

## LIST OF TPKM'S WTO-ILP QUESTIONNAIRES AND RESPECTIVE GOVERNING REGULATIONS IN 2012

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	Bureau of Foreign Trade, Ministry of Economic Affairs	1. <u>FOREIGN TRADE ACT</u> 2. <u>ENFORCEMENT RULES OF THE FOREIGN TRADE ACT</u> 3. <u>REGULATIONS GOVERNING IMPORT OF COMMODITIES</u> 4. <u>REGULATIONS GOVERNING ADMINISTRATION OF EXPORTERS AND IMPORTERS</u> 5. <u>OPTICAL DISK ACT</u> 6. <u>REGULATIONS GOVERNING EXPORT/IMPORT OF OPTICAL DISK MANUFACTURING IMPLEMENTS</u>	2011/01/19 Amended 2005/03/18 Amended 2010/07/08 Amended 2010/06/01 Amended 2009/05/27 Amended 2009/11/27 Amended	tonyan@trade.gov.tw
2.Methyl Bromide, HCFC	Environmental Protection Administration,	1. <u>METHYL BROMIDE MANAGEMENT REGULATIONS</u> 2. <u>HCFCs CONSUMPTION MANAGEMENT REGULATIONS</u>	2003/05/21 Promulgated 2009/08/05 Amended	yhhsiehyh@sun.epa.gov.tw
3.Breeding Livestock/ Poultry and Genetic Resources, Genetically Modified Breeding Stock/ Poultry and Genetic Resources	Council of Agriculture,	1. <u>GUIDELINES FOR SCREENING APPLICATION FOR LETTER OF APPROVAL FOR THE IMPORTATION OF BREEDING LIVESTOCK AND POULTRY AND GENETIC RESOURCES</u> 2. <u>THE GUIDELINES NEEDED FOR OBTAINING APPROVAL FOR THE IMPORT AND EXPORT OF GENETICALLY MODIFIED BREEDING STOCK AND POULTRY AND GENETIC RESOURCES</u>	2009/06/22 Amended 2009/06/19 Amended	tkwen@mail.coa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
4. Yellow-fin Tuna, Bluefin Tuna, Southern Bluefin Tuna, Swordfish, Big-eye Tuna	Fisheries Agency, Council of Agriculture	<ol style="list-style-type: none"> <li>1. <u>NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENSE TO IMPORT YELLOW-FIN TUNA</u></li> <li>2. <u>NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT BLUEFIN TUNA</u></li> <li>3. <u>NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT SOUTHERN BLUEFIN TUNA</u></li> <li>4. <u>NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT SWORDFISH</u></li> <li>5. <u>NOTICE OF APPLICATION FOR WRITTEN APPROVAL LICENCE TO IMPORT, EXPORT AND RE-EXPORT BIG-EYE TUNA</u></li> </ol>	<p>2007/01/31 Amended</p> <p>2009/07/01 Amended</p> <p>2010/01/26 Amended</p> <p>2008/12/25 Amended</p> <p>2008/12/25 Amended</p>	yushuan@msl.f.a.gov.tw
5. Tobacco, Liquor Products and Undenatured Ethyl Alcohol	National Treasury Agency, Ministry of Finance; IDB; MND	<ol style="list-style-type: none"> <li>1. <u>THE TOBACCO AND ALCOHOL ADMINISTRATION ACT</u></li> <li>2. <u>THE ENFORCEMENT RULES OF THE TOBACCO AND ALCOHOL ADMINISTRATION ACT</u></li> <li>3. <u>THE REGULATIONS GOVERNING UNDENATURED ETHYL ALCOHOL</u></li> </ol>	<p>2009/06/10 Amended</p> <p>2010/09/16 Amended</p> <p>2008/05/16 Amended</p>	mimimusicho@mail.nta.gov.tw
6. Oil and Petroleum products	Bureau of Energy, Ministry of Economic Affairs	<ol style="list-style-type: none"> <li>1. <u>PETROLEUM ADMINISTRATION ACT</u></li> </ol>	2011/01/26 Amended	psho@moeaboe.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
7.Fishing Boats	Council of Agriculture ( Fisheries Agency )	1. <u>FISHERIES ACT</u> 2. <u>ENFORCEMENT RULES OF THE FISHERIES ACT</u> 3. <u>THE REGULATION FOR FISHING VESSEL BUILDING PERMIT AND FISHERY LICENSE ISSUE</u> 4. <u>OPERATING RULES FOR SCREENING APPLICATIONS TO IMPORT FISHING VESSELS USING NEW FISHING METHODS</u> 5. <u>DIRECTIONS FOR THE IMPORT OF FOREIGN FLAGGED SQUID JIGGING VESSELS OVER 100 GROSS REGISTERED TONNAGE CONSTRUCTED IN DOMESTIC SHIPYARDS AND OPERATED BY THE NATIONALS OF CHINESE TAIPEI</u>	2008/01/09 Amended 2010/12/23 Amended 2007/03/21 Amended 1999/11/08 Amended 2007/11/06 Promulgated	huijhen@msl.fa.gov.tw
Vessels	Department of Navigation & Aviation, Ministry of Transportation and Communications	6. <u>SHIPPING ACT (PARTIAL ARTICLES)</u> 7. <u>THE LAW OF SHIPS</u> 8. <u>REGULATIONS FOR ADMINISTRATING VESSEL CARRIERS AND VESSEL CHARTERING OPERATORS</u>	2002/01/30 Amended 2010/12/08 Amended 2009/04/20 Amended	wwli@motcmpb.gov.tw
Civil Aircraft	Civil Aeronautics Administration, Ministry of Transportation and Communications	9. <u>CIVIL AVIