA in conjunction with the Ministry of the Interior.

Article 20-1

Companies that are mandated by foreign governments to carry out preshipment inspection in the ROC. shall have their inspection activities supervised by the competent authority.

Decisions of the WTO Preshipment Inspection Agreement dispute settlement panel shall be binding on the preshipment inspection company and the exporter concerned.

Regulations governing preshipment supervision shall be made by the Ministry of Economic Affairs.

Chapter 3 Trade Promotion and Assistance

Article 21

In order to expand foreign trade, to cope with the situations of foreign trade, and to support trade activities, the competent authority may establish a trade promotion fund by collecting uniformly, through customs, a trade promotion service fee against the goods exported/imported by exporters/importers at the charging rate not more than 0.0425% of the prices of the goods exported/imported; provided that the collection may be exempt for international treaties, pacts/agreements, practices or any other specific reasons.

The actual charging rates of the trade promotion fee to be collected and the coverage of items to be exempt shall be proposed by the competent authority and submitted to the Executive Yuan for approval.

For utilization of the fund set forth in Paragraph 1 of this Article, a trade promotion fund management committee shall be established, and no less than one fourth (1/4) of the members of the said committee shall be representatives of exporters and importers.

The regulations governing the revenue/expenditure, custody, and utilization of the trade promotion fund shall be prescribed by the

Executive Yuan.

Article 22

The competent authority shall assist exporters/importers in eliminating unfair trade barriers they may face in foreign markets through initiative consultations or negotiations with foreign countries.

Article 23

In response to the needs of trade promotion, the Executive Yuan may designate government agencies concerned to carry out special programs for export insurance, export/import financing, development of shipping business and other facilitating measures.

Article 24

To meet administrative needs, the BOFT may request exporters/importers to provide documents or information relating to their business operations and, if necessary, may conduct inspections thereof; any exporter/importer shall not refuse such request and inspection. However, when making any such inspection, the inspector shall produce the papers certifying his authority for performing official duties, otherwise the person to be inspected may refuse such inspection.

Article 25

A person who, in the course of performing duties, becomes aware or has possession of any trade documents or information of others, of which divulgence is sufficient to prejudice the business interests of others, shall keep the same as confidential information, except using them for official purposes.

Article 26

An exporter/importer shall, in compliance with the principles of honesty and good-faith, actively resolve foreign trade disputes through arbitration, conciliation, or settlement procedures.

The competent authority shall actively promote the establishment of an arbitration system for settling international trade disputes.

Chapter 4 Penal Provisions

Article 27

For exportation/importation of strategic hi-tech goods under any of the following circumstances, it shall be punishable with imprisonment for not more than two (2) years, detention or in lieu thereof or in addition thereto a fine of not more than NT\$300,000:

1. Where such goods are transported to restricted regions without permission;
2. Where after import permits are granted, such goods are transferred to restricted regions without permission prior to being imported;
3. Where after being imported, the use of such goods imports are changed without permission from the originally declared to the production or development of military weapons, such as nuclear or biochemical arms, or ballistic missiles.

Where the responsible person of a juristic person, the agent, employee or any other staff member of a juristic person or natural person, commits any of the crimes provided for in the preceding Paragraph in its course of business, not only the actor shall be punished as prescribed, the juristic person or natural person shall also be punished with the fine prescribed in the preceding Paragraph.

Article 27-1

For any of the circumstances prescribed in Paragraph 1 of the preceding Articles, the BOFT shall suspend the liable party from exporting, importing or exporting/importing goods for not less than one (1) month but not more than one (1) year, or revoke the liable party's exporter/importer registration.

Article 27-2

For exportation/importation of strategic hi-tech goods under any of the following circumstances, the BOFT may impose an administrative fine of not less than than NT\$30,000 but not more than NT\$300,000, or suspend the liable party from exporting, importing, or exporting/importing goods for not less than one (1) month but not more than one (1) year, or revoke the liable party's exporter/importer registration:

1. Where such goods are transported to any region other than the restricted regions without permission;
2. Where after import permits are granted, the importers are changed without permission, or the said goods are transferred to any third country or region other than the restricted regions without permission;
3. Where after being imported, the use of such goods imports are changed without permission from the originally declared to the use

other than production or development of military weapons, such as nuclear or biochemical arms, or ballistic missiles. For specific strategic hi-tech goods in breach of the provision of Paragraph 2 of Article 13, the Customs may attach such goods for return shipment or confiscation where appropriate as determined by the competent authority after consulting with other government agencies concerned.

Article 28

Shall an exporter/importer have any of the following violations, the BOFT may issue a warning or impose an administrative fine of not less than NT\$30,000 but not more than NT\$300,000 against such exporter/importer, or suspend it from exporting, importing or exporting/importing goods for not less than one (1) month but not more than one (1) year:

1. Violating the provisions of Article 5 by trading with the country or territory to which the trade is prohibited or under control;
2. Violating the temporary suspension of goods exportation/importation or any other necessary measures as prescribed in Paragraph 1 of Article 6;
3. Violating the regulations governing the goods subject to export/import restriction as referred to in Paragraph 2 of Article 11;
4. Violating the provisions of Paragraph 1 of Article 15 for failure to proceed with exportation/importation as prescribed in the export/import permits;
5. Committing any of the prohibited acts as itemized in Article 17;
6. Violating the provisions of Article 24 for refusing to provide documents or information, or to accept inspection;
7. Violating the provisions of Article 25 by prejudicing the business interests of others;

For any of the violations as prescribed in items 1 through 5 of the preceding Paragraph, in addition to the punishment provided for in the preceding Paragraph, the BOFT may revoke the exporter/importer registration of the liable exporter/importer.

Article 29

Shall an exporter/importer have any of the violations as prescribed in Items 1 through 4 of Paragraph 3 of Article 16, the BOFT may impose an administrative fine of not less than NT\$60,000 but not more than NT\$300,000, retrieve the quota allocated, or suspend exports, imports or exports/imports of such goods for not less than three (3) months but not more than six (6) months, and in addition, may cancel the record of achievement, suspend the eligibility for quota application, or revoke the exporter/importer registration of such

exporter/importer, wherever appropriate taking into account the seriousness of the violation.

Shall an exporter/importer have any of the violations as prescribed in Items 5 through 7 of Paragraph 3 of Article 16, the BOFT may issue a warning or impose an administrative fine of not less than NT\$30,000 but not more than NT\$150,000, retrieve the quota allocated, or suspend exports, imports or exports/imports of such goods for not less than one (1) month but not more than three (3) months, and in addition, may cancel the record of achievement, suspend the eligibility for quota application of such exporter/importer.

To prevent an exporter/importer suspected of violation circumventing punishment, during the investigation of violation, the BOFT may provisionally suspend the assignment or freeze the utilization of quota allocated to such exporter/importer either in whole or in part.

Article 30

Shall an exporter/importer have any of the following violations, the BOFT may suspend the exporter/importer concerned from exporting/importing goods; provided that the suspension shall cease as soon as the cause is extinguished:

1. The goods exported/imported are counterfeits or infringe upon the intellectual property rights protected by this country or any other country, the fact of which is supported by concrete evidence;
2. Failure to pay trade promotion fees as required in Paragraph 1 of Article 21.

The period of suspension from exporting/importing goods due to the situation prescribed in Item 1 of the preceding Paragraph may not exceed one (1) year.

Article 31

For an exporter/importer who is suspended from exporting/importing goods pursuant to the provisions of Article 27-1, Paragraph 1 of Article 27-2, or Articles 28 through 30, if such exporter/importer has any transaction established before the punishment, and the transaction is confirmed true by the BOFT, the exportation/importation of goods contemplated in the said transaction may still be effected.

Article 32

A person punished with the provisions of Article 27-1, Paragraph 1 of Article 27-2, or Articles 28 through 30 may file with the BOFT an objection and request for re-examination, while the BOFT shall make its decision within twenty (20) days from the day following the date of receipt of such written objection; the regulations governing the objection procedures shall be prescribed by the MOEA.

In case of disagreement with the results of reexamination in respect of any objection referred to in the preceding Paragraph, the objector may file an administrative appeal and bring the case to an administrative court in accordance with the laws.

Article 33

A fines imposed hereunder shall be paid within the timelimit set in a notice, otherwise the case shall be referred to a court for compulsory execution.

Chapter 5 Supplemental Provisions

Article 34 (repealed)

Article 35

Where more than half of the annual operating expense of a business association or a juristic person is subsidized by the trade promotion fund, matters relating to its personnel management and expenditures shall be subject to the guidance and supervision of the MOEA, and the said association or juristic person shall be obligated to be present at the Legislative Yuan to respond to interpellation , if necessary.

Article 36

Enforcement rules of this Act shall be drafted by the MOEA and submitted to the Executive Yuan for approval and subsequent promulgation.

Article 37

This Act shall be implemented from the date of its promulgation. However, collections of trade promotion service free as provided in Article 21 shall begin from July 1,1993.

Implementation of the amendments to Article 6.18 and 20-1 of this Act shall commence on a date to be determined by the Executive Yuan.

Enforcement Rules of the Foreign Trade Act

Ref. No. Ching (82)-Mou-040825

(83)-Mou-034710

(88)-Mou-88001709

Amended August 30, 2000 (89)-Mou-89023593

Article 1

These Rules are enacted pursuant to Article 36 of the Foreign Trade Act (hereinafter referred to as the Act).

Article 2

The terms "foreign country", "other country" and "counter-part country" as used in the Act include any separate customs territory designated under the World Trade Organization.

Article 3

The measure to temporarily suspend export/import or other necessary measures to be taken by the competent authority under Article 6 of the Act shall be reported to the Executive Yuan at the time of publication for forwarding to the Legislative Yuan within one (1) month from the date of publication for approval.

Article 4

The necessary measures to be taken by the competent authority under Article 6 of the Act against any specific country or territory or any specific goods include restrictions on quantities, prices, qualities, specifications, payment methods, and ways of exportation or importation of the goods exported or imported and may also include a request on the Ministry of Finance to exercise its power of imposing special tariffs in accordance with applicable laws.

Article 5

The term international treaty and agreement mentioned in Item 5, Paragraph One, Article 6 and the Proviso in Paragraph One, Article 11 of the Act refer to:

Any treaty or agreement signed by this country with any foreign country; and

Any convention or agreement signed and approved under any multilateral organization in which this country is a participant; in case this country is not a participant therein, the convention or agreement mutually recognized and complied with by countries in general.

Article 6

To expand foreign trade relationship, the competent authority shall hold, or participate in, bilateral or multilateral economic and trade cooperation conferences and sign, based on economic and trade development situation or need, with specific countries or territories arrangements or agreements which are helpful to enhance bilateral economic and trade relationship.

Article 7

The ban and control against specific countries or territories under Article 5, the temporary suspension of export/import of goods or other necessary measures under Article 6, the restrictions provided in the proviso in Paragraph One of Article 11, the administration of export/import of strategic hi-tech goods provided in Article 13, the quotas with or without charges or other appropriate measures taken under Article 16, and the import relief provided in Article 18 of the Act shall all be announced by public notices and implemented from the date of publication or any other designated date.

Article 8

An exporter or importer may still export or import goods, if prior to the date of publication or the designated date stated in Article 7:

The exporter or importer has already obtained an export or import permit which is still within valid period; or

The importer has already applied for opening of an L/C and the L/C has been opened or payment for goods has already been remitted, or goods have already been shipped out from a foreign country for importation, as can be established by supporting documents;

or

The exporter has received an L/C opened by a bank in a foreign country or already collected payment for goods, as can be established by supporting documents.

In respect of supporting documents of Item 2 and 3 of the proceeding paragraph, the nomenclature or quantity of goods shall be filled out.

Article 9

Application for or submission of export/import documents pursuant to the Act may be made through computers interfaced with customs, Board of Foreign Trade of MOEA (BOFT), or the licensing organizations entrusted by BOFT or through electronic data transmission.

Article 10

In respect of export/import of goods, if quotas with or without charges are required under Paragraph One, Article 16 of the Act, BOFT may take any of the following actions:

To issue and allocate quotas by itself or jointly with authorities concerned.

To entrust financial institutions, trade associations, or juristic persons with the administration of quota.

To designate a government operated trading organization to import such goods for resale through tendering procedures.

To handle the matter in other manners designated or approved by the competent authority.

Article 11

Quotas with charge as mentioned in Paragraph One, Article 16 of the Act refer to these announced through public notices by BOFT after consulting authorities concerned, and allocated through tendering procedures or distributed by charging a certain amount of administrative fees.

Article 12

Proceeds received from the distribution of quotas with charge shall be turned to the Treasury unless otherwise approved by the Executive Yuan.

Operational expenditures spent by organizations entrusted with quota administration shall be compensated by BOFT through its budgetary procedure except those spent on the administration of quota of which proceeds are not turned to the Treasury.

Article 12-1

Illegal transshipment as mentioned in Item 2 of Paragraph 3 of Article 16 of the Act means that the origin of exporting products which are subject to quota restriction is not our country, but export to countries or areas where import restraints are enforced under the quota of our country.

Overseas processing as mentioned in Item 5 of Paragraph 3 of Article 16 of the Act means that raw materials or semi-finished products are processed abroad into products which are subject to quota restriction, after which processing these products are re-imported into our country for re-export under the quota of our country, or the products are exported directly from the overseas processing places under the quota of our country.

Article 13

The term of "other countries" as used in Item 1, Article 17 of the Act shall mean any country or territory which has a multilateral or bilateral protection treaty or agreement on intellectual property rights with this country.

Article 14

In an investigation of injuries by the competent authority under Article 19 of the Act, determination of material injury, threat of material injury, or material retardation to establishment of domestic industry concerned shall be based on the same criteria on which the Ministry of Finance determines to impose countervailing or anti dumping duties under Article 46 and Article 46-1 of the Customs Law as to whether there is important injury, threat of important injury, or important retardation of establishment of domestic industry concerned under Article 46-2 of the same Law.

Article 15

To promote foreign trade, the competent authority may handle by itself or entrust China External Trade Development Council, other relevant organizations, juristic persons, or trade associations with the following matters:

To develop promotional plans for economic and trade matters with specific countries or territories.
To investigate and remove foreign trade barriers to this country.
To assist in responding to foreign complaints on trade matters against this country.
To promote the assistance system of enterprise marketing.
To promote the identification system of fine product.
To establish presences for trade affairs in specific countries or territories.
To train trade negotiation and promotion personnel.
To hold or participate in international exhibitions.
To praise in public local importers/exporters or foreign purchasers of local products for their excellent performance.
To assist local exporters/importers and overseas Chinese firms in trade promotion.
To increase other activities helpful to promotion of external trade.

Article 16

Collection of trade promotion service fee under Paragraph One, Article 21 of the Act shall be made on the following basis:

Fee for goods exported shall be based on FOB prices.

Fee for goods imported shall be based on dutiable value.

In case the dutiable value of imported goods is estimated on the basis of costs for repair, assembly, process, lease, or use, the estimated value shall be the dutiable value, which shall in turn be the basis for the fee.

The trade promotion service fee collectable under Paragraph One, Article 21 of the Act shall be paid by relevant exporter/importer within fourteen (14) days from the date of issuance of a payment request statement.

In collection of the above said trade promotion service fee, the customs shall include the fee into duty request statement and collect it together with import duties if it is for goods imported or collect it after the conclusion of clearance and sailing of the shipping vessel if it is for goods imported.

Article 17

The trade promotion service fee collectable under paragraph one, Article 21 of the Act shall be paid by concerned exporter/importer

within fourteen (14) days from the date of issuance of a payment request statement.

In collection of the above said trade promotion service fee, the customs shall include the fee into duty request statement and collect it together with import duties if it is for goods imported or collect it after sailing of the shipping vessel. if it is for goods exported.

Article 18

(delete)

Article 19

In the following situations concerning exportation or importation of goods, and application may be filed with customs for refund of paid trade promotion service fee:

During customs clearance procedures, the export/import goods are rejected for export or import.

The fee was over-paid due to mis-printing, mis-calculation, or mis-charging.

The exporter having its goods being released by customs is allowed to modify export prices in accordance with laws.

If the refundable amount is less than NT\$100, no refund shall be made.

Article 20

The use freezing mentioned in paragraph 3 of Article 29 of the Act means the suspension of assignment or exchange of quota, application for temporary quota, or export licensing of using quota.

Article 21

Pursuant to Paragraph 1, article 30 of the Act, in respect of suspension or reinstating of the right of an exporter/importer, BOFT may entrust the customs to handle such cases.

Article 22

Trade affairs to be handled by BOFT in an Export Processing Zone or a Sciencebased Industrial Park may be entrusted to the administrative office of such Zone or Park.

Article 23

These Rules shall come into force from the date of promulgation.

Regulations Governing Import of Commodities

Amended on August 9, 2000

Note: This translation is prepared solely for reference purposes. In the event of any discrepancy with the English translation, the original stipulations in the Chinese-language version shall govern.

Chapter 1-General Provisions

Article 1

These Regulations are enacted pursuant to Article 15 of the Foreign Trade Act (hereinafter referred to as "the Act").

Article 2

The scope of application of these Regulations includes import of commodities and the intellectual property rights affiliated therewith.

Article 3

The term "licensing" as used herein means issuance of import permits by the Board of Foreign Trade, Ministry of Economic Affairs (hereinafter referred to as BOFT) or any organization authorized by it. The term "exemption of licensing" as used herein means exemption of an import permit.

Article 4

The term "a firm" as used herein means any private exporter/importer duly registered under "Regulations Governing Registration and Administration of Exporters and Importers".

Article 5

Rules governing import of intellectual property rights affiliated with commodities and the scope of such commodities shall be published by BOFT after consulting with authorities concerned.

Article 6

Commodities to be imported shall be limited to brand new products, except for the used commodities importable under other laws and/or regulations or with the approval of BOFT.

The scope of and import regulations for the used commodities importable under the preceding Paragraph shall be published by BOFT.

Chapter 2-Import Regulations

Article 7

In respect of the following commodities of which import is restricted under the Act, BOFT will compile and publish a list of commodities subject to import restriction, listing nomenclatures of and import regulations relating to such commodities:

Commodities manufactured in specific countries or territories to be designated under Article 5 of the Act.

Commodities for which necessary measures need to be taken to restrict import thereof in accordance with Article 6 of the Act.

Commodities of which import is restricted in accordance with the proviso of Article 11 of the Act.

Commodities for which import quota system is enforced in accordance with Article 16 the Act.

Commodities of which import is restricted due to import relief in accordance with Article 18 of the Act.

Unless otherwise provided in other laws and regulations, for import of commodities listed in the list of commodities subject to import restriction, applications for licensing shall be filed in accordance with the regulations prescribed in the said list. No commodities listed as items subject to import ban in the said list shall be imported without special approval by BOFT.

Article 8

Where a firm imports commodities not listed in the list of commodities subject to import restriction, licensing shall be exempted.

Where a government agency and/or a government operated enterprise imports commodities not listed in the list of commodities subject to import restriction and the value thereof is subject to the ceiling set by BOFT, licensing shall be exempted.

Article 9

In respect of commodities for which licensing is exempted but whose import is regulated subject to other laws or regulations, BOFT may, to the extent that examination of import commodities can be performed by customs, compile and publish a list of commodities entrusted to customs for import examination, listing the nomenclatures of and the import regulations applicable to such commodities.

For import of commodities listed in the above said list of commodities entrusted to customs for import examination, the applicable import regulations listed in the said list shall be followed when filing import application(s) with customs.

Article 10

Where a person other than a firm, a government agency, and/or a government operated enterprise, who is not a professional importer, imports commodities subject to Article 10 of the Act, he shall apply for import licensing; however, subject to any of the following circumstances, import licensing shall be exempted:

Baggages and articles of which the quantities and values are within the limits set by customs brought in by passengers and crews of vessels and aircraft.

Duty free articles for official and/or personal use imported by embassies/consulates of various countries in the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, international organizations, and diplomatic organizations stationed in this country against the duty-exemption application forms issued by Ministry of Foreign Affairs.

Commodities which are not listed in the list of commodities subject to import restriction but are imported by other importers through marine shipment, airfreight, or parcel post, at an FOB price less than US\$10,000 or its equivalent.

Other approved/designated by BOFT.

For import of the above duty exempted commodities, if they are listed in the list prescribed in Article 7 or 9 hereof, regulations set forth in the list shall be followed when filing import applications with customs, unless there are other special regulations applicable.

Specific commodities for which import licensing is applied for by an importer mentioned in Para. One of this Article, shall be limited to those imported for own use by the importer, unless special approval is obtained from BOFT.

Article 11

If an importer imports any commodity listed in the list of commodities subject to import restriction in a small quantity for own use or as gift, customs may release it by assessing a duty thereon with consideration of the circumstances and in accordance with the applicable regulations listed in the said list; and in such case import licensing may be exempted. However, if special provisions are otherwise provided in other laws and regulations in force, such special provisions shall be followed.

Article 12

A manufacturer before completing factory registration, may apply for licensing to import relevant machinery, equipment, or raw materials for own use against its company license and factory establishment permission document issued by a provincial (municipal) Reconstruction Department (Bureau) or a county (city) government.

Article 13

(Delete)

Article 14

To satisfy the requirement of trade administration, BOFT may designate items of commodities to be imported on which country of origin shall be marked or for which certificates of country of origin shall be submitted for examination at the time of filing import applications with customs.

Chapter 3-Licensing Regulations

Article 15

An importer applying for licensing to import commodities shall provide the following documents:
Application for import permit.

Other documents to be submitted in accordance with relevant regulations.

Format of the above said application for import permit shall be defined by BOFT.

Article 16

An application form for import permit shall be filled out item by item and all copies thereof shall be typed in overlap at one time with attention to be paid to the following matters:

Nomenclatures of commodities shall be typed in English unless otherwise provided.

Should there be more than one consignors of commodities, separate application forms shall be prepared and submitted respectively.

Other matters as designated by the competent authorities concerned.

Article 16-1

An importer shall effect the importation thereof in accordance with the contents set forth in the import permit.

Article 17

An import permit shall be picked up within fourteen (14) days from the day of licensing, otherwise it shall be cancelled by the licensing organization.

Article 18

An import permit shall not be assigned or pledged, except provided to an exchange settlement bank as security.

Article 19

An import permit shall be valid for six (6) months from the day of licensing.

For import of specific commodities or import of commodities from specific areas, BOFT or an organization authorized by it may issue import permits of shorter validity.

If shipment of commodities to be imported can not be made within the prescribed validity period of an import permit, the applicant may apply to BOFT for an import permit of longer validity by explaining reasons and submission of evidential documents.

Article 20

Imported commodities shall be shipped from the port of embarkation before expire of the validity of an import permit. The date of B/L shall be considered the shipment date; if there is any doubt about the B/L date, customs may investigate and determine the shipment date.

No expired import permits without an approved extension shall be used to import commodities.

Article 21

In case shipment of imported commodities can not be made within the validity of an import permit, except for the commodities designated of by BOFT of which shipment must be made within the validity of the import permit and no extension thereof is allowed, the applicant may apply for an extension thereof is allowed, the applicant may apply for an extension to the original licensing organization within one (1) month before expire of the validity. Each extension shall not exceed a period of six (6) months, and no more than two (2) extensions may be made.

Any application for extension of validity of an import permit other than that mentioned in preceding Paragraph shall be filed with BOFT for special approval.

Article 22

In respect of amendment of the contents of an import permit, except in the case where the import licensing of commodities has been withdrawn by BOFT and amendment thereof must be applied for to BOFT, an applicant may submit, before expire of the validity of the import permit, an application for amendment together with the original of the import permit and relevant evidential documents to the original licensing organization for amendment.

For any amendment requested by an applicant after expire of the validity of an import permit, an application for amendment shall be filed with BOFT for special approval.

No change of the name of applicant for an import permit may be made, except that change of registration has been approved by BOFT.

Article 23

For extension or amendment of an import permit, relevant import regulations in force at the time of application for extension or amendment shall apply.

Article 24

If an import permit is lost, re-issue thereof may be applied for on condition that a declaration for importation of commodities at issue has not yet filed with customs at the time of loss of the original import permit.

Re-issue of an import permit shall be applied for by filing an application for re-issue and an application for import permit to the original licensing organization. However, if the import regulations applicable to the commodities originally applied for import are changed at the time of filing the application for re-issue, approval shall be obtained from BOFT.

Chapter 4-Supplementary Provisions

Article 25

For commodities of which import is subject to legal inspection or quarantine, relevant inspection and/or quarantine regulations shall apply.

Article 26

To meet the requirement of administration of import trading, BOFT may publish hereunder other relevant import regulations.

Article 27

These Regulations shall be come into force from the date of promulgation.

Attachment: APPLICATION FOR IMPORT PERMIT/ IMPORT PERMIT



輸入許可證申請書

APPLICATION FOR IMPORT PERMIT

第一聯：簽證機構存查聯

共	頁	第	頁
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① 申請人 Applicant		③ 生產國別 country of origin		④ 起運口岸 Shipping port	
② 申請人印章 Signature of applicant		⑤ 賣方名址 Seller			
		⑥ 檢附文件字號			
⑦ 項次 Item	⑧ 貨品名稱、規格、廠牌或廠名等 Description of Commodities Spec. and Brand or Maker, etc.	⑨ 商品分類號列及 檢查號碼 C.C.C. Code	⑩ 數量及單位 Q'ty & Unit	噸單價 Unit Price	稟條件及金額 Terms & Value
簽證機構加註有關規定 Special Conditions			輸入許可證號碼		
			Import Permit No.		
			許可證簽證日期		
			Issue Date		
			許可證有效日期		
			Expiration Date		

核准機構簽章 Approving Agency Signature

- 一、本輸入許可證一經塗改即屬失效，商品分類號列蓋有簽證機構校對章者除外。
- 二、本輸入許可證記有貿易資料，關係商業機密，請予保密，不得外漏或買賣。
- 三、進口貨品，申請人應自行瞭解及依照有關輸入規定、檢驗、檢疫、衛生及其他相關國內管理法令辦理。

收件號碼

收件日期



輸入許可證 IMPORT PERMIT

第二聯：進口人報關用聯

共	頁	第	頁
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① 申請人 Applicant		③ 生產國別 country of origin		④ 起運口岸 Shipping port	
② 申請人印章 Signature of applicant		⑤ 賣方名址 Seller			
		⑥ 檢附文件字號			
⑦ 項次 Item	⑧ 貨品名稱、規格、廠牌或廠名等 Description of Commodities Spec. and Brand or Maker, etc.	⑨ 商品分類號列及 檢查號碼 C.C.C. Code	⑩ 數量及單位 Q'ty & Unit	噸單價 Unit Price	稟條件及金額 Terms & Value
簽證機構加註有關規定 Special Conditions			輸入許可證號碼 Import Permit No.		
			許可證簽證日期 Issue Date		
			許可證有效日期 Expiration Date		

核准機構簽章 Approving Agency Signature

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- 三、進口貨品，申請人應自行瞭解及依照有關輸入規定、檢驗、檢疫、衛生及其他相關國內管理法令辦理。

收件號碼

收件日期

貨品進口核銷紀錄

批次別	報單號碼	貨名項次及數量	總價	經辦人及股長簽署

輸入許可證續頁

共	頁	第	頁
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⑦ 項次 Item	⑧ 貨品名稱、規格、廠牌或廠名等 Description of Commodities Spec. and Brand or Maker, etc.	⑨ 商品分類號列及 檢查號碼 C.C.C. Code	⑩ 數量及單位 Q'ty & Unit	噸單價 Unit Price	噸條件及金額 Terms & Value

輸入許可證號碼 Import Permit No.			收件號碼 收件日期		

註：續頁除最後一頁，可不繕打共幾頁數。

REGULATIONS GOVERNING REGISTRATION AND ADMINISTRATION OF EXPORTERS AND IMPORTERS

(As amended on June 20, 2001)

Note: This translation is prepared solely for reference purposes. In the event of any discrepancy with the English translation, the original stipulations in the Chinese-language version shall govern.

Article 1

These Regulations are enacted pursuant to Paragraph Two, Article 9 of the Foreign Trade Law.

Article 2

A company or a firm whose scope of business stated on its profit-seeking enterprise registration certificate covers the export/import or buying and selling business, may apply hereunder for registration as an exporter/importer.

Article 2-1

A company or firm intended to apply for registration as an exporter/importer shall apply to the Board of Foreign Trade, the Ministry of Economic Affairs (hereinafter referred to as BOFT) for approval of its proposed English name. Such proposed English name, upon approval, will be reserved for a period of six (6) months.

The application for the proposed English name shall be made either by original hard copy, facsimile, or other forms of electronic transmittal.

Article 2-2

The name for which registration is being applied shall consist of the primary name together with its corporate form; and the English

name of the branch (of a foreign company) must indicate both the foreign company's nationality and the fact that it is a branch of that company.

The name for which registration is being applied may not indicate or suggest that the firm is engaged in areas of business other than those indicated on the firm's Profit-seeking Enterprise Registration Certificate.

The English name shall not be made in such a way that it may cause likelihood of identicalness or similarity to that of any government agencies or non-profit organizations.

Article 3

The application for exporter/importer registration shall be made either by original hard copy or facsimile, the following documents shall be submitted:

An application form.

Photocopy of its Profit-seeking Enterprise Registration Certificate.

Article 3-1

When needed, importer/exporter firms may apply to the BOFT for an exporter/importer registration certificate.

Article 4

The English name of an exporter/importer shall not be identical or similar to the English name of any exporter/importer, existing or dissolved, closed, or punished with cancellation of registration within the most recent two (2) years, unless special approval is obtained from BOFT based on proper reasons or if the English name of the branch (of a foreign company) is the same as that which appear on the foreign company's Certificate of Recognition and the said name indicates both the foreign company's nationality and the fact that it is a branch of that company. [E.g., ABC Company, Taipei Branch (USA)].

Article 4-1

In Article 4, English names shall be regarded as 'similar' if they differ only by the addition, replacement or removal of: a common business word; an English article; an abbreviated word; a space or spaces; a symbol or symbols; or by the use of: a plural, as opposed to

a singular noun; a different part of speech of a word with the same root; lowercase or uppercase letters; a different corporate form designation, as 'Inc.', 'Co.', etc.; or if they differ only in that the English name adds, replaces or removes a place name that is not found in its registered Chinese name.

The 'Common business words' referred to in the preceding paragraph are the following: ENTERPRISE, INDUSTRY, EXPORT, IMPORT, TRADE, BUSINESS, COMMERCE, INTERNATIONAL, MANUFACTURING, GROUP.

Article 5

An exporter/importer being merged, or changing its Chinese or English name, organization, representative, or business place, shall submit relevant documents to BOFT to effect the alteration registration.

The exporter/importer may continue to operate export/import business only after it has completed the process of the alteration registration set forth in the preceding paragraph.

Article 6

(Deleted)

Article 7

(Deleted)

Article 8

The export/import performance of an exporter/importer shall be based on its customs clearance records and its performance as verified in accordance with the provisions of Article 9 hereof.

Article 9

An exporter/importer who has assigned or transferred an L/C received by it to another exporter/importer for effecting the exportation may submit photocopies of the L/C and the exporter-permit endorsed by customs or the export application form together with the invoice issued by it to BOFT applying for accrediting the export performance to itself. However, the accrediting of the export performance under

an assigned L/C as set forth in the preceding paragraph shall be limited to one time only.

The export/import commissions or the revenue arising from triangular trade, for which relevant documents have been obtained to prove that applicable tax return has been duly filed with tax authority, and the proceeds arising from sales of fish abroad as evidenced by documents proving the fish sale as issued by the Council of Agriculture, Executive Yuan or the fishing administration offices of various county/city governments, may be counted as export/import performance.

Calculation of export/import performance as mentioned in the preceding two paragraphs may be entrusted by BOFT to Joint Association of Importers and Exporters Association of Taiwan Province, Importers and Exporters Association of Taipei, and/or Importers and Exporters Association of Kaohsiung.

Article 10

For an exporter/importer whose export/import performance in the preceding year has reached a certain prescribed amount, the Ministry of Economic Affairs may award it as Citation for a company of outstanding performance and include it in the roster of companies of outstanding performance.

Article 11

(Deleted)

Article 12

An exporter/importer having disputes with foreign customers and informed by BOFT to explain shall give explanations within a prescribed time limit.

Article 13

For an exporter/importer having ceased its business operation or moved to an unknown location, the BOFT may temporarily suspend its export/import operation until the cause there for ceases to exist.

Article 14

For an exporter/importer whose cease of operation has been confirmed or who is dissolved by order from or whose registration is revoked by a competent government agency the BOFT shall cancel its registration.

Article 15

An exporter/importer whose registration is cancelled shall not make a new application for registration within two years from the date of such cancellation, or from the date of the business suspension order, if it was suspended from exporting/importing prior to the cancellation of its registration.

Article 16

These Regulations shall come into force from the date of promulgation.

OPTICAL DISK LAW

(Promulgated November 14, 2001 per Order ref. Hwa-Tzong-1-Yi-Tze-No.9000223480)

[Translation]

(In case of any discrepancy between the English version and the Chinese text of this Law, this Chinese text shall govern.)

Article 1

The management of optical disks shall be governed by this Law. Issues not addressed by this Law shall be governed by other applicable laws.

Article 2

For purposes of this Law, the following terms shall be defined as below:

1. Optical disk

A pre-recorded optical disk and blank optical disk

2. Pre-recorded optical disk

A CD, CD-ROM, DVD, DVD-ROM, LD, MD, VCD and any pre-recorded optical disk listed by the competent authority in a public notice.

3. Blank optical disk

A CD-R, CD-W and CD-RW.

4. Stamper

A metal disk completed by a mastering device for the manufacture of optical disks.

5. SID code

An identification code issued by the competent authority for identifying the manufacturing source of optical disks or stampers.

6. Business entity

A company, sole proprietorship, partnership, individual or organization engaging in the manufacture of optical disks and stampers.

7. Manufacture/manufacturing/manufactured

Production and manufacture of optical disks or stampers by implement for manufacture using raw materials

8. Implement for manufacture

Injection molding machine and mold for the manufacture of optical disks, laser beam recorder system for stampers, and other implement as listed by the competent authority in a public notice.

Article 3

For purposes of this Law, the competent authority denotes the Ministry of Economic Affairs.

Article 4

A business entity shall acquire from the competent authority by application a license for the manufacture of pre-recorded optical disks prior to such manufacture.

A business entity shall file a declaration with the competent authority prior to manufacturing blank optical disks.

Regulations governing the procedures and contents, necessary documents, and other matters to be complied with in respect of the application and declaration under the preceding two paragraphs shall be determined by the competent authority.

Article 5

The competent authority shall not grant any application which a business entity files for a license in accordance with the first paragraph of the preceding article under any of the following circumstances:

1. Where the sentence passed by the court in a final and conclusive judgment on the responsible person of the business entity convicted of a violation of this Law or a copyright infringement offense is not completed or was completed less than five years

ago; or

2. Where the license for the manufacture of pre-recorded optical disks was revoked or nullified by the competent authority less than five years ago.

Article 6

A license for the manufacture of pre-recorded optical disks shall specify the following material facts:

1. License number;
2. Name and address of the business entity, and name and residence or domicile of the responsible person;
3. Name, residence or domicile of the responsible person of the manufacturing premises;
4. Address of the manufacturing premises; and
5. Others as listed by the competent authority in a public notice.

The responsible person of the business entity shall apply for amendment in advance of any change in the material facts under subparagraphs 2 to 5 of the preceding paragraph.

A business entity shall display its license under the first paragraph at a conspicuous place of the premises.

Article 7

The competent authority may cancel the license for the manufacture of pre-recorded optical disks as granted to a business entity which, after its acquisition of such license pursuant to the first paragraph of Article 4, is discovered to have provided materially untrue application information.

Article 8

A business entity shall maintain client orders, written licenses granted by right holders, contents of the pre-recorded optical disks being manufactured, and other information for at least three years.

Article 9

A business entity shall manufacture pre-recorded optical disks only at the address of the premises specified on the license.

Article 10

No business entity shall manufacture pre-recorded optical disks without acquiring by application an SID code from the competent authority in addition to the license under the first paragraph of Article 4.

Each pre-recorded optical disk above shall be inscribed with an SID code. No false or untrue inscription is allowed.

No SID code issued in accordance with the first paragraph shall be made available to others for purposes of inscription on pre-recorded optical disks.

Regulations governing the application procedure, manner of inscription, necessary documents, and other matters to be complied with in respect of the SID code under the first and second paragraphs shall be determined by the competent authority.

Article 11

A business entity shall acquire SID codes from the competent authority by application prior to its manufacture of stampers for the pre-recorded optical disks described in the first paragraph of the preceding article.

Each stamper above shall be inscribed with an SID code. No false or untrue inscription is allowed.

No SID code issued in accordance with the first paragraph shall be made available to others for purposes of inscription on stampers.

Regulations governing the application procedure, manner of inscription, necessary documents, and other matters to be complied with in respect of the SID Code under the first and second paragraphs shall be determined by the competent authority.

Article 12

A declaration shall be filed with the competent authority in advance for the importation and exportation of implement for manufacture.

Regulations governing the procedure, necessary documents, and other matters to be complied with in respect of the above declaration shall be determined by the competent authority.

Article 13

The competent authority may issue warrants to dispatch officers to optical disk or stamper manufacturing premises and other relevant premises for inspection to confirm compliance with the first and second paragraphs of Article 4, the second and third paragraphs

of Article 6, and Articles 8 through Article 12, and to request relevant information be submitted. No evasion, obstruction or refusal by the responsible person or practitioners of such premises is allowed. The police authority may be requested to dispatch officers to offer assistance.

Article 14

The competent authority may appoint or commission other administrative authorities to handle matters pertaining to the issuance of licenses for the manufacture of pre-recorded optical disks and SID codes, filing for declaration of the importation and exportation of implement for manufacture, and inspection of manufacturing premises of optical disks and stampers and other relevant premises.

Article 15

Anyone violating the first paragraph of Article 4 by manufacturing pre-recorded optical disks absent a license shall be ordered to suspend the manufacture, apply for a license within fifteen days, and sentenced to a fine between NT\$1,500,000 and NT\$3,000,000. Where the manufacture is not suspended or application is not filed within the prescribed time limit, a further suspension order and a fine between NT\$3,000,000 and NT\$6,000,000 shall be imposed. Failure to comply with such further order will be subject to imprisonment between one and three years and a possible penalty between NT\$3,000,000 and NT\$6,000,000.

Anyone violating the second paragraph of Article 4 by failing to file a declaration of its manufacture of blank optical disks shall so file within 30 days and sentenced to a fine between NT\$300,000 and NT\$600,000. Failure to so file within the prescribed time limit will be subject to successive punishment for each instance of violation until the declaration is filed.

Implement available exclusively for the manufacture of the pre-recorded optical disks under the first paragraph, and the finished products and semi-finished products of such optical disks, whether owned by the doer or the perpetrator, may be confiscated or seized.

Article 16

Anyone violating Article 9 by manufacturing pre-recorded optical disks at an address other than the one specified on the license shall be ordered to suspend the manufacture and sentenced to a fine between NT\$1,000,000 and NT\$2,000,000. Refusal to comply with such order shall be subject to a further suspension order and a fine between NT\$2,000,000 and NT\$4,000,000. Failure to comply with such further order will be subject to not more than two years' imprisonment, detention, or in lieu thereof or in addition thereto, a fine between

NT\$2,000,000 and NT\$4,000,000.

Article 17

Anyone committing any of the violations set forth below shall be ordered to suspend the manufacture and sentenced to a fine between NT\$1,500,000 and NT\$3,000,000:

1. Violation of the first paragraph of Article 10 by manufacturing pre-recorded optical disks without acquiring by application SID codes;
2. Violation of the second paragraph of Article 10 by manufacturing pre-recorded optical disks without the inscription of SID codes or with untrue or false inscription; and
3. Violation of the third paragraph of Article 10 by making SID codes available to others for purposes of inscription on pre-recorded optical disks.

Where any of the above violations is committed after a suspension order or a fine is imposed pursuant to the preceding paragraph, a further suspension order and a fine between NT\$3,000,000 and NT\$6,000,000 shall be imposed. Failure to comply with such further order will be subject to not more than two years' imprisonment, detention, or in lieu thereof or in addition thereto, a fine between NT\$3,000,000 and NT\$6,000,000.

The finished and semi-finished products as uncovered of the pre-recorded optical disks under the preceding two paragraphs, whether owned by the doer or the perpetrator, shall be confiscated or seized.

The competent authority shall revoke the license of a person having been convicted by the court in a final and conclusive judgment of any of the violations set forth in the first or second paragraph.

Article 18

Anyone violating the second paragraph of Article 6 by failing to apply for amendment in advance shall be sentenced to a fine between NT\$1,500,000 and NT\$3,000,000 and imposed a time limit of fifteen days to submit such application. Failure to submit such application within such time limit shall be subject to successive punishment and prescription of a time limit for said application for each instance of violation until the application is duly completed.

Anyone violating the third paragraph of Article 6 by failing to display the license at a conspicuous place of the premises shall be

imposed a time limit of fifteen days to cure the violation. Failure to so cure within such time limit shall be subject to a fine between NT\$300,000 and NT\$600,000 and a further order to cure within a prescribed time limit of fifteen days. Failure to so cure within such further time limit shall be subject to prescription of a time limit for cure and successive punishment for each instance of violation until the violation is completely cured.

Article 19

Anyone violating Article 8 by failing to maintain information shall be sentenced to a fine between NT\$1,500,000 and NT\$3,000,000 and imposed a time limit of fifteen days to cure the violation. Failure to so cure within such time limit shall be subject to prescription of a time limit for cure and successive punishment for each instance of violation until the violation is completely cured.

Article 20

Anyone committing any of the violations set forth below shall be sentenced to a fine between NT\$1,500,000 and NT\$3,000,000:

1. Violation of the first paragraph of Article 11 by manufacturing stampers without acquiring by application SID codes;
2. Violation of the second paragraph of Article 11 by manufacturing stampers without the inscription of SID codes or with untrue or false inscription; and
3. Violation of the third paragraph of Article 11 by making SID codes available to others for purposes of inscription on stampers.

Article 21

Anyone violating the first paragraph of Article 12 by exporting or importing implement for manufacture without making a report or a true report shall be sentenced to a fine between NT\$ 1,500,000 and NT\$3,000,000 and prescribed a time limit of fifteen days to apply for registration. Failure to so apply within such time limit shall be subject to prescription of a further time limit for application and successive punishment for each instance of violation until the application is duly completed.

Article 22

Anyone violating Article 13 by evading, obstructing or refusing inspection shall be sentenced to a fine between NT\$ 1,500,000 and NT\$3,000,000.

Article 23

The owner of the implement of pre-recorded optical disks imported prior to the enforcement of this Law shall report to the competent authority within six months of the date of enforcement of this Law for the record, otherwise, a fine between NT\$300,000 and NT\$600,000 shall be imposed.

Article 24

Should anyone be discovered by the Customs to have exported pre-recorded optical disks without inscribing SID codes thereon, the Customs shall, pursuant to the Customs Preventive Law, impose a fine, seize the optical disks, and request the competent authority by notice enclosed with samples of the seizures to take action by the applicable legislation.

Article 25

Fines meted out pursuant to this Law shall be paid within a prescribed time limit of three months, otherwise, the matter shall be subject to compulsory execution by law.

Article 26

A business entity already engaging in the manufacture of pre-recorded optical disks prior to the enforcement of this Law shall obtain by application a license from the competent authority within six months of the date of enforcement of this Law, otherwise, the business entity will be deemed to have manufactured pre-recorded optical disks absent a license.

A business entity already engaging in the manufacture of blank optical disks prior to the enforcement of this Law shall report to the competent authority within six months of the date of enforcement of this Law, otherwise, the business entity will be deemed not to have made a report.

Article 27

A business entity having acquired SID codes from an agency other than the competent authority prior to the enforcement of this Law shall submit an application to the competent authority within six months of the date of enforcement of this Law for the record, otherwise,

the business entity will be deemed to have failed to acquire by application SID codes.

Article 28

This Law shall be enforced as of promulgation.

OPTICAL DISK MANUFACTURING IMPLEMENT IMPORTATION AND EXPORTATION REGULATIONS

[Translation]

Amended on January 30, 2002

Article 1

These Regulations are established in accordance with the second paragraph of Article 12 of the Optical Disk Law ("Law").

Article 2

The importation and exportation of optical disk manufacturing implement shall be governed by these Regulations. Issues not addressed by these Regulations shall be governed by other applicable legislation.

Article 3

An importer of optical disk manufacturing implement shall submit an import declaration to the competent authority to declare its importation prior to importation.

The above import declaration shall specify the following material facts:

1. Name, address and business account number of the importer
2. Description of commodities spec. and brand or maker etc.
3. Country of origin
4. Quantity and unit
5. Storage or manufacturing premises
6. License or filing number, in the event an optical disk license has been obtained or a declaration has been filed for the manufacture of optical disks

Article 4

An exporter of optical disk manufacturing implement shall submit an export declaration to the competent authority to declare its exportation prior to exportation.

The above export declaration shall specify the following material facts:

1. Name, address and business account number of the exporter
2. Description of commodities spec. and brand or maker etc.
3. Country of destination, consignee and buyer
4. Quantity and unit
5. Storage premises or manufacturing premises
6. Import declaration number or documentary evidence of "Made in Taiwan" product

Article 5

Where a mistake is discovered or a change occurs with respect to the materials facts specified in an import or export declaration prior to customs declaration, an application for cancellation and re-declaration shall be filed with the competent authority; no application for amendment is allowed.

An application for re-issue shall be filed with the competent authority where the certificate for optical disk manufacturing implement import or export is lost prior to customs declaration.

Article 6

An importer/exporter shall submit the certificate for optical disk manufacturing implement import or export to the customs for the purpose of customs clearance.

Where the importer/exporter fails to submit the above certificate, the customs may, subject to the importer/exporter's undertaking to apply for the necessary registration in accordance with Article 21 of the Law, grant release and forward the customs clearance information on the importation/exportation in writing to the competent authority for further action.

Article 7

The form of declarations required under these Regulations will be determined by the competent authority.

Article 8

These Regulations shall be enforced as of the date of promulgation.

OPTICAL DISK MANUFACTURING IMPLEMENT IMPORT DECLARATION

Instructions:

Column		Contents
1	Applicant	Chinese and English name of the applicant (seal of the company and its responsible person)
2	Business account number	Business account number of the applicant
3	Address	Address of the applicant
4	Country of origin	1. The name of the country or place of production of the product must be filled (keyed) in. (Where mainland Chinese products are imported, Chinese Mainland (coded CN) must be specified as the country of origin.) 2. Please fill (key) in the country of origin in accordance with the Customs Clearance and Statistics Coding Manual.
5	<input type="checkbox"/> Storage premises <input type="checkbox"/> Manufacturing premises	Please check where appropriate and fill in this column accurately.
6	License or filing number	1. The applicant shall fill in this column accurately if it is a business entity holding a license or having filed for declaration pursuant to Article 4 of the Optical Disks Law. Those importing manufacturing implement for pre-recorded optical disks shall fill in the reference number of the license issued by the competent authority. Importers of manufacturing implement for the manufacture of blank optical disks shall fill in the reference number of the certificate for optical disk manufacturing implement import or

Column	Contents
	<p>export issued by the competent authority.</p> <p>2. Applicants other than the above business entity are not required to fill in this column.</p>
7	<p>Items</p> <p>Where the product consists of more than one item, the items shall be itemized as 1, 2, 3, ..., and the product name and the respective C.C.C. code shall correspond with each other, regardless of whether the C.C.C. codes of such items are the same or not.</p>
8	<p>Description of commodities spec. and brand or maker etc.</p> <p>1. The product name should in principle be typed in English.</p> <p>2. Serial number means the ex-factory number of the injection molding machine for the manufacture of optical disks.</p>
9	<p>C.C.C. Code</p> <p>The C.C.C. codes applicable to this declaration are as follows:</p> <p>CCC8477.10.90.20-3 Injection molding machine for the manufacture of optical disks</p> <p>CCC8479.89.99.20-8 Laser beam recorder systems for optical disks</p> <p>CCC8480.71.90.10-6 Molds for optical disks</p>
10	<p>Quantity</p> <p>The quantity and unit of the imported product shall be filled (keyed) in pursuant to the unit for the relevant product as specified in the existing table of classification of imported and exported products.</p>
11	<p>Unit</p>

OPTICAL DISK MANUFACTURING IMPLEMENT EXPORT DECLARATION

Instructions:

Column		Contents
1	Applicant	Chinese and English name of the applicant (seal of the company and its responsible person)
2	Business account number	Business account number of the applicant
3	Address	Address of the applicant
4	Country of destination	Please fill in the country of destination to which the product is exported; the port of destination is not required. Please fill in the country code in the box in the upper right corner (see the Country Code Chart compiled by the Statistics Department of the Directorate General of Customs).
5	Consignee	Not required if the overseas consignee is the same as the buyer.
6	Buyer	1. Company name and country of the overseas buyer; address is not required. 2. Please fill in the country code in the box in the upper right corner.
7	<input type="checkbox"/> Storage premises <input type="checkbox"/> Manufacturing premises	Please check where appropriate and fill in this column accurately.
8	Import declaration or documentary evidence of	The import declaration shall be submitted if the product is a foreign product for re-export. Documentary evidence of "Made in Taiwan" product shall be submitted if the product is domestically made.

Column		Contents
	R.O.C. product	
9	Items	Where the product consists of more than one item, the items shall be itemized as 1, 2, 3, ..., and the product name and the respective C.C.C. code shall correspond with each other, regardless of whether the C.C.C. codes of such items are the same or not.
10	Description of commodities spec. and brand or maker etc.	<p>1. The product name should in principle be typed in English.</p> <p>2. Serial number means the ex-factory number of the injection molding machine for the manufacture of optical disks.</p>
11	C.C.C. Code	<p>The C.C.C. codes applicable to this declaration are as follows:</p> <p>CCC8477.10.90.20-3 Injection molding machine for the manufacture of optical disks</p> <p>CCC8479.89.99.20-8 Laser beam recorder systems for optical disks</p> <p>CCC8480.71.90.10-6 Molds for optical disks</p>
12	Quantity	The quantity and unit of the exported product shall be filled (keyed) in pursuant to the unit for the relevant product as specified in the existing table of classification of imported and exported products.
13	Unit	

QUESTIONNAIRE 2

METHYL BROMIDE: HCFC

METHYL BROMIDE: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

HCFC: INDUSTRIAL DEVELOPMENT BUREAU, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 2-1](#)

PUBLIC NOTICE

[Translation]

Date: November 27, 1997

Ref. No.: (86) Nung-Liang-Tze 86020647

Abstract

Notice: Revising 「the Operating Regulations Governing the Control of Restricted Methyl Bromide」.

Legal Basis

The Operating Regulations was pursuant to the public notices promulgated and revised by the Council on December 30, 1994, (Ref. No. 3020757A) · October 13, 1995 (Ref. No. 4020549A) and February 29, 1996 (Ref. No. 5020121A) separately °

Contents

1. In compliance with the resolution of the Montreal Protocol of the United Nations to monitor the consumption of methyl bromide, control of the importation of methyl bromide shall take effect as of January 1, 1995 pursuant to the public notice promulgated by the Board of Foreign Trade of the Ministry of Economic Affairs on December 30, 1994 (Ref. No.: Mao (83) Huo-Fa-Tze No. 23962). With the import quota documents issued by the Council, an importer can apply for the importing license, which will be issued by the Board of Foreign

Trade of the Ministry of Economic Affairs. Having got the importing license, an importer can import the methyl bromide.

2. In applying for the importation of restricted methyl bromide, an importer shall meet the following criteria:

- (1) The import quota for the controlled methyl bromide "not for quarantine or pre-shipment processing purposes" shall be regulated as follow:
 - a. Commencing on 1, January 1995, the controlled level of methyl bromide shall not exceed the basic level of ten metric tons in 1991;
 - b. Commencing on 1, January 1999, the controlled level shall not exceed 7.5 metric tons;
 - c. Commencing on 1, January 2001, the controlled level shall not exceed 5 metric tons;
 - d. Commencing on 1, January 2003, the controlled level shall not exceed 3.3 metric tons;
 - e. From the second and the subsequent years following the imposition of the control, quota shall be calculated and allocated to importers pro rata according to the last year's actual import records.
 - f. Commencing on 1, January 2005, the import level of methyl bromide, which is "not for quarantine or pre-shipment processing purposes", shall be zero.
- (2) In regard to methyl bromide mentioned in the preceding paragraph, the words "for quarantine or pre-shipment treatment purposes" shall, according to the resolution of the sixth meeting of the signatories to the Montreal Protocol, denote as follows:
 - a. [Methyl bromide] imported for "quarantine purposes" means methyl bromide imported to prevent the introduction, increase or spread of quarantine pests, or to ensure their official control; The words "quarantine pests" refer to those pests which pose potential hazards to the particular region and are officially controlled.
 - b. [Methyl bromide] for "pre-shipment treatment purposes" means methyl bromide treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing or exporting country.
- (3) Within at least two months prior to the start of the control year, an importer shall apply to the Council for allocation of import quota, with the application supported by the following documents:
 - a. a copy of the importer's specimen seal impression card; and
 - b. a statistical statement of the quantity of restricted methyl bromide imported within two years prior to the imposition of the control and a customs-issued import certificate or the import declaration form duly stamped by the customs.

- (4) During the control period in regard to the restricted chemicals, an importer shall, on a biannual basis (i.e., in the first and second half of the year), submit a copy of its Forecast of Methyl Bromide to Be Imported at least 45 days in advance. The quantity of methyl bromide "not for quarantine and pre-shipment treatment purposes," as specified in each forecast, shall be 1/2 of the year's quota \pm 10%.
 - (5) The import quantity of restricted methyl bromide "for quarantine or pre-shipment treatment purposes" shall be placed under control on a project basis. At least 45 days in advance, an importer shall submit the supporting documents and file with the Council for a written import approval on a biannual basis (i.e., in the first and second half of the year).
 - (6) An importer of restricted methyl bromide shall apply to the Board of Foreign Trade of the Ministry of Economic Affairs for an import permit against the written import approval issued by the Council. The restricted methyl bromide shall be imported within the period for which the quota is allocated. With respect to the methyl bromide not imported within the period, the quota allocated shall be recalled by the Council and then included in the quota to be allocated for the following period. If any restricted methyl bromide is imported beyond the last period of the particular year or is not imported within the period, then the importer shall be sanctioned by way of deduction of an amount twice the affected amount from the import quota to be allocated for the following year.
 - (7) At the time of applying for the import quota of methyl bromide, an importer shall submit the following documents to the Council for record: a statistical statement of the quantity of restricted chemicals imported in the last period, supporting documents with respect to domestic sale, quantity in stock and purchasers of the chemicals, and the customs-issued import certificate or the import declaration form duly stamped by the customs and bearing a notation with respect to the date of release and importation. If the above documents are not submitted within the prescribed time limit, the approved quantity of restricted chemicals shall be deemed "not imported."
3. For effective control of the consumption of restricted methyl bromide, the Council may, on a regular basis or whenever necessary, invite authorities concerned and importers to discuss the imposition of restrictions over the importation of methyl bromide and the taking of necessary relevant measures.
 4. If investigation confirms that an importer has violated these Regulations or made false, deceptive or misleading statements in the importation of restricted methyl bromide, the Council may reduce or revoke the import quota, which the Council has allocated.

Notifying Import and Export Restrictions on the Chemicals subject to Control under Montreal Protocol

Promulgated on June 21, 1994
(83) Hung Shu kung No. 25237
Amended on January 26, 1995
(84) Hung Shu kung No.66344
Amended on April 13, 1995
(84) Hung Shu kung No. 12287

Environmental Protection Administration of the Executive Yuan

The list of signatories of the Montreal Protocol

Algeria
Antigua and Barbuda
Argentina
Australia
Austria
Bahamas
Bahrain

Bangladesh
Barbados
Belarus
Belgium
Benin
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Rep.
Chad
Chile
El Salvador
Chinese mainland
Columbia
Costa Rica
Cote d' Ivories
Croatia
Cuba
Cyprus
Czech Republic
Denmark

Dominica
Dominican Republic
Ecuador
Egypt
Equatorial Guinea
European Community
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guyana
Honduras
Hungary
Iceland
India
Indonesia
Iran, Islamic Republic of
Ireland
Israel

Italy
Jamaica
Japan
Jordan
Kenya
Kiribati
Kuwait
Lebanon
Lesotho
Libyan Arab Jamahiriya, Socialist People's
Liechtenstein
Luxembourg
Malawi
Malaysia
Maldives
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Monaco
Morocco
Mozambique
Myanmar
Namibia
Nepal

Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
St. Christopher & Nevis
St. Lucia
Samoa
Saudi Arabia
Senegal
Seychelles
Singapore
Slovakia
Slovenia

Solomon Islands
South Africa
Spain
Sri Lanka
Sudan
Swaziland
Sweden
Switzerland
Syrian Arab Republic
Thailand
The former Yugoslav Republic of Macedonia
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Tuvalu
Uganda
Ukraine
United Arab Emirates

United Kingdom
United Rep. of Tanzania
United States
Uruguay
Uzbekistan

Venezuela

Vietnam

Yugoslavia

Zambia

Zimbabwe

The countries or territories which are in compliance with the Montreal Protocol and obtain permission granted by Environmental Administration, Executive Yuan :

Hong Kong

Regulations Governing Controlled Substances Pursuant to the Montreal Protocol

Promulgated on August 13, 1991;
first amended on June 30, 1993;
last amended on December 21, 1995.

1. For the purpose of implementing the decision in the Montreal Protocol of United Nations (hereinafter referred to as the “Protocol”) and monitoring the domestic consumption of controlled substances listed in the Protocol so as to be in compliance with the provisions of the Protocol, these Regulations are hereby promulgated according to Articles 6, 11 and 16 of the Trade Law.

For the purpose of implementing these Regulations, the competent authority shall be the Ministry of Economic Affairs (hereinafter referred to as the “MOEA”) and the implementing authorities shall be the Board of Foreign Trade of the MOEA (hereinafter referred to as the “BOFT”) and the Industrial Development Bureau of the MOEA (hereinafter referred to as the “IDB”).

2. The controlled substances referred to herein are listed in Table 1.
3. The consumption volume referred to herein is the balance for controlled substances of the import volume plus domestic production volume, minus the export volume; provided that the followings shall not be included :
 - (1) The volume of controlled substances which can be recycled during the manufacturing process or transformed to other substances;
 - (2) The volume of controlled substances destroyed with the technology recognized by the signatories to the Protocol; and
 - (3) The volume of controlled substances used for purposes recognized by the signatories to the Protocol.

The scope of application of controlled substances as referred to in the foregoing paragraph shall, after a resolution is duly made by

the signatories to the Protocol, be separately defined jointly by the IDB and other relevant agencies.

4. The phase-out timetable and reduction volume for controlled substances are listed in Table 2.
5. According to Item 4 above, starting from July 1, 1989, the annual maximum consumption volume is listed in Table 3.
6. The total volume of annual quotas for controlled substances shall first be allocated among enterprise users, subject to a ceiling at the annual maximum consumption volume as referred to in the foregoing Item 5. Any remaining annual quotas shall be proportionately allocated among importers and domestic manufacturers based on their performance in the previous year, and as determined by the IDB in consultation with the Environmental Protection Administration of the Executive Yuan, the BOFT and the interested enterprises within the quarter immediately preceding the year in question.

After the allocation is decided, there shall be no transfer of quota enjoyed by any enterprise user; a quota enjoyed by an importer or domestic manufacturer may be transferred; provided that such transfer shall first be approved by the IDB.

The IDB shall have the authority to reserve ten percent (10%) of the quota to meet the requirements of national construction, national defense and military, and emergency, and may release such reserved quota for allocation among qualified enterprises.

7. An enterprise user shall comply with the following rules in connection with its application for quotas:
 - (1) The quota of controlled substances of each year shall be proportionately allocated to enterprise users according to the actual enterprise users and the volume used by the enterprise users in the previous year, except that for the first year, the allocation can be made on the basis of estimated volume submitted by actual enterprise users.
 - (2) An enterprise user shall, two (2) months prior to the beginning of a controlled year, submit an application to the IDB for a use quota, together with the following documents:

A. A photocopy of each of the company license, profit-seeking enterprise certificate and factory registration certificate of the enterprise user.

B. Statistics of production and consumption volume of controlled substances for the two (2) years before the commencement of the controlled year. For an enterprise user that purchases such substances domestically or entrusts another person to import such substances, the delivery receiving certificate of controlled substances (photocopies of uniform invoices) shall be submitted. For an enterprise user that imports such substances directly, statistics of import volume and import certificate issued by the customs or a copy of the import application sealed by the customs shall be submitted.

- (3) An enterprise user shall within the control period of each controlled substance, submit information on the volume to be purchased domestically or imported forty-five (45) days before the beginning of each quarter; provided, that each quarterly volume shall be within the range of one-quarter of annual quota plus or minus ten percent (10%). Where an enterprise user imports directly or entrusts an importer to import the same, the IDB may, with respect to the controlled substances that are relatively insignificant in import volume, adjust the quarterly import volume after consulting relevant agencies and obtaining consent from relevant enterprise(s).
- (4) With respect to imports by an enterprise user, the enterprise user may, based on an import permit for controlled substances issued by the IDB, directly or through an importer, apply to the BOFT for an import license. The substances covered by the import license shall be imported during the quarter in question. With respect to domestically purchased substances, the enterprise user shall, based on an IDB approved production plan for a domestic manufacturer to produce such substances, take delivery of the substances from domestic manufacturers during the quarter in question. The substances so imported or purchased domestically shall not be resold. If the import cannot be released or delivery of domestically purchased substances cannot be taken within the quarter in question, the IDB shall take back the unused quota for the quarter in question and include such quota for allocation in the next quarter. In case the quarter in question is the last quarter of a year, then two (2) times the shortage in imports or domestic purchase shall be deducted from the annual quota of next year.

- (5) An enterprise user shall, by the end of the first month of each quarter, submit to the IDB the statistics of imported controlled substances or statistics of domestically purchased substances delivered in the previous quarter, and the statistics of sales of final products, inventory, and sales buyers, together with the delivery receiving certificate (photocopies of uniform invoices) or customs import certificate or a copy of the import application sealed by the customs. In case of an over-due submission, the import or domestic purchase shall be deemed uncompleted.
8. An importer seeking to import controlled substances shall comply with the following rules in connection with an application for import:
- (1) The quota of each year shall be proportionately allocated to an importer according to the actual importers and their actual import performance in the previous year, except that for the first year, the allocation can be made on the bases of the actual importers and their import performance (HCFC volume plus 2.8% CFC volume) within two (2) years before the amendment to these Regulations, and that the import performance shall not include the volume of import made for an enterprise user.
 - (2) An importer shall, two (2) months prior to the beginning of a controlled year, submit an application to the IDB for an import quota, together with the following documents:
 - A. A photocopy of the importer's seal specimen.
 - B. A photocopy of the importer's company license and profit-seeking enterprise certificate.
 - C. Statistics of imported controlled substances, together with the customs' import certificate or a copy of the import application sealed by the customs for the two (2) years before the commencement of the controlled year.
 - (3) An importer shall within the control period of each controlled substance, submit information on the volume to be imported or purchased domestically forty-five (45) days before the beginning of each quarter; provided, that each quarterly volume shall be within the range of one-quarter of annual quota plus or minus ten percent (10%).

The IDB may, with respect to controlled substances that are relatively insignificant in import volume, adjust the quarterly import volume after consulting the relevant agencies and obtaining the consent from relevant enterprise(s).

(4) An importer may, based on an import permit for controlled substances issued by the IDB, apply with the BOFT for an import license. The substances covered by the import license shall be imported during the quarter in question. If the import cannot be released within the quarter in question, the IDB shall take back the unused quota for the quarter in question and include such quota for allocation in the next quarter. In case the quarter in question is the last quarter of a year, then two (2) times the shortage in imports shall be deducted from the annual quota of next year.

(5) An importer shall, by the end of the first month of each quarter, submit to the IDB the statistics of imported controlled substances of the previous quarter, and the certificates of domestic sales, inventory, and sales buyers, together with the customs import certificate or a copy of the import application sealed by the customs. In case of an over-due submission, the import shall be deemed uncompleted.

9. A domestic manufacturer seeking to produce controlled substances shall comply with the following rules in connection with its applications for production:

(1) The production quota of each year shall be proportionately allocated according to the actual manufacturers and their production for domestic consumption in the previous year, except that for the first year, the allocation can be proportionately made on the bases of actual manufacturers and their production for domestic consumption (HCFC volume plus 2.8% CFC volume) within two (2) years before the amendment to these Regulations. The production for domestic consumption shall not include the volume produced for an enterprise user.

(2) A manufacturer shall, two (2) months prior to the beginning of a controlled year, submit an application to the IDB for a domestic consumption quota, together with the following documents:

A. A photocopy of each of the company license, profit-seeking enterprise certificate and factory registration certificate of the manufacturer.

B. Statistics of production volume of controlled substances for the two (2) years before to the commencement of the controlled year.

(3) A manufacturer shall within the control period of each controlled substance, submit information on the volume to be produced for domestic consumption forty-five (45) days before the beginning of each quarter; provided, that each quarterly volume shall be within the range of one-quarter of annual quota plus or minus ten percent (10%). The manufacturer shall, by the end of the first month of each quarter, submit to the IDB the statistics on the production volume, production volume for domestic consumption, export volume and inventory, together with a copy of the export application sealed by the customs for the preceding quarter.

(4) If the actual quarterly production volume for domestic consumption is lower than the planned production volume for domestic consumption, the shortage shall be taken back by the IDB for allocation in the next quarter. In case the quarter in question is the last quarter of a year, then two (2) times the shortage shall be deducted from the annual quota of next year.

10. With a view to effectively monitor and control the consumption volume of controlled substances, the IDB may, quarterly or whenever necessary, convene meetings for the participation of relevant agencies, importers, domestic manufacturers and enterprise users to discuss issues relating to the importation, manufacture and use of controlled substances and the relevant counter-measures.
11. In case any enterprise user, importer or domestic manufacturer violates any of the above Regulations, submits false information, fraudulently imports or purchases any controlled substances, or produces over the production quota, hoards or improperly resells any controlled substances, the quota enjoyed by such party may be reduced or cancelled.

Table 1. The group and substance names of controlled chemical substances

Group	Substance	O.D.P.
(Group 1 of Annex A, Protocol)	Chlorofluorocarbons (CFC)	
CFCl_3	CFC-11	1.0
CF_2Cl_2	CFC-12	1.0
$\text{C}_2\text{F}_3\text{Cl}_3$	CFC-113	0.8
$\text{C}_2\text{F}_4\text{Cl}_2$	CFC-114	1.0
$\text{C}_2\text{F}_5\text{Cl}$	CFC-115	0.6
(Group 1 of Annex B, Protocol)	Other perhalogenated chlorofluorocarbons	
CF_3Cl	CFC-13	1.0
C_2FCl_5	CFC-111	1.0
$\text{C}_2\text{F}_2\text{Cl}_4$	CFC-112	1.0
C_3FCl_7	CFC-211	1.0
$\text{C}_3\text{F}_2\text{Cl}_6$	CFC-212	1.0
$\text{C}_3\text{F}_3\text{Cl}_5$	CFC-213	1.0
$\text{C}_3\text{F}_4\text{Cl}_4$	CFC-214	1.0
$\text{C}_3\text{F}_5\text{Cl}_3$	CFC-215	1.0
$\text{C}_3\text{F}_6\text{Cl}_2$	CFC-216	1.0
$\text{C}_3\text{F}_7\text{Cl}$	CFC-217	1.0
(Group 2 of Annex A, Protocol)	halon:	

Group	Substance	O.D.P.
CF ₂ BrCl	halon-1211	3.0
CF ₃ Br	halon-1301	10.0
C ₂ F ₄ Br ₂	halon-2402	6.0
(Group 2 of Annex B, Protocol)		
CCl ₄	carbon tetrachloride	1.1
(Group 3 of Annex B, Protocol)		
C ₂ H ₃ Cl ₃	1,1,1-trichloroethane	0.1
(Group 1 of Annex C, Protocol)	Non-perhalogenated chlorofluorocarbons (HCFC)	
	HCFC-21	
CHFCl ₂	HCFC-22	0.04
CHF ₂ Cl	HCFC-31	0.055
CH ₂ FCI	HCFC-121	0.02
C ₂ HFCl ₄	HCFC-122	0.01 ~ 0.04
C ₂ HF ₂ Cl ₃	HCFC-123	0.02 ~ 0.08
C ₂ HF ₃ Cl ₂	HCFC-124	0.02 ~ 0.06
C ₂ HF ₄ Cl	HCFC-131	0.02 ~ 0.04
C ₂ H ₂ FCI ₃	HCFC-132	0.007 ~ 0.05
C ₂ H ₂ F ₂ Cl ₂	HCFC-133	0.008 ~ 0.05
C ₂ H ₂ F ₃ Cl	HCFC-141	0.02 ~ 0.06
C ₂ H ₃ FCI ₂	HCFC-141b	0.005 ~ 0.07
C ₂ H ₃ FCI ₂	HCFC-142	0.11
C ₂ H ₃ F ₂ Cl	HCFC-142b	0.008 ~ 0.07
CH ₃ CF ₂ Cl	HCFC-151	0.065

Group	Substance	O.D.P.
C ₂ H ₄ FCI	HCFC-221	0.003~.005
C ₃ HFCI ₆	HCFC-222	0.015~0.07
C ₃ HF ₂ Cl ₅	HCFC-223	0.01 ~0.09
C ₃ HF ₃ Cl ₄	HCFC-224	0.01 ~0.08
C ₃ HF ₄ Cl ₃	HCFC-225	0.01 ~0.09
C ₃ HF ₅ Cl ₂	HCFC-225ca	0.02 ~0.07
CF ₃ CF ₂ CHCI	HCFC-225cb	0.025
CF ₂ CICF ₂ CHCLF	HCFC-226	0.033
C ₃ HF ₆ Cl	HCFC-231	0.02 ~0.10
C ₃ H ₂ FCI ₅	HCFC-232	0.05 ~0.09
C ₃ H ₂ F ₂ Cl ₄	HCFC-233	0.008~0.10
C ₃ H ₂ F ₃ Cl ₃	HCFC-234	0.007~0.23
C ₃ H ₂ F ₄ Cl ₂	HCFC-235	0.01 ~0.28
C ₃ H ₂ F ₅ Cl	HCFC-241	0.03 ~0.52
C ₃ H ₃ FCI ₄	HCFC-242	0.004~0.09
C ₃ H ₃ F ₂ Cl ₃	HCFC-243	0.005~0.13
C ₃ H ₃ F ₃ Cl ₂	HCFC-244	0.007~0.12
C ₃ H ₃ F ₄ Cl	HCFC-251	0.009~0.14
C ₃ H ₄ FCI ₃	HCFC-252	0.001~0.01
C ₃ H ₄ F ₂ Cl ₂	HCFC-253	0.005~0.04
C ₃ H ₄ F ₃ Cl	HCFC-261	0.003~0.03
C ₃ H ₅ FCI ₂	HCFC-262	0.002~0.02
C ₃ H ₅ F ₂ Cl	HCFC-271	0.002~0.02
C ₃ H ₆ FCI		0.001~0.03

Group	Substance	O.D.P.
(Group 2 of Annex C, Protocol)	Other non-perhalogenated chlorofluorocarbons (HCFC)	
	HBFC-21B2	
CHBr ₂	HBFC-22B1	1.00
CHF ₂ Br	HBFC-31B1	0.74
CH ₂ FBr	HBFC-121B4	0.73
C ₂ HBr ₄	HBFC-122B3	0.3 ~0.8
C ₂ HF ₂ Br ₃	HBFC-123B2	0.5 ~1.8
C ₂ HF ₃ Br ₂	HBFC-124B1	0.4 ~1.6
C ₂ HF ₄ Br	HBFC-131B3	0.7 ~1.2
C ₂ H ₂ FBr ₃	HBFC-132B2	0.1 ~1.1
C ₂ H ₂ F ₂ Br ₂	HBFC-133B1	0.2 ~1.5
C ₂ H ₂ F ₃ Br	HBFC-141B2	0.7 ~1.6
C ₂ H ₃ FBr ₂	HBFC-142B1	0.1 ~1.7
C ₂ H ₃ F ₂ Br	HBFC-151B1	0.2 ~1.1
C ₂ H ₄ FBr	HBFC-221B6	0.07 ~0.1
C ₃ HBr ₆	HBFC-222B5	0.3 ~1.5
C ₃ HF ₂ Br ₅	HBFC-223B4	0.2 ~1.9
C ₃ HF ₃ Br ₄	HBFC-224B3	0.3 ~1.8
C ₃ HF ₄ Br ₃	HBFC-225B2	0.5 ~2.2
C ₃ HF ₅ Br ₂	HBFC-226B1	0.9 ~2.0
C ₃ HF ₆ Br	HBFC-231B5	0.7 ~3.3
C ₃ H ₂ FBr ₅	HBFC-232B4	0.1 ~1.9
C ₃ H ₂ F ₂ Br ₄	HBFC-233B3	0.2 ~2.1

Group	Substance	O.D.P.
C ₃ H ₂ F ₃ Br ₃	HBFC-234B2	0.2 ~5.6
C ₃ H ₂ F ₄ Br ₂	HBFC-235B1	0.3 ~7.5
C ₃ H ₂ F ₅ Br	HBFC-241B4	0.9 ~14
C ₃ H ₃ FBr ₄	HBFC-242B3	0.08 ~1.9
C ₃ H ₃ F ₂ Br ₃	HBFC-243B2	0.1 ~3.1
C ₃ H ₃ F ₃ Br ₂	HBFC-244B1	0.1 ~2.5
C ₃ H ₃ F ₄ Br	HBFC-251B3	0.3 ~4.4
C ₃ H ₄ FBr ₃	HBFC-252B2	0.03 ~0.3
C ₃ H ₄ F ₂ Br ₂	HBFC-253B1	0.1 ~1.0
C ₃ H ₄ F ₃ Br	HBFC-261B2	0.07 ~0.8
C ₃ H ₅ FBr ₂	HBFC-262B1	0.04 ~0.4
C ₃ H ₅ F ₂ Br	HBFC-271B1	0.07 ~0.8
C ₃ H ₆ FBr		0.02 ~0.7

Table 2. Phase-out timetable and reduction amount for controlled chemical substances

Controlled chemical substances	Phase-out timetable	Reduction amount	Base year
Controlled chlorofluorocarbons	1989.1.1	0%	1986
	1992.1.1	30%	
	1993.1.1	50%	
	1994.1.1	75%	
	1995.1.1	85%	
	1996.1.1	100%	
Other perhalogenated chlorofluorocarbons	1993.1.1	20%	1989
	1994.1.1	75%	
	1995.1.1	85%	
	1996.1.1	100%	
Halon	1992.1.1	0%	1986
	1994.1.1	100%	
CCl ₄	1993.1.1	20%	1989
	1994.1.1	50%	
	1995.1.1	85%	
	1996.1.1	100%	
C ₂ H ₃ Cl ₃	1993.1.1	20%	1989
	1994.1.1	50%	
	1995.1.1	75%	
	1996.1.1	100%	
H B F C	1996.1.1	100%	.
H C F C	1996.1.1	0%	The total of 3.1% of

Controlled chemical substances	Phase-out timetable	Reduction amount	Base year
	2004.1.1	35%	1989 CFC consumption and 1989 HCFC consumption
	2010.1.1	65%	
	2015.1.1	90%	
	2020.1.1	99.5%	
	2031.1.1	100%	

Remarks: This table is revised pursuant to the seventh general meeting of the signatories to the Montreal Protocol in December, 1995. During 2020 to 2030, HCFC can be used exclusively for maintenance of freezing air-conditioner in operation.

Table 3. Annual maximum consumption of controlled chemical substances in the R.O.C since July 1, 1989

Unit :MT

	Controlled chlorofluoro Carbons (CFCs)	Other Full-Halogenatd CFCs	Controlled Halon	CCl ₄	C ₂ H ₃ Cl ₃	HBFC	HCFC
1989.7.1- 1990.6.30	10,159* (10,159)**	Not regulated (NR)	NR	NR	NR	NR	NR
1990.7.1- 1991.6.30	10,159* (10,159)**	NR	NR	NR	NR	NR	NR
1991.7.1- 1992.12.31	5,080* (5,080)**	NR	NR	NR	NR	NR	NR
1992.1.1- 1992.12.31	7,111* (7,111)**	NR	323* (1,404)***	NR	NR	NR	NR
1993.1.1- 1993.12.31	6,096* (6,096)**	218* (218)**	323* (1,404)***	95* (105)**	6,533* (653)**	NR	NR
1994.1.1- 1994.12.31	2,540* (2,540)**	68* (68)**	0 (0)	60* (66)**	4,083* (408)**	NR	NR
1995.1.1- 1995.12.31	1,524* (1,524)**	41* (41)**	0 (0)	18* (20)**	2,042* (204)**	NR	NR
1996.1.1- 1996.12.31	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	* * * *

* Actual weight

** Actual weight × O.D.P.

*** Actual weight of halon-1211 × 3 + actual weight of halon-1301 × 10 + actual weight of halon-2401×6

**** 2.8% of CFC consumption in 1989 + HCFC consumption in 1989

Note : 1.The maximum consumption does not include consumption for necessary use.

2.This table is revised pursuant to the seventh general meeting of the signatories to the Montreal Protocol in December, 1995.

3.The ceiling of the controlled volume of HCFC is 638.156, and the maximum consumption is reduced annually according to Table 2.

QUESTIONNAIRE 3

BREEDING LIVESTOCK/POULTRY AND GENETIC RESOURCES: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN
[Governing Regulations 3-1](#)

Guidelines for Screening Application for Letter of Approval for the Importation of Breeding Livestock and Poultry and Genetic Resources

Promulgated October 20, 2000

Amended July 24, 2002.

1. In accordance with Article 19 of the “Animal Industry Act”, the following guidelines were promulgated for the regulation of breeding livestock and poultry and genetic resources, with the aim of developing the animal industry.

2. Approval letters shall be issued by the Council of Agriculture (also known as COA) for the importation of breeding livestock and poultry and other genetic resources for breeding purposes, breed improvement, and proliferation, with imports limited to the following categories:

- (1) 0101.11.00.00—5 Live Horses, pure-bred breeding animals
- (2) 0102.10.00.00—5 Live bovine animals, pure-bred breeding animals

- (3) 0103.10.00.00—4 Live swine, pure-bred breeding animals
- (4) 0104.20.00.10—9 Live goats, pure-bred breeding animals
- (5) 0105.11.10.00—9 Live fowls, pure-bred breeding animals, weighing not more than 185g
- (6) 0105.12.10.00—8 Live turkeys, pure-bred breeding animals, weighing not more than 185g
- (7) 0105.19.10.00—1 Live ducks, geese, guinea fowls, pure-bred breeding animals, weighing not more than 185g
- (8) 0105.92.10.00—1 Live fowls of the species *Gallus domesticus*, pure-bred breeding animals, weighing more than 185g, but not more than 2000g
- (9) 0105.99.10.00—4 Live ducks, geese, turkeys, guinea fowls, pure-bred breeding animals, weighing more than 185g
- (10) 0105.93.10.00—0 Live fowls of the species *Gallus domesticus*, pure-bred breeding animals, weighing more than 2000g
- (11) 0106.00.21.21—3 Deer, livestock (*Formosa sambar*, *Formosa sika deer*, red deer, fallow deer)
- (12) 0511.10.00.00—0 Bovine semen
- (13) 0511.99.91.00—4 Animal semen
- (14) 0511.99.92.00—3 Animal embryo

3. Applications to import breeding livestock and poultry and genetic resources should be limited to the listed breeds or lines as following:

- (1) Dairy cattle: Holstein.
- (2) Beef cattle:
 - A. Brahman
 - B. Santa Gertrudis
 - C. Brangus
 - D. Simbrah
 - E. Charbray
 - F. Beefmaster
 - G. Belmont Red
 - H. Droughtmaster

- (3) Swine
 - A. Landrace
 - B. Yorkshire or LargeWhite
 - C. Duroc
 - D. Hampshire
- (4) Goats
 - A. Saanen
 - B. Toggenburg
 - C. Nubian
 - D. Alpine
- (5) Deer
 - A. Sambar deer
 - B. Sika deer
 - C. Red deer
 - D. Fallow deer

Involving new breeds or lines that have not yet been imported into Taiwan, applications should follow the procedures listed in item 3 of Guideline 4.

4. Application procedures and supporting documents required:

- (1) Application procedures
 - A. Breeding livestock: application for import approval letter shall be filed with the county/city government of the area where the livestock will be allocated and raised. Following review, the application shall be referred to COA for issuance of the import approval letter.
 - B. Breeding poultry: application for import approval letter shall be filed with the National Animal Industry Foundation. Following review, the application shall be forwarded to COA for issuance of an import approval letter.
 - C. Genetic resources: application for import approval letter shall be filed with COA. Following review, the COA will issue the

import approval letter.

(2) Application for import approval letter shall be supported by the following documents, in triplicate:

- A. Application form (as Annex 1 and Annex 2).
- B. Photocopy of a quotation issued from original country.
- C. Photocopy of the farm registration certificate (except for imports of semen or animal embryos)
- D. Pedigree certificate: the pedigree of breeding livestock should be certified by the government of the exporting country or by an authorized breed association, or alternatively shall be confirmed by a certificate that the livestock is duly listed in the exporting country.
- E. Performance data: those wishing to import semen should provide donor's performance data that meet the average of the breed. For those wishing to import embryos the performance data of both sire and dame are required.

(3) For breeds or lines those are being introduced to Taiwan for the first time, the applicant shall submit the following information and file their application for an import approval letter directly with COA:

- A. Application form.
- B. Certificates of the importers.
- C. Breeding history or discovery of the breed or line.
- D. Feeding study references.
- E. Photograph of the object or product.
- F. Other related documents that may be required by the government.

5. During a six-month period for follow-up quarantine requirements, relocation of the imported breeding livestock or poultry is prohibited, unless permitted by the local county/city government. The COA will punish violators of this rule by not issue further import approval letter for a period of two years from their violation.

6. An import permit is valid for six months from the day after the issue of the approval letter. The approval letter shall void upon expiration of the import permit, and a new application is required for continued importation.

7. Quarantine of imported breeding livestock and poultry and genetic resources shall follow the “Quarantine Requirements for the Importation of Animals or Animal Products into the ROC” promulgated by the Bureau of Animal and Plant Health Inspection and Quarantine of COA.

8. Within six months of the import of breeding livestock and poultry and genetic resources, an application for tariff exemption can be filed with the county/city government of the location where the livestock or poultry is raised or the genetic resources are used, with this application having to be accompanied by a photocopy of the import permit and pedigree certificate. Following review, the application will be forwarded to COA for the issuance of a tariff exemption approval. The application will be rejected if it is filed after the expiry of the prescribed time limit.

9. If concern exists that a particular import may influence the market stability of the local livestock and poultry industry, the COA has the sole discretion to suspend the issuance of approval letter on a per item basis.

Annex 1

APPLICATION FORM FOR THE IMPORTATION OF BREEDING LIVESTOCK AND POULTRY

For (or on behalf of) _____ Co., Ltd./Farm, applicant desires to import from _____(country) a total of _____ (number of breeds) of _____(Chinese and English name of the breed), comprising _____ of male breeds and _____ of female breeds, for own breeding and reproduction purposes. Said _____ will be raised at _____ (full address). Applicant agrees that during the six-month follow-up quarantine after importation, relocation shall be subject to the prior approval of the county/city government; or applicant shall be punishable by way of being suspended from right to importation for two years. Attached hereto are three copies of the following documents:(1) application form; (2) quotation invoice; (3) photocopy of farm registration certificate; and (4) pedigree certificate or undertaking (applicable to breeding cattle, goat, swine and deer only). Your issuing the import approval letter to the applicant would be highly appreciated.

To:

County/City Government
National Animal Industry Foundation

For transmittal to:

Council of Agriculture, Executive Yuan

Company name of applicant:

Responsible Person:

Address (mailing address):

Telephone No.:

Company ID No.:

Name of the farm:

Registration Certificate No.:

Registered Address:

Mailing Address:

Telephone:

The import approval letter issued by the Council of Agriculture, Executive Yuan will be () mailed or () picked up in person (please check either one).

Applied in the date of MM/DD/YY

Annex 2

APPLICATION FORM FOR THE IMPORTATION OF ANIMAL EMBRYO AND SEMEN

For (or on behalf of) _____ Co., Ltd./Farm, applicant desires to import from _____(country) a total of _____ (numbers of embryo or doses of semen) of _____(Chinese and English name of the breed of the embryo or semen). Attached hereto are three copies of the following documents:(1) application form; (2) quotation invoice; and (3) performance certificate. Your issuing the import approval letter to the applicant would be highly appreciated.

To:

Council of Agriculture, Executive Yuan

Company name of applicant:

Responsible Person:

Address (mailing address):

Telephone No.:

Company ID No.:

Name of the farm:

Registration Certificate No.:

Registered Address:

Mailing Address:

Telephone:

The import approval letter issued by the Council of Agriculture, Executive Yuan will be () mailed or () picked up in person (please check either one).

Applied in the date of MM/DD/YY

QUESTIONNAIRE 4

RICE IMPORT QUOTA: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

[Governing Regulations 4-1](#)

FOOD ADMINISTRATION ACT

(Partial Articles)

Promulgated May 30, 1997

Amended May 17, 1990

Amended November 7, 2001

Article 7

To export and import restricted food shall be subject to the prior approval of the competent authority.

The importation of rice and processed rice products promulgated by the competent authority shall coincide with the following ways, which shall be in accordance with the regulations of the World Trade Organization:

1. They shall be imported by competent authorities and may be sold under the mark-up system;
2. Exporters/importers with qualification of food dealers shall apply to the competent authority for the import quota and arrange importation, the competent authority may collect mark-up;
3. They may be imported by exporters/importers also qualified as food dealers by an auction of import rights held by the competent authority, the competent authority may charge royalty; and
4. The products may be imported in any other manner complying with the regulations of the World Trade Organization.

The standard of mark-up under the preceding subparagraph and the royalty shall not exceed the maximum of the level promised to the World Trade Organization.

Article 14

Food sold at markets shall be labeled in Chinese signals precisely marking the item name, quality specification, origin, weight, date of milling, the expiration date, name of the manufacturer, telephone number, address and other items that shall be complied with.

The imported food shall label the original producing country, name of the importer, telephone number and address.

The labeling regulations of the precedent two paragraphs shall be promulgated by the competent authorities.

Regulations of Rice Imports Quota Administration

Promulgated on December 31, 2001

- Article I These Regulations are enacted pursuant to Article XVI, Paragraph 5 of the Foreign Trade Act (Hereinafter referred to as "this Act").
- Article II The term "rice" as set forth herein denotes the rice and processed rice products promulgated by the Council of Agriculture, Executive Yuan (Hereinafter referred to as "COA") pursuant to Article III of Food Administration Act.
- Article III The term "import quota" as set forth herein denotes the certain quantity to be imported by the private sector as permitted in the specified period in accordance with World Trade Organization Norms, Pacts, Agreement or commitment.
- Article IV The Ministry of Economic Affairs may consign or mandate COA or other organization (entity) to allocate and administer import quota.
- Article V The quota shall be allocated beforehand in the principle of the sequence of applications plus mark-up. The mark-up shall not exceed NT\$23.26 per kilogram for rice and NT\$25.59 per kilogram for processed rice products. If the quota is over subscribed, it will be allocated on a first come, first served basis. If the quota is under subscribed after the first announcement, the allocation for the remaining quota will be re-announced within two weeks, reducing the mark-ups by NT\$3 per kilogram.
- Article VI The numbers of installment for allocation, period, quantities, applicant's qualification, mark-up, method of allocation, upper

and lower limit of allocation, valid date of the quota, the startup time and deadline of the application for the first allocation, mark-up due date, and other issues related to allocation of the quota, shall be promulgated by the COA as mandated by the Ministry of Economic Affairs sixty days in advance for the start of the application period.

The quantity and mark-up of each installment of allocation shall be promulgated twenty-one days in advance for the start of the application period. If the quota of an installment is under subscribed after the first announcement, the quantity, mark-up and application period of each allocation for the remaining quota shall be announced within fourteen days from closing of the preceding allocation.

Article VII An applicant for quota shall register as a food dealer with COA pursuant to Article X of Food Administration Act. The food dealer registration certificate (or business license) shall bear the business items of rice or rice processed products. The category of business lines shall include importing (an importer register at the Board of Foreign Trade under the Ministry of Economic Affairs).

An organization, legal entity, group or individual not qualifying the aforementioned requirements may, as necessary, apply to the Board of Foreign Trade, Ministry of Economic Affairs pursuant to Article X of this Act to obtain the quota through a special import approval.

Article VIII An applicant for quota shall, within the period of application as promulgated, submit to the organization consigned or mandated by the Ministry of Economic Affairs by mail, with application form and photocopies of food dealer registration certificate (or business license). The applicant shall pay the mark-up based on the import quantity within the due date of payment.

The aforementioned application form shall expressly bear the following particulars:

- I. The applicant's name in Chinese and English, file number of dealer registration certificate (or business license), Corporate Identity Code, address, phone and fax numbers.
- II. The category codes, product names, percentage of rice content, quantity, unit, countries of origin, Tariff Bureau of import port and other facts concerned.

Where products under application are rice included raw material mixtures or processed rice products, the applicant shall

first apply to customs for antecedent review of the commodity category codes and shall attach the original of the “Reply to Antecedent Review of Import Tariff Codes” issued by customs.

Article IX Each applicant may submit only one application form in each application. Excess, if any, shall not be processed. An applicant may apply quota for both rice and processed rice products simultaneously. The total quantity in an application shall not exceed 45% of the total announced allocation quota. In each application, the quantity shall not be below the minimum of 100 M.T. in case of rice and 18 M.T. in case of processed rice products.

Article X The allocating organization shall, pursuant to commodity category codes, issue rice import quota allocation certificate (Hereinafter referred to as “the Certificate”) to the allocation recipients serve as import licenses. The allocation shall import within the validity of the Certificate. Upon request and proof of signed contract seven days prior to expiry of the certificate, the validity date of the certificate will be extended to cover products arriving on or before December 31 of that year. The aforementioned date of import shall be identified based on the date of arrival of transportation means carrying such goods.

Article XI The allocated quota will, within the validity of the Certificate, be transferable and tradable assigned in whole or in part to other qualified importers. For aforementioned transference and trade assignment, application shall be submitted to the allocating organization with the assignment agreement jointly executed by the quota holder and assignee, the assignee’s quota application and the original Certificate.

Article XII The categories commodities of allocated quota may be modified within the validity of the Certificate. The categories of rice and processed rice products shall not be transferred to each other. For the aforementioned modification, applications shall be submitted to the allocating organization attaching the application form for modification, the original Certificate and application form for new quota.

- Article XIII In the event of a change in Corporate Identity Code, address, phone, or fax numbers shown on the Certificate, the quota holder may, within the validity of the Certificate, apply to the allocating organization attaching the Certificate and documents concerned.
- Article XIV Except cases approved for extension, the unused portion of the allocated quota shall, along with unallocated quota, be reallocated by the COA, and shall be promulgated twenty-one days prior to startup of application of reallocation. The Certificate of reallocation is valid until December 31 of that year.
The aforementioned reallocation shall be duly handled pursuant to the regulations of the initial allocation.
Any portion of the quota for private trade which is not filled by December 31 shall be imported by COA by March 31 of the subsequent year.
- Article XV Import of raw glutinous rice (broken rice) to be processed into rice crackers, mixtures of rice powder and other processed rice products approved by COA for re-exportation shall be subject to a special approval from COA. The applicant shall pay the mark-up at the ceiling price for the issuance of the Certificate. The Certificate is valid for two months.
In the event the aforementioned products are not processed and exported in full within the specified time limit, the mark-up so paid shall be completely converted into "The Fund for Redressing Damage to Farmers Caused by Agricultural Imports" (Hereinafter referred to as "the Fund"). The quantity not exported shall be counted into the rice import quota.
- Article XVI Pursuant to Article LII of the Agriculture Development Statute, the mark-up collected for quota allocation shall be completely converted into the Fund. The portion of the quota allocation which is not filled within the specified time limit, all the mark-up so paid shall be completely transferred into the Fund as well.
- Article XVII These Regulations come into enforcement on January 1, 2002.

Attachment: APPLICATION FORM FOR RICE IMPORT QUOTA

APPLICATION FORM FOR RICE IMPORT QUOTA

Date of Allocation :

<p>(1) Applicant (Name in English and Chinese, Food Dealer Registration Certificate No., Business Registration No., Address, Telephone No. and Facsimile No.)</p>	<p>(3) Source of Origin : WTO Member</p>																		
<p>(2) Seals of the Applicant (including both company & person in charge)</p>	<p>(4) Documentations Attached :</p> <ol style="list-style-type: none"> 1. Copy of Food Dealer Registration Certificate 2. Original and copy of “Reply to Antecedent Review of Import Tariff Codes” issued by Customs 3. Others 																		
<p>(5) Customs of Importation :</p> <p> <input type="checkbox"/> Keelung Customs Bureau <input type="checkbox"/> Taichung Customs Bureau <input type="checkbox"/> Taipei Customs Bureau <input type="checkbox"/> Kaohsiung Customs Bureau </p>	<p>(6) Lot of Quota Allocation :</p>																		
<p>(7) Quantity (MT) and Mark-ups :</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 20%;">Quota Variety/Product</th> <th rowspan="2" style="width: 20%;">Quantity (MT)</th> <th colspan="2" style="width: 60%;">Mark-ups (NTD)</th> </tr> <tr> <th style="width: 40%;">NTD/MT</th> <th style="width: 20%;">Total</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">(i)Rice</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="padding: 2px;">(ii)Rice Product</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="padding: 5px; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px;">(i)+(ii) Total of mark-up (NTD)</div> </td> </tr> </tbody> </table> <p style="margin-top: 10px;">We, the applicant, hereby agree to abide by the relevant notices and regulations concerning the application of Rice Import Quota. In the meantime, we agree to accept, if violated, punishments including suspension of quota application, quotas withdraw etc. as stipulated in the Foreign Trade Act or other relevant Acts, Laws and Regulations.</p> <p>to Central Trust of China, Trading Department</p>		Quota Variety/Product	Quantity (MT)	Mark-ups (NTD)		NTD/MT	Total	(i)Rice				(ii)Rice Product				<div style="border: 1px solid black; padding: 2px;">(i)+(ii) Total of mark-up (NTD)</div>			
Quota Variety/Product	Quantity (MT)			Mark-ups (NTD)															
		NTD/MT	Total																
(i)Rice																			
(ii)Rice Product																			
<div style="border: 1px solid black; padding: 2px;">(i)+(ii) Total of mark-up (NTD)</div>																			

Return of Mark-ups to Unsuccessful Applicant (Choose Please)	
By : <input type="checkbox"/> Check	<input type="checkbox"/> Account-Transfer

CTC/Banking Department's Check Number :	CTC <input type="checkbox"/> Banking Department <input type="checkbox"/> _____ Branch
	Account Name :
Date of Receiving Check : (year) (month) (day)	Account No. :

Seals of the Applicant

※ The applicant who chooses to return the mark-ups by account-transfer, shall stamp in the column left first. The name of account shall be identical to the applicant, otherwise, it will not be processed.

QUESTIONNAIRE 5

YELLOW-FIN TUNA; BLUEFIN TUNA; SOUTHERN BLUEFIN TUNA; SWORDFISH; BIG-EYE TUNA: FISHERY ADMINISTRATION, COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

[Governing Regulations 5-1](#)

Screening Criteria and Procedures Regarding Applications for Written Approval to Import Yellow-fin Tuna [Translation]

Council of Agriculture, Executive
Enacted August 31, 1995
Amended February 15, 2002
(Ref. No. Nung-So-Yu-Tze-No. 0911310027)

1. Only two types of yellow-fin tuna may be imported upon application: fresh or chilled yellow-fin tuna (C.C.C. code 0302.32.00.00) and frozen yellow-fin tuna (C.C.C. code 0303.42.00.00).
2. For the importation of yellow-fin tuna, the importer must first obtain a written approval issued by the Fishery Administration of this Council prior to customs clearance.
3. No importer shall import yellow-fin tuna from a country which is prohibited by other countries from exporting yellow-fin tuna because of its use of fishing gears and fishing methods harmful to dolphins. To seek a written approval for the importation of yellow-fin tuna, an importer shall file a written application (in the Format as modeled in the first to fourth forms of Attachment A) supported by the following documents:
 - (1) photocopies one each of the applicant's company license and business license;
 - (2) the certificate of origin (in form as shown in Attachment B) issued by the government of the flag country of the fishing vessel that harvested the yellow-fin tuna in the shipment, and a photocopy of the nationality certificate of the fishing vessel and fishing vessel license of the above fishing vessel; and

- (3) the original copy and a photocopy of the foreign-issued quotation.
4. The written importation approval is to be in the Format as modeled in the 2nd form located in Attachment A and is valid for three months from the date of issue and will be void after it has expired. If importation is prohibited because of changes in domestic and foreign laws and regulations or the infestation status, the written approval issued shall be null and void.
5. Quarantine and other matters concerning the control of the importation of yellow-fin tuna shall be governed by other applicable regulations.

Application Form for the Importation of Yellow-fin Tuna

(1st form for file purpose)

To: Fishery Administration, Council of Agriculture, Executive Yuan

Applicant: Company Name:
Address of Responsible Person:
Telephone:

Date:

Abstract: The yellow-fin tuna for which we are seeking the permission to import is as follows. We request you to kindly issue a written approval so that we can proceed to perform the necessary import formalities.

Product Name and C.C.C. Code:

Quantity Being Sought (please print in words and in unit of kilograms):

Scientific and English Names:

Exporting Country:

Quantity Approved in Unit of Kilograms (to be filled in by the Administration):

Attachments

- (1) photocopies one each of the company license and business license;
- (2) the certificate of origin (Attachment B) issued by the government of the flag country of the fishing vessel that harvested the yellow-fin tuna in the shipment and photocopies one each of the nationality certificate and fishing vessel license of the above fishing vessel; and

Attachment A

(3) the original copy and a photocopy of the foreign-issued quotation.

Comments:

Proposed Official Action:

Written Approval for Importation of Yellow-fin Tuna

(2nd form for applicant)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

cc: Board of Foreign Trade, Ministry of Economic Affairs
Department of Planning and Programming, Fishery Administration

Date:

Ref. No.:

Abstract

Approval is hereby granted for your importation of the following fish products. Your attention and compliance will be appreciated.

Product Name and C.C.C. Code:

Quantity Being Sought (please print in words and in unit of kilograms):

Scientific and English Names:

Exporting Country:

Approved Quantity in Unit of Kilograms (to be filled in by the Administration):

Notes

- (1) Information concerning the product name and C.C.C. code, the quantity to be imported, the scientific and English name and the exporting country shall be filled in by the applicant.
- (2) This approval shall be valid for three months from its issuance, but shall be null and void if importation is prohibited because of changes in domestic and foreign laws and regulations or the infestation status.

Attachment A

(3) This approval shall be returned to the applicant.

Explanation

1. This is in reply to your application of _____ (date).
2. The original copy of the foreign-issued quotation is hereby being returned to the applicant.

Written Approval for Importation of Yellow-fin Tuna

(3rd form)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

cc: Board of Foreign Trade, Ministry of Economic Affairs (w/o attachment)
Department of Planning and Programming, Fishery Administration (w/o attachment)

Date:

Ref. No.:

Abstract

Approval is hereby granted for your importation of the following fish products. Your attention and compliance will be appreciated.

Product Name and C.C.C. Code:

Quantity Being Sought (please print in words and in unit of kilograms):

Scientific and English Names:

Exporting Country:

Approved Quantity in Unit of Kilograms (to be filled in by the Administration):

Notes:

- (1) Information concerning the product name and C.C.C. code, the quantity being sought, the scientific and English names and the exporting country shall be filled in by the applicant.

Attachment A

- (2) This approval shall be valid for three months from its issuance, but shall be null and void if importation is prohibited because of changes in domestic and foreign laws and regulations or the infestation status.
- (3) This copy shall be kept by the Fishery Administration of the Council for record.

Explanation

1. This is in reply to your application of _____(date).
2. The original copy of the foreign-issued quotation is hereby being returned to the applicant.

Attachment A

Written Approval for Importation of Yellow-fin Tuna

(4th form)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

CC: Board of Foreign Trade, Ministry of Economic Affairs (w/o attachment)
Department of Planning and Programming, Fishery Administration (w/o attachment)

Date:

Ref. No.:

Abstract

Approval is hereby granted for your importation of the following fish products. Your attention and compliance will be appreciated.

Product Name and C.C.C. Code:

Quantity Being Sought (please print in words and unit of kilograms):

Scientific and English Names:

Exporting Country:

Approved Quantity in Unit of Kilograms (to be filled in by the Administration):

Notes:

- (1) Concerning the product name and C.C.C. code, the quantity being sought, the scientific and English names and the exporting country shall be filled in by the applicant.
- (2) This approval shall be valid for three months from its issuance, but shall be null and void if importation is prohibited because of changes in domestic and foreign laws and regulations or the infestation status.

Attachment A

(3) This copy shall be served on the Board of Foreign Trade of the Ministry of Economic Affairs.

Explanation

1. This is in reply to your application of _____(date).
2. The original copy of the foreign-issued quotation is hereby being returned to the applicant.

Yellow-fin Tuna Certificate of Origin Instruction Sheet

Dealers who want to import yellow-fin tuna into the Republic of China should be required to complete the appropriate sections of the Yellow-Fin Tuna Certificate of Origin.

Please use this instruction sheet as a guideline to complete that section of the Yellow-fin Tuna Certificate of Origin that applies to exporters, importers and government validation. If a language other than English is used on the Certificate, please add the English translation on this document.

Instructions

1. Exporter
The person or company exporting the yellow-fin tuna shipment must provide his/her name and address.
2. Consignee
The person or company producing the yellow-fin tuna must provide his/her name and address.
3. Description of Fish
The exporter must provide, to the highest degree of accuracy, the following information. NOTE: One row should describe one code of the standard classification of commodities of the Republic of China (C.C.C. code)
 - (1) Code of the standard classification of commodities of the Republic of China and species description: Identify the type of product being shipped as either c.c.c. code: 0302.32.00.00. Yellow-fin tuna (Thunnus albacares), fresh or chilled, or c.c.c. code: 0303.42.00.00 Yellow-fin tuna (Thunnus albacares), frozen.
 - (2) Quantity: net product weight in kilograms.
 - (3) Name of vessel which caught tuna and nation under whose laws the vessel operated: Fill in the name of the vessel that harvested the yellow-fin tuna in the shipment and fill in the name of country of the vessel that harvested the yellow-fin tuna in the shipment.
 - (4) Trip dates: Fill in the period that the vessel harvested the yellow-fin tuna in the shipment.
 - (5) Ocean area of catch: Fill in the geographical area of ocean where the yellow-fin tuna in the shipment were caught. These areas may be categorized as Eastern Tropical Pacific (ETP), Western Pacific (WP), Caribbean Ocean (CAR), Atlantic Ocean (ATL) and Indian Ocean (IND).
 - (6) Gear Code: Fill in the gear code described as follows;

Gear Code

Gear Type

Attachment B

BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LONGLINE
MWT	MID-WATER TRAWL
PS	PUSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDLINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

Note: For OTHER TYPE, describe the type of gear.

- (7) Government Validation: Fill in the name and full title of the official signing the Certificate. The official must be in the implement of the competent government authority of the flag country of the vessel that harvested the yellow-fin tuna in the shipment appearing on the Certificate.
- (8) Importer Certification: The person or company that imports Yellow-fin tuna in the shipment must provide his/her name, address, signature, date the yellow-fin tuna was imported, license number (if applicable) and final point of import. This includes imports into intermediate countries.

**YELLOW-FIN TUNA
CERTIFICATE OF ORIGIN**

1. EXPORTER (Name and Address)			2. CONSIGNEE (Name and Address)		
3. DESCRIPTION OF FISH:					
CODE OF THE STANDARD CLASSIFICATION OF COMMODITIES OF THE REPUBLIC OF CHINA (C.C.C. CODE) AND SPECIES DESCRIPTION	QUANTITY	NAME OF FISHING VESSEL WHICH CAUGHT TUNA AND NATION UNDER WHOSE LAWS VESSEL OPERATED	TRIP DATES	OCEAN AREA OF CATCH	GEAR CODE

GOVERNMENT VALIDATION (TO BE SIGNED BY A RESPONSIBLE GOVERNMENT OFFICIAL FROM THE HARVESTING NATION)
 I CERTIFY THAT THE YELLOW-FIN TUNA WAS HARVESTED IN CONFORMITY WITH THE INTERNATIONAL REQUIREMENT AND NOT WITH FISHING GEAR AND METHOD HARMFUL TO DOLPHIN, AND THAT THE ABOVE INFORMATION IS COMPLETE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME & TITLE	SIGNATURE	DATE	GOVERNMENT SEAL
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Importer Certificate I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Name	Address	Signature	Date	License No.
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Importer Certification (Intermediate Country)

Name	Address	Signature	Date	License No.
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Importer Certification (Intermediate Country)

Name	Address	Signature	Date	License No.
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Importer Certification (Final Destination of Shipment)

Name	Address	Signature	Date	License No.
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Final Point of Import: City

State or Province

Country

Note: If a language other than English is used in completing this form, please add the English translation on this document.

Notice of Application for Written Approval Licence to Import, Export and Re-export Bluefin Tuna and Original Statistical Document

Date of issue: 2000.7.25

Reference: (89) Nung-Yu-Tzu No. 891330442

Enclosure: As script

Subject: Public announcement on “Notice of Application for Written Approval Licence to Import, Export and Re-export Bluefin Tuna and Original Statistical Document”.

Items of public announcement:

1. Application for import, export and re-export of Bluefin tuna (*Thunnus thynnus*),fresh or chilled (C.C.C. No.: 0302.39.00.10-8), Bluefin tuna (*Thunnus thynnus*),frozen (C.C.C. No. 0303.49.00.10-5), Bluefin tuna (*Thunnus thynnus*) fillets and its meat (whether or not minced)fresh or chilled (C.C.C. No. 0304.10.90.51-0) and Bluefin tuna (*Thunnus thynnus*) fillets, frozen (C.C.C. No. 0304.20.90.31-3).
2. Application for import of bluefin tuna
 - (1) Importer should enclose the following documents and apply with the Fishery Administration of this Council for approval and issue of letter of consent for import before processing customs clearance procedure.
 - A. When the export country is the original production country, enclose the following documents:
 - a. Application for import of bluefin tuna (format as enclosure 1)
 - b. One photocopy each of company license and operating business registration certificate of the importer.
 - c. Photocopy of ICCAT (International Commission for the Conservation of Atlantic Tunas) Bluefin Tuna Statistical Document issued by the export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.

- d. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
- B. When the export country is not the original production country and export countries of the imported bluefin have not yet reached three countries, enclose documents a. to e. If export countries of imported bluefin tuna have exceeded three countries and more, add enclosed document f.
 - a. Bluefin tuna import application (format as enclosure 1).
 - b. One photocopy each of company license and operating business registration certificate of the importer.
 - c. Photocopy of ICCAT Bluefin Tuna Statistical Document certified by the final export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.
 - d. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
 - e. Re-export certificate issued by the final export country.
 - f. Photocopy of re-export certificate of various export countries before certification by the final export country.
- (2) Importer should not import bluefin tuna from countries that their transportation is prohibited by ICCAT.
- (3) Letter of consent for import is valid for three months from the date of issue and will be void when it has expired. However, when there is change in domestic and overseas laws and regulations or plague situation and import is prohibited, then the letter of consent already issued will become void.
- (4) Quarantine for imported bluefin tuna and other management matters shall be handled based on related regulation.
- 3. Application for export of bluefin tuna
 - (1) For direct catch that its fishery operation is approved by our country and when applying for export of bluefin tuna, fishery party or exporter shall enclose the following documents to apply for approval and issue of ICCAT Bluefin Statistical Document from the approval and issue unit (on behalf) of Fishery Administration of this Council before processing for customs clearance procedure.
 - A. For fishery catch in the lure catch net category:
 - a. Bluefin country of origin fishery certificate application with complete information and seal (format as enclosure 2).
 - b. For bluefin tuna caught in the lure catch net category, provide photocopy of its fishery right fishery license.
 - c. "Lure catch bluefin tuna reporting record list"(format as enclosure 3) of that batch of bluefin tuna registered as lure catch net

category in the district fisherman association.

B. For specific fishery catch:

a. One copy of application for bluefin tuna country of origin fishery certificate with complete information and seal.

b. "Reporting record list for catching of bluefin tuna by fishing vessel"(format as enclosure 4) for the catch of that batch of bluefin tuna shall be reported to fishery communication radio station by fishing vessel.

(2) For approval and issue of bluefin tuna country of origin fishery certificate, if the fishing vessel registration or the sea area of lure cache net category belongs to Taiwan, then it will be handled by Fishery Administration of this Council. If belonging to Kaoshiung City, then it will be handled by the Fishery Administration office in Kaoshiung and issue of that certificate can be consigned to fisherman association of related district.

(3) Fishery certificate of country of origin of bluefin tuna should record the following items:

A. Certificate approval and issue country

B. Vessel name and uniform number

C. Name of lure catch net category (if applicable)

D. Export location

E. Product description

a. Fishing outfit for fishery catch

b. Product form (fresh or cold storage or frozen) and condition of handling (remove parts like gill, belly, head, tail and center bone etc.)

c. Sea area of the catch

d. Product quantity

e. Identification number (if applicable)

F. Name of exporter

(4) In order to actually check on the country of origin of the bluefin tuna, fishery vocation party, fishery communication radio station and the district fisherman association should adopt the following steps:

A. For fishery company who involves in lure catch net category, when the bluefin tuna is caught, based on sequence numbering and on the "Operation Record Book" record time of catch and longitude and latitude of the sea area and report to the district

fisherman association that transaction is intended to be conducted there via telephone or facsimile. After the district fisherman association receives the telephone or facsimile from the lure catch net category fishery party, it will record that information in the “lure catch net category bluefin tuna catch reporting record list” and will transmit this information to its subordinate fishing administration unit and fish market.

B. For special fishery catch, it is necessary that during catching of bluefin tuna, record catching time and the longitude and latitude of the sea area on the “fish catch diary” based on sequential numbering and shall immediately report to the fishery communication radio station at the port intended to enter. After the fishery communication radio station receives the report from the fishing vessel, it will register that information in the “Fishing vessel bluefin catch reporting record list” and shall check clearly on the vessel registration of that vessel and will fax the information to its subordinate fishery administration unit and local fishery market of the port intended to be entered.

- (5) Unit for approval and issue of country of origin fishery certificate shall ask the fishing vessel to provide related documents including vessel position reporting record or operation condition record form etc.
 - (6) To apply for approval and issue of country of origin fishery certificate, for documents that should be enclosed, if it is checked that the actual catch volume and the bluefin tuna reporting record does not match or overseas site operation is not processed based on regulation or if there is other false matter, apart from disposal based on regulation of Fishery Law, this certificate will not be issued.
 - (7) For original case of district fisherman association to accept and issue country of origin certificate on behalf, it should be controlled as special case. Together with the preparation of bluefin tuna daily transaction list (format as Enclosure 5), they should be sent along with the letter before the fifth of the following month to the consignment unit for reference.
 - (8) For export of bluefin tuna to Japan, a ship owner needs first to apply for an ICCAT Bluefin Tuna Statistical Document issued by the Fishery Administration office in Kaohsiang or county fishery authorities, and then to apply for a Quota Certificate for Frozen Tuna Exporting to Japan, issued by Taiwan Deep Sea Tuna Boat Owners and Exporters Association.
4. For application for re-export of bluefin tuna after its import from other country, exporter should enclose the following documents and apply with Fishery Administration of our Council for approval and issue of Re-export Certificate before processing customs clearance procedure.
- (1) When the other country is the original production country, the following documents should be submitted:

- A. Bluefin tuna re-export application (format as enclosure 6)
 - B. One copy each of the photocopy of company license and operating business registration certificate of the exporter.
 - C. Photocopy of ICCAT Bluefin Tuna Statistical Document issued by the export country and photocopy of the vessel nationality of the vessel of the fishery catch and fishing vessel certificate.
 - D. One copy each of the original copy and photocopy of all buying and selling contracts or one copy each of the original copy and photocopy of overseas quotation.
 - E. Import consent document (One copy each of Letter of consent for import by Fishery Administration of the Council and photocopy of customs clearance form).
- (2) When the other country is not the original production country and when the export countries for the re-export of bluefin tuna countries have not yet reached three countries, enclose documents (A) to (F). If export countries of re-export bluefin tuna have exceeded three countries and more, add enclosed document (G).
- A. Bluefin tuna re-export application (format as enclosure 6).
 - B. One photocopy each of company license and operating business registration certificate of the importer.
 - C. Photocopy of ICCAT bluefin Tuna Statistical Document certified by the final export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.
 - D. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
 - E. Import consent document (One copy each of Letter of consent for import by Fishery Administration of the Council of Agriculture and photocopy of customs clearance form).
 - F. Re-export certificate issued by the final export country.
 - G. Photocopy of re-export certificate of various export countries before certification by the final export country.
5. As of the date of this public announcement, applicability for the following previously publicly announced Notices is suspended:
- Reference: Nung-Yu-Tzu, No. 88670060 dated 1999/10/16 "Notice of Application for Written Approval Licence to Import, Export and Re-export Bluefin Tuna and Original Statistical Document" and
- Reference: (89) Nung-Yu-Tzu, No. 891330004 dated 2000/01/13 "Regulations on Bluefin Tuna Longline Fishing Vessels and Catch Transshipping Vessels Operating in the Atlantic Ocean in 2000"

[附件一\(第一聯\)進口黑鮪申請書|本文件\(word doc 格式\)下載](#)

[附件一\(第二聯\)進口黑鮪同意函|本文件\(word doc 格式\)下載](#)

[附件一\(第三聯\)進口黑鮪同意函|本文件\(word doc 格式\)下載](#)

[附件一\(第四聯\)進口黑鮪同意函|本文件\(word doc 格式\)下載](#)

[附件二申請書\(word doc 格式\)下載](#)

[附件二 ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT\(正面\)|本文件\(word doc 格式\)下載](#)

[附件二 ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT\(反面\)|本文件\(word doc 格式\)下載](#)

[附件三誘捕網類捕獲黑鮪通報紀錄表|本文件\(word doc 格式\)下載](#)

[附件四漁船捕獲黑鮪通報紀錄表|本文件\(word doc 格式\)下載](#)

[附件五區漁會魚市場黑鮪日交易一覽表|本文件\(word doc 格式\)下載](#)

[附件六\(一\)再出口黑鮪申請書|本文件\(word doc 格式\)下載](#)

[附件六\(二\)再出口黑鮪同意函|本文件\(word doc 格式\)下載](#)

[附件六\(三之一\)ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE\(正面\)|本文件\(word doc 格式\)下載](#)

[附件六\(三之二\)ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE\(反面\)|本文件\(word doc 格式\)下載](#)

Notice of Application for Written Approval Licence to Import, Export and Re-export Southern Bluefin Tuna

Date of issue:2000.3.30

Reference: (89) Nung-Yu-Tzu No. 891310042

Enclosure: as script

Subject: Public announcement on “Notice of Application for Written Approval Licence to Import, Export and Re-export Southern Bluefin Tuna” Items of public announcement:

1. Application for import, export and re-export of southern bluefin tuna (*thunnus maccoyii*), fresh or chilled (C.C.C. No.: 0302.39.00.20-6), southern bluefin tuna (*thunnus maccoyii*), frozen (C.C.C. No. 0303.49.00.20-3), southern bluefin tuna (*thunnus maccoyii*) fillets and its meat (whether or not minced), fresh or chilled (C.C.C. No. 0304.10.90.52-9) and southern bluefin tuna (*thunnus maccoyii*), fillets, frozen (C.C.C. No. 0304.20.90.32-2) shall be handled based on these essentials.
2. For application for import of southern bluefin tuna, importer should enclose the following documents and shall apply with the Fishery Department of this council for approval and issue of letter of consent for import before processing custom clearance procedure.
 - (1) When the export country is the original production country, enclose the following documents:
 1. Application for import of southern bluefin tuna (format as enclosure 1)
 2. One photocopy each of company license and operating business registration certificate of the importer.
 3. Photocopy of CCSBT Southern Bluefin Tuna Statistical Document) issued by the export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.
 4. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
 - (2) When the export country is not the original production country and export countries of the imported southern bluefin have not yet reached three countries, enclose documents (1) to (5). If export countries of imported southern bluefin tuna have exceeded three

countries and more, add enclosed document (6).

1. Southern bluefin tuna import application (format as enclosure 1).
 2. One photocopy each of company license and operating business registration certificate of the importer.
 3. Photocopy of CCSBT Southern Bluefin Tuna Statistical Document certified by the final export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.
 4. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
 5. Re-export certificate issued by the final export country.
 6. Photocopy of re-export certificate of various export countries before certification by the final export country.
3. Letter of consent for import shall be valid within three months starting from the date of approval and issue and will be void when it is expired. However, when there is change in domestic and overseas laws and regulations or plague situation and import is prohibited, then the letter of consent already issued will become void.
4. Quarantine for imported bluefin tuna and other management matters shall be handled based on related regulation.
5. For direct catch that its fishery operation is approved by our country and when applying for export of southern bluefin tuna, fishery party or exporter should base on the regulation in the public announcement reference (89) Nung-Yu-Tzu No. 891203953 dated 2000.3.3 to apply for approval and issue of CSSBT Southern Bluefin Statistical Document before processing for custom clearance.
6. For application of re-export southern bluefin tuna after its import from other country, exporter should enclose the following documents and apply with Fishery Department of our council for approval and issue of letter of consent for re-export before processing custom clearance procedure.
- (1) When the original country of origin is original production country, the following documents should be submitted:
1. Southern bluefin tuna re-export application (format as enclosure 2).
 2. One copy of each of the photocopy of company license and operating

business registration certificate of the exporter.

3. Photocopy of CCSBT Southern Bluefin Tuna Statistical Document certified by the final export country and photocopy of the vessel nationality of the vessel of the fishery catch and fishing vessel certificate.
 4. One copy each of the original copy and photocopy of all buying and selling contracts or one copy each of the original copy and photocopy of overseas quotation.
 5. Import consent document (One copy each of Letter of consent for import by Fishery Department of the Council of Agriculture and photocopy of custom clearance form).
- (2) When the other country is not the original production country and when the export countries for the re-export of southern bluefin tuna countries have not yet reached three countries, enclose documents (1) to (6). If export countries of re-export southern bluefin tuna have exceeded three countries and more, add enclosed document (7).
1. Southern bluefin tuna re-export application (format as enclosure 2).
 2. One photocopy each of company license and operating business registration certificate of the importer.
 3. Photocopy of CCSBT Southern Bluefin Tuna Statistical Document certified by the final export country and photocopy of vessel nationality certificate of the fishing vessel of the fishery catch and fishing vessel certificate.
 4. One copy each of the original and photocopy of all buying and selling contracts or one copy each of the original and photocopy of overseas quotation.
 5. Import consent document (One copy each of Letter of consent for import by Fishery Department of the Council of Agriculture and photocopy of custom clearance form).
 6. Re-export certificate issued by the final export country.
 7. Photocopy of re-export certificate of various export countries before certification by the final export country.

7. This essentials will be implemented from 2000.6.1

Original copy: To be pasted on the public announcement board Copy to: Fishery Department of this council

Chairman Lin Hsiang-neng

For this case Fishery Department has been authorized to decide and execute

[附件一、二\(word doc 格式\)下載](#)

[南方黑鮪再出口英文證明\(word doc 格式\)下載](#)

Notice of Application for Written Approval Licence to Import Swordfish

Date of issue: 2001.9.12

Reference: (90) Nung-Yu-Tzu No. 901310208

Enclosure: 901310208-A1.doc

Subject: Public announcement on “Notice of Application for Written Approval Licence to Import Swordfish” and will be implemented starting from 2001.11.1.

Basis: Clause 9 of Article 44 of Fishery Law

Items of public announcement:

1. Application for import of Swordfish (Xiphiidae family), fresh or chilled (C.C.C. No.: 0302.69.99.50-4), Swordfish (Xiphiidae family), frozen (C.C.C. No.0303.79.99.80-5), Swordfish (Xiphiidae family) fillets and its meat (whether or not minced), fresh or chilled (C.C.C. No.0304.10.90.60-9) and Swordfish (Xiphiidae family), fillets or steaks, frozen (C.C.C. No.0304.20.90.40-2) shall be handled based on these essentials).
2. To apply for import of swordfish, importer should enclose the following documents and apply with the Fishery Department of this council for approval and issue of letter of consent for import before processing custom clearance procedure.
 - (1) When the import country is the original production country
 1. Sword fish import application (format as enclosure 1)
 2. One photocopy each of company license and operating business registration certificate of the importer.
 3. One copy each of the original and photocopy of Swordfish Certificate of Eligibility issued by the export country (format as enclosure 2).
 4. One copy of photocopy of overseas quotation (please add with company seal and seal of the responsible person).
 - (2) When the export country is not the original production country

1. Swordfish import application (format as enclosure 1)
 2. One photocopy each of company license and operating business registration certificate of the importer.
 3. One copy each of the original and photocopy of Swordfish Certificate of Eligibility issued and certified by the final export country
 4. One copy of photocopy of overseas quotation (please add company seal and seal of the responsible person).
3. Letter of consent for import shall be valid within three months starting from the date of approval and issue and will be void when it is expired. However, when there is change in domestic and overseas laws and regulations or plague situation and import is prohibited, then the letter of consent already issued will become void.
4. When there are following matters during application for import of swordfish, letter of consent for import will not be issued:
- (1) Countries that the International Fishery Organization has prohibited its import.
 - (3) Body size of swordfish caught in the Atlantic is less than 15 kg.

[附件一\(word doc 格式\)下載](#)

[附件二\(word doc 格式\)下載](#)

Notice of Application for Written Approval License to Import, Big-eye Tuna

[Translation]

Council of Agriculture, Executive Yuan

Enacted March 15, 2002

(Ref. No. Nung-Yu-Tze-No. 0911310036)

1. This Notice is enacted in accordance with Article 44 of the Fisheries Law.
2. Application for import fresh or chilled Big-eye Tuna (C.C.C. Code:0302.39.00.30-4), frozen Big-eye Tuna (C.C.C. Code: 0303.49.00.30-1), fresh or chilled Big-eye Tuna fillets and its meat (C.C.C. Code: 0304.10.90.53-8), and frozen Big-eye Tuna fillets (C.C.C. Code: 0304.20.90.33-1) shall be handled based on this Notice.
3. For application for import of Big-eye tuna, importer should enclose the following documents and shall apply with the Fisheries Administration of this council for approval and issue of letter of consent for import before processing custom clearance procedure :
 - (1). Application for import of Big-eye tuna.
 - (2). One photocopy each of company license and operating business registration certificate of the importer.
 - (3). Original copy of the certificate of origin issued by the government of the flag country of the fishing vessel that harvested the product in the shipment.
 - (4). One photocopy of foreign-issued quotation.
4. The written approval document shall be valid for three months and shall be null and void upon expiration. If importation is prohibited because of changes in domestic and foreign laws and regulations or plague situation, the written approval document shall be null and void.
5. Application for importation of Big-eye tuna produce from countries those are prohibited by International Fisheries Organization will be rejected.

6. Quarantine and other matters concerning the control of the importation of big-eye tuna shall be governed by other applicable regulations.

QUESTIONNAIRE 6

TOBACCO, LIQUOR PRODUCTS AND UNDENATURED ETHYL ALCOHOL: DEPARTMENT OF NATIONAL TREASURY, MINISTRY OF FINANCE
[Governing Regulations 6-1](#)

The Tobacco and Alcohol Administration Law

Promulgated on April 19, 2000

This draft is prepared by the Department of National Treasury, Ministry of Finance. In case of any discrepancy between the English version and the Chinese text of this, the Chinese text shall govern.

CHAPTER I: General Provisions

Article 1

This Law is enacted to promote the sound administration of the tobacco and alcohol business and products. Other laws shall apply to matters not dealt with in this Law.

Article 2

The competent authority under this Law shall be the Ministry of Finance at the central government level; the municipal government at the municipal level; and the county (city) government at the county (city) level.

Article 3

"Tobacco" referred to in this Law shall mean the products entirely or partially made of tobacco plants or other substitutes as ingredients of, in a form suitable for smoking, chewing, sucking, snuffing or any other method.

"Tobacco plants" referred to in the preceding paragraph includes nicotine-containing tobacco leaves, tobacco stubs, tobacco seedlings, tobacco seeds, tobacco stems, tobacco scraps, etc. or their products, which are not ready for smoking, chewing, sucking, snuffing or other applications.

Article 4

"Alcohol" refers to in this Law shall mean beverages having an alcohol content by volume of more than 0.5 percent, undenatured ethyl alcohol and other ethyl products that can be used for the production or preparation of the above-mentioned beverages. "Alcohol" which is regarded as medicine in accordance with the regulations of the central health authority shall be treated as medicated wine and administered as medicine.

Medicated wine referred to in the preceding paragraph shall be exempt from administration as Alcohol under this Law If:

- 1.a physician's prescription is required for the usage; or
- 2.they belong to prescription drugs; or
- 3.the content of each container shall not exceed 120 c.c. And with alcohol content less than 5%; or.
- 4.other medicine approved by the central health authority for therapeutical purposes.

The alcohol content referred to in this Law means the volume percentage of ethyl alcohol at 20 degrees Celsius.

The regulation governing the importation, the central competent authority in consultation with relevant authorities shall prescribe production and distribution of the undenatured alcohol in the first paragraph.

Article 5

"Tobacco/alcohol business" referred to in this Law shall mean the following:

1. tobacco/ alcohol producers: business operators engaging in the manufacturing of tobacco and/or alcohol products, or
2. tobacco/alcohol distributors: business operators engaging in the importation, wholesales or retail of tobacco and/or alcohol products.

"Production and manufacture" under this Law includes manufacturing, re-packaging and the relevant activities.

Article 6

"Illegal tobacco and illegal alcohol" referred to in this Law shall mean tobacco and alcohol products which are manufactured or imported without permission.

Article 7

"Disqualified tobacco and disqualified alcohol" referred to in this Law shall mean tobacco and alcohol products manufactured or imported with permission that fall into any one of the following situations:

- 1.tobacco whose content of nicotine or tar exceeds the limits set by the Law governing the Prevention of Tobacco Hazards; or are apparently moldy, damp, or otherwise deteriorated; or
- 2.alcohol which does not meet the national health standards and the relevant regulations.

Article 8

"Responsible person" referred to in this Law shall mean the person who shall assume responsibility as required by the Company Law, the Business Registration Law, or other laws or the relevant organizational charters.

CHAPTER II: Administration of Tobacco and Alcohol Business

Article 9

Tobacco and/or alcohol producers shall be organized in the form of a company limited by shares; except for those alcohol manufactures whose annual output are under the specific amount set by the central competent authority.

The annual output of a non-incorporated alcohol manufacture should not exceed the amount set in the former paragraph.

Article 10

Prior to establishment, a tobacco and/or alcohol producers shall submit the following information in written to the central competent authority for approval :

- 1.name of producer;
- 2.category of products;
- 3.total capital;
- 4.location(s) of head office and factory;

- 5.name, residence and/or domicile of the responsible person;
- 6.other information required by the central competent authority.

The timetable for liberalizing tobacco and alcohol production shall be prescribed by the central competent authority by category.

Article 11

No business shall be eligible as applicant of tobacco and/or alcohol producer if it or its responsible person falls into any of the following circumstances:

- 1.the permit license was previously revoked by the central competent authority according to this Law and three years have not elapsed since the time of cancellation,
- 2.the responsible person was sentenced to imprisonment for one year or more by an irrevocable judgement for tax evasion or for production or import of tobacco and alcohol without permission, and such term of imprisonment ended less than two years prior to the application;
- 3.the responsible person is a minor or legally declared interdicted;
- 4.the responsible person was declared bankruptcy and his/her rights have not been restored.

Article 12

A tobacco/alcohol producer with the approval for establishment, in the case of an incorporated company, shall apply for company or amendment registration pursuant to the provision of the Company Law. After obtaining the factory registration certificate, the company may apply to the central competent authority for a tobacco or alcohol business license by submitting the following documents. Business shall commence only with the receipt of the permit license:

- 1.company license;
- 2.factory registration license;
- 3.articles of incorporation of the company;
- 4.roster of shareholders and minutes of shareholders' meetings;
- 5.roster of directors and minutes of board meetings; and
- 6.other documents required for submission by the central competent authority.

The approved alcohol manufacture other than those mentioned in paragraph 1 of this article may begin production and business activities, only when the approvals from the central health and environmental protection authorities are received, and the permit license is issued by the central competent authority.

Article 13

The following matters shall be specified on the tobacco/alcohol manufacturing permit license:

- 1.name of producer;
- 2.types of products;
- 3.total capital;
- 4.head office and factory locations;
- 5.name of the responsible person;
- 6.any other matters required to be specified by the central competent authority.

Article 14

To establish additional factory, a tobacco/alcohol producer shall specify in writing the location of the factory and apply to the central competent authority for permission; and such factory may not operate prior to receipt of an establishment permit.

Article 15

Where there is any change in the information submitted by a tobacco/alcohol producer under items 2, or 4 of the first paragraph of Article 10, the producer shall apply to the central competent authority for approval.

Where there is any change in the information submitted by a tobacco/alcohol producer under items 1, 3, 5 or 6 of the first paragraph of Article 10, it shall, within fifteen days after the actual change takes place, apply to the central competent authority for recordation of such change.

Where the information change referred to in the preceding two paragraph results to the amendment(s) of the permit license, the permit license shall be reissued after the change is made.

Article 16

Where a tobacco/alcohol manufacture dissolved or terminated its tobacco and alcohol operation, the tobacco/alcohol manufacture shall submit the permit license to the central competent authority within fifteen days after the dissolution or termination takes place. For manufacture that fail to submit the permit license, the central competent authority may make a public announcement to revoke the permit license.

Article 17

For the tobacco/alcohol producer whose permit license was revoked, the central competent authority shall notify such producer to submit the license within the prescribed period. If the permit license is not submitted within the prescribed period, the central competent authority shall make a public announcement to revoke the permit license.

Article 18

Tobacco/alcohol importers shall submit the following information in writing to the central competent authority for approval:

- 1.name of the importer;
- 2.scope of business;
- 3.head office location;
4. name, residence and/or domicile of the responsible person; and
- 5.any other matter required to be specified by the central competent authority.

Article 19

No business shall be eligible as applicant of tobacco and/or alcohol importer if it or its responsible person falls into any of the following circumstances:

- 1.the permit license was previously revoked by the central competent authority according to this Law and three years have not elapsed since the time of cancellation,
- 2.the responsible person was sentenced to imprisonment for one year or more by an irrevocable judgement for tax evasion or for production or import of tobacco and alcohol without permission, and such term of imprisonment ended less than two years prior to

- the application;
- 3.the responsible person is a minor or legally declared interdicted;
- 4.the responsible person was declared bankruptcy and his/her rights have not been restored.

Article 20

Tobacco and/or alcohol importers permitted to establish shall, pursuant to the provisions of the Company Law, apply for company registration or amendment registration, or, pursuant to the provisions of the Business Registration Law, apply for business registration or amendment registration. Then, the importers shall apply to the central competent authority by submitting the registration certificate. Businesses shall commence only with the receipt of the permit license.

Article 21

The permit license for tobacco/alcohol importer shall specify the following matters:

- 1.name of business;
- 2.types of products;
- 3.head office location;
- 4.name of the responsible person;
- 5.any other matters required to be specified by the central competent authority.

Article 22

Where there is any change in the information submitted by a tobacco and/or alcohol importer under items 2 or 3 of Article 18, the importer shall apply to the central competent authority for approval.

Where there is any change in the information submitted by a tobacco and/or alcohol importer under items 1, 4 or 5 of Article 18, it shall, within fifteen days after the actual change takes place, apply to the central competent authority for recordation of such change.

Where the information change referred to in the preceding two paragraph results to the amendment(s) of the permit license, the permit license shall be reissued after the change is made.

Article 23

Where a tobacco/alcohol importer dissolves or terminates its tobacco and alcohol business, the tobacco/alcohol importer shall submit the permit license to the central competent authority within fifteen days after the dissolution or termination takes place. For importer who fails to submit the permit license, the central competent authority may make a public announcement to revoke the permit license.

Article 24

For the tobacco/alcohol importer whose permit license was revoked, the central competent authority shall notify such importer to submit the license within the prescribed period. If the permit license is not submitted within the prescribed period, the central competent authority shall make a public announcement to revoke the permit license.

Article 25

The central competent authority may entrust to the local government the administration of matters relating to the establishment, changes of the registered information, or dissolution of the tobacco/alcohol importer, or other matters relating to the approvals.

CHAPTER III: Administration of the Sanitation of Tobacco and Alcohol Products

Article 26

The maximum level of nicotine and tar in tobacco shall not exceed the limits set by the Law Governing the Prevention of Tobacco Hazards.

Article 27

Sanitation of alcohol products shall comply with the sanitary standards and the relevant regulations set by the central health authority.

CHAPTER IV: Production, Importation and Sale of Tobacco and Alcohol Products

Article 28

Tobacco/alcohol producers who commission or are commissioned by other tobacco and alcohol producers to produce tobacco and alcohol product shall apply to the central competent authority for approval.

Article 29

Tobacco/alcohol producers seeking to engage in repackaging and sales of tobacco or alcohol products shall submit the following documents and apply to the central competent authority for approval:

- 1.copies of receipts of the most recent business tax payment and tobacco/alcohol tax payment.
- 2.authorization documents of approval from the original manufacturer.

For repackaged products referred to in the first paragraph that is to be sold, no change shall be made to the original brand.

Importers of tobacco and/or alcohol for repackaging and distribution when making customs declarations shall also submit the certificates of origin issued by the government or chambers of commerce authorized by the government where the imported products concerned are manufactured.

The timetable for tobacco/alcohol producers of engage in repackaging and sales of tobacco/alcohol referred to in the first paragraph of this Article, shall be set by the central competent authority by category.

Article 30

The size of containers for alcohol, with the exception for beer, shall not exceed 5 (five) liters; provided, this shall not apply to containers of alcohol supplied for processing or repackaging and sale.

Article 31

Methods, which can not identify buyer's age, such as vending machines, post sale or electronic sale, etc, can not be used in the distribution and sale of alcohol products. The distribution and sale of tobacco shall comply with the Law Governing the Prevention of

Tobacco Hazards.

CHAPTER V: Administration of Labeling and Advertising and Promotion of Tobacco and Alcohol Products

Article 32

For distribution and sale of packaged tobacco products, producers or importers shall specify the following on the label affixed directly on the tobacco container:

- 1.brand name;
- 2.name and address of producer; for imports, importers' names and addresses shall also be included; the name and address of the commissioned party as prescribed in Article 28 of this Law shall also be stated; the name and address of the repackaging producer as prescribed in Article 29 of this Law shall also be included.
- 3.weight or quantity.
- 4.major raw materials.
- 5.Content of nicotine and tar.
- 6.health warning.
- 7.expiration date or date of production.
- 8.other labeling required to be included by the central competent authority.

The labeling in the former paragraph shall not be false or misleading.

The labeling and penalties in connection with the nicotine and tar content and the health warning referred to in items 5 and 6 of the first paragraph shall be in accordance with the related provisions of the Law Governing the Prevention of Tobacco Hazards.

The labeling requirement as referred to in item 8 of the first paragraph will be effectuated eighteen months after the announcement of the central competent authority.

Article 33

For distribution and sale of packaged alcohol products, producers or importers shall specify the following on the label affixed directly on alcohol containers:

- 1.brand name;
- 2.product type;
- 3.alcohol content;
- 4.origin of product
- 5.name and address of producer; for imports, importers' names and addresses shall also be included; the name and address of the commissioned party as prescribed in Article 28 of this Law shall also be stated; the name and address of the repackaging producer as prescribed in Article 29 of this Law shall also be included.
- 6.volume;
- 7.major raw materials;
- 8.for alcohol products having an alcoholic content of 7% or less, the expiration date or bottled date;
- 9."excessive drinking endangers health" or other health warning;
- 10.other labeling required to be included by the central competent authority.

Producers and importers may label the year, age, or geographical denomination of the wine and spirits.

The labeling on the first and second paragraphs shall not be false or misleading, and the central competent authority shall prescribe the regulations governing labeling.

The labeling requirement as referred to in item 10 of the first paragraph will be effectuated eighteen months after the announcement of the central competent authority.

Article 34

The Chinese language shall prevail, other languages as secondary on labels of tobacco and alcohol; with the exception of products intended for exports.

When tobacco and alcohol for export is changed for domestic sale, or imported tobacco and alcohol is sold, Chinese labels shall be added.

Article 35

Products which are not tobacco or alcohol referred to in this Law, shall not be labeled or advertised as tobacco or alcohol, or in a manner which may mislead people into identify such products as tobacco or alcohol.

Article 36

The advertising and promotion of tobacco shall comply with the relevant provisions of the Law Governing the Prevention of Tobacco Hazards.

Article 37

Advertising and promotion of alcohol shall be labeled with a conspicuous warning "Excessive Drinking Endangers Health" or other warning, and shall not involve any of the following:

- 1.violate public order and good morals;
- 2.encourage or advocate consumption of alcohol;
- 3.harm adolescents, pregnant women's mental and physical well-being;
- 4.contain deceptive, exaggerated, distorted facts or contents be easily misinterpreted; or
5. others announced to be prohibited by the central competent authority.

CHAPTER VI: Inspection and Seizure

Article 38

The competent authority shall send officials to examine the tobacco or alcohol industry for matters required by this Law. The examinees shall not refuse, evade, or hamper such examination.

Article 39

The health authority may send officials to inspect facilities of factory, business places and branches of a tobacco/alcohol business,

and, if necessary, may take samples of tobacco and/or alcohol products for examination; and the business shall not refuse, evade or impede such inspection and examination. The quantity of samples taken, however, shall be limited to what the examination requires.

If necessary, the above-mentioned inspection and examination may be conducted jointly by the health authority and the competent authorities.

Article 40

The inspection officials referred to in the preceding two articles shall present identification documents when conducting inspection.

Article 41

The competent authority may seal up for storage or seize the illegal tobacco, illegal alcohol, disqualified tobacco or disqualified alcohol which is suspected to be in violation of this Law; and if necessary, take samples for examination.

The examination referred to in the preceding paragraph may be entrusted by the competent authority to the health authorities or other relevant agency or organization.

Article 42

If the competent authority or the health authority perceive that the legally imported or manufactured tobacco and alcohol will seriously injure people's health, the central competent authority shall publicly announce a prohibition of its product import, or sale.

The central competent authority shall publicly announce to prohibit the consumption of tobacco and alcohol referred to in the preceding paragraph, and order its producer or importer to recall the product within a specified time period. Tobacco and/or alcohol wholesaler and retailer shall comply with such recall.

Article 43

The competent authority and health authority, when conducting inspection or launching a crackdown in accordance with this Law, may request the assistance by the police or other police agencies.

Article 44

Where an informant reports or assists to uncover tobacco and/or alcohol products or tobacco and/or alcohol business violating this Law, the name of the informant shall be kept in strictly confidential and the informant may be rewarded.

The provisions governing the reward referred to in the preceding paragraph shall be prescribed by the central competent authority.

Article 45

Tobacco, alcohol and raw materials and equipment for their production, which are confiscated under this Law or other Laws may be destroyed or disposed of in other manners.

CHAPTER VII: Penal Provisions

Article 46

Any person who produces or imports illegal tobacco/alcohol shall be punished by imprisonment for a period up to one year, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 300,000 and NT\$ 1,500,000 may be imposed. Provided, no punishment will be imposed on those who make hand-made tobacco/alcohol for their own used.

Article 47

Any person who sells, transfers, or displays with the intention of selling illegal tobacco or alcohol products, shall be punished by imprisonment for a period up to one year, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 150,000 and NT\$ 750,000 may be imposed.

Article 48

Any person who produces or imports disqualified tobacco or alcohol shall be punished by imprisonment for a period up to one year, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 300,000 and NT\$ 1,500,000 may be imposed.

Any person who sells, transfers or displays with intention of selling disqualified tobacco or alcohol, shall be punished by imprisonment for a period up to one year, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 150,000 and NT\$

750,000 may be imposed.

Article 49

Where the representative of a juridical person, or agent, employee or other workers of a juridical person or natural person, commits crimes set forth in the preceding three articles of this Law during their discharge of their responsibility, they shall be punished by the penal provision of each article; such juridical person or natural person shall be fined in the amount set forth in each articles.

Article 50

The responsible person of a permitted tobacco/alcohol producer falls into any of the following circumstances, the central competent authority shall notify the producer to change its responsible person within a specified time period; if it fails to do so, the central competent authority shall revoke its license:

- 1.any circumstance prescribed in items 2, 3 or 4 of Article 11;
2. he/she receives the criminal punishment referred to in Article 46, 47 or 48 by an irrevocable judgement.

Article 51

The responsible person of a permitted tobacco/alcohol importer falls into any of the following circumstances, the central competent authority shall notify the importer to change its responsible person within a specified time period; if it fails to do so, the central competent authority shall revoke its license:

- 1.any circumstance prescribed in items 2 , 3, 4 or 5 of Article 19;
2. he/she receives the criminal punishment referred to in Article 46, 47 or 48 by an irrevocable judgement.

Article 52

Any producer or importer who violates the provision of Article 32, 33 or 34 shall be punished by a fine of between NT\$ 100,000 and NT\$ 500,000, based on the times of violation, and shall be notified to recall the products and correct the label within a specified time period. If it fails to do so, the competent authority shall suspend its permission to product or import for a period between six months to one year, and confiscate those tobacco and alcohol violating this Law.

Sellers, or those who transfer, or those who display with the intention of selling the tobacco/alcohol, which does not comply with the labeling provisions of by this Law, shall be punished by a fine equal to one to five times the market value of the offending product at the time when they were uncovered, and such offending product shall be confiscated.

Article 53

Any person who advertise or promote alcohol in violation of the provision of Article 37 shall be punished by a fine between NT\$ 100,000 and NT\$ 500,000, and take corrective measures within a specified time period; if he/she fails to do, fines may be imposed per instance successively.

For newspaper, magazine or publication enterprises that publish advertisement of alcohol in violation of the provision of Article 37, the local competent information authority shall impose a fine of between NT\$ 100,000 and NT\$ 500,000, and notify such party to take corrective measures within a specified time period; if the party fails to do, fines may be imposed per instance successively.

Article 54

A fine of between NT\$ 50,000 and NT\$ 250,000 may be imposed in any of the following circumstances:

- 1.anyone who violates the regulations prescribed pursuant to paragraph 4 of Article 4;
- 2.alcohol producer who produces a fixed amount over the prescribed yearly production volume as provided pursuant to paragraph 2 of Article 9;
- 3.tobacco/alcohol producer violates the provision of Article 14 requiring application for permission of establishing an additional factory;
- 4..tobacco/alcohol producer violates the provision of Article 15 requiring application for amendment to entries contained in the application;
- 5.tobacco/alcohol importer violates the provision of Article 22 requiring application for amendment to entries contained in the application;
- 6.person who commissions or is commissioned the production of tobacco/alcohol products in violation of the provisions of Article 28;
- 7.person who violates the provisions of Article 35 in connection with labeling or promotion;
- 8.tobacco/alcohol business which refuses, evades or hampers the inspection or examination conducted by the competent authority

in accordance with the provisions of Article 38 or by the competent health authorities in accordance with the provisions of Article 39; or

9. person who fails to recall or cooperate to recall within the time period specified by the central competent authority those tobacco/alcohol products which seriously injure human health in accordance with paragraph 2 of Article 42.

Tobacco and/or alcohol producer or importer subject to the conditions set forth in items 3 to 6 or 9 of the preceding paragraph, shall be notified to take corrective measures or to recall products within a specified time period. If one fails to do so, fines may be imposed per instance successively.

In addition to facing a fine in accordance with item 2 of paragraph 1, alcohol producers who violate paragraph 2 of Article 9 may also have their licenses revoked.

Article 55

A fine equal to one to five times the market value of the offending products at the time when they were uncovered shall be imposed in any of the following circumstances:

1. whose business operations is in violation of the provisions of Articles 12, 14 or 20;
2. who violates the provision of Article 30 requiring that the volume per container not exceed five litres.

Article 56

The alcohol seller in violation of the provisions of Article 31 shall be punished with a fine of between NT\$ 10,000 to NT\$ 50,000. Fines may be imposed on a per day basis until the violating act is stopped.

Article 57

Any illegal tobacco/alcohol products, disqualified tobacco/alcohol, and raw materials and equipment used for the production of the illegal tobacco/alcohol uncovered as required by this Law shall be seized or confiscated.

Article 58

When the fine imposed under this Law is overdue, the fine shall be subject to the compulsory execution by the court.

CHAPTER VIII: Supplementary Provisions

Article 59

The competent authority authorized to process application and issue or re-issue licenses pursuant to the provisions of this Law shall collect examination and certification fees. The central competent authority shall collect annual fees from tobacco/alcohol producers. The fee standard shall be prescribed by the central competent authority and reported to the Legislative Yuan.

Article 60

Tobacco/alcohol producers which are established according to other Laws prior to the implementation of this Law, and which are not in the form of a company limited by shares, shall be reorganized into a company limited by shares within five years after the implementation of this Law.

Tobacco/alcohol producers and their factories, tobacco/alcohol importers who were established according to other Laws prior to the implementation of this Law, may continue their operations in accordance with the originally approved business scope after the implementation of this Law; provided, they shall obtain the permit license or factory registration certificate according to provisions prescribed in this Law within the time period specified by the central competent authority.

The labeling regulations in this Law will be effectuated eighteen months after the implementation of this Law, provided, tobacco or alcohol with untrue labeling violating the laws is not included.

Article 61

The implementing rules of this Law shall be prescribed by the central competent authority, and reported to the Legislative Yuan.

Article 62

The implementation date of this Law shall be determined by the Executive Yuan.

Enforcement Rules of the Tobacco and Alcohol Administration Law

Approved by the Executive Yuan per its December 29, 2000 letter,

Ref. No. Tai-89-Tsai-36097

[In case of any discrepancy between this English version and the Chinese text, the Chinese text shall govern.]

Article 1

These Enforcement Rules are prescribed in accordance with Article 61 of the Tobacco and Alcohol Administration Law (hereinafter referred to as the "Law").

Article 2

"Tobacco" set forth in Paragraph 1, Article 3 of the Law is classified into the following categories:

1. Cigarettes: Tobacco products made of cut, processed tobacco leaves wrapped in tobacco paper, with or without filter tip.
2. Cut tobacco: Finely cut and processed tobacco leaves used for smoking.
3. Cigars: Long rolls of processed tobacco leaves with the filler leaves making up the center of rolled cigars which are covered with binder leaves and then wrapper leaves, or unrolled cigars primarily made of cigar leaves, giving off a distinctive aroma of cigar.
4. Snuff: Tobacco added with spices, and then dried and ground into powder used for smelling or application on gums or tongue apex.
5. Chewing tobacco: Irregular small lumps or pieces of tobacco made from tobacco leaves soaked in spiced juice, used for chewing.
6. Other tobacco products: Those other than the products set forth in the preceding 5 items

The term "tobacco substitutes" used in Paragraph 1, Article 3 of the Law refers to other natural plants and processed products containing nicotine or tar, used as substitutes for tobacco.

Article 3

"Alcohol" set forth in Paragraph 1, Article 4 of the Law is classified into the following categories:

1. Beer: Saccharized and fermented carbonated alcoholic beverages brewed from malt and hops as primary raw materials, with or without other grains or starch as supplementary raw materials; complementary plant ingredients may or may not be added.
2. Wine: Following alcoholic beverages brewed from fermented fruits as raw material:
 - (1) Grape wine: Wine brewed from grapes as raw materials;
 - (2) Other fruit wine: Wine brewed from fruit other than grapes, or from two or more kinds of fruit, as raw materials.
3. Brewed cereal beverages: Alcoholic beverages brewed from grains as raw materials.
4. Other brewed alcoholic beverages: Brewed alcoholic beverages other than those set forth in the preceding three paragraphs.
5. Distilled spirits: The following spirit drinks made from fruit, grain, or starch- or sugar-containing plants by saccharification or not, fermentation, and then distillation:
 - (1) Brandy: Distilled spirits made from fruit by fermentation, distillation and maturation in wooden casks for at least six months, with an alcohol content of not less than 36 percent.
 - (2) Whisky: Distilled spirits made from grain by saccharification, fermentation, distillation and maturation in wooden casks for at least two years, with an alcohol content of not less than 40 percent.
 - (3) Clear spirits: Distilled spirits made from grain as raw materials by saccharification, fermentation, distillation and maturation, using Ta Chu yeast, Hsiao Chu yeast and Fu Chu (bran) yeast.
 - (4) Other distilled spirits: Distilled spirits other than those set forth in the preceding three sub-items.
6. Reprocessed alcoholic beverages: Alcoholic beverages utilizing ethyl alcohol, brewed alcoholic beverages or distilled spirits as a base, added with complementary animal or plant ingredients, medicinal materials, minerals or other food additives for reprocessing, and having an extract content of not less than two percent of the total volume.
7. Rice spirits: Distilled spirits made from rice by cooking, saccharification, fermentation and distillation and bended with or without ethyl alcohol.
8. Cooking alcoholic beverages: Alcoholic beverages made for cooking from grains or other starch-containing plants added with ethyl alcohol after saccharification as a base, or using ethyl alcohol, fermented alcohol or distilled spirits directly as a base with a salt content of more than 0.5%, and added with or without other flavors.
9. Ethyl alcohol: Undenatured ethyl alcohol with an alcohol content of more than 80 percent as follows:

- (1) Ingestible ethyl alcohol: Undenatured ethyl alcohol made from grains, potatoes, beets or honey by fermentation and distillation, with an alcohol content of more than 80 percent.
 - (2) Non-ingestible ethyl alcohol: Undenatured ethyl alcohol other than ingestible ethyl alcohol set forth in the preceding sub-item, with an alcohol content of more than 80 percent.
10. Other alcoholic beverages: Other kinds of alcohol not included in those set forth in the preceding nine Items.

Article 4

The "repackaging" set forth in Paragraph 2, Article 5 of the Law shall refer to unsealing bulk tobacco or alcohol or such product packed in larger weight, quantity or volume for repackaging or putting into smaller packages or bottles without conducting any manufacturing or processing activities.

Article 5

"Tobacco and alcohol products manufactured or imported without permission" set forth in Article 6 of the Law shall refer to tobacco and alcohol products falling into any of the following situations:

1. Tobacco and alcohol products imported by persons who fail to obtain tobacco or alcohol importer's licenses in accordance with the Law.
2. Tobacco and alcohol products manufactured by persons who fail to obtain tobacco or alcohol manufacturer's licenses in accordance with the Law.
3. Tobacco and alcohol products manufactured after relevant importer's licenses have expired.
4. Tobacco and alcohol products not included in the tobacco and alcohol products of which the central competent authority has lifted the ban on the manufacture in accordance with Paragraph 2, Article 10 of the Law.
5. Tobacco and alcohol products repackaged for sale without the approval of the central competent authority set forth in Paragraph 1, Article 29 of the Law.

Tobacco and alcohol products as referred to in Items 2 and 4 of the preceding Paragraph do not include tobacco and alcohol samples not for sales and attached with research or trial manufacture records and not wrapped in commercialized packages.

Article 6

The annual output set forth in Article 9 of the Law includes alcohol products manufactured under the commission of another person or manufactured by another person under commission.

Article 7

To apply for approval for establishing a tobacco/alcohol manufacturing factory set forth in Paragraph 1, Article 10 of the Law and for issuance of a tobacco/alcohol manufacturer's license set forth in Article 12 of the Law, the application forms must be submitted together with documents certifying that the applicant has complied with the applicable environmental protection laws and regulations through the examination of the local environmental protection authority at the place where the factory is located or the central environmental protection authority. With regard to an application not subject to relevant environmental protection laws and regulations, documents so certifying shall be submitted.

In applying for issuance of an alcohol manufacturer's license, a manufacturer with approval to establish an alcohol manufacturing factory shall submit the documents set forth in the preceding Paragraph as well as those certifying that the central or local sanitation authority has given its approval or consent in accordance with laws and regulations governing food sanitation, or a factory registration certificate instead, if the applicant has obtained one.

If the alcohol manufacturer set forth in the preceding Paragraph is not a company but a sole proprietorship or partnership, documents certifying that it has duly completed the required business establishment registration or amendment registration shall be submitted.

Article 8

A tobacco or alcohol manufacturer commissioning other, or being commissioned by other, to manufacture tobacco or alcohol products in accordance with Article 28 of the Law shall submit an application form bearing the signatures of the parties' responsible persons and the following documents to the central competent authority for approval:

1. Photocopy of the respective tobacco or alcohol manufacturer's licenses issued to the parties. If the commissioning or commissioned party is a foreign manufacturer, the tobacco or alcohol manufacturer's license issued to it by the foreign governmental agency concerned as authenticated by an ROC embassy, representative office, office or other institutions

authorized by the Ministry of Foreign Affairs shall be submitted.

2. Photocopy of the manufacturing commission contract.
3. Other documents required by the central competent authority.

The application form set forth in the preceding Paragraph shall contain the following particulars:

1. Names and addresses of the commissioning and commissioned parties.
2. Types, quantities and brand name(s) of the tobacco or alcohol products to be manufactured under such commission.
3. Term of the manufacturing commission.
4. Other particulars required by the central competent authority.

Article 9

An alcohol importer who imports alcohol filled in containers of more than 5 liters in capacity for processing or repackaging and sale pursuant to the proviso of Article 30 of the Law shall apply for approval of the central competent authority by submitting the following documents, and then present the document of approval during customs declaration:

1. Where the import is to be processed and made into alcohol products by the importer itself, photocopy of an alcohol manufacturer's license issued to the importer.
2. Where the import is to be processed and made into alcohol products by another person, the contract whereby such another person commissions the importer to import the alcohol, and photocopy of an alcohol manufacturer's license issued to such another person.
3. Where the import is to be repackaged for sale by the importer itself, photocopy of the document whereby the central competent authority permits the importer to engage in such repackaging and sale.
4. Where the import is to be repackaged for sale by another person, the contract whereby such another person commissions the importer to import the alcohol, and photocopy of the document whereby the central competent authority permits such another person to repackage such import for sale.

The certificate of origin issued by the government of the country of origin or a chamber of commerce authorized by such government shall be submitted during the customs declaration for alcohol imported for repackaging according to Paragraph 3, Article 29 of the Law.

Where the capacity of the containers for repackaging alcohol exceeds 5 liters, the approval document of the central competent authority provided for in the preceding Paragraph shall also be submitted.

Article 10

The addresses as referred to in Item 2, Paragraph 1, Article 32 and Item 5, Paragraph 1, Article 33 of the Law shall include the contents sufficient for identification and contact by customers.

The major raw materials as referred to in Item 4, Paragraph 1, Article 32 and Item 7, Paragraph 1, Article 33 of the Law shall be listed in a decreasing order according to their respective proportions.

Article 11

The false labels leading people to misidentify tobacco or alcohol products set forth in Article 35 of the Law shall refer to words or patterns used on the inside or outside packages of some products that are likely to lead people to mistake such products for tobacco or alcohol products.

Article 12

The health warning label on advertising or promotional materials of tobacco or alcohol products set forth in Article 37 of the Law shall continuously appear thereon and independently occupy 10% of the space of the entire page, and the space for the written characters shall not be smaller than 50% of the space of the background. In the case of TV commercials or promotion, the warning shall appear in an overlapping manner all the time.

The color of the warning set forth in the preceding Paragraph shall be in contrast with the background color of the advertising or promotional materials.

Article 13

The central, municipal and county/city competent authorities may set up investigation taskforce(s) to carry out the inspection and crackdown activities under Chapter VI of the Law.

Article 14

The central competent authority shall conduct the spot check set forth in Article 38 of the Law on a random basis, whereas municipal and county/city competent authorities shall do the same at least once every year.

When conducting the spot check under the preceding Paragraph, the inspector shall check whether any alteration to the particulars originally declared by a tobacco or alcohol enterprise has been made, or the scope of permission corresponds with its actual business items, or the tobacco or alcohol label complies with or violates the Law.

When conducting the spot check under Paragraph 1, a municipal or county/city competent authority may, in consideration of the actual circumstances, divide its jurisdiction into several areas and check different items at different areas, and then file the results of such spot check with the central competent authority for recordation.

Article 15

After samples of tobacco and/or alcohol products for examination are taken in accordance with Paragraph 1, Article 39 of the Law, the health authority and the tobacco and/or alcohol enterprises concerned shall jointly sign the seals thereon. After each of these samples is given a specific code by the inspector, such sealed samples shall be collected by the health authority for examination. Upon the conclusion of examination, the enterprises and the competent authorities shall be informed of the results thereof.

After necessary adjustments and alterations are made, the provisions of the preceding Paragraph shall apply, when the competent authority takes samples for examination under Paragraph 1, Article 41 of the Law. The competent authority shall, within three days, commission the health authority or relevant institutions to examine samples delivered for examination.

Article 16

The identification documents to be presented by the inspectors under Article 40 of the Law are as follows:

1. Official letter issued by the authority concerned indicating the term of inspection and the name and title of the inspector.
2. Employee ID or pass of the inspector or any other document sufficient to prove that he/she is employed by the authority.

Article 17

The competent authority shall seize all suspicious illegal or disqualified tobacco and alcohol products found in any crackdown in

accordance with Paragraph 1, Article 41 of the Law, or seal up and deliver the same to the original owner or an appropriate person for safekeeping under oath, in case it is inconvenient for the authority to transfer or difficult to keep such products or if samples thereof must be taken for inspection.

When conducting the seizure or sealing-up under the preceding Paragraph, the competent authority shall record the time and place of crackdown, the quantity, the facts of suspected violation, the source, the name of the manufacturer or importer, the day of manufacture, importation or purchase, the layout of the scene or the storage situation of the warehouse, and have the suspect or the interested party(ies) present at the scene sign or seal the records. If the suspect or such interested party refuses to do so, the fact shall be indicated thereon.

The competent authority shall deliver suspicious illegal or disqualified tobacco and alcohol products seized or sealed up by it and raw materials or equipment used for manufacturing the same as found by it to the competent judicial authority for confiscation in accordance with Article 57 of the Law. Where the owner is unknown, the competent authority shall appropriate the same in accordance with the same provisions.

Article 18

The "tobacco and alcohol that will seriously injure people's health" as referred to in Paragraph 1, Article 42 of the Law shall mean tobacco and alcohol contaminated or containing ingredients other than the required ones, which are hazardous to human health and have caused or are likely to cause illness to users.

If any seriously injurious tobacco and alcohol is located, the health authority shall give immediate notice to the central, municipal or county/city competent authority for taking necessary actions.

Upon receiving the notice set forth in the preceding Paragraph, or if any seriously injurious tobacco and alcohol is located, the municipal or county/city competent authority shall transfer the case to the judicial authority for punishment in accordance with Article 48 of the Law. Upon announcement of the central competent authority's prohibition against sale of such tobacco or alcohol, the municipal or county/city competent authority shall conduct spot check of tobacco and alcohol retailers within its jurisdiction so as to ascertain that they have suspended selling the same.

If the central competent authority notifies tobacco or alcohol manufacturers or importers that certain tobacco or alcohol products seriously injurious to people's health must be recalled within a time limit in accordance with Paragraph 2 of Article 42 of the Law, a copy

of the notice shall be served on the municipal or county/city competent authority. If, upon the expiration of the time limit, the municipal or county/city competent authority finds any manufacturers or importers failing to carry out the recall or refusing to cooperate in such recall, the case shall be referred to the central competent authority for an administrative fine under Item 9, Paragraph 1, Article 54 of the Law.

Article 19

The "other disposal manners" set forth in Article 45 of the Law shall refer to any of the followings, provided that tobacco or alcohol confiscated or appropriated due to trademark infringement may only be disposed of in any of the manners set forth in Items 3 and 4 below or be destroyed:

1. Sale by tender;
2. Sale by tender for subsequent re-export;
3. Donation; or
4. For use in research or experiment by academic institutions.

Except for those easily get mildewed or deteriorated, confiscated or appropriated tobacco or alcohol products may be disposed in accordance with the preceding Paragraph only after the final decision on confiscation or appropriation is handed down.

For tobacco or alcohol products disposed of in the manner set forth in Item 1 of Paragraph 1, the document issued by the inspector commissioned by the central competent authority shall be obtained certifying that the nicotine or tar content thereof is within the limit set forth in the Tobacco and Alcohol Control Act or up to the sanitation standard for alcohol shall be obtained.

For tobacco or alcohol products disposed of in the manner set forth in Item 1 of Paragraph 1, the label thereon must meet the requirements in the applicable laws and regulations when the products are assigned or sold by the successful bidder.

The municipal or county/city competent authority shall file the disposal situations of confiscated and appropriated tobacco or alcohol products with the central competent authority for recordation once every three months.

Article 20

The competent authority may commission relevant authorities or institutions to dispose of confiscated or appropriated tobacco or alcohol products, and shall handle the disposal expenses and proceeds in accordance with the budget procedures.

Article 21

Except that penalties set forth in Articles 50 and 51, and Items 3 through 6 and 9 of Paragraph 1, and Paragraph 2 of Article 54 of the Law shall be enforced by the central competent authority, the penalties set forth in the Law shall be enforced by the municipal or county/city competent authority or be referred to the judicial authority for handling.

Article 22

Proceeds collected by the municipal or county/city competent authority from service charges for carrying out matters entrusted by the central competent authority in accordance with Article 25 of the Law shall be handed over to the National Treasury. The central competent authority shall handle the trustee fees in accordance with the budget procedures.

Article 23

Tobacco and alcohol manufacturers and importers which have been established in accordance with other laws and regulations prior to the implementation of the Law as set forth in Paragraph 2, Article 60 of the Law shall apply to the central competent authority for issuance of relevant licenses within one month from the date of implementation, and obtain such licenses within three months from the date of implementation.

Article 24

Formats of the documents set forth in the Law and these Enforcement Rules shall be formulated by the central competent authority.

Article 25

These Enforcement Rules shall come into force from the date upon which the Law comes into force.

Regulations Governing Undenatured Ethyl Alcohol

Promulgated on December 30, 2000

[In case of any discrepancy between this English version and the Chinese text, the Chinese text shall govern.]

Article 1

These Regulations are prescribed in accordance with Paragraph 4, Article 4 of the Tobacco and Alcohol Administration Law (hereinafter referred to as the "Law").

Article 2

The importation, manufacture and sale of undenatured ethyl alcohol shall be governed by these Regulations. With regard to matters not specified in these Regulations, other relevant laws and regulations shall apply.

Article 3

The term "undenatured ethyl alcohol" as referred to in the preceding Article (hereinafter referred to as "ethyl alcohol") shall mean ethyl alcohol with an alcohol strength by volume of more than 80%, with no denaturant added.

The alcohol strength by volume of a mixture set forth in the preceding Paragraph shall refer to the percentage of the volume of pure alcohol in the mixture at 20 °C in the total volume of the mixture.

Article 4

To apply for approval for establishing an alcohol manufacturing factory under Paragraph 1, Article 10 of the Law, a document issued by the environmental protection authority at the place where the factory is located or the central environmental protection authority to confirm that the applicant complies with applicable environmental protection laws and regulations shall also be submitted. With regard to

an application not subject to relevant environmental protection laws and regulations, a document so certifying shall be submitted.

Article 5

A manufacturer with approval to establish an alcohol manufacturing factory shall apply to the central competent authority for issuance of an alcohol manufacturer's license by submitting the following documents and may proceed to operate business only after obtaining the license:

1. Company license.
2. Factory registration certificate.
3. Articles of incorporation.
4. Roster of shareholders, and minutes of the shareholders' meeting.
5. List of directors, and minutes of the board meeting.
6. Certificate of compliance issued by the local fire-fighting authority.
7. Document issued by the environmental protection authority at the place where the factory is located or the central environmental protection authority to confirm that the applicant complies with applicable environmental protection laws and regulations. With regard to an application not subject to relevant environmental protection laws and regulations, a document so certifying shall be submitted.
8. Business plan.
9. Other documents required by the central competent authority.

The business plan set forth in Item 8 of the preceding Paragraph shall indicate the estimated annual output, the manufacturing method, raw materials and financial forecasts.

Article 6

If ethyl alcohol is an industrial by-product, an application for an ethyl alcohol manufacturer's license shall be filed with the central competent authority in accordance with Article 10 of the Law, and such by-product may be sold only after the license is obtained.

Article 7

An alcohol importer holding an establishment approval in accordance with Article 18 of the Law shall apply to the central competent authority for issuance of an alcohol importer's license in accordance with Article 20 of the Law and may proceed to operate business only after obtaining the license.

Article 8

Containers for imported ethyl alcohol shall not exceed 5 liters, except for ethyl alcohol imported for reprocessing or repackaging and sale.

An importer who imports ethyl alcohol for processing or repackaging and sale pursuant to the proviso of the preceding Paragraph shall apply for approval of the central competent authority by submitting the following documents, and then present the document of approval during customs declaration:

1. Where the import is to be processed and made into alcohol products by the importer itself, photocopy of an alcohol manufacturer's license issued to the importer.
2. Where the import is to be processed and made into alcohol products by another person, the contract whereby such another person commissions the importer to import the alcohol, and photocopy of an alcohol manufacturer's license issued to such another person.
3. Where the import is to be repackaged for sale by the importer itself, photocopy of the document whereby the central competent authority permits the importer to engage in such repackaging and sale.
4. Where the import is to be repackaged for sale by another person, the contract whereby such another person commissions the importer to import the alcohol, and photocopy of the document whereby the central competent authority permits such another person to repackage such import for sale.

The certificate of origin issued by the government of the country of origin or a chamber of commerce authorized by such government shall be submitted during the customs declaration for alcohol imported for repackaging according to Paragraph 3, Article 29 of the Law. Where the capacity of the containers for repackaging alcohol exceeds 5 liters, the approval document of the central competent authority provided for in the preceding Paragraph shall also be submitted.

Article 9

If imported ethyl alcohol is to be used by the importer as raw materials and falls under any of the following categories, the importer is not required to submit an alcohol importer's license or subject to the limitations set forth in the preceding Article:

1. The ethyl alcohol is to be used by an industry other than the alcohol manufacturing or pharmaceutical industry, provided that the document issued by the Board of Industrial Development of the Ministry of Economic Affairs approving or certifying the use of such import shall be submitted during customs declaration.
2. The ethyl alcohol is to be used by the pharmaceutical industry, provided that an application for the consent of the central competent authority shall be filed by submitting the pharmaceutical firm's business license, a document certifying the consumption volume of ethyl alcohol in the preceding year and another document sufficient to prove that the ethyl alcohol is imported for self use, and a letter of consent issued by the central competent authority shall be submitted during customs declaration.
3. The ethyl alcohol is to be used by a military institution, military school or military hospital, provided that a letter of consent issued by the Ministry of National Defense or a document certifying the use thereof shall be submitted during customs declaration.

One copy each of the letters of consent or the documents certifying the use of imported ethyl alcohol issued by the relevant authorities under Items 1 and 3 of the preceding Paragraph shall be served on the central competent authority.

The use of ethyl alcohol imported under the items of Paragraph 1 shall be supervised and governed by the authorities issuing letters of consent or certificates of use with respect to such imports.

Article 10

Ethyl alcohol manufacturers and importers shall establish factories, equip their warehouses, arrange transportation and provide a working environment respectively in accordance with the Fire-fighting Law, the Labor Safety and Sanitation Law, the Labor Inspection Law, the Statute for Road Traffic Administration and Penalties and other applicable public safety laws and regulations.

Article 11

Adding any denaturants to denature ethyl alcohol shall meet the requirements set forth in the Table of Standards for Ethyl Alcohol Denaturants ([Annex 1](#)).

Article 12

No denatured ethyl alcohol shall be returned to the undenatured state without the consent of the local competent authority.

Article 13

An ethyl alcohol manufacturer or importer shall, by the fifteenth day of each month, file a Monthly Report on the Incoming/Outgoing Stock of Manufactured/Imported Undenatured Ethyl Alcohol for the preceding month ([Annex 2](#)) and a Statement of Sales of Undenatured Ethyl Alcohol ([Annex 3](#)) with the local competent authority which shall submit the same to the central competent authority for recordation.

With regard to a sale of ethyl alcohol of over five liters, the ethyl alcohol manufacturer or importer concerned shall claim from the purchaser a document certifying the use thereof and his/her identification document for examination by the competent authority.

Article 14

Specifications for testing ethyl alcohol used for pharmaceuticals manufacture or medical, sanitary or sterilizing purposes shall meet the standards set forth in the Chinese Pharmacopoeia.

A dealer of ethyl alcohol set forth in the preceding Paragraph shall obtain a drug store license or pharmaceutical firm license.

Article 15

If an ethyl alcohol manufacturer or importer is dissolved or suspends its business, or its business license is revoked or cancelled, unless with the consent of the local competent authority to an extension of the time limit given for disposing of its ethyl alcohol inventory, the manufacturer shall dispose of its remaining inventory within three months upon occurrence of any of the said events. If such disposal is not completed within the time limit, the local competent authority may dispose of the same with all expenses incurred there from to be borne by the manufacturer or importer.

Article 16

These Regulations shall come into force from the date upon which the Law comes into force.

QUESTIONNAIRE 7

OIL AND PETROLEUM PRODUCTS; SALT

OIL AND PETROLEUM PRODUCTS: ENERGY COMMISSION, MINISTRY OF ECONOMIC AFFAIRS

SALT: DEPARTMENT OF MINES, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 7-1](#)

Petroleum Administration Law

(Promulgated by Presidential Decree on October 11, 2001)

Note: This translation is prepared solely for reference purposes. In the event of any discrepancy with the English translation, the original stipulations in the Chinese-language version shall govern.

Chapter 1 General Provisions

Article 1

The Petroleum Administration Law (henceforth the Law) is being instituted to promote the sound development of the oil industry, the continuation of oil production, and the sales order of the oil market as well as to ensure the steady supply of oil, enhance people's livelihoods, and develop the national economy while at the same time giving equal consideration to environmental protection. Matters not provided herein will be governed by other relevant laws.

Article 2

Definitions of terms used in the Law:

1. Oil: Refers to petroleum crude oil, bituminous crude oil, and petroleum products.
2. Petroleum crude oil: Refers to naturally occurring crude oil that is mixtures of hydrocarbon compounds (containing mainly paraffin hydrocarbon), cycloparaffin hydrocarbon, and aromatic hydrocarbon.
3. Bituminous crude oil: Refers to crude oil extracted from bituminous minerals.

4. Petroleum products: Refers to products that are used primarily as energy and obtained from oil through the process of distillation, refining, or blending. These include gasoline, diesel oil, kerosene, naphtha, liquefied petroleum gas (LPG), jet fuel, and fuel oil.
5. Oil refinery: Refers to a business that uses oil as its raw material to engage in the manufacture of petroleum products through the process of distillation, refining, or blending.
6. Gasoline station: Refers to a business place with an oil storage facility and metered fuel-servicing equipment installed so that gasoline or diesel oil can be supplied to motor vehicles, motive power machines, and other consumers.
7. LPG station: Refers to a business place with a gas storage facility installed and metered gas-servicing equipment installed so that the built-in container of a vehicle can be filled with liquefied petroleum gas.
8. Fishing boat filling station: Refers to a business place with an oil storage facility and flow meters installed so that the built-in oil tank of a fishing boat can be filled with fuel.
9. Oil storage facility: Refers to a structure specifically for oil storage that is situated above ground or underground with a top lid and enclosures. It must also have obtained a use permit pursuant to the provisions stipulated in the Building Law. For structures that do not fall under the provisions of the Building Law where a use permit applies, the approval of the competent authorities that have jurisdiction over the business is required.

The criteria for petroleum products mentioned in Items 1, 4, and 5 of the preceding paragraph will be determined and promulgated by the central competent authority after conferring with the agencies concerned.

Article 3

The competent authorities referred to in the Law are the Ministry of Economic Affairs on the central level, the municipal government on the special municipality level and the county (city) government on the county (city) level.

Chapter 2 Oil Refining

Article 4

An oil refinery must be organized in the form of a company limited by shares.

Oil refineries must meet the following requirements:

1. Have installed oil distillation, refining, and blending equipment.
2. Have installed or leased of an oil storage facility which has a capacity greater than the security stockpile prescribed in Article 24 herein.

Article 5

In order to set up an oil refinery, an establishment permit must be obtained from the central competent authority. This entails submitting an application that states the following particulars:

1. Plant location along with the size of the distillation, refining, blending, and oil storage facilities as well as the construction schedule and the plant completion date.
2. Principal products and the annual capacity for those products.
3. Two-year production and sales plan following the initiation of production. This plan must include oil refining, import, export, sales, and storage plans.
4. Other items as promulgated by the central competent authority.

Article 6

After a business receives permission to establish an oil refinery, it must set up a separate company or change its own registration. Then, after completing a trial run and obtaining the factory registration certificate, it must apply to the central competent authority for an operation license by submitting the following documents. (A business may not start an oil refinery business until it has an operation license.)

1. Company license.
2. Factory registration permit.
3. Documents verifying that the oil storage facility has the capacity to comply with the security stockpile requirement as specified in Article 24 herein. If the facility is leased, lease documents must be provided as evidence.
4. Other documents as required and promulgated by the central competent authority.

If an oil refinery operator has constructed or leased an oil storage facility that has a capacity greater than the required security stockpile before receiving the operation license and after completing the trial run, and it has submitted the documents to the central

authorities specified in Item 3 of the preceding paragraph, then the oil refinery operator may sell any petroleum products it produces following the completion of a trial run, subject to the approval of the central competent authority. However, the sale period is limited to six months, and the provisions specified in the first paragraph of Article 17 apply hereto.

The aforesaid business must comply with the security stockpile requirement of an oil refinery operator specified in Article 24 herein.

Article 7

Before an oil refinery operator expands or reconstructs its distillation, refining, or blending facilities, it must obtain the approval of the central competent authority. After completing the expansion or reconstruction, the operator must apply to the central authorities for a new oil refinery operation license.

The provisions specified in Articles 5 and 6 apply to the application procedures mentioned in the preceding paragraph.

Chapter 3 Import/Export

Article 8

Oil importers must be organized in the form of a company limited by shares.

An oil importer must construct or lease an oil storage facility with a capacity exceeding the security stockpile prescribed in Article 24 herein.

Article 9

Before importing oil, a business must submit an application to the central competent authority for an establishment permit. This application must state the company name and location, scope of business along with the name and domicile or residence of the person responsible for the business. An oil storage plan as well as a sales or use plan must be attached.

Article 10

A business may not import oil until it has obtained an operation license from the central competent authority. A business must submit the following documents to apply for an operation license:

1. Company license.

2. Documents on their oil storage facility that show it complies with the security stockpile requirement specified in Article 24 herein. If aforesaid facility is leased, lease documents must be provided as evidence of this.
3. Other documents that may be required and/or promulgated by the central competent authority.

Article 11

The types of oil or petroleum products that can be imported or exported by licensed importers or exporters are limited to those approved by the central competent authority. The preceding provision does not apply to oil refinery operators who obtained their operation licenses prior to the complete opening of the market oil to imported products.

Article 12

Manufacturers of petrochemical materials may apply to the central competent authority for special permission to import petroleum products for private use. The application submitted must state the particulars listed below. In addition, a company license or business registration permit and factory registration permit must be attached to the application.

1. The types and volume of petroleum products to be imported along with the planned use period for them.
2. The production flow process.
3. The types, volume, and percentages of petrochemical materials to be produced.
4. The types, volume, and percentages of petroleum by-products to be produced.
5. The use status of the most recent petroleum products imported for private use, including import types, volume, actual volume used, types and volume of petrochemical materials produced, types and volume of petroleum by-products produced, and their actual export or sales.

The petroleum by-products produced by such a manufacturer must be either exported or purchased by oil refinery operators. If they are exported, the exporter must be properly registered in accordance with Article 15 herein.

If the manufacturer mentioned in the first paragraph is in any of the situations described in either Item 1 of the first paragraph of Article 45 or of Items 1, 2, 4, or 7 of Article 50 herein, the central authorities will withhold the approval of this manufacturer's application for six months starting from the date the penalty required by Article 50 is imposed on the manufacturer.

An oil or non-oil business that imports petroleum grade solvent oil or lubricant must file a report with the central competent

authorities within ten days of any importation. The report must state the following about the importer: its core business, its business place, the name and domicile of its responsible person, the types, quantity, and usage of the product imported. This provision does not apply to imports by petrochemical enterprises sanctioned by the industrial authority.

Article 13

If a business meets any of the conditions listed below, it may apply to the central competent authority for special permission to import petroleum products for private use. The application must include the name and location of the principal business, the name and domicile or residence of the responsible person, and types along with the volume of the petroleum products to be imported.

1. If an oil refinery operator needs oil for a trial run.
2. If a petrochemical material manufacturer needs petroleum products for a trial run.
3. If an establishment needs oil for research and testing purposes.
4. If an establishment wishes to import petroleum products of special application that are either not produced domestically and if products of similar specifications are not available domestically.
5. If an establishment wants to import less than one kilogram of petroleum product (other than gasoline or diesel oil) packed in a container.

Article 14

Crude oil imported by a licensed importer can only be supplied to the oil refinery industry as feedstock, unless it is otherwise approved under special case status.

Naphtha imported by a licensed importer can only be supplied as feedstock to the oil refinery or petrochemical industry, unless it is otherwise approved under special case status.

Gasoline, diesel oil or LPG suppliers as well as their customers may not supply their petroleum products to gasoline or LPG operators that do not have gasoline or LPG stations set up according to regulations. Nor may they supply the same products to gasoline or LPG filling or storage facilities for private use that were not set up according to regulations.

Oil or non-oil businesses may not sell solvent oil, lubricant, or other volatile hydrocarbon compounds as fuels for motor vehicles or motive power machines.

Article 15

To set up an oil export business, an application must be submitted to the central competent authority. The application must state the name and location of the principal business, scope of business, name and domicile or residence the person responsible for the business. An export plan for the business must be attached. A business is not allowed to start an oil export operation until its application has been approved and a registration certificate issued by the central authorities.

Export of oil by a non-oil business for research and testing purposes requires the prior approval of the central authority under special case status.

Chapter 4 Administration of Gasoline and Diesel Oil Wholesalers and LPG Stations

Article 16

Wholesalers of gasoline and diesel oil be must companies limited by shares.

To set up a gasoline or diesel oil wholesale business an application must be submitted to the central competent authority. The application must state the company name and location, scope of business, name and domicile of the person responsible for the business. The articles of incorporation of the business as well as its sales plan must be attached to the application. The business may begin operations only after it has obtained a registration certificate. The preceding provision does not apply to licensed oil refinery operators or licensed importers.

Article 17

Retailers of gasoline, diesel oil, or liquefied petroleum gas (LPG) for vehicles must set up a gas station, a LPG station, or a fishing boat filling station. This provision does not apply to oil refinery operators, importers, or gasoline and diesel oil wholesalers who retail gasoline or diesel oil for private-use filling or storage facilities or for non-vehicle use.

Operators of gasoline stations, LPG stations, or fishing boat filling stations must apply to the competent authority of the special municipal or county (city) government for a construction permit. Operators may begin operations only after their station facilities have passed an inspection given by the competent authority of the special municipal or county (city) government and after acquiring an operation permit for the stations from the central competent authority.

The central competent authority will stipulate rules and regulations on land use for gasoline stations, LPG stations, and fishing boat filling stations. It will also stipulate rules and regulations on the construction of and facilities required for these entities as well as application formalities, the issue and change of operation licenses, and other relevant administrative affairs.

The central competent authority may authorize the competent authority of the special municipal or county (city) government to administer the issue and change of the operation licenses referred to in the preceding paragraph. The county (city) government may also be authorized by the central competent authority to take charge of other administrative affairs.

Gasoline station operators are required to join the local gasoline station commercial association.

Article 18

Passenger-cargo transport businesses, construction businesses, factories, or other entities that want to set up LPG filling and storage facilities to supply their own vehicles or power motive machines must apply receive special permission from the competent authority of the special municipal or county (city) government.

The central competent authority will stipulate rules and regulations on the construction of and facilities required for the aforesaid LPG filling and storage facilities as well as rules and regulations on application formalities and other relevant administrative affairs.

Article 19

Other than the gasoline, LPG, and fishing boat filling stations specified in Items 6 ~ 8, the first paragraph of Article 2 hereof, air terminals, commercial ports, or industrial ports may install fuel or LPG storage and refilling facilities specifically for the refilling of aircraft, ground vehicles, ships, or port machinery. The central competent authority will stipulate rules and regulations on the installation of and facilities required for these entities as well as application formalities, and other relevant administrative affairs after conferring with the central authorities that have jurisdiction over the aforesaid entities.

Article 20

Gas stations, LPG stations, fishing boat filling stations, and other sellers of petroleum products are only allowed to purchase and/or sell petroleum products that have been legally imported or legally refined domestically.

Chapter 5 Oversight

Article 21

In the event of an oil shortage or a great fluctuation of oil prices that might impact the steady supply of oil or national security, the central competent authority may institute measures on oil control, such as quotas, price controls, and adjustments. Furthermore, it may utilize the security stockpile during an emergency period.

To clarify these measures, the central competent authority will draft a bill on oil control in emergency periods delineating the enforcement conditions, timing, procedures, applicable targets, scope, contents, and methods. The bill will then be submitted to the Executive Yuan (Office of Administration) for final approval.

Article 22

Oil refinery businesses, oil import businesses, oil export businesses, gasoline and diesel oil wholesalers, gasoline stations, LPG stations, fishing boat filling stations, air terminal oil storage and refilling facilities, commercial ports, and industrial ports, as well as oil and LPG filling facilities installed for private use that meet the criteria set by the central competent authority are required to obtain public liability insurance coverage and accidental contamination liability insurance.

The central competent authority will decide how much coverage each business must obtain after conferring with the Ministry of Finance.

Article 23

Oil businesses are liable for damages to others caused by its production methods, import/export, sales, transport or storage of the oil product, or other business-related activities.

Article 24

Oil refinery operators and importers are required to maintain a security stockpile of no less than sixty days of supply. The supply amount will be based on the average domestic sales and consumption in the past twelve months. The security stockpile of LPG may amount to no less than twenty-five days of supply. The supply amount will be based on the average domestic sales and consumption in the past twelve months.

The aforesaid security stockpile must be no less than 50,000 kiloliters or 10,000 kiloliters for importers of only LPG.

The government should make use of the Petroleum Fund (see Chapter 6 herein) to store crude oil. The amount stored in the third year following the enactment of this Law must not be lower than thirty days of demand. The demand amount will be based on the average domestic sales and consumption of the previous year.

The criteria and computation formulas for the actual security stockpiles referred to in the first and the third paragraphs will be determined and promulgated by the central competent authority.

Article 25

Where different oil refinery operators or importers share the same oil storage facility for their security stockpile, they must file jointly with the central competent authority before the 20th of each month indicating the amount each of them stores in the said facility. If the actual joint storage volume is lower than the total of that reported by the individual businesses, each individual business will be deemed to have failed to meet its safety stock requirement unless evidence proves which business actually has stored less than their required security stockpile amount.

Article 26

If an oil refinery operator or importer ceases operation, the central competent authority may draw on the Petroleum Fund (see Chapter 6 herein) to purchase their security stockpile. In any case, the security stockpile of this company may not be disposed of without the prior consent of the central competent authority.

Article 27

Before the end of October of each year, oil refinery operators must prepare and file with the central competent authority an annual production, import, export, and sales plan for the following year. Furthermore, before the 20th of each month they must file a report on the production, import, export, and sales of the previous month as well as a report on the status of their security stockpile for the current month.

The preceding provision also applies to oil importers, exporters, and gasoline/ diesel oil wholesalers.

Article 28

The central competent authority may ask the oil refinery operators, importers, exporters, and gasoline/diesel oil wholesalers to report on their operations. Or, the central competent authority may send personnel or have a professional institution conduct an inspection of the actual operations, security stockpile, and relevant data of these businesses. The business may not interfere with, refuse, or dodge such inspection.

The central competent authority may ask the manufacturers of petrochemical materials to report on their use of imported petroleum products. Or, the central competent authority may ask oil or non-oil businesses to name who bought the solvent oil and/or lubricant products the businesses imported. Likewise, the central competent authority may send personnel or appoint a professional institution to conduct an inspection on the same issues. The business may not interfere with, refuse, or dodge such inspection.

Competent authorities of different levels may ask gasoline, diesel oil, and LPG suppliers or their customers to name who bought their products. They may also send personnel or appoint a professional institution to conduct an inspection on the same issues. The business may not interfere with, refuse, or dodge such an inspection.

Article 29

Only petroleum products that meet the national standards, where such standards apply, can be imported or sold in the domestic markets.

The central competent authority may send personnel or appoint a professional institution to examine the quality of the petroleum products sold. The business may not interfere, refuse, or dodge such examination.

Article 30

If the central competent authority revokes the license of an oil refinery operator, importer, exporter, or gasoline/diesel oil wholesaler, that business is prohibited from re-applying for another operation license or registration certificate within two years from the date of revocation.

If the operation license of the operators of a gasoline station, a LPG station, or a fishing boat filling station has been revoked, the original business body and its responsible person are prohibited from reapplying to setup a filling station at the original site within two years from the date of revocation.

If the installation permit of an oil/LPG filling or storage facility for private use has been revoked, the original site may not be used again for such a facility within two years from the date of revocation.

Article 31

Where necessary, oil refinery operators or importers may lay pipelines using rivers, irrigation canals and ditches, coastal areas, bridges, dikes, ports and harbors, roads, forest land, green land, parks, and other public land.

Laying the pipeline may not disrupt the landscape or the original use of the premises on which the pipeline is laid. Before laying the pipeline, those who will do so, must get the approval of the central competent authority and the agency in charge of the land. The operator or importer must compensate for any damages incurred to the landscape or to the original use of the premises on which the pipeline is laid.

Oil refinery operators or importers who have oil pipelines may accept the request of other businesses to transmit oil through those pipelines.

Article 32

Oil refinery operators or importers must observe the following requirements in laying oil pipelines:

1. The materials of the pipeline must conform to national standards or other comparable standards.
2. The business must immediately replace corroded pipelines that pose a safety concern.
3. The business must conduct periodic inspections of its oil pipelines each year and save the inspection results for the competent authorities to review.
4. The competent authorities may send personnel or appoint a professional institution to conduct inspections of the pipelines. The business may not refuse such inspection.
5. The business must draw up a pipeline maintenance, inspection, replacement, anti-burglary, anti-leaking, and contingency plans for the following year before the end of October of each year. Before the end of January of each year, it must also produce a report on the inspection and replacement status of the pipeline for the previous year. This report must then be filed with the competent authorities.
6. The business must submit its oil pipeline layout diagrams, final acceptance drawings, and other relevant data to the competent

authorities for the setup of a pipeline management information system.

If the inspection of the pipeline shows that corrosion of pipes poses a safety concern, the competent authorities may demand remedial actions from the business within a prescribed time period.

Article 33

Oil businesses must apply to the competent authority of the special municipal or county (city) government for permission to install oil storage facilities. The central competent authority will prescribe the rules governing the application procedures, land uses, and other administrative matters.

An oil business may ask an inspection institution sanctioned by the central competent authority to conduct periodic or occasional inspections of the aforesaid oil storage facilities and to prepare inspection records. The central competent authority may dispatch personnel or appoint an institution to conduct spot checks of said storage facilities.

An oil business must retain the aforesaid inspection records for at least five years. If deemed necessary, the local competent authority of the municipal or county (city) government may dispatch personnel to check those inspection records.

The central competent authority will stipulate the eligibility, requirements, fee schedule, and responsibilities of the inspection institution referred to in the second paragraph of this Article.

Chapter 6 Petroleum Fund

Article 34

To finance the Petroleum Fund, the central competent authority will set and charge fees of fixed rates from the following activities:

1. The exploration or import of oil with the exception of oil imported under the provisions stipulated in the first paragraph of Article 12 and Items 2 ~ 4 of Article 13.
2. Petroleum by-products produced by petrochemical feedstock manufacturers and sold to oil refinery operators in conjunction with the second paragraph of Article 12. The preceding provision does not apply when the feedstock for the petrochemical products was originally purchased from oil refinery operators or importers.

The rates mentioned in the preceding paragraphs will be charged by volume and based on the average import price of oil.

Article 35

Collection of fees for the Petroleum Fund will be carried out in the following manners:

1. Require oil importers to pay fees into the Petroleum Fund before importing.
2. Require oil explorers to pay fees into the Petroleum Fund before refining or selling the oil to oil refinery operators.
3. Require petrochemical material manufacturers that produce petroleum by-products to pay fees into the Petroleum Fund before selling their products to oil refinery operators.

Oil refinery operators or importers who have paid fees into the Petroleum Fund as required under Item 1 of the preceding paragraph may apply to the central competent authority for a refund of those fees that apply to the same quantity of the oil originally imported if (1) the imported oil is used for the manufacture of petrochemical feedstock, (2) the imported oil is later exported, or (3) the imported oil is used as fuel for international shipping or international flights. Relevant documents of proof must be included with the application.

Five years after the implementation of this law, the central competent authority will review the practice of refunds described in the preceding paragraph and decide whether or not to continue it.

Article 36

The Petroleum Fund will be used in the following manners:

1. To maintain the government petroleum security stockpile.
2. To set up petroleum facilities, subsidize transportation outlays, and offer price subsidies to mountain villages and offshore areas.
3. To encourage oil and natural gas exploration as well as development.
4. To assist with the energy policy or the research and development of oil development technology and alternative energy sources.
5. To implement other necessary measures that the central competent authority determines will help stabilize the oil supply and maintain order in the oil market.

Article 37

A petroleum administration committee will be set up to oversee the operation of the Petroleum Fund. The Executive Yuan (Office of Administration) will stipulate measures governing the collection, expenditure, custody, and utilization of this Fund.

Article 38

The central competent authority must give its approval before a business engaging in the production of renewable energies such as alcohol gasoline, bio-diesel, or oil from recycled waste can be set up.

Other than petroleum products used for blending, rules related to the security stockpile and Petroleum Fund do not apply to renewed energy sold by businesses established according to the provision specified in the preceding paragraph.

The central competent authority will prescribe measures for the administration of businesses engaging in the production of the renewable energies of alcohol gasoline, bio-diesel, or oil from recycled waste.

Chapter 7 Penalty Provisions

Article 39

A business in any of the following situations will be fined a minimum of NT\$2,000,000 and a maximum of NT\$10,000,000:

1. In violation of the provisions specified in the first paragraph of Article 6 herein (i.e., failing to obtain an oil refinery operation license while conducting oil distillation, refining, or blending other than for the purpose of a trial run).
2. In violation of provisions specified in Article 10 (i.e., failing to obtain an oil import operation license or failing to acquire a special permit for oil imports as specified in Article 12 or Article 13 herein).

Oil distilled, refined, blended, or imported while the business doing so is committing the violations described in the preceding paragraph will be confiscated.

If any of the violations described in the first paragraph results in public endangerment, the offender will be sentenced to a maximum of three years imprisonment or detention and/or be fined a minimum of NT\$1,000,000 and a maximum of NT\$5,000,000.

If the offender of the preceding paragraph is a corporate person, its acting responsible person will be punished and the corporate person itself also be subjected to the fine prescribed in the preceding paragraph.

Article 40

A business in any of the following situations shall be fined a minimum of NT\$1,000,000 and a maximum of NT\$5,000,000:

1. In violation of the provisions specified in the second paragraph of Article 16 herein (i.e., engaging in the gasoline or diesel oil wholesale business without registering with the competent authority).

2. In violation of provisions specified in the first or second paragraph of Article 17 herein (i.e., engaging in retailing of gasoline, diesel oil, or LPG for vehicle use).
3. In violation of provisions specified in the first paragraph of Article 18 (i.e., setting up an oil (gas) filling or storage facility for private use without first acquiring a permit).
4. In violation of provisions specified in the first paragraph of Article 33 (i.e., by failing to acquire permission for the installation of oil storage facility).

Petroleum products for sale or private use and the oil or LPG filling facilities and devices described in the preceding paragraph will be confiscated.

In the event any of the violations described in the first paragraph results in public endangerment, the offender will be sentenced to a maximum of two years of imprisonment or detention and/or fined a minimum of NT\$600,000 and a maximum of NT\$3,000,000.

In the event the offender mentioned in the preceding paragraph is a corporate person, its acting responsible person will be punished and the corporate person itself will also be subjected to the fine prescribed in the preceding paragraph..

Article 41

A business failing to store a security stockpile or failing to store the required amount as specified in Article 24 herein will be fined a minimum of NT\$2,000,000 and a maximum of NT\$10,000,000. Furthermore, the business will be ordered to take remedial actions by a deadline. Any business failing to meet their deadline will be penalized consecutively until they have taken satisfactory corrective actions. If the offense is of a serious nature (see Article 49 herein) or repeated offenses against the some provision occur within six months after the business has taken remedial actions, the business may be ordered to suspend operations for a maximum of three months or it may have its operation license revoked.

Article 42

Offenders of the provisions stipulated in the yet to be drafted bill on controlling oil in emergency periods (see the second paragraph of Article 21 herein) and those failing to take the remedial actions of the second paragraph of Article 32 herein by a prescribed deadline will be fined a minimum of NT\$2,000,000 and a maximum of NT\$10,000,000. If the offense is of a serious nature (see Article 49 herein), the business may be ordered to suspend operations for a maximum three months, or it may have its operation license revoked, or it may

be ordered to close.

Article 43

A violation of the first paragraph of Article 26 herein (i.e., a business fails to obtain prior approval for the disposal of their security stockpile), will result in the responsible person of the business will be fined a minimum of NT\$1,000,000 and a maximum of NT\$5,000,000.

Article 44

A licensed oil importer who violates Article 11 herein (i.e., importing types of oil not permitted for import) will be fined a minimum of NT\$1,000,000 and a maximum of NT\$5,000,000. If the offense is of a serious nature (see Article 49 herein), the business may be ordered to suspend operations for a maximum three months, or it may have its operation license revoked.

Oil imported in violation of Article 11 will be confiscated.

Article 45

Any of the following offenses will result in a minimum fine of NT\$1,000,000 and a maximum fine of NT\$5,000,000:

1. A petrochemical feedstock manufacturer violating the first paragraph of Article 12 herein (i.e., using imported petroleum products for purposes other than private use).

A violation of the third paragraph of Article 14 herein (i.e., supplying gasoline, diesel oil, or LPG to gasoline or gas filling operators that are known or should have been known to be running illegal gasoline or LPG stations, or to illegal private oil or LPG filling or storage facilities).

An oil or non-oil business violating the fourth paragraph of Article 14 (i.e., selling solvent oil, lubricants, or other volatile hydrocarbon compounds as fuels for motor vehicles and motive power machines).

Any petroleum products being used or to be used in these offenses will be confiscated.

Article 46

A business importing or selling petroleum products that do not meet the national standards (see the first paragraph of Article 29

herein) will be fined a minimum of NT\$200,000 and a maximum of NT\$1,000,000. Such business will also be ordered to take remedial actions by a deadline. Any business failing to comply by the deadline will be fined consecutively until satisfactory corrective actions are taken. If the offense is of a serious nature (see Article 49 herein) or repeated offenses against the same provision occur within six months after the business has taken remedial actions, the business may be ordered to suspend operations for a maximum of three months or it may have its operation license revoked.

Any petroleum products that fail to be upgraded to national standards of quality will be confiscated.

Article 47

Any of the following offenses will result in a minimum fine of NT\$100,000 and a maximum fine of NT\$500,000. Furthermore, the offender will be ordered to take remedial actions by a deadline. Any offender failing to comply by the deadline will be penalized consecutively until said offender takes satisfactory corrective actions:

1. An oil refinery operator who in violation of the first paragraph of Article 7 herein does not obtain prior approval or changes its operation license before expanding or reconstructing its distillation, refining, or blending facilities.
2. A violation of Article 15 herein (i.e., exporting oil without registering as an oil exporter with the central competent authorities).
3. A violation of the third paragraph of Article 17 herein. Article 17 pertains to setting up a gasoline station, a LPG station, or a fishing boat filling station.
4. A violation of the second paragraph of Article 18. Article 18 pertains to setting up an oil or LPG filling or storage facility for private use.
5. A violation of Article 19 herein. Article 19 pertains to the rules governing the administration of fuel or LPG storage and refilling facilities at air terminals, commercial ports, and industrial ports.
6. A violation of the first paragraph of Article 22 herein (i.e., a failure by oil refinery businesses, oil import businesses, oil export businesses, gasoline or diesel oil wholesalers, gasoline stations, LPG stations, fishing boat filling stations, air terminal oil storage and refilling facilities, commercial ports, and industrial ports, as well as oil or LPG filling facilities for private use that meet the criteria set by the central competent authority to obtain public liability insurance coverage and accidental contamination liability insurance).
7. Oil or LPG filling or storage facilities failing to obtain public liability insurance or accidental contamination liability insurance as

required by the first paragraph of Article 22 herein.

8. Not filing periodic reports as required by Article 27 herein or filing a false report.
9. A violation of any of the provisions specified in the first paragraph of Article 32 herein. Article 32 pertains to laying pipelines.
10. A violation of rules governing the setup of oil storage facilities as specified in the first paragraph of Article 33 herein.
11. A violation of the measures for the administration of businesses engaging in the production of renewable energy as specified in the third paragraph of Article 38.
12. A violation of the fourth or tenth paragraphs of Article 52 herein. These paragraphs of Article 52 state that oil refinery operators designated by the competent authority may not refuse to negotiate the purchase of detained oil products.

If one of these violations is committed and it is of a serious nature (see Article 49 herein) or repeated violations against the same provision occur within six months after the business committing the violations has taken remedial actions, the business may be ordered to suspend operations for a maximum of three months or it may have its operation license revoked. Furthermore, a business may be ordered to close if a violation of Items 1 ~ 3, 5, 6, 8, 9, 11, or 12 occurs. Moreover, if a violation of Items 4, 7, or 10 occurs, the violator may be ordered to stop using its facility for a maximum three months or have the permission(s) granted to it to engage in the businesses referred to in Items 4, 7, or 10 revoked.

Article 48

Any of the following offenses will result in a fine of a minimum of NT\$100,000 and a maximum of NT\$500,000. If a business commits an offense of a serious nature (see Article 49 herein), the business may be ordered to suspend operations for a maximum three months, or it may have its operation license revoked, or it may be ordered to close.

1. A violation of the first paragraph of Article 14 (i.e., supplying crude oil to businesses or individuals that need but do not have special permission to receive crude oil).
2. A violation of the second paragraph of Article 14 (i.e., supplying naphtha to businesses or individuals that need but do not have special permission to receive naphtha).
3. A violation of the first paragraph of Article 20 (i.e., selling illegally imported or domestically produced oil).
4. A violation of the first paragraph of Article 28 or the second paragraph of Article 29 (i.e., failing to make business reports as required or interfering with, refusing, or dodging an inspection by the competent authorities).

Article 49

The offenses of a serious nature in Articles 41, 42, 44, 46-48 are offenses specified in this Law and in any of the following conditions:

1. An offense that results in public endangerment.
2. An offense evidenced by the facts as being unable to be rectified within ninety (90) days.
3. An offense that occurs three or more times in one year.
4. An offense that results in punishments six times or more cumulatively in one year.
5. Illegal producing, importing, or selling that involves more than 200 kiloliters of petroleum products in a single incidence of offense.

Article 50

Any of the following offenses will result in a fine of a minimum of NT\$100,000 and a maximum of NT\$500,000:

1. A violation of the second paragraph of Article 12 herein (i.e., selling oil by-products to businesses or individuals other than oil refinery operators).
2. A violation of the third paragraph of Article 12 herein (i.e., failing to register to export oil with the authorities concerned as required by Article 15 herein).
3. A violation of the fifth paragraph of Article 12 herein (i.e., failing to file in time or filing a false report on the import of solvent oil or lubricants).
4. A violation of the second and third paragraphs of Article 28 herein (i.e., interfering, refusing or dodging inspection).
5. A violation of the second paragraph of Article 33 herein (i.e., failing to ask an inspection institution sanctioned by the central competent authority to conduct an inspection and to prepare records) or a violation of the third paragraph of Article 33 herein (i.e., failing to keep the records for a minimum of five years).
6. A violation of Item 2 of the first paragraph of Article 35 (i.e., producing oil or selling oil to oil refinery operators without paying the required fees into the Petroleum Fund).
7. A violation of Item 3 of the first paragraph of Article 35 (i.e., exporting or selling oil by-products to oil refinery operators without paying the required fees into the Petroleum Fund).

Article 51

Gas stations that do not join the local gasoline station commercial association (pursuant to the fifth paragraph of Article 17) within one month after beginning business will be fined a minimum of NT\$20,000 and a maximum of NT\$100,000.

The competent authority will repetitively fine gas stations that do not comply by the deadline until they do comply.

Article 52

Prior to taking penal actions, the competent authorities may confiscate the oil and oil or LPG storage and filling facilities of offenders in violation of the first paragraph of Article 39, the first paragraph of Article 40, the first paragraph of Article 44, or the first paragraph of Article 45.

The confiscated articles will be sealed or marked and stamped with the seal of the detaining authorities or public official.

Where necessary, confiscated articles that are hard to move or safekeep may first be sealed up by the competent authorities and then turned over to their owner, keeper, custodian, or person deemed appropriate for custody.

Where the action described in the preceding paragraph is not suitable or possible, the competent authority may ex officio sell the articles to an oil refinery operator by price negotiation and keep custody of the proceeds. The oil refinery operator designated by the competent authority may not refuse such purchase request.

The measure for price negotiations of the aforesaid confiscated oil will be stipulated separately by the central competent authority.

For evidentiary purposes, samples and photos will be taken of any confiscated articles disposed of in accordance with the fourth paragraph of this Article.

The competent authorities, in the execution of detention, will produce a receipt which states the name of the confiscated article, the quantity (volume), the place where the confiscation took place, and the time it was handed over to its owner, keeper, or custodian for custody.

If the confiscation action takes place in an inhabited or guarded residence, the inhabitant, guard, or a representative should be asked to be present. If no such people are present, a neighbor, or a staff member of a neighborhood group may be asked to be present.

If the owner, keeper, or custodian of the confiscated articles cannot be identified or notified, the competent authority will make a public announcement of the confiscation and process the confiscated articles as waste if their owner, keeper, or custodian remain

unidentified ten (10) days after the announcement.

The competent authority may sell by price negotiations to a designated oil refinery operator oil confiscated in accordance with the second paragraph of Article 39, the second paragraph of Article 40, the second paragraph of Article 44, the second paragraph of Article 45 or the second paragraph of Article 46 herein. An oil refinery operator so designated may not refuse the purchase request. The purchase price will be computed according to the Measure for Price Negotiations of Detained Oil.

The competent authorities may ask the assistance of the local police in enforcing the provisions specified in this article.

Article 53

Other than in the five exceptions specified below, the central competent authority will carry out those points of the Law that call for imposition of fines, confiscations, demands of remedial actions within a prescribed time period, business suspensions, revocations of a license/certificate/permission, or the issuing of orders to cease business.

1. The special municipal or county (city) competent authority will issue the fines and/or carry out the confiscation for violations of Items 2-4 of the first paragraph of Article 40.
2. The applicable authority will carry out the punishment(s) set in Article 46 herein that are to be imposed on LPG stations for selling petroleum products not complying with national standards. The applicable authority will also carry out the punishment(s) set out in Item 12 of the first paragraph of Article 47 herein that are to be imposed on oil refinery operators for refusing the request of the competent authority.
3. The special municipal or county (city) competent authority will impose fines, demand remedial actions by the prescribed deadline, and/or issue orders to cease business for those offenses of a serious nature referred to in Item 3 of the first paragraph and those offenses in the second paragraph of Article 47 herein.
4. The special municipal or county (city) competent authority will impose the fines, carry out the demands of remedial actions by the prescribed deadline, revoke the licenses/certificates/permissions, and/or issue the orders to cease business for violations set forth in Items 4, 7, 10, of the first paragraph of Article 47 herein and also carry out actions against related offenses that are of a serious nature.
5. The special municipal or county (city) competent authority will impose the fines and carry out demand of remedial actions set forth in Article 51.

Fines imposed according to the Law must be paid by a prescribed deadline. Failure to comply by the prescribed deadline will result in the case being turned over to a court for compulsory execution.

Article 54

Competent authorities of different levels may ask for the assistance of local police or other agencies in the execution of the following actions:

1. Seizing oil distillation, refinery, or blending operations that violate the first paragraph of Article 6 herein.
2. Investigating the sale by oil or non-oil businesses of solvent oil, lubricants, or other volatile hydrocarbon compounds for use by motor vehicles or motive power machines which is illegal under the fourth paragraph of Article 14 herein.
3. Seizing wholesale operations for gasoline or diesel oil that violate the second paragraph of Article 16 herein.
4. Seizing retailers of gasoline, diesel oil, or LPG for vehicle use who violate the first or second paragraph of Article 17 herein.
5. Seizing LPG filling or storage facilities for private use that violate the first paragraph of Article 18 herein.
6. Investigating sales of imported or sold solvent oil or lubricants pursuant to the second paragraph of Article 28 herein.
7. Seizing oil storage facilities that violate first paragraph of Article 33 herein.

The informer(s) and law enforcement personnel involved in these actions may be rewarded. The central competent authority will be determine the amount of the reward on a case by case basis.

Chapter 8 Supplemental Provisions

Article 55

Oil-related provisions in the Energy Management Law will no longer apply after this Petroleum Administration Law (the Law) is implemented.

Article 56

The Law does not apply to the import and stockpiling of oil or the construction of oil filling or storage facilities and their management by military establishments for national defense purposes.

Article 57

Oil importers, exporters, gasoline or diesel oil wholesalers, and producers who have obtained operation permission(s) prior to the Law coming into force must within three months following the date of enforcement of the Law apply to the central competent authority for the issue of an operation license. Their failure to comply with the preceding provision will result in the invalidation of any permit(s) they have been granted previously.

Article 58

The competent authorities of each level will charge review and license fees for processing the applications for review, granting the permissions, and/or issuing the licenses described in the Law. The central competent authority will set the fee rates.

Article 59

The central competent authority will separately prescribe the forms and license formats required under the Law.

Article 60

The Law will come into force upon promulgation.

Statute for Salt Administration

Promulgated on March 12, 1947
As amended on November 16, 1981

Chapter 1 General

Article 1

The salt administration shall be governed by this Statute.

Article 2

The salt as referred to in this Statute includes salt, salt brine, rock salt, and compounds containing sodium chloride more than 25%.

Article 3

The production, manufacture, transport, and sale shall be administered by the authority of salt administration (hereinafter referred as authority) designated by the Ministry of Economic Affairs.

Article 4

The salt, based on its purpose of usage, can be divided into the following five categories.

Table salt;

Salt for food processing use;

Salt for fishery use;

Salt for industrial use; and

Salt for agricultural use.

Article 5

The quality of salt in accordance with the contents of sodium chloride calculated on dry basis shall be as follows:

The table salt shall contain sodium chloride more than 99.5% and impurities less than 0.5%;

The salt for food processing use shall contain sodium chloride more than 97% and impurities less than 3%; and

The salt for fishery, industrial, and agricultural uses shall contain sodium chloride more than 93.5% and impurities less than 6.5%.

The water contained in the salt shall not be more than 0.5%, 6% and 7% for the table salt, the salt for food processing use, and the salt for fishery, industrial, and agricultural uses, respectively.

Article 6

The salt shall be neither imported from foreign countries nor exported to other countries without the permission of the Ministry of Economic Affairs.

Chapter 2 Production & manufacture

Article 7

The salt is not allowed to be extracted, produced, or processed without the permission of the Ministry of Economic Affairs.

Article 8

The production areas and yearly production of the salt shall be determined in accordance with the national situation of production and sale by the Ministry of Economic Affairs.

Article 9

The authority shall build warehouses and /or yards in proper places in saltworks for the storage of the salt. The private warehouses and yards shall be administered by the authority and may be rent or purchased by the authority if necessary.

Article 10

The salt produced by the salt maker shall be deposited in the warehouses, yards or other suitable places designated by the authority in a specified period.

Article 11

The quality of the salt produced by the salt makers shall be inspected by the authority when deposited in the warehouses or yards. Those in failure of passing the quality inspection shall be remaded or destroyed by the salt makers.

Article 12

The price of the salt sold by the salt makers is a field price determined by the authority with reference to the standard cost, confirmed by the authority, plus proper profit according to the sort of the salt.

Chapter 3 Transport and sale

Article 13

The salt is not allowed to be transported or sold without the sheet of permission granted by the authority.

The sheet of permission shall not be separated from the salt.

Article 14

The commercial centers of the salt shall be designated by the authority. The salt warehouses established in the commercial center shall be administered by the authority.

Article 15

The price of the salt in the storage of the commercial center shall be determined by the authority with reference to the field price, transport fee and other necessary costs according to the sort of the salt.

The price in the storage mentioned in above paragraph, depending on the necessity of production, transportation, shall be balanced by the authority.

Article 16

The distribution of the salt shall be allocated by the authority with reference to the situation of supply & demand, distribution of population, and social, economic, and traffic realities.

Article 17

The authority may consider the situation of areas to determine the salt price of each kind of salt.

Chapter 4 Penalty

Article 18

The salt makers shall be punished with salt be confiscated and a fine two or three times the local price of table salt on the basis of the quantity of the salt if one of the following occurs. The salt makers shall be punished without a fine if the quantity of salt is less than 10 kg.

Violation of Article 6

Violation of Article7

Violation of Article13

If the violation seriously, the authority can withdraw the permits of making salt from the salt makers.

Article 19

If the salt for fishery, industrial, or agricultural use is sold as table salt or salt for food processing use, the salt seller shall be punished with a fine one to three times of the local price of table salt on the basis of the price and quantity of the salt sold. The salt sellers also need to return the revenue made from the price difference of the above salts.

Article 20

The salt maker/seller shall be fined not more than 3 thousand dollars if one of the following occurs:

Violation of Article 10

Selling price higher than those determined by the authority.

Article 21

The salt maker submitting the quantity of the salt is less than that of specified standard, shall be punished with a fine equivalent to short salt with field price. The punishment shall be acquitted if the shortage is caused by an act of God or other proper reasons.

Article 22

The sellers or transporters sell or transport table salt or salt for food processing use with impurities added shall be punished according to the Law of Food Sanitation Management. The salt added with impurities shall be confiscated by the authority.

Article 23

The fine and confiscation regulated in this Statute shall be determined by the court after the case is submitted by the authority and can be executed forcibly.

The authority or the punished can make interlocutory appeal in case of objection in 10days after the determination of the court is served. The interlocutory appeal can not be remade.

Chapter 5 Supplementary

Article 24

The bylaw of this statute is made by the Ministry of Economic Affairs.

Article 25

This Statute shall become effective from the date of promulgation.

Bylaw of the Statute for Salt Administration

Modified and Promulgated on Dec. 14 1981 NO. (70) Jen-Tzi 52134

Modified and Promulgated on Dec. 31 1983 NO. (72) Jen-Tzi 51997

Modified and Promulgated on Aug. 15 1990 NO. (79) Jen-Tzi 38066

Article 1

This Bylaw is made according to Article 24 of the Statute for Salt Administration (hereinafter called the “Statute”).

Article 2

The salt for fishery use regulated in Article 4 of the Statute shall be applied to the authority by persons actually engaging in fishing and pisciculture, and limited to the following uses:

- Preserving caught fish from decay;
- Protecting fish from disease.

Article 3

The salt for industrial use regulated in Article 4 of the Statute is limited to the use of the following factories, having registered to the responsible authority. The factories shall apply to the authority for approval.

- The factory making electrolysis salt and acid or alkali;
- The factory making medicine and chemical;
- The factory making leather;
- The factory making dye;
- The factory making soap and refining oil;
- The factory making lime and metallurgy factory;

The factory making ice and refrigerating factory;

The factory needing soft water;

Dyeworks;

The factory making animal feeds; and

Other factories that need salt as material or aid during the production processes.

The person who needs salt to meet the special use in traffic, construction, hotel, hospital, scientific and technical test may apply for the salt for industrial use to the authority.

Article 4

The salt for agricultural use regulated in Article 4 of the Statute is limited to the following uses. The owner of the pasture, farm or farmers' association, registered to the responsible authority, or collectively operated special animal husbandry shall apply to the authority for approval.

Article 5

The import of salt shall be made when the salt is in supply shortage or not domestically produced. The quantity and sorts of the imported salt shall be approved by the authority according to the domestic production of salt and the actual need of the applicant.

The export of salt shall be approved by the authority according to the situation of domestic production & sale of salt and the necessity for foreign trade.

Article 6

The person who applies for import or export of salt shall fill an application form with the record of production areas of the import or export country, quantity, use, price, harbor etc. and then apply to the authority for a permit.

Article 7

The imported salt shall be utilized in accordance with the approved use. If the salt is assigned or used for other purposes without the approval of the authority, the further applications of the importer within one year will be refused.

Article 8

The authority, if necessary, may sample the salt and send it to corresponding agencies for inspection with considering the import, export, production, process and sale.

The container and package of salt shall be marked according to the Law of Product Identification except for the bulk cargo of salt.

Article 9

The salt maker regulated in the Statute means the person engaging in the following jobs and approved by the Ministry of Economic Affairs:

Making salt;

Extracting salt brine for making salt;

Mining salt mineral for making salt;

Processing salt; and

Operating the above 4 businesses on trial basis.

Article 10

The applicant for being a salt maker shall have the nationality of the R.O.C., present and application form with related documents and illustrations, and apply to the authority for permits. The permits shall be recorded with the main equipment of making salt, quantity, place, and time limit of the license. The increased equipment for making salt shall be approved by the authority and recorded in the permits.

Article 11

The application shall be refused or the granted permit shall be withdrawn if one of the following matters occurs:

The technique of extraction or production and facility is not reasonable;

The quality of the salt projected to be made does not meet the standard required;

The material for extraction or production is not suitable;

The place of mining or producing salt hinders the operation of national defense, traffic, public safety, sanitation, or management;
The productivity of the local salt makers is adequate to meet the market demand;
There is dispute in ownership; and
The content in the application form is not consistent with the reality.

Article 12

The capacity of warehouses or yards of each salt-making factory shall be big enough to store the production of 3 months or 1 production season. The production and stored quantity shall be reported to the authority for inspection.

Article 13

The person who imports, exports, sells, or transports salt shall have the sheet of transport & sale granted by the authority. The authority, if necessary, may assign the sheet of shipment or sale granted by the production agency or commissioned transport & sale agent to replace the sheet of transport & sale for the salt domestically produced.

The items to be recorded in the sheet of shipment or sale can be unified by the authority.

If the sheet of transport & sale is lost the holder of the sheet shall advise the issuing authority for handling.

Article 14

The amount of decrease of the salt lost in storage or transport shall be approved by the authority.

If the salt is lost by accident during the time of transport, it is necessary to obtain the verification of local administration or police, or the authority investigates such accident as truly happened. If it is proved as an act of God to the Ministry Economic Affairs, the lost quantity of salt can be cancelled accordingly.

Article 15

If the price of the salt changes after the purchaser has settled the payment, the difference of the price in connection with the salt not been transported by the purchaser yet will not be supplemented or refunded.

Article 16

The fisherman who applies to purchase salt for fishery use shall present an application form together with related documents to the authority.

Fishermen who operate a common business apply to purchase salt for fishery use shall select a representative for application.

If there is a local fishermen's association, it shall arrange the purchase of salt jointly.

Article 17

The salt used to preserve caught fish from decay shall be rationed yearly in 30% of the fish needed to be preserved according to the sort of the fish and purchased separately according to the high and low fishing season. If the fishing is so abundant that the salt is not enough for use, the quantity of supplied salt may be increased with approval of the reality.

The salt used to protect fish from disease shall be rationed according to the certificate granted by the authority of fishery.

Article 18

The price of the salt distributed by the farmer's and fishermen's associations for agricultural and fishery used shall be calculated on the basis of the real costs of purchases & transport. The said cost shall be recorded in a schedule and announced together with the copy of each verification. The price and quantity of the salt distributed by farmers' and fishermen's associations shall be presented to the authority for check and reference every half year.

Article 19

The ranges or factories that apply to purchase salt for agricultural or industrial use shall present an application form together with the registration certificate and related illustrations to the authority for the ration of salt. The local farmer's association shall apply with copies of related documents for the salt for special animal husbandry and pastures.

Before the registration certificate obtained, if the ranges of factories mentioned in above paragraph need salt for test run, they may apply to purchase salt with the range or factory establishment documents approved by the authority concerned.

Article 20

The ration of purchasing salt for industrial or agricultural use obtained by the factories or ranges shall be cancelled by authority if the holder does not begin his business in one year, or does not purchase salt more than one year, or stops its business.

Article 21

The factories using salt for industrial use shall present a list of the quantity consumed to the authority at the end of year for check and reference.

Article 22

The authority, if necessary, may inspect the use of salt in the factories or ranges using salt for industrial and agricultural use and the fishermen's association.

During the time of performing the inspection, the inspector shall show the identity certificate granted by the authority.

Article 23

The salt for industrial, agricultural, or fishery use shall not be assigned or used for other purposes without the permission of the authority.

Article 24

The salt for industrial, agricultural, or fishery use shall not be assigned or used for other purposes without the permission of the authority.

Article 25

If the owner of the salt brine, rock salt, or the compounds with content of sodium chloride more than 25% is punished according to Article 18 of the Statute due to violation of Article 6, 7, or 13 of the Statute, the criterion of the punishment shall be calculated through the conversion of the content of sodium chloride to the quantity of salt.

Article 26

The industrial factories with perfect achievement in the R &D of salt chemical and the members of service team of each farmer's and fishermen's association with excellent performance in purchasing, supplying, and selling salt shall be praised and encouraged periodically after the performance evaluated by the authority.

Article 27

This Bylaw shall become effective from the date of promulgation.

Announcement of the standards and procedures of approving the application for the import of salt and issuing permission document

Promulgated on Aug. 16, 1994 No. Jing (83) Kwang 088828

Modified on Feb. 8, 1995 No. Jing (84) Kwang 84270270

Modified on May 5, 1996 No. Jing (85) Kwang 85271130

Explanation:

- A. The import of salt is arranged according to Article 6 of the Statute for Salt Administration and Articles 5, 6, 7 and 8 of its Bylaw.
- B. The standards and procedures of approving the application for the import of salt and issuing permission document are as follows:

(a) Refined and crude salt:

1. Imported items:

(1) Refined salt includes refined table salt with high quality, ordinary refined salt for food processing and industrial use, and the salt for cleaning; and

(2) Crude salt includes unprocessed or unrefined salt for agricultural, fishery and industrial use.

- 2. Import quantity: The Ministry of Economic Affairs (MOEA) determines the import quantity according to the demand of salt-using factory with the consideration of domestic production.
- 3. Import unit: Taiwan Salt Corp. and the salt –using factory with the approval by MOEA.
- 4. Tendering procedure for importing salt: The import unit commissions Central Trust of China twice a year averagely to arrange the procedure of international tender according to the demand of salt-using factory with the consideration of the storage capacity. The tender document is published in each major newspaper for a period of 7 to 10 days. The contract

and import are allowed after the tender opening and contract awarding are supervised and inspected by MOEA and the Ministry of Audit.

5. The term of application for import: From January 1 to December 31 of each year.
6. The term of approving and issuing permission document (permit): No more than 7 working days from the date of application to that of the approval.
7. Validity of the permission document: The validity lasts for a year principally. If the said salt is not imported within the fixed term, the applicant can apply for a postponement of the validity for not more than a month.

(b) The salt for special use (sodium chloride):

8. Imported items: Salt for the use of medicare, ampoule, chemical experiment, pisciculture with salt water, animal husbandry, cosmetic and so on.
9. Import quantity: No limit.
10. Import unit: The importer and exporter engaged in the beneficial business concerned.
11. Procedure of the application: The applicant shall present the application form for importing salt for special use (sodium chloride), instruction of usage, and the copies of corporation license, business registration certificate or chartered business certificate to the MOEA for the approval and issue of the permission document of import.
12. The term of application for import: From January 1 to December 31 of each year.
13. The term of approving and issuing permission document: No more than 7 working days from the date of application to that of the approval.
14. Validity of the permission document: The validity lasts for a year principally. If the said salt is not imported within the fixed term, the applicant can apply for a postponement of the validity for not more than a month.

(c) The standards and procedures of approving and issuing permission document shall be published in the gazette of the MOEA.

QUESTIONNAIRE 8

FISHING BOATS; VESSELS; CIVIL AIRCRAFT

FISHING BOATS: FISHERY ADMINISTRATION, COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

VESSELS: DEPARTMENT OF NAVIGATION & AVIATION, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

CIVIL AIRCRAFT: CIVIL AERONAUTICS ADMINISTRATION, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

[Governing Regulations 8-1](#)

FISHERIES LAW

Promulgated November 11, 1929 by the Nationalist Government;

Effective July 1930;

Last amended by the President February 1, 1991

per presidential order referenced Hua-Chung (I) Yi-Tze 0670

[Translation]

Chapter I. General Provisions

Article 1

This Law is established to conserve and make reasonable use of fishery resources, enhance the fishery productivity, promote the sound development of the fisheries, assist in the development of the recreational fisheries, maintain the fishing order and improve fishermen's living. Matters not provided herein shall be governed by other applicable laws and regulations.

Article 2

For the purposes of this Law, the term "competent authority" shall denote the Council of Agriculture, Executive Yuan at the central government level; the provincial/municipal government at the province/municipality level; and the county/city government at the county/city level.

Article 3

For the purposes of this Law, the term "fisheries" shall denote the aquatic animals and plants catching, harvesting or breeding business as well as the processing, transportation and distribution business incidental thereto.

Article 4

For the purposes of this Law, the term "fishery persons" shall denote fishing right holders, common-of-piscary right holders or other persons engaged in the fisheries according to this Law.

For the purposes of this Law, the term "fishing professionals" shall denote fishing boat crew and other people who catch, harvest or breed aquatic animals and plants for fishery persons.

Article 5

Only citizens of the Republic of China can qualify as fishery persons hereunder unless the particular foreigner has obtained the approval of the competent authority to operate fishery in cooperation with an ROC fishery person.

Article 6

Except as otherwise approved and a fishing permit issued by the competent authority, no one shall operate fishery in public waters or non-public waters adjacent thereto.

Article 7

The competent authority may charge a fishing permit applicant for the fishing permit issued to the applicant. The permit issuing guidelines and the fee schedule shall be prescribed by the central competent authority.

Article 8

The building, reconstruction or chartering of a fishing boat to be used by a fishery person in operating fishery shall be subject to the approval of the competent authority.

Importation of fishing boats in accordance with the regulations of the competent trade authority shall be subject to the approval of the central competent authority.

Article 9

In granting approvals for the operation of fishery, the competent authority may impose restrictions or conditions on the approval if so dictated for the development or conservation of fishery resources, or if it is in the public interest.

Article 10

Upon the violation by a fishery person of this Law or any order issued according to this Law, the central competent authority may take an official action against the person by restraining it from operating, or suspending its right to operate fishery, or by recalling its fishing permit for not more than one year. Where the violation is considered gross, the authority may revoke the fishery approval or fishing permit of the fishery person.

Upon a fishing professional's violation of this Law or any order issued according to this Law, the central competent authority may take an official action against the professional by recalling the license or fishing crew manual of its officers and crew for not more than one year. Where the violation is considered "gross," the authority may revoke such license or manual.

Article 11

The competent authority may revoke a fishery approval if there arises any of the following situations:

- (1) the approved fishery is not operated without good cause for one year or longer from the date of approval or is consecutively suspended without prior approval for two years or longer after operation;
- (2) the fishery person allowed to operate fishery as an ROC citizen loses his ROC nationality; or
- (3) the fishery approval was obtained by the applicant in a deceptive or improper manner.

Except as good cause can otherwise be shown and the approval of the competent authority obtained, no fishery person shall suspend its business for more than one year after the start of its business. Upon the close of the suspension and the reactivation of its business, the fishery person shall file a report on said reactivation with the competent authority for records. Failure to meet such reporting requirement shall cause the person to be deemed to have not reactivated its business.

Article 12

The central competent authority shall establish rules for the control of boat crew members in order to maintain the fishing order and navigational safety.

Article 13

For fishing structure adjustment purposes, the competent authority may set up a fisheries advisory committee to be composed of experts and scholars, representatives of fisheries organizations and authorities concerned. The committee shall be organized, perform its functions and operate in accordance with the regulations of the central competent authority.

Article 14

The competent authority shall, by the type of fisheries, establish and publish criteria regarding the facilities of fisheries, catching, harvesting and breeding methods, fishing implements and other necessary material facts.

Chapter II. Fishing Right Fishery

Article 15

For the purposes of this Law, the term "fishery right" shall denote the following:

- (1) "Set-net fishery right" denotes the right to build underwater rocky cliffs or enclosures within specific waters or to acquire fishing implements for catching aquatic animals as a business.
- (2) "sectional fishery right" denotes the right to divide specific waters into several sections for breeding/harvesting aquatic animals and

plants as a business.

- (3) "exclusive fishery right" denotes the right to establish a fishing area using specific waters for common-of-piscary right holders to operate the following fisheries:
- (a) catching/harvesting aquatic animals and plants;
 - (b) breeding/harvesting aquatic animals and plants;
 - (c) catching aquatic animals and harvesting aquatic plants in waters not more than 25 meter deep through the use of definite fishing implements.

Only fishery associations or fishery production cooperatives can serve as applicants for the exclusive fishery rights under the preceding paragraph.

Article 16

For the purposes of this Law, the term "common-of-piscary right" denotes the right to operate fishery to the extent permitted by the exclusive fishery rights.

Article 17

The competent authority shall, in making an overall planning with respect to fishery rights to fish in public waters, take into consideration the fish production resources and refer to the minerals prospecting, navigation, irrigation, environmental protection and other public interests and shall prepare and publish relevant plans from year to year as well as accept applications for fishery rights.

The plan under the preceding paragraph shall be revised according to actual situation's requirements and a public notice of the revised plan shall be published too.

Article 18

Set-net fishery right and sectional fishery right shall be issued to the following persons according to the following order of priority:

- (1) fishery persons or fishery professionals in the *hsiang*/town/city/district where the fishery is located;
- (2) fishery associations or fishery production cooperatives in the *hsiang*/town/city/district where the fishery is located;
- (3) fishery persons or fishery professionals in the municipality/county/city where the fishery is located;

- (4) fishery associations or fishery production cooperatives in the municipality/county/city where the fishery is located;
- (5) non-fishery persons or non-fishery professionals in the *hsiang*/town/city/district where the fishery is located;
- (6) non-fishery persons or non-fishery professionals in the municipality/county/city where the fishery is located;
- (7) fishery persons or fishing professionals in other municipality/county/city; and
- (8) non-fishery persons or non-fishery professionals in other municipality/county/city.

A fishery person applying for continuous operation of its business prior to the expiration of its fishery rights shall not be subject to the order of priority under the preceding paragraph.

Article 19

A fishery association or fishery production cooperative with approved exclusive fishery rights shall establish rules and regulations according to which fishery persons may fish in the specific waters. Said rules and regulations shall be subject to the approval of the competent authority.

Fishing in specific waters by non-members of a fishery association or fishery production cooperative shall be agreed to by a contract.

Article 20

A fishery right shall be deemed a property right. Except as otherwise provided herein, the Civil Code shall apply *mutatis mutandis* as it pertains to real property rights.

Article 21

The creation, acquisition, change, and loss of fishery right shall not be valid unless they are duly registered [with the competent authority].

In imposing sanctions pursuant to Articles 10, 11 and 29 regarding set-net fishery rights, sectional fishery rights and exclusive fishery rights, the competent authority shall register such rights at the same time to reflect the imposition of such sanctions.

In handling applications for fishery right registrations, the competent authority may charge an applicant for registration fees. The registration regulations and fee schedule shall be prescribed by the central competent authority.

Article 22

If disputes arise out of or in connection with any fishery right, the court of the location of the particular real property shall be the court of jurisdiction, such location denoting the municipality/county/city of which the coast closest to the fishery forms an integral part.

Article 23

Exclusive fishery right shall entitle the holder thereof to fish in the specific waters and shall not be the subject of any other rights or juristic acts.

Article 24

Set-net fishery right and sectional fishery right shall not be the subject of any other rights or juristic acts other than inheritance, transfer and mortgage.

Article 25

Except as otherwise approved by the competent authority, no mortgage shall be created over the fishery right in the preceding article, nor shall such right be transferred unless the transfer otherwise arises out of a compulsory execution and the approval of the competent authority has been duly obtained.

A fishery person or fishery professional shall be preferred in right to be the transferee in the compulsory execution and transfer under the preceding paragraph.

Unless otherwise provided in a contract, the working article built within a fishery over which a mortgage has been registered shall be deemed the subject of the mortgage created.

Article 26

Unless permitted by the competent authority which approved the fishery right, fishery right shall be neither merged nor subdivided.

Article 27

Unless consented to by at least two-thirds of other co-owners who hold their respective percentage shares, co-owners of set-net fishery rights, sectional fishery rights or common-of-piscary rights shall in no event dispose of their respective percentage shares.

The provision of the preceding paragraph shall apply *mutatis mutandis* to the fishery rights jointly owned.

Article 28

The term of fishery rights shall be as follows:

- (1) Set-net fishery rights: Five years
- (2) Sectional fishery rights: Five years
- (3) Exclusive fishery rights: Ten years

A fishery right holder shall have the right of first refusal to obtain new fishery right upon the expiration of the term in the preceding paragraph.

Article 29

In any of the following situations, the competent authority may alter or revoke its fishery rights approval or terminate the exercise of the fishery rights:

- (1) where the official action is dictated for meeting the requirements of national defense;
- (2) where the official action is dictated for economical utilization of lands;
- (3) where the official action is dictated for the conservation of aquatic resources;
- (4) where the official action is dictated for environmental protection purposes;
- (5) where the official action is dictated for vessel navigation and anchoring purposes;
- (6) where the official action is dictated for installation of underwater pipes and wires;
- (7) where the official action is dictated for minerals prospecting purposes; or
- (8) where the official action is in other public interest.

Before taking any official action in accordance with the preceding paragraph, the competent authority shall publish a public notice and notify all the relevant fishery persons.

If taking of the official action mentioned in the preceding paragraph causes losses, the competent authority with jurisdiction over the line of business operated by the fishery person suffering the losses or the party seeking the alteration, revocation or termination shall coordinate the payment of an appropriate compensation. If the coordination fails to carry, decision shall be made by the central competent authority.

Article 30

A common-of-piscary right license shall not be the subject of other rights or juristic acts other than inheritance and transfer.

Article 31

The term of a common-of-piscary right license which is not specified shall be valid for a term as that of an exclusive fishery right.

Article 32

An exclusive fishery right holder may collect from an fishing licensee fees in an amount provided in the fishing rules or contract.

Article 33

To the extent required for any of the following purposes, a fishery right holder may, with the consent of the land owner or user, use the land or restrict the removal of bamboo, timber, soil and stones therefrom:

- (1) to build signs within a fishing ground;
- (2) to build or maintain necessary signs within a fishing ground; or
- (3) to build signals relating to fishery rights or other necessary facilities.

Article 34

Anyone engaging in fishing surveys, site investigation or the establishment of the facilities specified in any of the subparagraphs of the preceding article may, with the consent of the land owner and user, enter the land or remove any obstructions.

Article 35

If occurrence of the situations under the preceding two articles prevents the obtaining of any necessary consent to take any of the actions under the article, an application may be filed with the competent authority for permission to take said actions. The competent authority shall publish a public notice with respect to the permissions it has issued and shall also serve a notice on the particular land owner and user. The applicant shall pay appropriate compensation for any losses arising therefrom.

Chapter III. Recognized Fishery

Article 36

For the purposes of this Law, the term "recognized fishery" shall denote the fishery authorized by the competent authority for the use of fishing boats to catch aquatic animals or to harvest aquatic plants for profit purposes.

The authorized scope of business under the preceding paragraph shall include the type of fishery, operating period and operating waters, and shall be expressly shown in the fishing permit issued by the competent authority.

Article 37

For any of the following purposes, the competent authority may impose restrictions on each recognized fishery regarding the total number and tonnage of its fishing boats as well as its operating waters, operating period and other matters:

- (1) conservation of aquatic resources;
- (2) adjustment of fisheries structure; or
- (3) imposition of restrictions over the international fisheries agreement to be signed or the terms of the fisheries cooperation with foreign governments to be effected.

Article 38

Where imposing restrictions in accordance with the preceding article on the total number of fishing boats owned by each recognized fishery necessitates the reduction of the approved number of fishing boats, the fishing association of each recognized fishery shall be responsible for coordinating the reduction by the fishery, and fishery persons to continue their business shall compensate those over which the above restrictions are imposed unless those fishing boats imposed the restrictions may operate other type of fishery. If no reduction can be coordinated, the competent authority shall mediate, and make a decision in its discretion if the mediation fails to carry.

If the restrictions under the preceding paragraph means the revocation of fishery and fishing permit, the competent authority shall pay appropriate compensation to the fishery person imposed the restrictions.

Article 39

With the approval of the central competent authority, fishing boats and crew members may operate on overseas bases. Relevant control regulations shall be established by the authority.

Article 40

To cope with the requirements of the development of the fishery and to promote fishing cooperation with foreign governments, the central competent authority shall establish rules governing fishing cooperation with foreign governments.

Chapter IV. Recreational Fishery

Article 41

For the purposes of this Law, the term "recreational fishery" shall denote the fishery by providing fishing boats to those who, for recreational purposes, catch/harvest aquatic animals and plants in waters, or who use the boats for sightseeing purposes.

Any fishery person engaging in recreational fishery mentioned in the preceding paragraph shall apply to the competent authority for a permit.

Article 42

If recreational fishery is to be operated within waters covered by exclusive fishery right, consent of the exclusive right holder shall be obtained and the rules of the exclusive right holder shall be complied with. Said consent shall not be unreasonably withheld.

Article 43

With respect to fishing boats used to provide recreation on a full time or part time basis, the central competent authority shall establish regulations governing the necessary equipment, personnel safety and requirements that must be met by the boats.

Chapter V. Conservation and Management

Article 44

For resource management and fishery structure adjustment purposes, the competent authority may publish public notices in respect of the following matters:

- (1) restricting or banning the catching, harvesting or treatment of aquatic animals and plants;

- (2) restricting or banning the sale or possession of aquatic animals and plants and the products made therefrom;
- (3) restricting or banning the use of certain fishing implements and fishing methods;
- (4) imposing restrictions or ban on the fishing area and period;
- (5) restricting or removing any harmful obstructions in the migration path of aquatic animals;
- (6) restricting or banning the placing or abandoning of articles harmful to aquatic animals and plants;
- (7) restricting or banning the placing or removal of protective objects necessary for the propagation of aquatic animals and plants;
- (8) restricting or banning the transplant of aquatic animals and plants; and
- (9) taking any other necessary actions.

Article 45

In order to conserve fishery resources, the competent authority may designate a conservation area for the propagation of aquatic animals and plants.

The establishment of a conservation area for the propagation of aquatic animals and plants shall be subject to the approval of a municipal competent authority. Alternatively, the county/city competent authority may prepare a written plan concerning the control of the conservation area and then submit the plan to the provincial competent authority for consideration. The plan shall be published after it has been duly approved by the provincial competent authority. If the establishment involves two or more provinces/municipalities, the plan shall be subject to the approval of the central competent authority.

The control of a conservation area shall be the sole responsibility of the municipal/county/city competent authority with jurisdiction over the conservation area. If the waters concerned span two or more counties/cities or if the jurisdiction is not clear, the provincial competent authority shall appoint an agency to control the area, or the provincial competent authority shall control the above area by itself. If the waters concerned span two or more provinces/municipalities, the central competent authority shall appoint an agency to control the area.

Article 46

For fishery resources conservation purposes, the competent authority may conduct investigation in regard to the types, catch and operating status of the recognized fishery, and the condition of the ocean.

In conducting the above investigation, the competent authority may request a fishery person or a fishery professional to submit a report on the catch, period, fishing implements, fishing method, and other relevant material facts. The consent of the fishery person or professional shall not be withheld.

Article 47

Regulations governing the conservation and control of fishery resources shall be established by the central competent authority and submitted to the Executive *Yuan* for review and approval.

Article 48

Aquatic animals and plants shall not be caught or harvested by the use of:

- (1) poisons;
- (2) explosives or other dynamites; or
- (3) electricity or other narcotics.

If they are caught or harvested for experimental and research purposes with the permission of the provincial/municipal competent authority, the restrictions described in the preceding paragraph shall not apply.

Article 49

If necessary, the competent authority may dispatch officers to a fishing boat or other establishment of a fishery person to inspect said person's catch, fishing implements, books of account and other articles, and may also query any relevant party. The consent of the relevant party shall not be withheld.

If in conducting the inspection under the preceding paragraph the competent authority finds that the fishery person is guilty of having committed a fishing crime and if the judicial authority cannot be contacted and requested in time to search or seize a fishing boat immediately, the boat, catch or other articles that may serve as evidence of the materials facts constituting the crime committed shall be seized on a provisional basis. If any other violation of this Law is found, the catch, fishing implements and other articles may first be sealed up.

The seizure or sealing process provided in the preceding paragraph shall be witnessed by any officer of the fishing boat or the establishment

in question or by any other civil servant. A list shall be prepared in respect of the articles seized or sealed.

In carrying an inspection, the officers mentioned in the first paragraph shall show their identification and the document issued by the competent authority specifying the scope of inspection; otherwise, the party who is the subject of inspection may withhold his consent.

Article 50

If disputes arise in connection with the operating area, fishery or the method of catching, harvesting or breeding, the particular fishery person may file an application with the competent authority for mediation in and settlement of the disputes.

Article 51

If there is more than one fishing method to catch fish within one and same fishery, the competent authority may seek the comments of fishery persons in establishing operating rules.

Chapter VI. Fishery Development

Article 52

In order to raise fishing funds, the competent authority shall, in concert with the authorities concerned, negotiate with financial institutions to obtain fishing loans.

If necessary, the competent financial authority and the competent fishing authority may approve the proposed establishment of a fishing financial institution.

Article 53

To encourage investment in fishing and protect the fishing security, the competent authority shall coordinate the implementation of fishing insurance programs with the authorities concerned or shall authorize a fishermen's association or a public/ private insurance organization to implement such programs.

Article 54

To protect the fishing security and maintain the order of a fishery, the competent authority shall:

- (1) construct and maintain fishing ports and public fishing facilities;
- (2) establish a patrol fleet to perform salvaging, patrolling, anti-smuggling and fishing protection duties;
- (3) establish a fishing communications broadcasting station;
- (4) establish safety facilities such as signal towers, sign poles and weather forecast system;
- (5) establish regulations and important message which must be observed in the operation of fisheries and fishing boats; and
- (6) request the necessary assistance and protection of the Ministry of Defense and authorities concerned.

Article 55

The competent authority shall provide fishery persons with incentives if any of the following events occurs:

- (1) where any of the fishing facilities is improved to such extent conducive to the enhancement of the fishing security and salvage;
- (2) where any fishing boats, fishing implements, fishing or aquatic products processing methods have been improved remarkably;
- (3) where aquatic education or aquatic research has been initiated or promoted remarkably;
- (4) where aquatic resources have been developed in a manner conducive to the fishery development; or
- (5) where other major contribution to the fishery development has been made.

Regulations according to which the incentives provided in the preceding paragraph are furnished shall be established by the central competent authority.

Article 56

To promote the fishery development, the government shall establish a fishery development fund. The competent authority shall propose the amount of said fund to the Executive Yuan for approval. Once the approval of the Executive Yuan has been duly obtained, government budget shall be allocated and appropriated.

Regulations governing the receipt and payment, custody and application of the fishery development fund shall be established by the Executive Yuan.

Article 57

To cope with fluctuations in the price of fishing products and to stabilize the production and sale thereof, the government shall establish a fishery products stabilization fund. Regulations governing the establishment, management and application of the fund shall be established by the central competent authority.

Article 58

Any and all fishing boats, fishing implements and fishing materials imported for fishing production purposes shall be exempted from import duties or entitled to reduction of import duties if they are not domestically manufactured or if the quantity of those domestically manufactured is insufficient to meet the demand in the domestic market. Any and all articles imported by a fishing laboratory for experiment and research purposes shall be exempted from import duties.

The schedule and criteria of exemption and reduction, referred to in the preceding paragraph, shall be promulgated by the Executive Yuan.

Article 59

Fuel for power-driven equipment used in the fishery shall be exempted from commodity tax. The criteria of incentive discount in the price of fuel for said equipment shall be prescribed by the Executive *Yuan*.

Chapter VII. Penal Provisions

Article 60

Whoever is guilty of violating any of the subparagraphs of the first paragraph of Article 48 shall be punishable by imprisonment for not more than five years, detention and/or a fine of not more than NT\$150,000.

Whoever is guilty of violating any of the public notices published by the competent authority pursuant to subparagraphs (1) and (2) of Article 44 shall be punishable by imprisonment for not more than three years, detention and/or a fine of not more than NT\$150,000.

Article 61

Whoever is guilty of violating any of the public notices published by the competent authority pursuant to subparagraph (3) of Article 44 shall be punishable by imprisonment for not more than six months, detention and/or a fine of not more than NT\$30,000.

Article 62

Whoever is guilty of having committed any of the following acts shall be punishable by detention or a fine of not more than NT\$150,000:

- (1) erasing or altering the boat number and uniform number on a fishing boat;
- (2) relocating, tarnishing or destroying the signs in respect of a fishery or fishing implements; or
- (3) building illegal fences, buildings or any fishing implements to cut off the migration path of fish.

Article 63

If the representative of a legal entity or the agent, employees or other professionals of a legal entity or a natural person is guilty of having committed the offenses under Articles 60 to 62 in performing their duties, the offender shall be punishable pursuant to the applicable article. In addition, the relevant legal entity or natural person shall be fined for the amount specified in the particular article.

Article 64

Whoever is guilty of having committed any of the following acts shall be punishable by a fine ranging from NT\$60,000 to NT\$300,000:

- (1) operating fishery in contravention of Article 6;
- (2) violating an official action imposed by the competent authority pursuant to the first paragraph of Article 29; or
- (3) continuing to operate fishery even after the fishery license has expired and application for renewal of the license has not been duly approved.

Article 65

Whoever is guilty of having committed any of the following acts shall be punishable by way of fine ranging from NT\$30,000 to NT\$150,000:

- (1) breaching the restriction or condition imposed pursuant to Article 9;
- (2) violating the public notice published pursuant to Article 14;
- (3) breaching the provisions or restrictions provided in Article 36 or 37;
- (4) failing to apply for license pursuant to the second paragraph of Article 41;
- (5) violating any of subparagraphs (4) to (9) of Article 44;

- (6) refusing, bypassing or obstructing an inspection carried pursuant to the first paragraph of Article 49, or refusing to provide answers or making false statements to inspecting officers;
- (7) violating the regulations and important message established pursuant to subparagraph (5) of Article 54; or
- (8) violating an order issued by the competent authority pursuant to this Law.

Article 66

Whoever is guilty of having committed any of the following acts shall be punishable by way of fine ranging from NT\$15,000 to NT\$75,000:

- (1) continuing to close business without approval for more than one year in violation of the second paragraph of Article 11;
- (2) refusing, bypassing or obstructing an inspection carried pursuant to the first paragraph of Article 46, or refusing to submit a report pursuant to the second paragraph of said article; or
- (3) violating the regulations established pursuant to Article 51.

Article 67

If a fine imposed pursuant to this Law is not paid within the prescribed time limit, the case shall be referred to the court for compulsory execution.

Article 68

In addition to the fine imposed pursuant to Articles 60, 61, subparagraph (3) of Article 62, Article 64 and subparagraph (1) of Article 65, the catch obtained and the fishing implements used may also be confiscated. If they cannot be confiscated in part or whole, their price shall be collected or paid in arrear.

Chapter VIII. Supplementary Provisions

Article 69

Regulations governing the registration and control of inland fishing ponds for fishing breeding purposes shall be established by the provincial/municipal competent authority.

Article 70

The enforcement rules of this Law shall be established by the central competent authority.

Article 71

This Law shall become effective as of the date of its being promulgated.

ENFORCEMENT RULES OF THE FISHERIES LAW

Promulgated November 30, 1991

per order referenced (80) Nung-Yu-Tze 0156369A

Promulgated January 31, 2000

per order referenced (89) Nung-Yu-Tze 891201414

[Translation]

Article 1

These Rules are enacted in accordance with Article 70 of the Fisheries Law (hereinafter called the "Law").

Article 2

The term "incidental processing, transportation and distribution" referred to in Article 3 of the Law shall denote operation of fish catch transport vessels or fishery processing vessels.

Article 3

The term "public waters" referred to in Article 6 of the Law shall denote rivers, natural lakes, tidal belts and oceans. The term "non-public waters adjacent to public waters" shall denote ponds, low-lying ponds, reservoirs etc. which are adjacent to public waters.

Article 4

The term "fishing boats" referred to in the Law shall denote vessels, sampans and fishing rafts on which fisheries are operated, and fishery patrol boats, fishery research vessels and fishery training boats.

Article 5

The term "reconstruction" referred to in the first paragraph of Article 8 of the Law shall denote any of the following circumstances:

1. Change of the length, width and depth of a fishing boat;
2. Installation of the major and donkey engines, or change of the type or horsepower of such engines; and/or
3. Change of the structure or equipment of a fishing boat for the change of the usage of the fishing boat or of the type of fishery being operated.

Article 6

An application for construction or reconstruction of fishing boats shall be filed with the relevant competent authority as below:

1. The base of fishing boat located in country/city: The application shall be filed with the county/city competent authority if the fishing boat is less than 20 tons, with the central competent authority if it is 20 tons or above.
2. The base of fishing boat located in municipal: The application shall be filed with the municipal competent authority if the fishing boat is less than 100 tons, with the central competent authority if it is 100 tons or above.

The above application shall include the following documents:

1. Three copies of the application form, which shall specify the following:
 - a) name, ID No and address of the applicant;
 - b) name of the fishing boat;
 - c) type of fishery being operated, fishing area and port of registry;
 - d) proposed gross tonnage;
 - e) main dimension of the boat;
 - f) materials of the hull;
 - g) name and address of the boat builder;
 - h) country of the builder of the major and donkey engines, type, brand name, maximum continuous horsepower, number of cylinders, radius and rate of gyration of the cylinders; and

- i) projected date of start-up and completion for launching.
2. Four copies of drawing of the fishing boat (including general layout, central cross section and linear plan) and building manuals (not required for sampans, fishing rafts and fishing boats with a wooden hull of less than ten tons).
3. An application for re-construction shall also be attached with the vessel inspection logbook or small boat license.
4. Other documents announced by the central competent authority to be attached to the application.

Article 7

The division of management and responsibilities of the competent authorities in the issuance of fishing permits is as follows:

1. Central Competent Authority
 - (1) Exclusive fishing right fishery with operating waters within the province and set-net and sectional fishery with operating waters covering at least two counties/cities.
 - (2) Fishing right fishery operating in the waters covering at least two provinces/municipalities
 - (3) Recognized and recreational fisheries which excluded the municipal or county/city competent authority.
2. Municipal Competent Authority
 - (1) Fishing right fishery with operating waters within the municipality.
 - (2) Recognized and recreational fisheries using fishing boats with gross tonnage of less than 100 tons and the bases of the fishing boats are located in the municipal.
3. County/City Competent Authority
 - (1) Set-net and sectional fisheries with operating waters within the county/city; or
 - (2) Recognized and recreational fisheries using fishing boats with gross tonnage of less than 20 tons and the bases of the fishing boats are located in the county/city.

Article 8

An application for operating fishing right fishery shall be filed with the municipal or county/city competent authority at the location of the fishing area accordingly.

An application for operating recognized and recreational fisheries shall be filed with the municipal or county/city competent authority of the place of registry of the fishing boat concerned.

Article 9

Only the following can be the applicants to operate fishery:

1. The capital contributor shall be the applicant in case of a sole proprietorship;
2. One of the representatives shall be the applicant in case of a partnership;
3. The statutory representative of the legal entity shall be the applicant in case of a company or business firm;
4. The statutory representative shall be the applicant in case of a public institution or fisheries research institute; or
5. The statutory representative shall be the applicant in case of a fishermen association or fishery production cooperative.

Article 10

An application to import a fishing boat shall be attached with the following documents and filed with the central competent authority for approval through the municipal or county/city competent authority of the place of registry of the fishing vessel concerned:

1. Application form;
2. Photocopy of the certificate of nationality issued by the exporting country of the fishing vessel;
3. Valid certificate proving the vessel safety inspection has been duly passed; and
4. Drawing of fishing vessel layout.

Article 11

An application to export a fishing boat shall be submitted with the following documents and filed with the central competent authority for approval through the municipal or county/city competent authority of the place of registry of the fishing vessel concerned:

1. Application form;
2. Two photocopies of fishing permit;
3. Two photocopies of the certificate of nationality or small boat license; and
4. Two photocopies of the purchase and sales agreement.

The above application shall be subject to the approval of the municipal or county/city competent authority if the fishing boat concerned is less than 20 tons.

Article 12

The sanctions by way of recalling a fishing permit or license or fishing crew manual of the officers and crew pursuant to the Article 10 of the Law shall be valid for a period as follows:

1. If the fishing vessel and crew subject to the sanction are still in the port and if the above permit, license or manual is surrendered within the time limit prescribed in the notice of sanction, the sanction shall be valid from the date of receipt of such notice; otherwise, the sanction shall become valid from the date when the permit, license or manual is surrendered.
2. If the fishing vessel and crew subject to the sanction have departed from the port, the sanction shall become valid from the date of the above surrendering upon their return to the port.

Article 13

Upon the setting up of a fisheries advisory committee in accordance with Article 13 of the Law, the competent authority shall seek the advice of such committee with regard to the following matters:

1. Overall planning in regard to structural adjustment and management system of fishery;
2. Comprehensive use of fishing area;
3. Overall planning of fishing right fishery;
4. Priority and disputes regarding approval of fishing right fishery;
5. Change of the type and operating location of fishing right fishery;
6. Approval and revocation of fishing right, and matters pertaining to administrative action on such right;
7. Designation of the type of recognized fishery, term of operation, operating waters, total number and tonnage of fishing vessels, and other relevant matters; and
8. Conservation and management of fishery resources.

Article 14

The term "fishing gear" referred to in Article 14 of the Law shall denote tools directly or indirectly used for catching, harvesting or culturing purposes.

Article 15

The plan to be drafted in accordance with Article 17 of the Law shall include the type of fishery, scope of fishing area, fishing period, anticipated quantity to be approved, period of public notice, period of application and other relevant matters.

If necessary, the central or county/city competent authority may allocate a budget to the relevant organizations or academic institutions commissioned to study and be in charge of the drafting or adjustment of the overall plan under the first paragraph of Article 17 of the Law and the plan under the preceding paragraph.

Article 16

The plan drafted or adjusted by the central or county/city competent authority in accordance with the preceding article shall be published for 30 days for public review at the *hsiang*/town/city/district and fishermen's association at the place of the fishing area.

During the above period of public review, interested parties may submit their comments to the competent authority in writing, with name, address and occupation stated. After the plan has been duly reviewed and approved, the competent authority will forward such comments to the superior authority to be placed on file for future reference.

Article 17

After approving the plan in accordance with the preceding article, the central or county/city competent authority shall publish a public notice with respect to the acceptance of applications for fishing right fishery permits at the *hsiang*/town/city/district and fishermen's association at the place of the fishing area before July of each year.

The period of the above public notice shall not be less than 30 days.

Article 18

An application to operate fishing right fishery shall be attached with the following documents:

1. Three copies of application form, which shall specify the items as follows:
 - a. Name, address, ID No and occupation of the applicant;
 - b. Type and name of fishery to be operated;
 - c. Location, zone and size or scope of fishing area (specifying size of the fishing area shall be waived if set-net fishery is to be operated);
 - d. Type and amount of fishing gear;
 - e. Target species; and
 - f. Fishing period
2. Three copies of map of fishing area (the main geographical co-ordinates of the fishing area and relevant bearings and distance from land, and size of the nets and tools shall be specified);
3. Three copies of business plan;
4. If the applicant is a partnership, the partnership contract shall be submitted. If it is a company, a photocopy of the certificate of incorporation registration shall be submitted. If it is a fishermen association or fishery production cooperative, three copies of the minutes regarding resolutions of the members representatives plenary meeting shall be submitted.
5. If the zone or waters of the fishing area within which fishery is to be operated is owned or occupied by another person, three copies of the letter of consent issued by that person shall be submitted.
6. An application to operate exclusive fishery shall be accompanied by three copies of draft fishing rules and regulations specifying the following:
 - a. Qualifications of the person allowed to seek permission to fish in specific waters;
 - b. Area and period of fishing in specific waters;
 - c. Fishing methods used in fishing in specific waters; and
 - d. Other requirements to be met.

Article 19

The approved waters for operating exclusive fishery shall be limited to waters within the jurisdiction of the fishery association or fishery production cooperative concerned.

Article 20

In regard to the approved fishing right fishery, the competent authority may delimit an area of waters to restrict other persons from operating fishery.

Article 21

The fishing right permit issued by the competent authority for fishing right fishery shall specify the following material facts:

1. Name, address and ID No of the fishing right holder;
2. Approval number and date of approval;
3. Type and name of fishery being operated;
4. Location, zone and size or scope of fishing area;
5. Target species;
6. Fishing period;
7. Validity period of the fishing right; and
8. Conditions or restrictions imposed upon approval.

Article 22

If operation is to continue upon the expiration of the fishing right permit, an application for new permit shall be filed within six months prior to the expiration.

When the above permit becomes null and void, the fishing right shall extinguish at the same time.

Article 23

Any one waiving fishing right shall apply to the original issuing authority for de-registration. If other rights are registered in relation to said fishing right, written approval shall be submitted.

Article 24

A fishing right holder shall, within three months of its acquisition of a fishing right permit, complete set-up of markings of datum points on land for surveying the fishing area.

After completion of the establishment of a fishing area for fishing right fishery, an application shall be filed with the competent authority for inspection and for a map of the fishing area.

If with respect to the markings set up under the first paragraph, new markings need to be set up or re-set up, an application, with reasons stated, shall be filed with the competent authority concerned for approval. Upon the extinguishment of the fishing right, the fishing right holder shall remove the markings and facilities of the fishing area.

Article 25

The competent authority shall publish a public notice with respect to the approval it has granted for the acquisition, combination, separation, change and loss of fishing right, and the revocation of the approval of operation under the first paragraph of Article 10 and the first paragraph of Article 11 of the Law.

Article 26

Applicants for the permission under Article 35 of the Law shall specify the following material facts:

1. Name and address of land owner or user
2. Location and scope
3. Purposes of use
4. Period of use
5. The fact that consent is not granted
6. Other necessary material facts

Article 27

The designation of and restrictions on the recognized fishery, and the change thereof, under Articles 36 and 37 of the Law shall be published in a public notice by the municipal or county/city competent authority after being approved by the central competent authority.

Article 28

Application for operation of recognized fishery shall be attached with the following documents and filed with the competent authority concerned:

1. Three copies of application form specifying the following material facts:
 - a. Name, address and ID No of the applicant;
 - b. Type of fishery;
 - c. Location and area of fishing ground;
 - d. Name, gross tonnage, net tonnage, uniform No and number of crew of the fishing boat;
 - e. Type and horsepower of the engine as well as the capacity of oil tank and hourly speed;
 - f. Type and quantity of fishing implements;
 - g. Target species;
 - h. Fishing period;
 - i. Fishing base and port of catch loading and unloading;
 - j. Name, date of birth and nationality of the captain, and the license No of officers and crew;
 - k. Certificate of origin of the fishing boat;
 - l. Refrigerating and freezing ability and capacity of the fishing boat;
 - m. Main fishing and navigational apparatus and equipment;
 - n. Communication equipment;
 - o. Operating period being sought; and
 - p. written approval issued by the competent authority
2. Three photocopies or transcripts of boat inspection logbook, boat inspection certificate, small boat license or raft license; and
3. Those applying as a company or business firm shall submit a photocopy of the certificate of incorporation registration and three copies of business plan..

Article 29

The maximum period of approved recognized fishery shall be limited to five years. If operation is to continue, application for renewal of

the fishing permit shall be filed within three months prior to the expiration.

Article 30

The fishing permit issued by the competent authority for recognized fishery shall specify the following material facts:

1. Name, address and ID No of the fishery person;
2. Approval number and date of approval;
3. Type of fishery to be operated;
4. Location and area of fishing ground;
5. Name, gross tonnage, net tonnage, uniform No and number of crew of the fishing boat;
6. Type, horsepower, capacity of oil tank, and speed per hour of the machinery of the fishing boat;
7. Type and amount of fishing implements;
8. Target species;
9. Fishing period;
10. Fishing base and port of catch loading and unloading;
11. Validity of fishing permit;
12. Communication equipment and international call number; and
13. Conditions or restrictions imposed upon granting the approval

Article 31

No fishery person shall allow a third person to use his fishing permit.

Article 32

Fishery persons shall bring their fishing permits when fishing or operating at sea.

Article 33

Neither fishery persons nor fishing professionals may perform any of the following conducts when fishing or operating:

1. performing non-fishery acts against the law;
2. violating the restriction imposed by the competent authority on the number of crew in operation;
3. selling or using fishing power oil for other purposes; or
4. entering foreign waters illegally.

Article 34

A fishing person who blocks the migration path of an anadromous fish for fishing operation shall reserve at least one-fifth of the waters as such path.

Article 35

Both fishery persons and fishing professionals shall fill in fishery reports and other relevant materials in accordance with the regulations of the competent authority.

Article 36

The central competent authority may authorize the municipal or country/city competent authority to handle its business.

Article 37

These Rules shall become effective as of the date of their being promulgated.

THE REGULATION FOR FISHING VESSEL BUILDING PERMIT AND FISHERY LICENSE ISSUE

Nov. 17, 1989, Council of Agriculture, Executive Yuan 78 Nong-Yu-Tsu No. 8040367 A formulates and issues the whole document Article 15
Dec. 24, 1990 Council of Agriculture, Executive Yuan 79 Nong-Yu-Tsu No.9040585 A order amends and issues
Dec. 24, 1991 Council of Agriculture, Executive Yuan 80 Nong-Yu-Tsu No. 004065 A order amends and issues name and the full document
Sep. 30, 1992 Council of Agriculture, Executive Yuan 81 Nong-Yu-Tsu No.1040799 A order amends and issues
April 28, 1995 Council of Agriculture, Executive Yuan 84 Nong-Yu-Tsu No.4040367 A order amends and issues name and the full document
Jan. 31, 1997 Council of Agriculture, Executive Yuan 86 Nong-Yu-Tsu No.86040026 A order amends and issues Article 21(1), 22
Feb. 27, 1997 Council of Agriculture, Executive Yuan 86 Nong-Yu-Tsu No.86040096 A order amends and issues Article 26
Jan. 6, 1998 Council of Agriculture, Executive Yuan 87 Nong-Yu-Tsu No.86040853 order amends and issues Article 4, 11, 14, 15, 18, and 26
Nov. 24, 1999 Council of Agriculture, Executive Yuan 88 Nong-Yu-Tsu No.88670098 order amends and issues Article 30
Oct. 18, 2000 Council of Agriculture, Executive Yuan (89) Nong-Yu-Tsu No.891321449 order amends and issues Article 11, 12, 14, 15, 18, 26; and deletes Article 22, 23
Sep. 28, 2001 Council of Agriculture, Executive Yuan (90) Nong-Yu-Tsu No.901321600 order amends and issues Article 26, and revises and augments Article 26(1), 26(2)

Article I this regulation is formulated for the purpose of standardizing the building, alteration , chartering, or importing of fishing vessel and obtaining the permit and license grant of fishery in accordance with Article 7 & 8 of the fisheries law.

Article II this regulation is fit for the building, alteration , chartering, or importing of fishing vessel and obtaining the permit and license issue of the Directed Fisheries.

This regulation is fit for the building, alteration , chartering, or importing of fishing vessel and obtaining the permit and license issue of the entertainment fishery unless there is additional management measure for the Recreational Fishery.

This regulation is fit for the building, alteration , chartering, or importing of fishing vessel of Fishing Right Fishery; the license will be distributed according to the Fisheries law and fishery rights registration regulations.

Article III the definition of the terminologies in this regulation:

1. Fishing license: the fishing license and fishery certificate
2. Fishery type: the main fishing business registered in the license, excluding the concurrent fishing business
3. The loss of the fishing vessel: the being decomposed, sinking, being stranded, being damaged, missing, being confiscated or detained by the foreign government, and being cancelled of ship registry
4. Qualification replacement: the qualification for the fishery operator to be granted the right to build the boat of the same tons and continue to manage the same fishery type after losing, deleting, submitting and canceling the original fishing license
5. The replacement number of tons: the number of tons approved to be replaced on the cancellation of the fishing license due to the losses
6. The number of tons of the fishing vessel: the total tons measured according to the shipping measurement rules by navigation affairs department; 30% of the tonnage will be added to the fishery businesses which were measured before the amendment of the regulation according to Transportation and Navigation (71) No.1584 order, by Ministry of Transportation & Communications on July 16th 1982

Article IV the one which conforms to any one of the following provisions may apply the issue of fishing license:

1. The fishing businessman gaining the qualification to build new fishing vessel after replacement of the old ones
2. The fishing businessman being granted the right to build the fish transportation vehicles above 2000 tons
3. The fishing businessman being approved to import fishing vessel by the central government authorities
4. The fishing businessman accepting or renting other's fishing vessel
5. The fishing businessman changing fishery type on the basis of the current fishing vessel on approval
6. The fishing businessman engaging in fishery training, experiment and paroling by using the fishing vessel on being approved

Article V the applicant for changing the fishing license should apply three months before the expiry, except the cases mentioned below:

1. The one who applies to the authorities in advance for postponing changing the license and is approved may apply right before the expiry of the approved duration.
2. The one who is approved for business suspension by the authorities should apply before the business restoration at the completion of the closedown. The authorities will punish the applicant who applies for change after the expiry of the license according to the fishery laws.

- Article VI the fishing businessman accepting other's fishing vessel should apply the issue of the license within one month after the shipping ownership is changed by the navigation affairs department.
- Article VII the fishing license should record any changes and the business should apply for registration change within one month of the change by attaching the certifying documents.
In case of the change of the fishery operator , veddel name or fishery type, the application must be made for license change.
- Article VIII on the loss of the fishing vessel, the fishery operator should apply to cancel the fishing license by attaching the certifying documents, the boat registration cancellation certificate by the navigation affairs department authorities and the original fishing license.
The competent authorities will directly cancel the fishing license in case of the confiscation, or selling abroad of the fishing vessel.
- Article IX the fishing operator gaining the replacement qualification of the old shipping, but not building the new ships should apply for the fishery type that has the same management and replacement qualification on the basis of the existing fishing vessel.
The existing fishing vessel that gained the replacement qualification according to the original fishery type should be kept its replacement qualification under the original fishery type.
- Article X any one of the following cases may directly apply for the change of the fishery type:
1. The coral fishery, shellfish and testacean fishery, submarine equipment fishery is changed to manage fishery other than trawl
2. The change of double-boat trawling fishery into single-boat trawling fishery
- Article XI the fishery businessman will not be allowed to apply for the change of the approved fishery type within two years.
No change of fishery type is allowed for the imported fishing vessel except the imported fishing vessel under III of the Entry I, Article XXVI, which will be managed according to the provisions of the above two Articles.
- Article XII the provisions for the mutual change or concurrent operation of the fishing vessel of the directed fisheries, rcereational fishery and fishing right fishery are as below:

1. The operation or concurrent operation of other fishery type may be applied for the directed fisheries shipping except the fishing vessel for 鯖颯 purse net and catch transportation ship.
2. The operation or concurrent operation of other fishery type cannot be applied for the fishing vessel for recreational fishery unless the vessel is of more than 15 years old and has been reconstructed on the approval of the authorities-in-charge.
3. The application for operation change may be made for the fishing vessel for fishing right fishery, but not for the concurrent operation of other fishery. When the application for the change of fishery type is made for the recreational fishery vessel, or the application for directed fisheries made for the fishing vessel for fishing right fishery, coral fishery, shellfish and testacean fishery, submarine equipment fishery, trawling fishery, or any other fishery announced as the limited type by the central competent authority should not be allowed.

Article XIII the fishing vessel for the directed fisheries, full time recreational fishery and fishing right fishery may be mutually replaced and built again.

When the fishing vessel for the full time recreational fishery and the fishing right fishery are replaced by that for the directed fisheries, no coral fishery, shellfish and testacean fishery, submarine equipment fishery, trawling fishery, or any other fishery announced as the limited type by the central competent authority is allowed.

Article XIV while the fishing operator applies the shipping replacement and construction qualification with two or more vessels, and the replaced tonnage is less than the newly built tonnage, the shortage should be made up except the difference is less than one ton.

When the replaced tonnage is one ton more than the newly built tonnage, it should be kept; the reserved number of tons can only be used to make up the shortage of other fishing vessel, not for the increase of building new ship; the reserved replacement number of tons is valid one year from the verified date for reservation.

When the replacement number of tons is supplemented by the reserved part, or the fishery type other than 鯖颯 purse boat and fish transportation vehicles according to the said supplement provision, the supplemented number of tons for the replacement should not be more than 49% of the tonnage of the newly built fishing vessel.

When the fishing operator applies for the fishery type change of the current fishing vessel according to

the Entry 1, Article IX, and the replaced number of tons is less or more than that of the current fishing vessel, the provisions in 1st to 3rd Entry may be applied.

When the fishing operator builds fish transportation vehicles or 鯖鮫 purse boats, the tonnage should not be less than that of the original fishing vessel, and the Entry 2 is not applicable for this either. The replaced number of tons should not be used for the replacement of the fishing shipping for other fishery type or the supplementation of the replaced number of tons.

When the fishing businessman builds the fishing boat more than 100 tons, or applies the operation change of the fishery type for the current fishing boats of more than 100 tons in the replacement qualification according to the Entry 1 of Article IX, the applicant should gain the replacement of at least 100 tons of the fishing vessel for the same fishery type, and the provisions in Entry 1 to 3 may be applied to the shortage or the extra tons.

For the fishing operator applying for importing fishing vessel of new fishing style and the entertainment fishery, the number of tons to be replaced is the fishery type other than 鯖鮫 purse vessel and fish transportation vehicles.

Article XV when the tons of the fishing vessel are increased upon the verification and reconstruction, the replaced number of tons should be made up except the difference is less than one ton. The total tonnage of the fishing vessel below 100 tons should not exceed 100 tons after reconstruction.

Article XVI the applicant for reservation of replacement qualification should attach the following documents:

The original fishing license

The cancellation document of ship registry for replaced fishing vessels

The certifying documents for the reduction of the fishing vessels

Other specified documents or data

The fishing business of which the cancellation made according to the Entry 1 of Article VIII, may omit the above first to third documents upon application

Article XVII the replacement qualification is valid within 3 years from the reduction date of the fishing vessel.

In case that the fishing vessel is detained by the foreign government, or it has been already completely punished or remitted upon verification by the competent authority, or it has not received any court

decision after being detained for two years, the replacement qualification will be valid in 3 years from that day that the vessel owner completes the cancellation of the vessel registry with the Navigation Affairs Department.

The replacement qualification reservation approved according to the Entry 2 of Article IX will be valid within 3 years from the approval date.

Article XVIII any one of the following cases cannot apply for the reservation of the replacement qualification:

No reduction of the fishing vessels

The applicant being refused to issue license due to any one case under Article XXVIII

The validity of the fishing license or the approved close-down period is already expired

The applicant who has not gained the replacement qualification for importing the fishing vessel of new fishing style after the construction restriction announcement by the central authorities on November 17th 1989

The owner of the fishing vessel did not properly manage the stranded boat, which affected shipping navigation, or polluted the oceanic environment.

Article XIX the application for building new vessel should be made before the expected decomposition of the current fishing vessel. The old vessel should be decomposed and the original license cancelled before the new vessel is completed and the application is made for fishing license.

Article XX the main fishery business Articles such as trawling, longline, cuttlefish fishing (魷釣), skipjack, tuna purse net, and 鯖魷 purse net should not be registered as the concurrent business. The verified concurrent business in these fields should be changed into main businesses upon applying for change of license. The competent authority may directly cancel the registered concurrent business if no application is available.

Article XXI no new fishing license for coral fishery, shellfish and testacean fishery, and submarine equipment fishery will be issued except the change of license upon the expiry of the original one.

The applicant for the reservation of the replacement qualification in the said Article should choose to build the fishing vessel for other fishery type.

Article XXI- (I) no restriction is made for the fishery type of the fishing vessel less than 5 tons. But the operation of

the fishery such as coral fishery, shellfish and testacean fishery, submarine equipment fishery, and trawling fishery should be managed according to the concerned provisions of this regulation.

Article XXII (deleted)

Article XXIII (deleted)

Article XXIV no more than one main fishery business is allowed to be registered in license and three types for the concurrent business.

Article XXV the approved shipping to be built should be completed and the application for fishing license be made within two years after the approval. The approval will be regarded invalid upon the exceeding the time limit. In case that the vessel shell is completed and the main equipment such as the main engine, second engine are purchased, the application for one-year extension for construction may be made before the completion of the two-year duration.

Article XXVI no fishing vessel is to be imported from foreign country unless one of the following cases exists:

The fishing vessel with new fishing style and examined and approved by the central authorities-in-charge as a special case

The fishing vessel specially for the entertainment fishery

The completion of the fishing vessel in the fishery cooperation with foreign country approved by the central competent authorities; or the returned fishing vessel being exported to other country through special case

The fishing vessel in accordance with the provisions under Article XXVI-(I) & XXVI-(II)

The fishing vessel imported under the first entry of the last Article should first gain the replacement and construction qualification and the time should not exceed ten years from the construction completion and launching to the application date.

The fishing vessel for full time recreational fishery imported under the second entry of the last Article will be limited to the newly built ones. The applicant should first gain the replacement and construction qualification, and have the approval of the local city or Tsan 縣 of the planned harbor, and finally the verification of the central competent authority.

Article XXVI- (I) the manager of the longline fishing vessel of more than 100 tons that was constructed in Taiwan and

exported to other country and registered as foreign vessel but managed by our people, during the period from January 1st 1994 to January 28th 2000, will gain the replacement number of tons for a longline fishing vessel of more than 100 tons with the approval of the central competent authority. The shortage will be made up by the number of tons for longline boat or the shipping for other fishery type.

The offer in advance may be adopted in the management of the replacement number of tons for the longline fishing vessel of more than 100 tons in the last Article. The fishing vessel offering replacement number of tons in advance should be decomposed before December 31st 2005 (called standard date here-in-after, except the following cases:

the one who has gained replacement number of tons before the basic standard date according to the last Article

The one who has gained the offered replacement number of tons by another longline fishing vessel of more than 100 tons before December 31st 2003 and the shortage tons has been supplemented by the replacement number of tons of the longline or other type of fishing vessel. And the replacement should be made only once according to this regulation.

The fishing vessel offering the replacement number of tons in advance under the second case of the last Article should be decomposed before the basic standard date.

The longest validity of the license for the fishing vessel that offers the replacement number of tons in advance under the second case should not exceed the basic standard date and no fishing operator registration change is allowed in this case.

The central competent authority will announce the application procedure, time, the replacement number of tons offered in advance, the supplementation method of the shortage tons and the documents required for the fishing vessel applied for import according to this regulation.

Article XXVI- (II) any one of the following cases may apply for gaining the sufficient replacement number of tons according to Article XXIV:

The longline fishing vessel that of more than 100 tons that was constructed in Taiwan and exported to other country and registered as foreign vessel but managed by our people, during the period from January 1st 1994 to January 28th 2000, and has been completed the registration with the central competent authority, but has not been applied according to the fifth case in the last Article.

The longline fishing vessel that of more than 100 tons that was constructed in Taiwan and exported to other country and registered as

foreign vessel but managed by our people, during the period from January 29th 2000 to the validity starting date of the amendment of this regulation

Article XXVII the fishing businessman should apply to the original issuing department for change or supplementation issue of the license by attaching the certifying documents in case of the loss or damage of the fishing license.

Article XXVIII no fishing license should be issued in any one of the following cases:

The cancellation of the license by the fishery department-in-charge

The fishing vessel is confiscated by the court, customs due to illegal actions including smuggling

Accepting the fishing vessel that is not permitted for import by the central fishery department-in-charge

Operating the forbidden or restricted fishing business according to the fishery laws, listed in Article X

Being under the punishment of taking back the fishing license

Having not paid the fine putting on according to the fishery laws

Having not applying for the change of license in the specified time at the notice of the department-in-charge after the expiry of more than one year

Having not received punishment by the department-in-charge on the violation of the fishery laws or the orders issued according to the said laws before the change of the current owner of the fishing boat

Article XXIX refer to the attached Table for the fee required for applying the issue, change and make-up issue of the fishing license according to Article VII of the fishery laws.

Article XXX the central or city government department-in-charge will formulate additional rules for the fishing business operated through sampan and raft, the replacement and construction, and reconstruction. But coral fishery, shellfish and testacean fishery, submarine equipment fishery, trawling fishery should not be operated.

Article XXX- (I) this regulation will be in execution from the release date.

OPERATING RULES FOR SCREENING APPLICATIONS TO IMPORT FISHING VESSELS USING NEW FISHING METHODS

Promulgated October 13, 1992 by the Council of Agriculture, Executive Yuan

Per letter referenced (81) Nung-Yu-Yze No. 1040822A

Amended November 8, 1999 by the Council of Agriculture, Executive Yuan

Per letter referenced (88) Nung-Yu-Yze No. 88675455

[Translation]

1. An application to import a fishing vessel using new fishing methods shall, in accordance with Article 10 of the Enforcement Rules of Fishery Act, be supported by the following documents and filed with the competent authority of the municipality or county/city of the place of registry for transmittal to the Council of Agriculture (the "Council") for approval:
 - (1) application form;
 - (2) a photocopy of the certificate of registry of the exporting country of the fishing vessel;
 - (3) a valid document certifying that the vessel has passed the safety inspection; and
 - (4) a design specification of the vessel.

2. If a vessel to be imported is over ten years old from the date of completion to the date of application, then the application shall be dismissed pursuant to the second paragraph of Article 26-2 of the Guidelines Governing the Issuance of Fishing Vessel Licenses. The same applies where all the required documents are not submitted as scheduled on request.

3. Upon accepting an application, the Council shall fix a date for holding a meeting which relevant experts and scholars in fishing, fishing implements, shipbuilding or processing, representatives of experiment agencies and municipal directly under the jurisdiction of the Central Government/municipal fishing authorities will be invited to attend to review and determine whether the fishing method under application is a new fishing method.
4. The Council shall assess the fishing method which is deemed new upon review. Importation of the fishing vessel shall be approved if its fishing method is encouraged under the public policy.
5. Once approved, importation of the fishing vessel using new fishing method shall be completed within six months of the date of approval; otherwise, the approval granted shall be deemed invalid.

Administering Approach of Recreational fishery

In 1993.5.26, Council of Agriculture of Executive Yuan, 82 *nong yu zi*, no. 2123895A orders statement, announce full text of 29 articles.

In 1995.6.30, Council of Agriculture of Executive Yuan, 84 *nong yu zi*, no. 4040505A calls for correction and announcement of article number 21.

In 1996.3.13, Council of Agriculture of Executive Yuan, 85 *nong yu zi*, no. 5109101A calls for correction and announcement of article 24.

In 1999.8.18, Council of Agriculture of Executive Yuan, (88) *nong yu zi*, no. 88602585 calls for correction, announce full text of 27 articles.

In 2000.8.28, Council of Agriculture of Executive Yuan, (89) *nong yu zi*, no. 891218864 calls for correction, announce the 9th article.

In 2001.7.31, Council of Agriculture of Executive Yuan, (90) *nong yu zi*, no. 901340574 calls for correction and announcement of the 6th, 9th~11th and 15th, 17th, 20th and no. 24, 27 and 28 articles.

Article 1 The approach is based on rule 43 of Fisheries Law.

Article 2 The addressed "Recreational fishery" declared in this approach directs to individual who provides fishing vessel for recreational purpose such as water activities or relevant objectives.

The above-mentioned tourism points to recreational activities for tourists' sightseeing of fishing or viewing of marine biology and ecological environment.

The fishery operator should follow this rule for processing fishing vessel management of recreational fishery.

Article 3 Fishery operator defined in this approach is those who provide fishing vessel for management of recreational fishery.

Article 4 Addressed recreational fishing vessels are those fishing vessel that is presently in the business of fishing vessel management, reconstruction, building and other recreational fishery.

Prior stated recreational fishing vessel, safety facility, minimum number of crew, maximum number of passengers on vessel and other rules to comply with should follow relevant passenger vessel or passenger carrying vessel regulations from Shipping Administration institution.

Article 5 Passenger defined here in the approach points to citizens of R.O.C or aliens with valid visa passport approved by Republic of China for sea recreational fishery.

- Article 6 Total weight limit for fishing vessel that is in recreational business must be above one ton and under 50 tons.
Sampan and raft cannot be used for recreational fishery. However, sea area with certain water depth similar to lagoon which is characterized by natural barriers must have legal rules set by relevant county or (municipal) government to distinguish water region, as well as for management purpose, approbation for sampan and raft in recreational fishery business.
- Article 7 Sampan or craft can use 3 units for one under ten tons recreational fishery craft.
- Article 8 Fishery Competent Authority shall limit the number of recreation fishing vessel if it is necessary.
- Article 9 Professional recreational fishing vessel shall not apply for purchase of fuel at preferential prices.
- Article 10 Fishery operator shall apply with following documents to particular Competent Authority for recreational fishery license.
1. 5 Copies of application, must record the following items:
 - (a) Name of applicant, birth date, address and social security number. °
 - (b) Location and region of the fishing ground.
 - (c) Name of fisheries , ID , total weight in tonnage , net tonnage and number of crews , port of registry.
 - (d) Vessel machine type, horsepower, tank capacity and speed per hour.
 - (e) Name of captain, birth date and license of staff or operating serial number of motor boat.
 - (f) Communication facility.
 - (g) Safety Equipment.
 - (h) Maximum number of passenger on board.
 - (i) Insured amount and period.
 - (j) Emergency contacts and address.
 2. Staff crews' profession certificate or motor boat driving license and certificate of four trainings including survival, fire extinguishments, first aid, operation of lifeboat and life raft.

3. A copy of signal communication facility certificate.
 4. A copy of insured policy contract for responsibility and individual injury.
 5. 3 copies of checking record book for boat inspection, certificate of boat inspection or boat license.
 6. New builder should enclose approved document for such construction.
 7. Fishery operator who concurrently operates recreational fishery shall enclose a copy of original fishing license.
 8. Applicant apply through company title shall enclose 5 copies of registration and business plan.

Article 11 Recreational fishery license shall record the following:

1. Name of fishery operator, address and identity card number.
 2. Name of fishing craft, ID number, total weight in tonnage and net tonnage.
 3. Vessel machine type, horsepower, tank capacity and navigation speed.
4. Signal communication facility.
 5. Safety equipment.
 6. Crew and maximum number of passengers on board, port of registry.
 7. Location and region of fishing ground.
 8. Restrictions attached when approbation is granted.
 9. Approbation number and date (y/m/d).
 10. License effective date.

Article 12 The maximum approved time for recreational fishery accredited by Competent Authority is five years. However, the period can not exceeds the effective period for vessel inspection and insurance effective date.

Pre-described fishery operator shall renew his license within 3 months if willing to continue the management.

Article 13 Fisherman association or fishery production cooperative society should follow fishery regulation no. 42 and list out following status for verification by relevant county or (municipal) government organization.

1. Restricting range for recreational fishery.
2. Standard fee collection for recreational fishery business.
3. Approved items for recreational fishery.
4. Rules to comply in recreational fishery business.
5. Related issues about fishery guarder.
6. Penalty for law breaking.

Article 14 Method of harvest of aquatic animals and plants in recreational fishery can only employ one fishing pole and trolling.

Article 15 Captain and the chief engineer of recreational fishing vessel with over 20 tons weight should possess crew certification.

Fishery captain in recreational fishery that holds vessel under 20 tons weight and should qualify for one of following:

1. Holds navigating license of powerboat for business purpose.
2. Holds certified document for being both a fishery navigator and engineer at the same time.
3. Holds fishery navigator crew certification and the assistant hold the certification of being a qualified engineer.

Captain and the chief engineer of a ship in recreational fishery cannot be replaced by senior crew.

Article 16 Fishing vessel in recreational fishery shall install DSB and EPIRB and for communication range that over 24 miles distance from station, SSB should be set up and operate by qualified staff.

Article 17 Fishery operator or captain should comply the following regulation:

1. Collecting data of meteorological and sea phenomena, and explaining to passengers; if having any safety concerns such as over 6 degree of wind force schedule should be rearranged or cancel immediately.
2. Giving passenger instructions such as lifesaving equipment and launch forth only when passengers are well equipped with life jacket.
3. Boarding and landing instructions, including other points for attention should be labeled on a clearly spot on the boat.

4. Maximum number of passengers on boat based on legal regulations must be labeled clearly above pilot cockpit and clearly on two sides of the craft.

Article 18 Inspection, measurement, registration, certification issuing must comply with relevant legalization rule according to total weight and processes through the Shipping Competent Authority at location where the craft anchored off. Boat at where no Shipping Competent Authority is available, should process through local government.

Article 19 All crews including navigator of recreational fishery craft must hold certification of four trainings: survival, fire extinguishments, first aid, operation of lifeboat and life raft.

Notification must be given to Competent Authority due to any staff and position change.

Article 20 Passengers who launch forth for recreational fishery activities should bring their own identity card, passport or other ID documents for fishery operator or captain to fill out the list of people on boat (format as attachment 1). Report is necessary for in charged coast patrol unit of harbor before the launch, no further actions should be taken without registration.

Before the recreational fishing vessel launch forth, fishery operator is requested to draw up a data table of recreational fishery craft navigating plan (format as attached file 2) with application to leave port. After verification, submit to inspectors in implementation.

Article 21 Fishery operator or captain is responsible for any damage compensation due to any intended cause of the third person's physical injury or property lost.

The responsibility of aforesaid compensation to damage should be insured by fishery operator. Individual's insured amount can not be lower than 1 million and two hundred thousand NT dollars. When the mature contract is to be renewed, Competent Authority must be notified for reference.

Article 22 Fishery operator should take out an insurance policy for each of his staffs and passengers. Passengers must provide personal ID for insurance requirement.

The insured injury premium as aforementioned should be state on the ticket or leasing contract. The premium for each individual shall not be lower than 1 million and two hundred thousands NT dollars, when the mature contract is to be renewed, the Competent Authority must be notified for reference.

- Article 23 Recreational fishing vessel for fishery activities shall comply with following rules:
1. Shall not steer to important military facilities along the coast, stronghold, military harbor and restrict coast region nearby commercial harbor, this includes prohibited area in commerce coast and fishery natural resources nursing area and nature protecting region.
 2. Prohibit to deliver passengers in a different (mostly disguise) form.
 3. Prohibit to provide or promote inappropriate activity to impair public order and against law-abiding customs.
 4. Prohibit for business management other than recreational fishery.
 5. Prohibit waste material disposal into the water or water environmental contamination.
6. Other relevant regulations.

Prior condition should be enforced by captain.

Article 24 Activity schedule for recreational fishing vessel is opened 24 hours a day. The limit for each sequence of voyages however, is 48 hours.

Activity region limits to 24 miles surrounding Taiwan and Peng Hu, and within 12 miles around Pen Jia islet, Green island, and Lan Yu .

Fishery activities in Jin Men, Ma Zu areas are limited to use only local vessel, the activity time and region will be decide by local government, defend commanding office and related responsible water region management institution under safety conditions that will not impact preparedness security.

Article 25 Recreational fishing vessel should pass in and out through home port or approved port. Port for entering, exiting and anchor should follow port regulation rule no. 16 and pay for port administrative expenses base on regulation no. 15. Above mentioned port that has the approval from relevant department institution, if individual is to cross district, coordination for agreement from Competent Authority is required before taking any process.

Article 26 Fishing operator who falls into any of following category, Competent Authority must take legal penalty base on the law or send for relevant institution for required procedures.

1. Individuals who fail to apply for inspection, measurement and registration.
2. Passenger capacity exceeds carrying quota.
3. Management without approval.
4. Crew staff and navigator without qualified license.
5. Individuals who does not have equipped facilities for survival, fire extinguishments and signal communication as state in the regulation .
6. Individuals who enters prohibited port.
7. Others who violate the regulation of this approach.

Article 27 Jurisdictional municipality or county must set attention rules for whale watching activities or have convention agreed by counseling business.

Individual who is in business of whale watching activities shall post the agreement for such activities on boat, in an evident area for passenger's reference.

Article 28 Regulation will come into force on the day of announcement.

The Shipping Industries Law Of The Republic of China

(Partial Articles)

30 January 2002, by the Ministry of Transportation and Communications.

Chapter 2 Carrier by Ship

Article 12

If a carrier by ship intends to scrap, bare-boat charter out, mortgage his own ship or sell it abroad, it shall apply for approval from the Ministry of Transportation and Communications via the local shipping administration authority by providing a statement of reasons. If a carrier by ship operates a chartered ship, it shall provide the charterparty while applying for approval from the local shipping administration authority.

Article 14

A carrier by ship, which intends to build a new ship, shall apply for approval from the Ministry of Transportation and Communications by providing a ship construction plan.

Article 15

When a carrier by ship intends to purchase existing ships abroad, it shall cope with the regulations which govern the maximum ages of ships allowed for importation. It shall also report to the Ministry of Transportation and Communications for approval via the local shipping administration authority before the time of the purchase, by providing its operation plan and the particulars of the ships. The above maximum ages allowed for importation is determined by the Ministry of Transportation and Communications.

Regulations of Small Vessels

(Partial Articles)

Jao Hon No 07145 of the Ministry of Communications was regulated and announced on October 16, 1963

Jao Hon No 03667 of the Ministry of Communications was regulated and announced on March 22, 1972

Jao Hon No 08726 of the Ministry of Communications was regulated and announced on September 20, 1974

Jao Hon No 01813 of the Ministry of Communications was regulated and announced on March 03, 1975

Jao Hon No 20984 of the Ministry of Communications was regulated and announced on October 01, 1979

Jao Hon No 01458 of the Ministry of Communications was regulated and announced on July 16, 1982

Jao Hon No 26414 of the Ministry of Communications was regulated and announced on November 26, 1983

Jao Hon No 25526 of the Ministry of Communications was regulated and announced on November 17, 1984

Jao Hon No 08039 of the Ministry of Communications was regulated and announced on December 18, 1991

Jao Hon No 08215 of the Ministry of Communications was regulated and announced on July 12, 1993

Jao Hon No 08454 of the Ministry of Communications was regulated and announced on November 01, 1995

Jao Hon No 08541 of the Ministry of Communications was regulated and announced on September 24, 1996

Article 2

The so-called small vessel in this Provision is a non-powered vessel that is less than 50-tonnage or a powered vessel that is less than 20-tonnage. Also, a non-powered vessel with a propelling device is deemed to be equivalent to a powered one.

Article 3

The so-called competent authority in these Provisions, according to the ordinance of Vessel Law Clause No.62, is the local navigation Administration where the small vessels berthed. A local government will become an acting authority at the absence of the navigation Administration.

Article 15

Applicants for the operation of full-time or part-time passenger vessels shall present an operation plan and vessel's norm or vessel's specification and drawings to the competent authorities for approval. The vessels to, be used in business shall be acquired and their registrations for operation shall be completed within six months after the day of approval granted.

The said approval will be revoked if the grantee does not start a business operation within six months thereafter.

If the said passenger vessel is to be operated in a restricted military area, then an approval from the relevant military in advance is necessary.

The Governing Rules On Carriers by Ship and Ship Leasing Companies

(Partial Articles)

Promulgated on 25 May 1962, as amended on 28 March 1972, 8 October 1973, 24 May 1977, 23 June 1982, 30 December 1983, 1 June 1984, 15 June 1988, 15 May 1989, 3 September 1990, 20 August 1994, 17 January 1995 and 17 July 1996, by the Ministry of Transportation and Communications.

Article 12

An existing ship to be purchased by a carrier by ship in abroad shall not exceed the ages as stipulated by the List of Maximum Ages Allowable for the Importation of Existing Ships (as provided by Annex 8). It shall apply to the Ministry of Transportation and Communication for approval via the local shipping administration authority.

Attachment: List of Maximum Ages Allowable for the Importation of Existing Ships

List of Maximum Ages Allowable for the Importation of Existing Ships

Issued by the Ministry of Transportation and Communications,
On June 21, 1993, Document serial number : 8213

Types of ship	Ages with encouragement of importation	Ages with allowable for importation
Full container ship with capacity 500TEUs or more	10	20
Full container ship with capacity less than 499TEUs	8	15
Semi-container ship with deadweight ton 10,000 or more	10	20
Semi-container ship with deadweight ton less than 10,000	8	15
General dry cargo ship with deadweight ton 10,000 or more	10	20
General dry cargo ship with deadweight ton 5,000 or more but less than 10,000	8	15
General dry cargo ship with deadweight ton less than 5,000	6	14
Passenger ship	8	15
Liquefied Natural Gas ship and liquefied petroleum gas ship	10	15
Reefer, refrigerated ship	8	15
Training ship	See note 3	
Tanker and molasses carrier	5	14
Tug boat and other service ship	4	12
Hovercraft, hydrofoil ship	5	10
Car carrier, Ro-in / Ro-off ship with deadweight ton 10,000 or more	12	20
Car carrier, Ro-in / Ro-off ship with deadweight ton less than 10,000	8	16
Lighter Abroad the Ship (LASH)	5	10
Others	To be approved case by case	To be approved case by case

Note :

1. The ages indicated in this list commence from the date of the completion of construction up

to the date applying for importation (if it does not registered the date of completion, the commencement date shall start from the next month of the completion) .

2. For those ships having been modified, or re-furnished, the ages shall be counted as from the original date of completion of construction.
3. For those importing ship major structure and those with special equipment, which are imported for education of training purpose, their ages with encouragement of importation will be approved by the Ministry of Transportation and Communications case by case.
4. The semi-container ship in the above list means the ship of which one-third or more of its capacity fitted for carrying containers.
5. The general dry cargo ship in the above list means the ship, other than the other ships indicated in the above list, which carries dry cargo, including bulk, ore carrier and lumber carriers.
6. Importation of existing ships shall be dealt with in accordance with the said List. Those ships, which have not been provided by the said List, will be approved on case-by-case basis.
7. Those ships with encouragement of importation are entitled to apply for the rights stipulated in the Encourage of Investment Law.

Regulation of Civil Air Transport Enterprise

As promulgated by MOTC decree on June 4, 1949 and further amended on April 2, 2002

Chapter-General

Article I

This Regulation is enacted in accordance with the Article 63 bis of Civil Aviation Law (hereinafter referred to as The Law).

Article 2

The terms used in this Regulation are defined as below:

- 1) "Fixed wing aircraft" means an airplane that is kept aloft by the aerodynamic forces of air upon its wings and is driven forward by a screw propeller or by jet propulsion.
- 2) "Helicopter" means an aircraft that is lifted and moved by large propeller mounted horizontally above the fuselage.
- 3) "Fixed wing carrier service" means carriage of passengers, cargo and mail performed for reward, by fixed wing aircraft of a civil air transport enterprise.
- 4) "Helicopter carrier service" means carriage of passengers, cargo and mail performed for reward, by helicopter of an civil air transport enterprise.
- 5) "Scheduled air carrier service" means a carrier service by aircraft conducted between two points on regularly scheduled dates and time along appointed air routes.
- 6) "Unscheduled air carrier service" means a service of additional and charter flights aside from the scheduled air carrier service.
- 7) "Charter flight" means unscheduled carriage of passengers, cargo and mail by aircraft of an civil air

transport enterprise, to be charged by time spent, mileage flown or by the number of sortie.

Chapter-Permit & Registration

Article 3

To apply for running a fixed wing carrier service, civil air transport enterprise shall possess one of the following qualifications:

- 1) A company that has been established for more than five years with finance and organization in solid condition, its board chairman and over two thirds of directors being ROC citizen, having had no financial problem nor dispute over share holdings detrimental to the normal operation of company in past three years, may apply for scheduled or non-scheduled air carrier service on domestic air routes.
- 2) A civil air transport enterprise serving domestic air routes, with finance and organization in good shape, having had no financial problem nor share-holders' dispute to affect the normal function of company over the last three years, and in the same period had an accrued passenger load of 900,000 persons or more, had no occurrence of major incident involving flight safety, having in its employment a proficient crew of maintenance people of Class II and above and a sufficient number of qualified airmen, may apply for chartered service on international air routes.
- 3) A charter service on international air routes that has been in operation for more than two years, with finance, maintenance and flight operation organic systems all in sound condition, having had no financial difficulty nor share-holders' dispute to affect the normal function of company in past two years, launched over 60 flights each year, had no occurrence of major flight safety incident in past two years, employing a proficient maintenance crew of Class II and above and a sufficient number of qualified airmen, may apply for scheduled or unscheduled carrier service on international air routes.
- 4) A company that has been in international carrier or international trade business for more than five years, with finance and organization in solid condition, its board chairman and two thirds of directors being ROC citizen, over two thirds of company capital owned by ROC citizen, having had no financial problem nor share-holders' dispute to affect the normal function of company in last three

years, posted an annual revenue of more than NT\$6 billion, may apply for scheduled or unscheduled cargo service on international air routes. A company whose annual business income hit NT\$10 billion or more, may apply for scheduled or unscheduled air carrier service on international air routes.

Article 4

To apply for starting a helicopter carrier service, civil air transport enterprise shall possess one of the following qualifications:

- 1) A company in the general aviation service, with sound finance and organization, having had no financial problem nor share-holders' dispute to affect the normal function of company in past two years, in the same period logged more than 500 flight hours, incident-free in the last 250 flight hours and without record of flight violations, may apply for helicopter carrier service on domestic air routes.
- 2) A civil air transport enterprise in fixed wing air carrier service, with finance and organization in sound condition, not having had any financial or share-holders' trouble to affect the normal operation of company in last two years, in the same period logged one thousand flight hours without any aircraft accident, incident-free in the past year with no record of flight violations, may apply for helicopter carrier service on domestic air routes.

Article 5

A company that meets the qualifications as laid down in subparagraph 1 or subparagraph 4 of Article 3, in applying for running a civil air transport enterprise, shall prepare to organize a new company. The application including the following papers in duplicate shall be filed with Civil Aeronautics Administration (hereinafter referred to as CAA) for MOTC permission:

- 1) application (attachment 1).
- 2) original company bylaw.
- 3) photo copy of original company license.
- 4) original company roster of shareholders, list of board directors and supervisors.

- 5) original company certificate of business performance.
- 6) original company business statement, financial report and accountant auditing report for last three years.
- 7) draft company bylaw of the new company to be set up.
- 8) list of sponsors and their identification papers for the new company.
- 9) prospectus: inclusive of operational plans, air routes to be served, fleet of aircraft, estimated volume of load, forecast of revenue and expenditure, plan to raise capital.
- 10) plans of equipment, organization and training relating to flight operation and mechanical service.
- 11) sourcing of pilots and their training program.
- 12) flight safety organization and planning.

The shareholders in the original company shall hold no less than two thirds of total shares in the new company to be established.

Article 6

Civil air transport enterprise or general aviation service that meets the qualifications as laid down in subparagraph 2, subparagraph 3 of Article 3 or Article 4 in applying for additional air transport services, shall enclose the following papers in duplicate for MOTC permission via CAA:

- 1) application (attachment 1).
- 2) photo copy of company license.
- 3) company bylaw.
- 4) list of company shareholders, roster of board directors and supervisors.
- 5) company business statement, financial report and accountant auditing report for last three years.
- 6) company organic chart.
- 7) prospectus: inclusive of operational plans, air routes to be served, fleet of aircraft, estimated volume of load, forecast of revenue and expenditure, plan to raise capital.
- 8) plans of equipment, organization and training relative to flight operation and mechanical service.
- 9) sourcing of pilots and their training program.

10) flight safety organization and planning.

Article 7

Within a specified preparatory period the civil air transport enterprise shall, according to law, complete registration with appropriate authorities, execute agreements for conditional or unconditional purchase of aircraft, and enclose the following papers in duplicate in applying to CAA for MOTC approval. The applicant's Operations Specifications will also be approved by CAA. If an applicant's business scope includes international transport, the applicant shall register with the Customs Office to acquire appropriate certification. The civil air transport enterprise may begin its operation only after receiving an aviation operation certification (attachment 2) from CAA.

- 1) photo copies of company license and register of profit-making enterprise.
- 2) company bylaw.
- 3) roster of shareholders and list of board directors and supervisors.
- 4) resume of managers.
- 5) contract for purchase of aircraft or for conditional procurement and a synopsis of aircraft.
- 6) company logo.
- 7) certificate of liability insurance taken.
- 8) inventory of maintenance and repair equipment, hangar and field facilities, or contract authorizing a qualified business concern to handle all this.
- 9) equipment and organization of flight operations and mechanical service and list of personnel.
- 10) list of pilots.
- 11) flight safety organization and list of staffs.

Article 8

The equity capital of a civil air transport enterprise shall meet the following provisions:

- 1) no less than NT\$2 billion for fixed wing carrier service on international air routes, scheduled or unscheduled.
- 2) no less than NT\$1 billion for fixed wing chartered service on international air routes.
- 3) no less than NT\$500 million for fixed wing carrier service on domestic air routes, scheduled or unscheduled.

4) no less than NT\$250 million for helicopter carrier service on domestic air routes, scheduled or unscheduled.

Article 9

Any change in the name, organization or representative of a civil air transport enterprise company shall, within 15 days of registration with a competent authority, be reported to MOTC for file via CAA.

Likewise, any change in the company's board directors, supervisors or managers, or relocation of company or setting up a branch company, shall within 15 days of registration with a competent agency, be reported to CAA for file.

A new civil air transport enterprise permit shall be applied for, by paying a fixed fee for such renewal, in connection with changes in company name, organization, representative or relocation of company covered in the preceding two paragraphs.

Any change in a company's English title or code shall, within 15 days of such change taking effect, be reported to CAA for MOTC file.

Article 10

Where the application of an civil air transport enterprise for preparation to set up business or for expansion of air carrier services, is found to involve one of the following scenarios, CAA may recommend MOTC to restrict its scope of operation or to deny permission:

- 1) not enough flights to serve international air routes.
- 2) not enough frequency taking off and landing at domestic airports.
- 3) supply is exceeding demand.
- 4) facilities at airport terminals or airfields will be strained.

Article 11

Civil air transport enterprise or its aircraft supplier, in dealing with the purchase, conditional procurement or lease of aircraft, shall enclose the following papers in duplicate applying to CAA for MOTC approval before the deal

can go ahead.

- 1) specification of aircraft.
- 2) how aircraft will be used.
- 3) maintenance plan (inclusive of maintenance organization, staff members, training program, capability of maintenance and repair).
- 4) financial plan (inclusive of how payment will be made, source of capital, forecast of business revenue and expenditure).
- 5) Sourcing of pilot and training program.

The age of foreign aircraft to be purchased, procured with conditions attached, or leased, for passenger aircraft it shall not exceed six years, for cargo aircraft it shall not exceed 10 years. Nevertheless, a civil air transport enterprise that has used the same type of aircraft for over three years, the aircraft so acquired shall be not more than ten years old for passenger use, not more than 15 years old for cargo use.

Under one of the following conditions, the proviso in the second paragraph allows continuing use of that aircraft after the civil air transport enterprise encloses pertinent papers and applies to CAA for MOTC approval:

- 1) continued lease of the same aircraft.
- 2) With an aircraft already on lease which is meeting the age limit set forth in the preceding paragraph, the lessee is applying for changing the status of lease into that of purchase or conditional procurement.
- 3) lease- back of the same aircraft that has been sold.

Civil air transport enterprise applying for running a helicopter carrier service, its passenger helicopter must be driven by twin-turbine engine and cargo helicopter by turbine engine.

General aviation applying for running a civil air transport enterprise with helicopter, upon approval to set up business, may continue to use the twin-turbine engine passenger helicopter and the turbine engine cargo helicopter already in commission without being subjected to the restriction set out in the second paragraph.

Chapter-Air Route Certificate

Article 12

Civil air transport enterprise in applying for opening a new air route or additional air routes, should have first acquired the right of navigation, airport slots or frequency of take-off and landing. Then enclose the following papers in duplicate with the application to CAA for MOTC approval:

- 1) application (attachment 3).
- 2) market survey of the desired air route.
- 3) air route chart (marking off air terminals or airfields as point of departure and destination along the air route to be used).
- 4) specification of aircraft to be used.
- 5) prospectus and estimates of revenue and expenditure.
- 6) in case an air field is to be used, an agreement testifying to such usage.

The revelation of any one of the following scenarios shall oblige CAA to deny applicant, subject to MOTC approval, permission to open new or additional routes as provided in the preceding paragraph.

- 1) aircraft accident had occurred within the year before the date of application.
- 2) aircraft incident or flight violation had occurred within the year before the date of application while corrective measures remain incomplete.
- 3) there was major business infraction within the year before the date of application.
- 4) market situation of the air route being applied for is already glutted.
- 5) facilities at air terminal or airfield will be overstretched.

If investigations of the aircraft accident related in item 1) and the aircraft incident or flight violation related in item 2) of the preceding paragraph, showed the civil air transport enterprise applicant was not to blame, the provisions thereof shall not apply.

Article 13

Civil air transport enterprise shall, within the allotted preparatory period, make aircraft, available complete the

formality for CAA to check out its flight operation and mechanical service and test flight, before CAA will issue an air route certificate authorizing the applicant to start doing business. Test flight may be waived if CAA after screening decides it is not necessary.

Provisions in the preceding paragraph shall apply to civil air transport enterprise application for running a charter flight.

Article 14

Civil air transport enterprise not equipped with aircraft, but is serving a scheduled international air route in the form of code share flight, shall apply to CAA for issuing an air route certificate inscribed with the notation that this is for code share flight only.

When the civil air transport enterprise is able to serve the aforesaid air route on its own, a new air route certificate shall be applied for.

Article 15

An air route certificate is valid for ten years. One month prior to its expiration, civil air transport enterprise shall submit application (attachment 3) for CAA to complete flight and mechanical checks before issuing a renewal air route certificate. However, where there are treaties, agreements with specific rulings concluded on the basis of reciprocal principles, the provision shall not apply.

An air route certificate will document only one air route, with notation on points of departure, transit and destination, nature of operation, time limit of flight and type of aircraft in use.

Any change in the type of aircraft related in the above paragraph, shall necessitate application for CAA to complete flight and mechanical checks for a new air route certificate.

Chapter-Charter Flight

Article 16

For a civil air transport enterprise to undertake international passenger and cargo charter service, application (attachment 4) enclosing a copy of charter contract must be filed with CAA, ten working days before estimated departure. Flight can get started upon approval.

Article 17

Application by civil air transport enterprise for operating an international passenger and cargo charter flight shall conform with the following stipulations:

- 1) Except otherwise provided for in treaty or agreement concluded on the principle of equality and mutual benefit, foreign civil air transport enterprise applying for a charter flight shall be limited to utilizing the third and fourth rights.
- 2) an international charter flight shall not affect the operation of scheduled flight service.
- 3) civil air transport enterprise or the chartered shall not collect goods for shipment other than what is intended for the cargo charter flight.

Civil air transport enterprise applying for a charter flight shall pay to CAA an application fee to be fixed by CAA.

If the above said charter flight is cancelled automatically, application fee will be charged one half the rate.

Article 18

For a civil air transport enterprise to undertake domestic charter flight, application (attachment 4) enclosing a copy of charter contract must be filed with CAA, ten working days before estimated departure, for approval.

In the case of charter flight for evacuating the wounded and sick and for other emergencies, application may be filed with the nearest air terminal without being subjected to the restraint of working days related in the preceding paragraph.

Chapter-Application for Flight

Article 19

To apply for an international scheduled flight service, civil air transport enterprise shall comply with the following provisions:

- 1) A timetable of scheduled flights shall be submitted, twenty days before it takes effect, to CAA for approval. Any changes should be reported five working days before taking effect, to CAA for approval.
- 2) Cancellation for some reason of a scheduled flight already approved should be reported beforehand to the relevant air terminal.

Article 20

To apply for an unscheduled flight, special flight and flight by a private aircraft, other than international flight, civil air transport enterprise shall, two working days before estimated departure, file application (attachment 5) with CAA for approval. The same applies in the case of changes.

The validity of the flight approved in the preceding paragraph shall be twenty-four hours before and after the estimated time of departure and arrival as shown in the flight notification (attachment 6).

Article 21

To apply for a domestic scheduled flight, civil air transport enterprise shall comply with the following provisions:

- 1) A timetable of scheduled flight shall be submitted, twenty days before it takes effect, to CAA for approval. Any changes should be reported five working days before taking effect, to CAA for approval.
- 2) Cancellation for some reason of a scheduled flight already approved should be reported beforehand to the relevant air terminal.

Article 22

To apply for a domestic unscheduled flight and special flight, civil air transport enterprise shall file application (attachment 5), five working days before estimated departure, with CAA for approval.

Chapter-Operational Administration

Article 23

The use and preferential rates of passenger and cargo freight charges of a civil air transport enterprise, those applying to record via CAA. However, if these rates come within the range between the upper and lower limits of freight charges decided by MOTC, they should be reported before effective date to CAA for record.

Article 24

A Civil air transport enterprise shall submit periodical report to MOTC for record through the CAA, pertaining to the following:

- 1) Business matters (attachments 7,8,9).
- 2) Financial matters (attachments 10,11,12).
- 3) Operations matters.
- 4) Maintenance matters.
- 5) Shareholders holding 3% or more of total shares.

Whenever deemed necessary, CAA may inspect the business and financial conditions and other related papers.

Article 25

In the event of increasing or decreasing capital or issuing company bonds, a civil air transport enterprise shall enclose the following papers in duplicate applying for CAA approval, before starting to do so according to law:

- 1) photo copies of company license and business registration certificate.
- 2) photo copy of civil air transport enterprise permit.
- 3) minutes of the resolution to increase/decrease capital or to issue company bonds.

4) item of capital increase with cash or issuance of company bonds, utilization progress and forecast of probable benefit, estimated schedule of capital reduction and reason.

Civil air transport enterprise shall, within one month upon completion of capital increase/decrease or issuance of company bonds, report the result to CAA for MOTC record.

Prior to completion of capital increase with cash or utilization plan for company bonds issued, civil air transport enterprise shall disclose in its annual report how such plan was executed. Any major changes should also be made with CAA approval.

In the event of change in the amount of equity capital, civil air transport enterprise shall enclose the fee for a new permit in applying to CAA for renewal.

Article 26

When the nation is in urgent needs, civil air transport enterprise shall submit to the command of MOTC to handle assigned transport mission. The air route it normally serves may be suspended so as to fulfill national defense and military requirements.

Article 27

Civil air transport enterprise shall adopt the International Air Transport Association's regulations on disposition of dangerous goods, in transporting such goods.

Article 28

Civil air transport enterprise shall keep the following papers used for its carrier service, at least two years from the date of take-off, for CAA inspection:

- 1) passenger ticket stubs or electric ticket file.
- 2) passenger manifest.
- 3) air waybill, air consignment note, cargo manifest and related shipping document.
- 4) charter flight contract.

Article 29

When a cargo plane is carrying the following personnel, the civil air transport enterprise shall record in the manifest their names, identity and accompanying relatives, and present it to concerned authorities at the air terminal upon departure and arrival:

- 1) escort for animals and goods and flight safety personnel.
- 2) persons who must fly with the cargo plane to another location for the above assignment.
- 3) service personnel sent by government.
- 4) military escort, supervisor and flight crew for transporting military goods.
- 5) employees of the civil air transport enterprise and their families.

Chapter-Foreign Civil Air Transport Enterprise

Article 30

Foreign civil air transport enterprise to apply for scheduled air route service in ROC or additional air routes pursuant to a treaty or agreement, shall submit the application (attachment 13) along with a letter of authorization and an air route map to CAA for approval. Business can start upon CAA issuing an air route certificate.

CAA shall notify concerned authorities upon the issuance of air route certificate to a foreign civil air transport enterprise.

Article 31

Foreign air transport enterprise to apply for setting up a branch company in ROC, shall enclose the following papers in duplicate with the application to CAA for MOTC approval. Then process for a foreign company recognition certificate and branch company register, as well as registration with the customs office. With these certifying papers in place, CAA will issue a foreign civil air transport enterprise branch company permit (attachment 14) for the applicant to begin operation:

- 1) application (attachment 15).
- 2) letter of authorization.
- 3) valid certifying papers issued by authorities in the country of registration.
- 4) roster of principal shareholders.
- 5) current map of air routes.

Foreign civil air transport enterprise to apply for setting up an office in ROC, shall enclose the above papers in duplicate with the application to CAA for MOTC permission, then register with authorities concerned according to law.

Article 32

CAA shall notify authorities concerned of its decision, invoking the provisions of Article 115 of Civil Aviation Law, to suspend the operation of a foreign civil air transport enterprise having an air route certificate, or to revoke the foreign carrier's air route certificate.

CAA shall recommend MOTC to rescind the permit of a foreign civil air transport enterprise without having received an air route certificate, found to have breached the provision of Civil Aviation Law and other regulations.

Article 33

Foreign civil air transport enterprise in concluding a contract to serve as general agent for passenger or cargo carrier service in ROC, shall have its general agent company submit following documents in duplicate to CAA for approval and for MOTC record:

- 1) application (attachment 16).
- 2) photo copy of general agent company's license.
- 3) photo copy of general agent business registration.
- 4) Chinese and English copies of general agent contract.

A passenger carrier general agent company shall be that of civil air transport enterprise, composite or class A travel agency.

A foreign air transport enterprise may serve as general agent for passenger or cargo carrier service for other foreign air transport enterprises on a principle of equality and mutual benefit.

Article 34

Save for otherwise stipulated in this Chapter related to foreign civil air transport enterprise, the provisions of paragraph 4 of Article 9, Articles 14 through 17, Article 19, 20, 23, Articles 27 through 29 and Article 35 shall apply.

CAA shall forward the application to MOTC for approval, of a foreign air transport enterprise not having signed a treaty or agreement with ROC, which intends to apply for charter carrier service in respect of Article 16.

Chapter-Supplemental Provisions

Article 35

Civil air transport enterprise applying for a civil air transport enterprise permit and an air route certificate, shall pay a permit charge and a certificate charge of NT\$36,000 respectively.

In the case a civil air transport enterprise permit or air route certificate is damaged or lost, the civil air transport enterprise shall state reasons in applying to CAA for issuance of new ones.

To apply for English version of the above said permit and air route certificate or for issuance of new ones, civil air transport enterprise shall pay NT\$2,100 apiece for the making and replacement of such papers.

The new air route certificate issued relative to the second paragraph, shall have the same validity as the original one.

Article 36

This Regulation becomes effective from the date of its promulgation.

Regulation Governing General Aviation

As promulgated by MOTC decree on June 17, 1977 and further amended on April 2, 2002.

Article I

This Regulation is enacted in accordance with the terms in the Article 64 bis, Civil Aviation Law.

Article 2

General aviation means a business engaging in aerial tourism, survey, photographing, fire-fighting and searching, paramedic, hauling and lifting, spraying and dusting, as well as those authorized and other-than-air transport of passengers, cargo and mail flight operations for compensation or hire.

Article 3

General aviation should be run as a specialized business. Nevertheless, civil air transport enterprise or an industry connected with aviation given permission on case by case basis, may engage concurrently in general aviation germane to its normal operations. In that case, a general aviation permit shall be applied for according to this Regulation.

Article 4

General aviation applicant shall form a new company and enclose the following papers in duplicate to request MOTC through the Civil Aeronautics Administration (hereinafter referred to as CAA) for permission to establish its business:

- 1.application form(attachment 1).
- 2.draft company bylaw.
- 3.namelist of sponsors and household certificate.
- 4.prospectus: covering business projects, fleet of aircraft, market status, forecast of revenue and expenditure, plans to raise capital.

5.equipment for flight operation and maintenance, programs of organization and training.

6.source of pilots and training.

To run the concurrent business of general aviation pertinent to

Article 3, applicant shall enclose papers listed in item 1, items 4 through 6 and revised draft of company bylaw.

Article 5

Having received permission to set up business, general aviation applicant shall within a specified preparatory period shall, according to laws, complete registration with appropriate authorities and enclose the following papers in duplicate to submit to MOTC through CAA for approval. The enterprise may begin its operations only after receiving a license from CAA.

1.company license and business register.

2.company charter.

3.roster of board of directors, supervisors and shareholders.

4.resume of managers.

5.synopsis of aircraft.

6.map of company marks.

7.liability insurance taken.

8.inventory of maintenance & repair equipment, hangar and field facility, or a contract committing a qualified agent to do such maintenance & repair work.

The license shall become invalid if the enterprise fails to start operations within 12 months from the date the license was issued, or it has suspended operations over 6 months after starting its business. In this case, CAA shall report to MOTC to have the license revoked and notify agencies concerned to cancel its registration, unless an extension justified by special circumstances is applied for and approved.

Article 6

CAA shall report to MOTC to deny any general aviation applicant on account of one of the following:

1.the services to be provided do not coordinate social development or meet practical needs.

2.air terminal or air field facilities would be overstretched.

Article 7

The equity capital of a general aviation business shall not be lower than NT\$50 million.

Article 8

To import civil aircraft through procurement, on conditional transaction or on the basis of lease, general aviation business shall apply for MOTC permission via CAA, enclosing the following papers in duplicate:

- 1.specification of aircraft.
- 2.plan for use.
- 3.maintenance plan (including maintenance organization and training of personnel).
- 4.financial program (including how payment is made, source of funding and projected revenue and expenditure).
- 5.surec of pilots and training program.

The age of foreign aircraft to be purchased, procured with conditions attached, or leased shall not exceed 10 years. Nevertheless, a general aviation business that has used the same type of aircraft for over three years, the aircraft so acquired shall be not more than 15 years old.

Under one of the following conditions, the proviso in the second paragraph allows continuing use of that aircraft after the general aviation business encloses pertinent papers and applies to CAA for MOTC approval:

- 1) continued lease of the same aircraft.
- 2) With an aircraft already on lease which is meeting the age limit set forth in the preceding paragraph, the lessee is applying for changing the status of lease into that of purchase or conditional procurement.
- 3) lease- back of the same aircraft that has been sold.

Aircraft to be used for tourism and rescue shall be twin turbine engines. The aircraft must carry two pilots in the cockpit together with a cockpit communications recorder. A flight recorder should also be installed where called for.

Civil air transport enterprise applying for running general aviation business with helicopter, upon approval to set up business, may continue to use the turbine engine cargo helicopter already in commission without being subjected to the restriction set out in the second

paragraph.

Article 9

General aviation business shall, five working days before a planned operation, enclose the following papers in applying for CAA permission:

- 1.flight operation application (attachment 2).
- 2.sketch of operation area.
- 3.list of passengers.
- 4.statement of authorization to execute the operation.
- 5.other documents.

If the operation is for photographing, permission should be requested from competent agency via CAA, ten working days before the planned operation, enclosing the above papers.

In order to use a helicopter pad on temporary basis, aside from going by pertinent rules, CAA permission shall be requested seven working days before the planned operation, submitting the following papers in the process:

- 1.date of aircraft to be used.
- 2.map of flight routes from take-off to landing.
- 3.plane view of take-off and landing field, photos of take-off and landing area and its surroundings.
- 4.statement of agreement allowing the use of take-off and landing field.
- 5.plan for the use of take-off and landing field.

Items 1, 2 and 3 shall not be changed at will once permission is granted.

If extension of an operation is required, CAA permission must be requested three working days before the last day of the operation, submitting the following papers:

- 1.letter of authorization to extend operation.
- 2.photo copy of the original letter of agreement approved.

Application to launch an operation of fire-fighting, search & rescue or other matter of emergency may be filed with the nearest air terminal affiliated to CAA, exempt from the working days requirement as stipulated in the first paragraph.

Article 10

Aside from dealing with the respective situations according to law, general aviation business shall report any one of the following scenarios to CAA for MOTC record:

1. entering into contract with other enterprise in respect of lease, joint operation or franchise, change or termination of such contract.
2. change or relocation of the base for flight operation and maintenance service, or of principal equipment.
3. change in the scope of operations.

Article 11

General aviation business shall report to CAA for MOTC record any changes in the company title, organization, representatives and capital fund, within 15 days from the date such changes have been registered with the concerned agency. Change in the board of directors, supervisors, managers, address or establishment of a branch company shall be reported to CAA for file within 15 days following the completion of registration.

Upon changes in company title, organization, representatives, capital fund and address, a new general aviation permit shall be applied for, enclosing the fee for a replacement permit.

Article 12

Before a general aviation enterprise terminates its operation, advance notice must be served to MOTC through CAA. Within 30 days from termination, it should surrender the issued license for cancellation. If the license has not been surrendered within the 30-day period, CAA will issue a public notice advising that the license has been revoked.

Article 13

General aviation business shall, within six months from the end of each business year, submit the following data to CAA for MOTC record:

1. statistics of operation data and volume of carriage.
2. financial report with auditing report by a certified public accountant.

3. statement on capital increase or issuance of company bonds.
4. flight operation report.
5. maintenance & repair report and flight safety information.
6. shareholders holding more than 3 percent of company shares.

If necessary, CAA may examine the company business and financial status and other relevant documents.

Article 14

To promote the development of civil aviation industry, ensure aviation safety or public interest, the CAA may provide personnel to inspect general aviation business and monitor its operations including employees and equipment. The general aviation shall not refuse, avoid or impede such inspections, and will be notified of deficiencies if any, and shall improve within a certain period of time when so advised by the CAA.

If no improvement has been done within the specified period, or the general aviation business refuses, avoids or impedes inspections, the CAA may, with the MOTC approval, take action necessary to put on hold the general aviation business' application under Article 9.

Article 15

The Rules of Compensation for Damage Caused to Passengers and Freight shall apply to those passengers and flight crews aboard an aircraft for whom the general aviation business is accountable, unless otherwise stipulated in a special contract.

Article 16

Those already received a general aviation permit before the promulgation of this revised Regulation, shall within a year from the date of promulgation of this Regulation, fill up its equity capital to the amount prescribed under Article 7.

Article 17

General aviation business in applying for a permit shall pay a fee for the permit in the amount of NT\$36,000. To renew or replace a permit, the charge is NT\$2,100.

Having lost a permit, the general aviation business shall apply to CAA for a replacement permit.

Article 18

This Regulation shall become effective on the date of promulgation.

QUESTIONNAIRE 9

CONTROLLED WEAPONRY, POLICE WEAPONRY, GUNS; INDUSTRIAL USE EXPLOSIVES

CONTROLLED WEAPONRY, POLICE WEAPONRY, GUNS: NATIONAL POLICE ADMINISTRATION, MINISTRY OF INTERIOR

INDUSTRIAL USE EXPLOSIVES: BUREAU OF MINES, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 9-1](#)

The Weaponry Possessed by Individual or Group

March 24, 1997 Published (Issued)

- Clause 1 The Weaponry Possessed by Individual or Group is regulated in accordance with Firearms, Ammunition, and Controlled Weaponry Clause 6.2.
- Clause 2 The so-called weaponry means for samurai sword, stick knife, Double knife, brass knuckles, steel (iron) whip, thruster, dagger (see the attachments), and other lethal equipment that is banned by national competent authority officially with a proper cause (in Clause 4.3).
- Clause 3 The weaponry that is used by individual or group for souvenir, decoration, exercise, performance, practice, or entertainment; also, the transfer and sale of weaponry is to be management in accordance with the Clauses.
- Clause 4 An individual or group who has possessed weaponry should have an application (please see Form 1 attached for format) filed to local police station for registration, inspection, permit issuance, and filing for control. However, a permit will not be issued upon the occurrence of one of the following conditions; moreover, the weaponry will be confiscated:
1. For a purpose other than souvenir, decoration, exercise, performance, practice, or entertainment;
 2. The applicant has been convicted for a crime in the last three months or has a record of social disturbance.
- The price of weaponry repossession is to be regulated by the Ministry of Interiors.
- Clause 5 The possessor of weaponry must have a permit on him/her while carrying it around.
- Clause 6 The possessor of weaponry should have reported to responsible police station with the permit submitted while the weaponry is lost.

- Clause 7 Upon the change of habitat or the storage location of weaponry, the individual or group should have applied to the competent police authority for registration and with the permit submitted for evidence.
- Clause 8 An application should be filed to the competent police authority for the replacement of permit upon its loss or damage.
- Clause 9 Upon the death of possessor, the inheritor should have an application filed to competent police authority with the submission of household registration for the issuance of new permit within three months since the second day of the death or within one month from the discovery of weaponry. If there is not an inheritor for the weaponry of the deceased, it is to be confiscated by the competent police authority.
- The inheritor who has decided to forfeit the inheritance for the weaponry or who has committed one of the followings is not entitled to a permit and the weaponry will be acquired by the competent police authority in accordance with the price defined in Clause 4.2.
- The weaponry that is possessed by group for souvenir, decoration, exercise, performance, practice, or entertainment could be acquired by the competent police authority in accordance with Clause 4.2 while the reason for existence is vanished.
- Clause 10 The weaponry that is confiscated from individual or group is to be placed under the care of competent police authority and with the procedure regulated by the Department of Police Administration (of the Ministry of Interiors).
- Clause 11 An application should be filed to the competent police authority for the transfer or trade of weaponry in order to have the change of possession registered accordingly.
- Clause 12 The competent police authority should inspect the controlled weaponry once annually and contingently when it is necessary.
- Clause 12.1 The inspection of controlled weaponry should be performed by the team that is formed by competent authority and with the procedure regulated by the Department of Police Administration (of the Ministry of Interiors).
- Clause 13 An application (please refer to attached Table 2 for the format) should be filed to the Department of Police Administration (of the Ministry of Interiors) for carrying the controlled weaponry in and out of the country. The permit to carry the controlled weaponry in and out of the country should be examined by responsible entity; moreover, it is necessary to have the entrance of controlled weaponry registered with competent police authority in accordance with Clause 4.
- Clause 14 The Measures will be in effect upon its publication.

Control of Firearms, Ammunition and Weaponry

November 14, 2001 Announced (Published)

Clause 1 The Clauses are regulated for the control of firearms, ammunition and weaponry in order to protect social order and the safety of life and property.

Clause 2 Unless it is otherwise regulated, firearms, ammunition and weaponry should be used in accordance with the Clauses.

Clauses 3 The competent authority for firearms, ammunition, and weaponry is: the Ministry of Interiors in national government; special municipality in municipality government; and county (city) in county (city) government.

Clause 4 The so-called firearms, ammunition and weaponry in the Clauses are:

1. Firearms: Cannon, shoulder arms, machine gun, submachine gun, carbine, machine rifle, rifle, horse gun, pistol, pen gun, gas gun, tranquilizer gun, shotgun, air gun, gun harpoon, remodeled gun, and other gunnery for the shooting of metal or bullet to kill.
2. Ammunition: The cannon and bullet used for the aforementioned gunnery or various bombs and explosives that is fatal and lethal.
3. Weaponry: Samurai sword, stick knife, Double knife, brass knuckles, finger tiger, steel (iron) whip, thruster, dagger (see the attachments), and other lethal gunnery that are banned by national competent authority with a proper cause.

The firearms and ammunition stated in Clause 4.1 and Clause 4.2 include major components unless they could not be used for the construction of cannon and ammunition.

National competent authority regulates the major components of cannon and ammunition.

Clause 5 The aforementioned cannon and ammunition may not be produced, traded, transported, transferred, rent, loaned,

possessed, stored, or displayed without the approval of national competent authority.

Clause 5.1 The pistol, air gun, shotgun and other cannon, and ammunition for sports may not be produced, traded, transported, transferred, rent, loaned, possessed, stored, or displayed without the approval of national competent authority.

Clause 6 The weaponry listed in Clause 1.3 above may not be produced, traded, transported, transferred, rent, loaned, and possessed without the approval of national competent authority.

Clause 6.1 The application, condition, termination, inspection, and other requirements of firearms and ammunition that is stated in Clause 5 and Clause 6 are to be regulated by national competent authority.

The application, condition, termination, inspection, and other requirements of firearm and ammunition that is stated in Clause 5.1 are to be regulated by national business authority and national competent authority.

Clause 7 The offender who has cannon, shoulder arms, machine gun, submachine gun, carbine, machine rifle, rifle, horse gun, pistol and various firearms, bomb, and explosives manufactured, traded, or transported without authorization will be punished with a sentence of death penalty, penal servitude for life, or penal servitude for a definite period over seven years. An offender with a sentence of penal servitude for a definite period could also be fined for an amount less than NT\$30 million.

The offender who has the aforementioned firearms and ammunition transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for life or penal servitude for a definite period over five years; also, a fine less than NT\$10 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of death penalty or penal servitude for life. An offender with a sentence of penal servitude for a definite period and could also be fined for an amount less than NT\$50 million.

The offender who has firearms and ammunition possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period over five years; also, a fine less than NT\$10 million.

An attempted crime of the aforementioned offense will be punished.

Clause 8

The offender who has pen gun, gas gun, tranquilizer gun, shotgun, and air gun manufactured, traded, or transported without authorization will be punished with a sentence of penal servitude for a definite period over five years; also, a fine less than NT\$10 million.

The offender who has the aforementioned guns transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for a definite period of three to ten years; also, a fine less than NT\$7 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period over seven years; also, a fine less than NT\$10 million.

The offender who has firearms and ammunition possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period of one to seven years; also, a fine less than NT\$7 million.

An attempted crime of the aforementioned offense will be punished.

Clause 9

The offender who has gun harpoon manufactured, traded, transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for a definite period less than one year, detention, or a fine less than NT\$500,000.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period less than 2 years, detention, or a fine less than NT\$1 million.

The offender who has gun harpoon possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period less than 6 months, detention, or a fine less than NT\$500,000.

An attempted crime of the aforementioned offense will be punished.

Clause 10

The offender who has lethal remodeled gun manufactured, traded, or transported without authorization will be punished with a sentence of penal servitude for life or a penal servitude for a definite period over 5 years; also, a fine less than NT\$10 million.

The offender who has the aforementioned remodeled gun transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for a definite period over five years; also, a fine less than NT\$10 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period over seven years; also, a fine less than NT\$10 million.

The offender who has the aforementioned remodeled gun possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period of three to ten years; also, a fine less than NT\$7 million.

An attempted crime of the aforementioned offense will be punished.

Clause 11

The offender who has the gun listed in Clause 4.1.1 for shooting lethal metal or bullet manufactured, traded, or transported without authorization will be punished with a sentence of penal servitude for a definite period over 5 years; also, a fine less than NT\$10 million.

The offender who has the aforementioned gun transferred, rent, or loaned without authorization will be punished with a

sentence of penal servitude for a definite period of three to ten years; also, a fine less than NT\$7 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period over seven years; also, a fine less than NT\$10 million.

The offender who has the gun mentioned in Clause 11.1 possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period of one to seven years; also, a fine less than NT\$7 million.

An attempted crime of the aforementioned offense will be punished.

Clause 12

The offender who has bullet manufactured, traded, or transported without authorization will be punished with a sentence of penal servitude for a definite period of one to seven years; also, a fine less than NT\$5 million.

The offender who has bullet transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for a definite period of six months to five years; also, a fine less than NT\$3 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period of three to ten years; also, a fine less than NT\$7 million.

The offender who has bullet possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period less than five years; also, a fine less than NT\$3 million.

An attempted crime of the aforementioned offense will be punished.

Clause 13

The offender who has the main components of firearms and ammunition manufactured, traded, or transported without

authorization will be punished with a sentence of penal servitude for a definite period of three to ten years; also, a fine less than NT\$7 million.

The offender who has the main components of firearms and ammunition transferred, rent, or loaned without authorization will be punished with a sentence of penal servitude for a definite period of one to seven years; also, a fine less than NT\$5 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period over five years; also, a fine less than NT\$10 million.

The offender who has the main components of firearms and ammunition possessed, stored, or exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period of six months to five years; also, a fine less than NT\$3 million.

An attempted crime of the aforementioned offense will be punished.

Clause 14

The offender who has bayonet manufactured, traded, or transported without authorization will be punished with a sentence of penal servitude for a definite period less than three years; also, a fine less than NT\$1 million.

The offender who has committed the aforementioned offense with intent to commit a serious crime himself/herself or assisting others will be punished with a sentence of penal servitude for a definite period of six months to five years; also, a fine less than NT\$3 million.

The offender who has bayonet possessed and exhibited for trade without authorization will be punished with a sentence of penal servitude for a definite period less than one year, detention, or a fine less than NT\$500,000.

An attempted crime of the aforementioned offense will be punished.

Clause 15

The offender who has possessed bayonet without authorization and with one of the following conditions committed will be punished with a sentence of penal servitude for a definite period less than two years:

1. A crime committed in the night;
2. A crime committed at bus station, harbor, airport, and public place;
3. A crime committed by a gang instead of individual.

Clause 16

Functionary or elected civil servants who have the convicted offender of Clause 7, Clause 8, Clause 10, Clause, 11, or Clause 12 covered up will be punished with a sentence that is with additional 50% (as high as) term rendered.

Clause 17

The offender of frame, fraud, or fabrication against Clause 7, Clause 8, Clause 10, Clause 11, Clause 12.1, Clause 12.3, Clause 13.1, Clause 13.2, and Clause 13.3 will be punished for the crime of wrongful accusation. The offender of frame, fraud, or fabrication against Clause 17 will be punished with a sentence of penal servitude for a definite period less than seven years.

Functionary or elected civil servants who have committed the aforementioned offense will be punished with a sentence that is with additional 50% (as high as) term rendered.

Clause 18

The offender of Clause 18 who has himself/herself surrendered with the firearms, ammunition, and bayonet turned in is entitled to the privilege of punishment alleviation or exemption. The offender of Clause 18 who has firearms, ammunition, or bayonet transferred to others but volunteered the information of pertaining sources and disposition with the crime unfolded eventually is entitled to the privilege of punishment alleviation or exemption too.

The offender of Clause 18 who has himself/herself surrendered during the gray period arranged by national competent authority with the approval of the Executive Yuan is entitled to the privilege of punishment exemption.

The offender of Clause 18 who has volunteered false information of firearms and ammunition turned in will be punished in accordance with the pertaining punitive clauses for the offense.

The offender of Clause 18 who has confessed his/her crime in the interrogation or trial and volunteered the information of the source and disposition of firearms, ammunition, and bayonet with a severe crime unfolded and prevented is entitled to the privilege of punishment alleviation or exemption. The offender of Clause 18 who has refused to give confession or has forwarded false information will be punished with one third (1/3) additional term rendered.

Clause 19 (Deleted)

Clause 20 Natives who have shotgun manufactured, transported, or possessed without authorization; or, fishermen who has gun harpoon manufactured, transported, or possessed without authorization will be fined for an amount less than NT\$20,000. The punitive clause pertaining to the Clause is not applicable.

Natives or fishermen who have the aforementioned shotgun or gun harpoon traded, transferred, rent, loaned, or stored will be fined for the same.

National competent authority regulates the application, condition, term, cancellation, inspection, and other control measures of the aforementioned two occasions.

Clause 21 The punitive clauses that are more rigorous than this Clause shall prevail under the circumstance.

Clause 22 The informer that has helped solved the crime pertaining to this Clause should be rewarded materially.

The said reward is to be regulated by the Executive Yuan.

Clause 23 (Deleted)

Clause 24 (Deleted)

Clause 25 The Clause is to be executed in the day it is published.

Social Order Maintaining Law

(Partial Articles)

Published (Issued) on June 29, 1991

III Sub-regulation

Chapter 1 Social disorder

Clause 63

A fine less than NT\$30,000 or a detention less than three-day will be brought against the offender of the following acts:

1. Possess lethal weaponry, chemical solvent, or other dangerous objects without a proper cause.
2. Fire a gun without a proper cause.
3. Possess a tool for unlocking door, window, lock, or other safety equipment without a proper cause.
4. Place, throw, or project a lethal object that is detrimental to the health or the property of others.
5. Spread rumor that is detrimental to public order.
6. Disguised with a veil or frighten others with a threat to personal safety.
7. Manufacture, transport, trade, and store inflammable, explosive, and dangerous business operation without the authorization of competent authority; or, other business equipment and method that is against the law and regulations.
8. Manufacture, transport, trade, possess, or display instrument that is banned by competent authority.

The offender of aforementioned clause 7 & clause 8 with a severe consequence or serial offenses will be punished with a punitive sentence of business suspension or business termination.

Clause 64

A fine less than NT\$18,000 or a detention less than three-day will be brought against the offender of the following acts:

1. The offender has crowds summoned at park, bus station, harbor, airport, and other public place with intent to cause disturbance and interfere with social order; moreover, the offender has failed to have the crowds dismissed upon the request of the competent authority.

2. Purchase transportation or amusement park tickets for personal gains instead of personal use.
3. Vehicle, vessel, hotel staffs/porters, and other receptionists who force service onto customers.
4. Transportation personnel demand a charge beyond the agreed amount, make additional request during the journey, fail to honor the agreement signed, or try to conduct a fraud afterwards that is extraordinary from general practice.
5. Preside, manipulate, or attend a gang activity to commit an act detrimental to social order.

Clause 65

A fine less than NT\$18,000 or a detention less than three-day will be brought against the offender of the following acts:

1. Vessels captain fails to follow the order of estoppels given for not sailing in dangerous gale or in the night.
2. Have a corpse that is not or could be not resulted from a deadly sickness or a corpse with unknown source buried or disposed without an autopsy performed.
3. Possess a look-alike toy gun that is detrimental to public safety without a proper cause.
4. Neglect the stacking and compilation of inflammable subject or have inflammable substance carried or stored near the inflammable pile carelessly without following the order of estoppels rendered.

Application of Weaponry

Published (Issued) on January 18, 1985

Article 1

The truncheons, bayonet, gun, and other permitted instrument are available for the use of policemen on duty.

Article 2

The aforementioned classification and specification of policemen defense is regulated by the Executive Yuan.

Policemen may use the truncheons to instruct any of the following situations:

1. Directing traffic;
2. Evacuating the crowds;
3. On guard for emergency.

Article 3

Policemen may use the truncheons to stop any of the following situations:

1. Assisting crime investigation, or search, forfeiture, detention, restraint, and arresting that requires law enforcement;
2. Being threatened while enforcing law;
3. The use of truncheons for enforcement is considered appropriate while encountering one of the incidents stated in Article 4.1.

Article 4

Policemen may use bayonet or gun while encountering in any of the following situations on duty:

1. Preventing extraordinary accidents and upholding social order;
2. Social order disturbed by undisciplined behavior;
3. Resisting apprehension or trying to escape;
4. Protecting the land, houses, vehicle, vessel, aircraft or life, body, freedom, and property from coercion or threat;
5. Protecting the life, body, freedom, and equipment of policemen from coercion or threat;
6. Suspects with the possession of lethal weaponry fail to follow the command of policemen to drop the weapon;
7. Bayonet and gun are needed for resolving the situations stated in Article 3.1 and Article 3.2; other authorized

weaponry could be used if the said situation calls for;

Article 5 The use of weaponry by policemen should be prudent with the consideration of circumstance and a warning given; however, exception could be made in an emergency.

Article 6 Policemen should stop using weaponry immediately once the proper cause for the practice is or will soon no longer existing.

Article 7 Policemen should be cautious with the use of weaponry and stay alert with its use for the safety of any third party.

Article 8 Policemen should be cautious with the use of weaponry and do not injure anybody fatally unless it is necessary.

Article 9 Policemen are obliged to report the use of weaponry to superior in details. However, the use of truncheons by policemen to instruct is excluded.

Article 10 Policemen who use bayonet, gun, or other authorized weaponry outside the situations stated in Article 4 above should be reprimanded. In addition to bring criminal charge against the police offender who has caused the injury or death of the others, the victim is entitled to the compensation of medical privilege and consolation money from the responsible government and the government in return may demand an indemnification from the police offender.

The medical expenses and funeral expenses of the victim who suffered from police brutality with the use of weaponry are to be paid for by the responsible government in accordance with the requirement.

The standard of the aforementioned medical expenses, consolation money, and funeral expenses are to be regulated by provincial (city) government for the approval of the Ministry of Interiors.

Clause 11 The use of weaponry by policemen in accordance with the clause is a legal act.

Clause 12 The Clauses are applicable to Military Police (MP) in executing the responsibility of judicial police, military police, or the police guard at post that is approved by the Ministry of Interiors.

The Ministry of Interiors regulates the Control of Weaponry for the application of police guard.

Clause 13 Weaponry should not be ordered for production, sold, or possessed without the approval of the Ministry of Interiors or it may be confiscated by police (unless it is otherwise regulated by law).

Clause 14 The Clauses will be in effect upon its publication.

Police Bayonet, Truncheons, and Electric Wand Management Measures

March 20, 2000 Published (Issued)

- Clause 1 The production, trade, and possession of police bayonet, truncheons, and electric wand is regulated in accordance with the Clauses.
- Clause 2 The manufacturer that produces and sells police bayonet, truncheons, and electric wand should have an application filed to local police station for the approval of the Ministry of Interiors with the submission of applicant's personal information and instruction for use. Moreover, the corporate license and business registration permit should be filed and received within six months; otherwise, the application could be revoked beyond the deadline.
- The registered manufacturer should have corporate license, business registration permit and facility registration certificate submitted to the Ministry of Interiors for record.
- Clause 3 The manufacturer that has qualified the procedure with a permit received (referred to as "the qualified manufacturer" hereinafter) should have each production and sale of police bayonet, truncheon, and electric wand submitted to local competent police station for the approval of the Ministry of Interior on a case-by-case basis. The sample of police bayonet, truncheon, and electric wand should be submitted for inspection at the preliminary production or sale.
- Clause 4 The qualified manufacturer that is having police bayonet, truncheon, and electric wand exported should have the photocopy of Letter of Credit (L/C), purchase order, and instruction for use submitted to local police station for the approval of the Ministry of Interiors.
- Clause 5 The qualified manufacturer should have an application filed to local police station for the approval of Ministry of Interiors before having the sample of police bayonet, truncheon, and electric wand sent overseas. The aforementioned delivery of sample is limited to two pieces per item per nation/per region.

Manufacturer may have less than ten pieces of police bayonet, truncheon, and electric wand reserved for sample with each one affixed with the mark of “sample” and may not have them distributed in domestic market.

Clause 6 The qualified manufacturer should have the police bayonet, truncheon, and electric wand identified with series number affixed that includes the information of production quantity and purchaser. The monthly production and sales report should be furnished before the tenth of next month for the review of local police station and the record of the Ministry of Interiors.

Clause 7 The qualified manufacturer should have an application filed to local police station for the approval of Ministry of Interiors with the submission of original permit for the termination or liquidation of the business operation.

Clause 8 Institute, school, security, community guard or private-run and state-run factory, corporation, and business entity that has the service of security guard, environment inspector, and auditor contracted (employed) may file an application to local police station for the approval of Ministry of Interiors to produce or purchase police bayonet, truncheon, and electric wand with a license issued by the Department of Police Administration (of the Ministry of Interiors).

The aforementioned regulation is applicable to jewelry industry before the service of security guard is contracted.

Clause 9 The qualified manufacturer with the possession of police bayonet, truncheon, and electric wand should have the permit available for inspection at any time and with proper care provided. The damage, disposition, and loss of police bayonet, truncheon, and electric wand should be reported to local police station immediately upon its occurrence.

The aforementioned permit of police bayonet, truncheon, and electric wand may not be transferred or loaned to any third party.

Clause 10 Institute, school, security, community guard or private-run and state-run factory, corporation, and business entity that has the service of security guard, environment inspector, and auditor terminated should have the original permit submitted to local police station for the approval of Ministry of Interiors to have the registration cancelled and permit returned. The police bayonet, truncheon, and electric wand should then be returned to local police station. Any violation against the requirement of Article 8.2 should be processed the same.

- The aforementioned regulation is applicable to jewelry industry before the service of security guard is contracted.
- Clause 11 Any violation against the Clauses should be processed in accordance with Weaponry Clauses, Social Order Enforcement Act, and Company Law.
- Clause 12 The format of documentation and forms stated in the Clauses are to be regulated by the Department of Police Administration (of the Ministry of Interiors).
- Clause 13 The Measures will be in effect upon its publication.

Industrial use explosive material management code

ROC year 69 month 3 day 5

Ministry of Interior 69 Tai internal police no. 2666 issue

Ministry of Economics 69 Tai law no. 7356 issue

ROC year 72 month 12 day 24

Ministry of Interior Tai internal police no. 202468 amendment

Ministry of Economics eco (72) no. 51051

ROC year 78 month 5 day 13

Ministry of Interior tai (78) internal police no. 691331 amendment

Ministry of Economics eco (78) mineral no. 017561

ROC year 84 month 5 day 8

Ministry of Interior tai (84) fire no. 8476603 amendment

Ministry of Economics eco (84) mineral no. 84004276

ROC year 88 month 6 day 30

Ministry of Interior tai (88) internal police no. 8871720 amendment

Ministry of Economics eco (88) mineral no. 88272878

ROC year 90 month 3 day 1

Ministry of Interior tai (90) internal police no. 9081661 amendment

Ministry of Economics eco (90) mineral no. 89265382

ROC year 90 month 10 day 31

Ministry of Interior tai (90) internal police no. 9081347 amendment

Ministry of Economics eco (90) mineral no. 09002723140

Clause 1

This regulation is aimed to manage industrial legal manufacture, sell, transport, hold or use explosive materials, accident prevention, and maintain public safety. If not covered in this regulation, use other applicable regulations.

Clause 2

In this regulation, the so-called explosive materials including explosives, cotton powder, mercuric fulminate powder, or other similar type explosive materials and their main raw materials. The classification and characteristics are as follows:

1. Powder: product with slow explosion, used for combustion, no extinguishing destructive results. Including:
 - (1) Black powder and other nitrate smoke powders.
 - (2) Single unit nitrocellulose smokeless powder.
 - (3) Double units nitroglycerin smokeless powder.
2. Explosives: products with rapid explosion and strong explosive destruction results. Including
 - (1) Mercuric fulminate, lead azide, lead styphnate, and diazodinitrophenol etc. explosion initiate powder.
 - (2) Nitric esters
 - (3) Nitrate type explosives
 - (4) Per chlorates and chlorates mixture explosives
 - (5) Picric acid, TNT, etc. nitrate based compounds explosive.
 - (6) Liquid oxygen explosive and other liquid explosive powder.
3. Blasting agents: mixtures, which use nitrates etc. oxidants as main components, must be in enclosed space and use designated detonator to set off. Including:
 - (1) Various types of AN-FO
 - (2) Slurry or emulsion blasting agents
4. Explosion starter: products for detonating explosives. Including:
 - (1) Detonator

- (2) Fire rope
- (3) Ignition rope
- 5. Explosive chemical raw materials: means the raw materials that can directly ignite and be ignited. Including those used for manufacturing TNT, picric acid, nitroglycerin, lead azide, mercuric fulminate, nitrate starch, ammonium TNT, ammonia picric acids etc.
- 6. Other explosive materials designated by the Ministry of Economics.

Clause 2-1

The onsite mixed explosives, described in this regulation, are considered to be non-explosive materials. Through special equipment, mixed on site to form blasting agents. Then, it is inserted into the cannon hole immediately and use detonation device to explode.

Clause 3

The explosive material management organizations are: at central government, the Ministry of Economics, at class 1 cities, the city government, and at counties (cities), county (city) government,

Clause 4

In this regulation, the use organizations are:

- 1. government organization
- 2. government owned corporation
- 3. certified registered private industries
- 4. local county or city or engineering organization certified use group.

Clause 4-1

in this regulation, the contracting organization means the organization through which a project is contracted to other governmental or private organization for execution.

Clause 5

In this regulation, the explosive material purchasing quota certificate (herein after refer to as purchase certificate) represents the certificate issued by the Ministry of Economics to the use organization on which recorded the application and purchase of explosive material type, quantity, and location to be used. It is used by the organization to purchase and transport explosive materials.

Clause 6

In this regulation, the explosive material transport quota certificate (herein after refer to as transport certificate) represents the certificate issued by the Ministry of Economics to the explosive material manufacturing, processing, sales and import and export organization to record the application and transport of explosive materials' time, quantity, route and initial and end points for the transportation of the explosive materials.

Chapter 2 manufacturing and sales

Clause 7

The manufacturing, sales and processing of explosive materials shall be legal government, private company or factories specially approved by the Ministry of Economics.

The explosive materials sales organization shall, based on the use organization distribution, apply to the Ministry of Economics for approval then set up distribution center.

The Ministry of Economics will issue the first item, the set up requirement.

Clause 8

The explosive material manufacturing, processing, sales industries, can only sell or transport explosive materials in accordance to the purchase certificates or transport certificates issued by the Ministry of Economics. There shall be no sales, transfer or transport

without authorization.

Clause 9

The facility used to manufacture, process, sell (including distribution) explosive materials shall follow the following facility safety requirement, after approval by the Ministry of Economics, and then are allowed to start manufacture or start business operation. The start operation or opening date shall be reported to the Ministry of Economics, local police department and fire department.

1. The explosive factory (including warehouse) shall have on site security guard, responsible for maintaining safety. As for the distribution center, the requirement to set up on site security guard shall be determined jointly by the ministry of economics and Ministry of Interiors.
2. based on actual conditions, setup safety maintenance requirement.
3. setup designated department or person to be responsible for personnel evaluation
4. setup powder warehouse and guardhouse. Assign designated person or shift personnel.
5. coordinate with related organizations to carry out necessary measures.

The facility for the manufacture, process and sell explosive materials shall restrict both employees and visitors from entering. When entering and leaving the factory (warehouse) area, do not bring in ignitable materials and bringing out explosive materials.

For the on site mixing facility, the item 1.1 and previous items are not applicable.

Clause 10

The facility for explosive materials manufacture, process and sell shall prepare books to record explosive types, quantity, time, and source etc.

The facility for explosive materials manufacture, process and sell, after each purchase and sell explosives, shall do the following:

1. On the day of purchase or sell, submit the copies of purchase certificates and transport certificates to Ministry of Economics and the police station and fire department where the powder warehouse located.
2. Submit the explosive and raw material inventory ten-day report to the police station and fire department where the powder warehouse located.

Clause 11

The use organization, when apply for explosive purchasing quota, shall fill out industrial use explosive purchasing application form, together with production plan or engineering drawings and calculation for objectives to be blasted, five days ahead of time, submit to the powder warehouse location's fire organization for application to check the following items. After approval, then apply for Ministry of Economics for certificates, as base for quota.

1. For those have installed powder warehouse and received approved Ministry of Economics powder warehouse installation certificate, or temporary engineering organization, based on item 30, already has loaned powder warehouse or installed powder warehouse.
2. Already installed powder warehouse guardhouse.
3. Follow chapter 7 requirement, designated explosive manager, and already submitted to the Ministry of Economics and received approval and certificated.
4. Not under penalty for stop purchasing or use.

The explosive applicant, if it is engineering contractor, shall fill out the explosive purchase application form and shall be approved by the contracting organization. Then apply, based on previous items requirement.

The explosive use organization, when applying for purchasing quota, shall base on last month's usage quantity to calculate the daily average usage quantity. The inventory of explosives shall be less than 15 days. It will then be approved for purchasing quota. If the last month usage is abnormal, it may use last year's usage to calculate daily average usage quantity. The approved explosive quantity shall not exceed 60 days usage quantity.

For new explosive purchasing quota application, based on the planned usage quantity, approve for 30 days usage quantity.

Clause 12

The effective time for purchase certificate and transport certificate is one year. And they can only be used once. For reasons that

purchase or transport not possible, state the reason and apply to the Ministry of Economics for a one-month extension.

The purchase certificate and transport certificate are not transferable. They cannot be sold and illegally obtained. When lost, immediately report to the police department at the location of the warehouse, selling organization and Ministry of Economics. And apply to the Ministry of Economics for reissuing.

Clause 13

The explosive quota shall not be transferred, sold, mortgaged, discarded, hidden without reported, and loaned and moved without authorization.

The afro mentioned explosives, if stolen, lost or other abnormal use and leads to unbalance matched quantity, report, immediately, to the Ministry of Economics local police and fire department. The explosive use organization, if contractors, shall report to the contracting organization immediately.

Clause 14

The explosive quota can only be used on the designated task. Unless approved by the Ministry of Economics, they shall not be used on different tasks. But for special disaster or emergency situation requiring explosives, first receive approval from local police department, then they can be used and the use organization can then complete the usage procedure with the ministry of economics.

The explosive quota, if due to the expiring of powder warehouse effective date, the completion of contract, or, without reporting to the ministry of economics for approval and without proper reasons and not used for over three months with left overs, shall be reported to the ministry of economics within three days for approval to be purchased back by the original selling organization or other use organization. If the properties already changed and cannot be used anymore, it shall be treated in accordance to item 38.

The afro mentioned left over explosives, if not treated in accordance to the requirement and discovered by the ministry of economics, police and fire departments, they shall be handled in accordance to the afro mentioned procedures.

Clause 15

The use organization shall prepare books to record the movement of explosive type, quantity, time, sources etc. The shipping and

arriving of explosives shall be reported to local police department.

Chapter 4 import and export

Clause 16

The facilities to manufacture, process and sell explosives may export explosives under ministry of economics permit.

Clause 17

The facilities to manufacture, process and sell explosives and the use organization may import explosives under ministry of economics permit.

For the imported explosives, the sales, storage, use and management shall follow applicable articles in this regulation.

Clause 18

When applying for exporting and importing explosives, in addition to the application to the trading supervising organization for import and export permits, it shall report the type, specifications, quantity, price, use, export/export locations, packaging type, loading/unloading dates, warehouse, transport supervisor, shipping method and routes etc. to the ministry of economics for permits. And the ministry of economics shall assign copies to the import/export airport and/or harbor police departments. Together with the import/export permits obtained from the trading organizations and with quantity and type check, it can then be imported and exported.

Chapter 5 management, storage and transport

Clause 19

The facilities to manufacture, process and sell explosives and the use organization shall setup powder warehouse and assign explosive supervisor and powder warehouse guard. During explosive transport, it shall assign transport supervisor. When use the explosives, it shall assign blasting engineer and blasting supervisor.

Clause 20

The explosives shall be stored inside the powder warehouse. For the daily use quantity, under the guard by designated person, it may temporary stored at a secured place in the explosive distribution center or work site.

Clause 21

The maximum storage quantity in a single powder warehouse shall not exceed 100 tons of explosives. The safety distance shall follow the following requirement.

Explosive storage (kg)	The minimum safety distance to various facilities (m)			
	Class 4 facility	Class 3 facility	Class 2 facility	Class 1 facility
Under 100	100	100	100	380
Under 500	100	100	128	640
Under 1000	100	100	160	800
Under 2000	100	102	204	1020
Under 5000	100	138	276	1380
Under 10000	100	174	348	1740
Under 15000	100	198	396	1980
Under 20000	109	218	436	2180
Under 50000	148	296	592	2960
Under 60000	157	314	628	3140
Under 70000	165	330	660	3300
Under 80000	173	346	692	3460

Under 90000	180	360	720	3600
Under 100000	186	372	744	3720

The afro mentioned powder warehouse, when installed with wall or has natural cover, after approval by the ministry of economics, the safety distance may be halved. The facility classifications in the table are as follows:

1. Class 1 facility: including special building or national historic building
2. Class 2 facility: including airport, harbor, power plant, power transformer, water reservoir, oil tank, or gas tank.
3. Class 3 facility: including railroad, train station, park, houses, villages, schools, hospitals, theaters, temples, churches, stadiums, factories, or mines
4. Class 4 facility: including national, provision, county, city road or special routes.

Clause 22

In between the powder warehouses, there shall be wall or natural cover, the safety distance requirement is as the following table:

Powder warehouse storage quantity (kg)	Minimal safety distance (kg)
Under 500	6
Under 1000	9
Under 2000	12
Under 4000	15
Under 9000	21
Under 20000	25
Under 30000	32
Under 43000	41
Under 63000	49
Under 86000	56
Under 100000	72

For the afro mentioned safety distances and wall specifications, if the storage quantities are different for two warehouses, other then required in article 24, use the larger quantity as calculation standard.

Clause 23

The powder warehouse, due to change in conditions and results in that the safety distance could not meet specifications, it shall apply for storage quantity reduction permit. The powder warehouse setup certificates shall be sent to the ministry of economics for correction. Otherwise, move within three months. Before the move, the explosive quota may be stored at the nearby warehouse

for safekeeping and use.

Clause 24

Powder and detonator shall be stored in different warehouse. The safety distance shall be based on the detonator requirement. The calculation standard shall use the detonator and explosive conversion requirement. It shall follow the article 22 item 1 table requirement.

Clause 25

The explosive storage height shall be lower than 1.8 meter. The warehouse height, from floor to ceiling, shall be over 2 meter. Inside the warehouse, there shall be 30% access way.

Clause 26

The powder warehouse is classified into A, B, C three classes and underground warehouse, the explosive storage quantity is as follows:

1. Class A powder warehouse: 30 to 100 ton.
2. Class B powder warehouse: 5 to 30 ton.
3. Class C powder warehouse: under 5 ton.
4. Underground powder warehouse: under 40 tons.

To store other explosive materials, the conversion standard is as follows:

1. 2 tons of powder equal to 1 ton explosive
2. 5 tons of explosive agent equal to 1 ton explosive

3. 1500000 units of normal detonator or electric detonator equal to 1 ton explosive
4. 50000 meter of explosive initial rope equal to 1 ton explosive
5. 140000 meter fire initial rope equal to 1 ton explosive
6. 1250000 units of non-electric detonator equal to 1 ton explosive
7. 50000000 meter of fire initial pipe equal to 1 ton explosive
8. 6000000 units of powder cylinder equal to 1 ton explosive

Clause 27

The location, structure and equipment for class A, B, and C powder warehouse shall meet the following requirement:

- 1) The warehouse shall be located at the industrial location near dry area.
- 2) The warehouse shall be steel reinforced concrete, brick or stone one story building
- 3) when the wall of the warehouse is steel reinforced concrete, the thickness shall be over 15 cm, for brick and stone, the thickness shall be over 24 cm.
- 4) In the warehouse, there shall be ceiling, walls and floor. There shall be no exposed sparking metal. If installed with anti-moisture, anti-heat and anti-impact devices, it can be exempted.
- 5) The warehouse wall shall install at least 3 ventilation holes. Use steel wire to protect. If the ventilation hole height and width are over 20 cm, for every 5 cm, install 1 cm diameter steel bar.
- 6) For the class A and B powder warehouse, if there is requirement for lighting and more ventilation, then install windows at 2 m height and over. The number and size are determined by the warehouse size. For the window, every 10 cm, there shall be steel bars with diameter over 1 cm. The internal shall use steel wire glass and the outside uses fireproof window.
- 7) The warehouse top shall install lightning rod. The tip shall be wired to warehouse edge. The lightning rod wire angle shall be within 45 degree. The lightning rod shall be copper rod with diameter over 12 mm. It shall be connected to the lead wire and grounding plate. The lightning wire shall use copper wires with cross sectional area over 40 square mm. The grounding plate shall use copper plate. The grounding resistance shall be less than 10 ohm.
- 8) The warehouse shall install surrounding water trough, fence or barber wire fence. It shall install gate and install fire alarm or

other anti-theft devices.

- 9) Warehouse shall install fire extinguishers. Within 8 meters, there shall be no combustible materials.
- 10) Within 30 meters from the warehouse and the monitoring range of the guard, there shall be guardhouse installation. It shall be stationed day and night. The guardhouse shall be sturdy. For the underground warehouse, the guardhouse may be located at the side of the entrance. If restricted by the topology, it can be installed within 30 meters from the entrance.

Clause 28

The warehouse wall may be wood structure filled with soil, or dirt pile, or steel reinforced concrete or brick or stone structure. The structure requirement shall be specified by the ministry of economics.

Clause 29

The location, structure and equipment for the underground warehouse shall meet the following specifications:

1. The warehouse shall be located inside solid rock. The wall shall be reinforced with steel and concrete. There shall be ventilation equipment.
2. The steel door thickness shall be greater than 3 mm and with lock. The entrance cave shall install door and lock also.
3. Inside the warehouse, there shall be no lighting equipment. The cave lighting equipment shall be explosion proof lightings, cables. Also install automatic breaker.
4. The rock thickness for the warehouse shall meet the following requirement:

Rock thickness (m)	Explosive storage quantity (ton)
Over 4	Under 1
Over 6	Under 2

Over 8	Under 3
Over 10	Under 4
Over 11	Under 5
Over 12	Under 6
Over 13	Under 7
Over 14	Under 8
Over 15	Under 9
Over 16	Under 10
Over 17	Under 12
Over 18	Under 14
Over 19	Under 16
Over 20	Under 18
Over 21	Under 19
Over 22	Under 20
Over 24	Under 25
Over 26	Under 30
Over 28	Under 35
Over 29	Under 40

Clause 30

If the temporary unit's project schedule is within one year, the explosives can be stored at other warehouse. It can also install temporary warehouse after received approval from the ministry of economics.

The structure requirement, explosive storage quantity, period and safety distances shall be specified by the ministry of economics.

Clause 31

For new and reconstruction of the warehouse, the location shall be reported to the local police department. After approved, submit the following documents to the ministry of economics for approval:

1. Warehouse location and safety distances
2. Building layout drawings and engineering description
3. Land owner certificate, landlord approval document, or rent agreement, etc. land use proof document. But for cave underground warehouse, these can be exempted.
4. Explosive storage type and quantity.
5. Project start and completion dates.

Clause 32

After completion of the approved warehouse, report to the ministry of economics, together with local police and fire department for inspection and approval and obtain certificate. Then it can be used. The effective time for the certificate is 5 years. But, if the leased land does not have five-year lease, the effective time will be the lease agreement year. For engineering project, if the project time does not reach 5 years, the same.

One month before the original certificate expires, it shall apply for re-inspection and new certificate. If the original organization does not want to continue use, other original associated organizations may elect one organization with agreement, before the expiration of the original certificate, to submit land use agreement, warehouse owner agreement and related documents and fees, to apply for registration. Before issuing the new certificate, the original applicant shall continue on the management and use.

When the ministry of economics checks the afro two articles, the local police and fire department shall submit opinions for the following items:

1. Location information
2. Anti-theft installations
3. Fire protection installations
4. Other safety items

Clause 33

The distance between the project site and the warehouse shall not exceed 10 km. But if due to project requirement and approved by the ministry of economics, can be exempted.

If the project area crosses two or more police jurisdictions, the explosive use conditions shall be reported to all police and fire departments.

Clause 34

For the explosive use project sites within 50 km, after approval by the ministry of economics, they can use the same warehouse.

Clause 35

The approved warehouse shall be guarded 24 hours a day.

Clause 36

When store explosives in the warehouse, follow the following requirement

1. The stored explosives shall be classified, base on the type, and set up storage cards, hung at obvious location and keep complete receiving and delivering records.
2. Non-working personnel is not allowed enter the warehouse. Prohibit to carry in any ignitable materials.
3. The warehouse shall not store any other non-explosive objects, and paper boxes, wooden boxes etc. empty packaging

materials.

4. Paper boxes, internal linings, plastic bags, paper containers, packaging papers, etc. explosive leftover materials shall be checked for residue powder and then burn onsite, do not use for other purposes.
5. the explosives shall be stored in accordance to the types and enter time. The sign must face out. Between storage piles, there shall be access way. Follow first in first use requirement.
6. Maintain the explosive packaging integrity. If damaged or opened, return to the original condition and mark and place at outside for first use.
7. Warehouse shall install thermometer and humidity gage. Record temperature and humidity in details. If the warehouse internal temperature exceeds 37.5 °C (100 °F) for over 24 hours, use outside water spray and other temperature lower means to lower warehouse internal temperature.
- 8) The opening of explosive containers shall be at a distance 24 m away from the warehouse. Or at locations approved by the ministry of economics. Use wooden material safety tools.
- 9) The discarded or non-usable explosives shall stored separately. Destruct in accordance to article 38.

Clause 37

The storage of explosives shall meet the following safety requirement:

1. Use sturdy wooden or non-electric conduct materials containers, the internal shall not have iron or other metal points.
2. Explosive shall be in the original packages. Do not change. Do not use acidic, alkaline and oily paper to package or fill.
3. Mercuric fulminate, lead azide and DDNP etc. explosion initialization agent shall be wetted with 20 to 40% water. Fill in with wood powder or other anti-shock materials between internal and external packages.
4. PETN etc. sensitivity explosion transmission agent shall be soaked with 40% water. Do not store dry.
5. Black powder and other powdery agents shall use tight packaging. Avoid leaks. If there is leakage, clean immediately.
6. Picric acids shall not use metal containers other than tin foil to store. Avoid contact with lead, iron etc. metals.

7. When store nitroglycerin explosives, for every 30 to 60 days, each box shall be turned once to avoid glycerin oil leak.
8. For nitroglycerin explosives, if there is nitroglycerin leak and contaminates container outside boxes or warehouse floor, use sulfur sludge (two parts of sulfur, one part of sodium carbonate and four parts of water) to absorb, then clean with dry cloth. Then wash with warm water. The sulfur sludge and clean cloth shall be burned together at designated sites.
9. Fire rope shall avoid overheat, moisture, contact with oil and cold etc. This will lead to slower burning rates, not combustible and fire leak etc. conditions.
10. The detonator packaging wood box shall be kept in good shape. Avoid heat and shock. When distribute, try to use a full box, if possible.

Clause 38

When the use organization noticed that the explosives are not usable, report to the ministry of economics for approval to be destructed. Do not treat without authorization.

The destruction process shall be witnessed by local police and fire departments, and supervised by the ministry of economics or manufacturer's technical personnel.

The destruction treatment requirement shall be specified by the ministry of economics.

Clause 39

When transport explosives, follow approved routes and time and follow the following requirement:

1. Passing through Taipei City, between 0000 to 0530 only. For other areas, the restriction shall be based on needs.
2. Passing through specific points and routes, the use organization shall, three days ahead of time, submit, in details, the explosive types, name, quantity, transportation vehicles, transport supervisor, transport time, routes, starting and ending points, and certificates or transport certificate numbers, to local police department for approval and arrange personnel to direct traffic or lead.

3. When the locality has parades etc public meetings, or disasters etc. traffic jams. Use alternate routes, do not stop and wait. The specific points and routes shall be assigned by the police bureau of the ministry of interior. The facility to manufacture, process and sell explosives and the use organization, when transport explosives, shall follow traffic safety regulation article 84 on vehicle carrying hazardous materials requirement.

Clause 40

Explosives shall not be mixed with other materials for transportation. And follow article 37 and the following requirements:

1. Road transport vehicles shall use sturdy and safe vehicles with at least 4 wheels.
2. The use organization or manufacturer shall assign personnel as supervisor. No other personnel are allowed on the vehicle.
3. Detonator shall not be transported together with powder, explosives, blasting agent, wire rope or raw materials on the same vehicle.
4. The transport supervisor shall not be too far away from the vehicle. He shall make sure that all personnel on the vehicle do not carry ignitable materials, smoke or drink.
5. The explosive packaging shall be sturdy, with internal padding for shock resistance. During transportation, they shall not be under direct sun night.
6. To park the vehicle or unload explosives, first turn off the engine and fix the brake. During rest, keep a distance from the vehicle. Park in open space. Do not park near places with fires, gas stations or other non-safety locations.

Clause 41

When discovering deserted, buried or salvaged explosives, the discover or salvager shall report to local police department.

Clause 42

The facility manufacture, process, sell, import or export explosives and use organization shall keep all books and reports for five years.

Clause 43

For the article 19 assigned personnel, if new, the organization shall provide them with professional training. The current employee shall be trained on the job. The ministry of economics may conduct its own training for them.

Clause 44

If explosive accidents occurred, immediately proceed with emergency response measures. And immediately report to local police and fire department and ministry of economics.

Clause 44-1

For on-site mixing blasting agents, the article 39 and 49 are not applicable.

Chapter 6 use

Clause 45

The explosives of the use organization shall be distributed based on management personnel's application. The requested amount shall not exceed one day's estimated usage.

Clause 46

The application and use of detonator and explosives shall follow the following requirement:

- 1) Shall be handover at a proper location away from the warehouse.
- 2) The explosives and detonators shall be packaged separately in non-metal containers. No other objects are allowed to be in the container. There shall be signs out side the container to indicate detonator or explosive.
- 3) The explosive container or detonator container shall be stored at a safe location outside the work site. Do not near fire source, steel rail, high voltage wire, battery or other combustibles.

Clause 47

Unless required otherwise, the use organization shall follow the following requirement to use the explosives

1. When install the detonator into the explosives or (and) connect safe fire ropes to the detonators, it shall be at a location near the work site and use safety tools. Keep far away from fire source, electric wire, electric equipment, steel rail and operating equipment.
2. Ignition task shall be supervised on site by blast supervisors.
3. When fill the explosives into the cannon hole, use wood or bamboo rod.
4. After the explosives filled the cannon hole, then fill with clay, sand bag, water bag or other non-combustible materials.
5. When use electric detonator, before connecting to the wires, connect the two legs of the wire together. When ignition, use inspection approved igniter.
6. When not using the ignition wires, connect the two ends of the wire. They should be always connected. The two ends connecting to the detonator shall be separated with different length. The ignition wire shall be completely insulated electric wires. There shall be no damage. Keep away from electric carrying objects. The length shall be sufficient to maintain safety for the blasting personnel.
7. The blasting personnel, before blasting, shall provide alarm and station security personnel. Make sure that all nearby area person and animals are in the safety area. Then he may ignite. The security personnel shall only leave the site 15 minutes after the blasting.
8. The installation, connection, use and blasting of the explosives are restricted to designated personnel.
9. The left over or no good explosives shall be returned to the warehouse daily. They shall not be stored at any other places. For 24 hours operation project. They shall be returned to the warehouse within 24 hours.

Clause 48

When use electric detonator to blast, after energized, blasted or not, first cut off igniter's power and remove wire from the igniter. Then connect the wires. Wait for over 15 minutes before entering into the work site for necessary check.

When use normal detonator and connect safe fire rope to blast, after firing, blasted or not, wait for over 30 minutes before entering

into the work site for necessary check.

Clause 49

After blasting, inspect the blasting site, if there is residue explosives, take the following measures:

1. To clear out residue explosives in the cannon hole, use one of the following methods:
 - (1) At a location 40 cm or over away from the original hole, dig an equal depth horizontal hole and blast.
 - (2) Use pressurized water or compress air take out the filling material and blast again
 - (3) Use safe method refill the original hole and blast again
2. When loading the stones from the previous treatment, hung signs and report to blast supervising personnel.
3. For the hole with residue explosives, hung signs. If during shift change, explain to the next shift personnel. If no next shift, assign designated person to guard or set up fence etc.

Clause 50

When use normal detonator and use the same person to ignite continuously, follow the following requirement:

1. Use inspection approved igniter
2. Each continuous ignition shall not be over 15 times
3. The safe fire rope for each hole shall be over 1 meter. The last rope length shall be of sufficient length for the igniting person to reach safe place.

Clause 51

The explosive quota, used or not, shall be listed in the ten day report. It shall be submitted within three days in the next ten day period to local police and fire department, and the ministry of economics.

Chapter VII Explosive Controller

Clause 52

The person having one of the following qualifications and has attended and qualified in the Explosive Controllers Training hosted by Ministry of Economic Affairs (MOEA) being recommended by the application party for participating the training is an explosive controller:

1. The person being a graduate of chemistry, chemical engineering, mining management, civil, fire-fighting major from a domestic or overseas college or university or a graduate of other related subject with the training of explosive related subject and holding the certificate or graduated from the Government's High-grade Examination of relevant subject, and has worked as an assistant explosive controller or more than one year of work experience in application.
2. A graduate of chemical engineering, mining management, civil of High-grade Industrial Technical School, or a graduate of High-grade Secondary School or a qualified in Ordinary Examination, and has worked as an assistant controller or having the qualification of the mining site safety controller and has supervised explosive controlling or more than 2 years of work experience in application.
3. A graduate of higher than National Secondary School or having the qualification of mining site safety inspector, has worked as an assistant controller or having more than 3 years of work experience in application..
4. The ones having the qualification as Class-A and Class-B explosive controllers before the announcement of the revision of this regulation on 30 June 1999.

Clause 53

The duty of explosive controllers are as follows:

1. The management of explosive acceptance & distribution, storage and transportation.
2. Supervision of the escort of explosives transportation.
3. Supervision and direction of the explosives storage keeper.
4. Reporting for handling of explosive loss, stolen, accident, quality deformation and elimination.
5. Recording and book-keeping of various items of books and certificates of explosives.
6. Routine making and reporting of various report sheets and records.
7. Other works related to explosives controlling.

Clause 54

The person having one of the following conditions shall not be taken as an explosive controller:

1. The person who is confirmed in the imprisonment for a definite term in foreign aggression, civil convulsions, public danger, homicide, burglary, robbery, invasion or kidnapping etc.
2. The person who is confirmed in the imprisonment for a definite term in violation of weaponry and arms restriction regulation.
3. An announced interdicted person.
4. The ones having the criminal record within the last 3 years.

The employment of explosives storage keeper, exploder and detonation supervisor shall be made in accordance with the aforementioned regulation.

Clause 55

When explosive controller is to be employed by explosive manufacturer, processor or vendor and the application department, the person in-charge of the department shall fill in the application letter for assignment of explosive controller, attached with the explosive controller's certificates or educational certificate, Certificate of Registered Residence (photocopy) and resume as submittal to the Ministry of Economic Affairs for approval.

The department of the assignment should furnish the list of explosive controller, explosives storage keeper, exploder and detonation supervisors and submit it to the Ministry of Economic Affairs, and also submit to the local police station and fire-fighting authority for approval.

At the approval of the first-item personnel, the Ministry of Economic Affairs shall provide Explosive Controller Certificates to the first-time personnel in charge.

Clause 56

The explosive controller must be a full-time person in-charge. Unless approved by the Ministry of Economic Affairs (MOEA) for working as part-time explosive controller for an application party located within 10 km of distance with the application quantity below

100 kg, no part-time work can be made.

Clause 57

Explosive controller must not get away from the duty. When the duty is unable to perform for a period below 30 days for certain reason, the party of the assignment shall replace the post temporarily with an appropriate personnel for the time being; the ones longer than 30 days, shall be assigned with one qualified person as acting for the absent personnel. Moreover, they shall be submitted to MOEA, the local police station and fire-fighting authority of the explosives storage site for approval.

When an explosive controller resigns, the department of the employment shall assign an appropriate personnel for acting for the post. In addition to submittal of the incidence to MOEA, local police station and fire-fighting authorities of the explosives storage site for documentation, a qualified personnel shall be employed within one month for the replacement.

Clause 58

MOEA should arrange the industrial-use explosive controllers training for more than one-month of training period as per actual demand. The qualified persons after the training shall be provided with graduation certificates.

The qualification required for the aforementioned training shall be designated by MOEA.

Chapter VIII Supervision

Clause 59

MOEA and various levels of police authorities should dispatch personnel from time to time for inspecting various items of hazards prevention, thief prevention facilities and the regulations of explosive manufacturer, processor, vendor and application unit.

Clause 59-1

The project-commissioning department shall be responsible for supervising the explosives application department that undertakes the work. The one that fails to supervise as per the aforementioned requirement shall be notified by MOEA for instructing the project commissioning department to investigate for penalty.

Clause 60

For preventing accident, maintenance of public safety, if necessary, MOEA shall enforce the manufacturer, processor, vendor or application department to take the following measures:

1. To entirely or partially stop the use of the facilities or explosives storage.
2. Prohibit or restrict the manufacturing, vending, processing, storing, transportation or application of explosive.
3. The change of explosives storage location or disposal of its owned explosives.

When the aforementioned circumstances is encountered, the police authority shall execute and coordinate with MOEA for handling.

Clause 61

For the purpose of the social order of the governing area, the local police authority shall prohibit or restrict the transportation and application of explosives within specific area, along certain route or within certain time.

Clause 62

The local police station shall evaluate and record the explosive controller, explosive storage keeper, detonation supervisor and exploder from time to time.

The aforementioned evaluation method and necessary recording items shall be designated by the Ministry of Interior (MOI).

Chapter IX Penalty

Clause 63

The one that conducts manufacturing, vending, transportation or holding explosive in violation of the regulation, in addition to be punished in accordance with the regulation, he/she shall be transferred to the judiciary for the committed crime.

Clause 64

The explosives of the one having one of the following conditions shall be detained for 3~10 days by the local police station

according to the degree of the scenario:

1. Violation of the regulation specified in Clause 10 (sub-clause 1), Clause 13 (sub-clause 2), Clause 15, Clause 20, Clause 33 (sub-clause 2), Clause 35, Clause 36 (sub-subclause 1), Clause 44, Clause 45, Clause 47 (sub-subclause 2 & 8), Clause 51, Clause 55 (sub-clause 2) or Clause 57 (sub-clause 1).
2. Loss of certified distribution & purchase permit that failed to respectively report within 24 hours.

Clause 65

The explosives of the one having one of the following conditions shall be detained for 10~20 days by the local police station according to the degree of the scenario:

1. Fake arrangement of explosive controller for proposing as the application of the explosives.
2. Violation of the regulation specified in Clause 14 (sub-clause 1 & 2), Clause 39, Clause 40, Clause 47 (sub-subclause 9) or Clause 57 (sub-clause 2).

Clause 66

The one having one of the following conditions, his/her explosives shall be detained by the local police station and reported to MOEA for stopping the provision (application) of explosive, and the detained explosives shall be treated in accordance with the applicable laws:

1. The one that violates the regulations specified in Clause 13 (sub-clause 1).
2. The one that transfers the ownership sells or conducts fake acceptance of distribution & purchase certificate.
3. The one that violates the regulations specified in Clause 38 in eliminating or disposing explosive.
4. The one that hides the reality and reports the burglary of explosive in fake.

The duration of the aforementioned detention shall not exceed 30 days.

Clause 67

The manufacturer, processor, vender of explosives that violate the regulations specified in Clause 7 (sub-clause 1 & 2), Clause 8 (sub-clause 1), Clause 9, Clause 10 (sub-clause 2) or Clause 19 shall be punished by MOEA in accordance with the degree of the

scenario as follows:

1. Cancellation of the permit for explosive manufacturing, processing, vending and application.
2. Forced buy of his/her explosives.
3. Stop manufacturing or distribution for sales of his/her explosive.

Clause 68

Under one of the following conditions, the Explosive Controller Certificate of the explosive controller shall be cancelled by MOEA:

1. The one who is applicable to one of the situations specified in each sub-clause of Clause 54.
2. The one who conducts the burglary during his/her duty.
3. The one who hides the reality and reports the burglary of explosive in fake.
4. The one who trades, transfers the ownership, loans, hides, disposes or loses of explosive.
5. The one who is in charge of an explosive controller but fails to execute the duty of an explosive controller.

Clause 69

The explosives detained by the police authority shall be sealed and watched in a way by assigned personnel or other appropriate person for keeping it with respect to the scenario. But the one who is detained for penalty as per the criminal act shall be an exception.

The aforementioned execution procedure and regulation are as follows:

1. The detention of explosive shall subject to the approval of the county/city police station and to be notified by the local police station of the explosive storage site to MOEA for execution. The detained explosive shall be prohibited from application during the detention period.
2. At the expiry of the detention period, after the re-inspection made as per requirement is qualified, the explosives shall be returned for application.
3. The explosive being announced by the legal court for confiscation shall be submitted to MOEA for handling in accordance with the notice from the court.
4. When execution of detention or distribution (application) suspension, the fact shall be clearly investigated as reference for

further judgement.

The regulation shall be notified to the party conducting improvement in writing.

Clause 70

The party that Violates Clause 23 in failing to report for storage quantity reduction, fails to submit the explosive storage erection permit for correction or fails to find the erection site within 3 months shall not be certified for explosive provision.

Chapter X Supplementary Regulations

Clause 71

The explosives demanded by military engineering shall be proposed in writing by the military headquarter or Logistic Deputy Chief of Staff Division of Ministry of Defense to MOEA for provision, and shall be liable for keeping them by the relevant application unit in accordance with the military explosive materials control regulation.

Clause 72.

The civilian's firm that undertakes military works shall uses general explosives. They shall apply to MOEA in accordance with the regulation specified in this volume for obtaining the explosives procurement permit. The explosives that are stocked within military zone shall be controlled by the military.

Clause 73

(Voided)

Clause 74

The format of the book, sheet or forms required in this working procedure shall be designated by MOEA.

Clause 75

This working procedure shall come into effect from the date of announcement.

This working procedure is revised on 30 June 1999 and shall be implemented from 1 July 1999.

QUESTIONNAIRE 10

TARIFF QUOTA: DEPARTMENT OF CUSTOMS ADMINISTRATION, MINISTRY OF FINANCE
[Governing Regulations 10-1](#)

The Implementation Rules of Tariff Quota

Promulgated on November 29, 2001

Article 1

The Rules are enacted pursuant to the provisions of Paragraph 2, Article 4 of the Customs Law (hereinafter referred to as "the Law") .

Article 2

"Tariff Rate Quota" referred to in the Rules means to specify a certain quantity for specific imported goods. The lower tariff rate (hereinafter referred to as "in-quota tariff rate") applies on imported goods within the quota, and the normal tariff rate applies on imported goods in excess of the quota (hereinafter referred to as "out-quota tariff rate")

Article 3

The tariff rate quota is allocated by the Ministry of Finance or the delegated organizations or other entrusted authorities.

Article 4

Whilst in-quota tariff rate applies on imported goods, the quota shall be allocated by the method of first-come first-served or the method of allocation in advance.

Under the method of allocation in advance, quota shall be allocated by the following ways:

- 1.The order of application
- 2.Ballot

3.The performance of importation

4.Auctions for tariff quota rights

5.Other methods agreed by international treaties or approved by the Ministry of Finance consulting with the related authorities concerned.

The performance bond or premium shall be collected whilst quota is allocated in accordance with the preceding Paragraph.

Article5

The methods of allocation, period of allocation, the number of installments for distribution, the beginning and final dates of application for allocation, the ways of allocation, the lowest and highest sum of quota, eligibility of application for allocation, the collection of performance bond or premium, and other related issues about the implementation of tariff quota shall be announced before the implementation of tariff quota and shall be published in the official journal of the Ministry of Finance by the Ministry of Finance after consulting with the related authorities concerned. Under the method of allocation in advance, the announcement should be made public 60 days in advance of the start of the application period.

Under the method of allocation in advance, if the method of installment distribution is used, the quantity of quota in each installment shall be published 21 days in advance of the start of the application period for each installment.

Article6

The tariff rate quota can be allocated by countries and territories respectively with consideration of special need or in accordance with international treaties.

The country of origin of imported goods shall be determined under " Rules of Origin On Imported Goods ". The Customs can request the duty-payer to provide the verification documents for the country of origin.

Article 7

Under the method of first-come first-serve, quota shall be allocated by the order of the date of importation. Whilst the quantity of declaration within the same date of importation is over the unused quota, the quota shall be allocated by pro rata based on the quantity of declaration respectively.

The date of importation referred to in preceding Paragraph shall be the arrival date of transportation means carrying such goods. But if goods are stored in the bonded warehouse under Article 52 of the Law, the date shall be the application date of withdrawal for importation.

Article 8

Whilst quota is allocated by the method of first-come first-serve, the Customs shall announce if the quantity of declaration reaches certain volume, and shall examine and release the imported goods after that the procedure of allocation is performed by the Ministry of Finance or the delegated organization or the entrusted authorization. In view of the need to retrieve imported goods in advance, the duty-payers can pay the guaranty deposit equivalent to the amount of customs duties calculated by out-quota tariff rate and apply for the release of imported goods.

The certain volume referred to in preceding Paragraph and the allocation method of goods referred to in Article 5 of the Rules shall be announced at the same time.

The importers can not request for applying the in-quota tariff rate to imported goods if the importers submit declarations over 15 days from the arrival date of transportation means carrying such goods and the quota has been allocated.

Article 9

Under the method of allocation in advance, the importers shall apply to the Ministry of Finance or the delegated organization or the entrusted authorities for participating the allocation of quota before the final application date, which is announced in accordance with the Paragraph 1, Article 5, accompanied with the application form of tariff quota indicating the following items:

1. The Chinese/English name, the number of profit-seeking enterprise registration/the number of identification card, address and phone number of applicants.
2. The tariff number, description of goods, quantities, units of the imported goods.

If the quota is determined by the country of origin or territories respectively, the application form of tariff quota shall indicate the information of country of origin.

Article 10

Under the method of allocation in advance, the Ministry of Finance or the delegated organization or the entrusted authorities shall announce the name list of recipients within 14 days of the close of the application period announced under Paragraph 1 Article 5 of the Rules, and shall collect the performance bond or premium whilst issuing the certificate of tariff quota.

The importers (or transferees) shall apply to the original authorities which allocated quota for returning the performance bond referred to in the preceding Paragraph after the importation of entire goods within the valid period of the tariff quota certificate. The performance bond shall belong to the national treasury instead of refunding if the importers do not apply for refund within 5 years or do not import goods entirely within the valid period of the tariff quota certificate.

The premium referred to in Paragraph 1 shall pay to the national treasury except that the premium of agricultural products shall be used as the source of salvage fund for agricultural products injured by importation.

Article 11

The quota allocated in accordance with the Article 9 can be transferred partial or wholly within the valid period of the tariff quota certificate.

To transfer quota referred to in Paragraph, both obligee and transferee shall fill the application form of tariff quota and apply to the original authority which allocated the quota for transference of quota and the performance bond accompanied by the following documents :

- 1.The original tariff quota certificate
- 2.The agreement of transference of tariff quota with mutual subscription
- 3.The agreement of transference of the performance bond with mutual subscription.

Article 12

Under the method of allocation in advance, the importers can import goods partially or wholly within the valid period of the tariff quota certificate. The customs shall deduct the imported quantity from quota after examining the exactly arrived goods and then forward the quantity of deduction to the original authority which allocated the quota.

Article 13

Under the method of allocation in advance, if the quantity of quota can not be imported entirely before the expiration of the tariff quota certificate, the importers can apply to the original authority which allocated quota for extension before the expiration of the valid period, accompanied by the transaction contract and the original certification of the tariff quota. The extension shall not over the final date to allocate tariff quota in the such period.

Article 14

If the quota was allocated in accordance with Article 9 but without the issuance of tariff quota certificate or without the application of importation at the same year, the Ministry of Finance shall reallocate the tariff quota and announce 21 days prior to the beginning date of application for reallocation, except that such extension of period is approved in accordance with the preceding Article.

The application for participating the reallocation, the allocation and the issuance of tariff quota certificate referred to in preceding Paragraph, should be implemented in accordance with the Article 9 and Article 10.

Article 15

In view of the need to amend the name of profit-seeking enterprise registration, address or telephone number, the importers shall apply to the original authority which allocated the quota for amendment within the valid period of the certificate, accompanied by the authentic writing of certificate and related documents.

Article 16

Under the situation that imported goods are applying the in-quota tariff rate of the method of allocation in advance, whilst the importers can not submit tariff quota certificate on time but can rectify the procedure, the importers can apply for goods examined and released accompanied with the payment of guaranty deposit equivalent to the amount of customs duties calculated by the out-quota rate and rectify the procedure within the valid period of the certificate. If the procedures can not be rectified, the guaranty deposit shall be confiscated under the Paragraph 3, Article 14 of the Law.

Article 17

If the imported goods can not apply the in-quota tariff rate, the importers can import good with the declaration under out-quota tariff

rate, or act by the following methods before goods released by the Customs

1. Apply to re-export the goods.
2. Apply to store in a bonded house under Article 52 of the Law and "the Regulations Governing the Establishment and Management of Bonded Warehouse".

Article 18

The implementation of tariff quota referred to in Article 67 of the Law, shall be implemented in accordance with the Rules.

Article 19

These rules shall be come into force from the date of promulgation

Attachment 1: APPLICATION FORM FOR GLOBAL TARIFF RATE QUOTA

Attachment 2: PREMIUM BIDDING FORM FOR GLOBAL TARIFF QUOTA



APPLICATION FORM FOR GLOBAL TARIFF RATE QUOTA

* print type by the applicant

<p>(1) Applicant (Name in English and Chinese, Business Registration No., Address, Telephone No. and Facsimile No.):</p>	<p>(3) Source of Origin: WTO Member</p>	
<p>(2) Seals of the Applicant (including both company & person in charge):</p>	<p>(4) Documentations attached</p> <p>1. Copy of qualification documentation (please check applicable boxes)</p> <p><input type="checkbox"/> Copy of Registration Card or Certificate for Exporter/Importer</p> <p><input type="checkbox"/> Copy of Business Registered Certificate</p> <p>2. <input type="checkbox"/> Original Receipt of Post Office Fund-Transfer for Service Charge</p>	
<p>(5) Quantity:</p> <p style="text-align: center;">MTS</p> <p>(Quantity of Deer Velvet: KGS)</p>	<p>(6) Quota Variety/Product (Check one box only)</p> <p><input type="checkbox"/> A. Chicken Meat <input type="checkbox"/> B. Pork Belly</p> <p><input type="checkbox"/> C. Pork Offal <input type="checkbox"/> D. Poultry Offal</p> <p><input type="checkbox"/> E. Deer Velvet <input type="checkbox"/> F. Fresh Pears</p> <p><input type="checkbox"/> G. Banana</p>	<p>(7) Lot of Quota Allocation</p>
<p>We hereby agree to abide by the relevant notices and regulations concerning the application of Global Tariff Quota. In the meantime, we agree to accept, if violated, punishments including suspension of quota application, quotas withdraw etc. as stipulated in the Customs Law or other relevant laws.</p> <p style="text-align: center;">to</p> <p style="text-align: center;">Central Trust of China, Trading Department</p>		

※ **Remarks: 1. The above-mentioned products shall be imported in compliance with the relevant quarantine/inspection and importation regulations.**

2. To avoid errors and mistakes, please fill in this application form in accordance with instructions on the reverse side.

Do not fill	Evaluation Result	<input type="checkbox"/> Unqualified	<input type="checkbox"/> Qualified
		<input type="checkbox"/> Unqualified date of sending <input type="checkbox"/> Unqualified quantity <input type="checkbox"/> Unqualified in applicant's qualification <input type="checkbox"/> Apply for more than one product <input type="checkbox"/> Incomplete Documentations <input type="checkbox"/> Repeated application <input type="checkbox"/> Service Charge not paid <input type="checkbox"/> Others	

in th e ri gh t bl an k	Allocation Result
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PREMIUM BIDDING FORM FOR GLOBAL TARIFF QUOTA

We, the Tenderer, hereby certify that we can firmly get supply of the qualified product and assures that the product will arrive on or before the validity date of quota certificate. Otherwise, we shall be responsible for any consequences. We also confirm that our bid for product is in conformity with all the requirements in CTC's Invitation documents as follows:

Quantity: _____ Metric Tons

※Notice :

Quantity is neither permitted to be lower than the floor quantity, nor over the ceiling quantity specified in Instructions for bid of the products . The unit of quantity is metric ton.

Unit Price of Premium: New Taiwan Dollars _____ Per Metric Ton.

If there is any illegal or improper activities that may impair the fairness of the bid, the Tenderer shall assume full legal responsibilities.

To

Central Trust of China, Trading Department

Tenderer : _____ Seal: _____

Representative : _____ Seal: _____

Address : _____

Telephone : _____ Fax : _____

Opening date of Tender

The Deposit will be paid by Banks' check. Details are as follows :		CTC'S Cashier:
Tenderer : _____ bid for _____ MT (product) pay Deposit NT\$ _____		
1.Kind of Check :	3.Issuing Bank:	
2.Paying Bank :	4.Check No :	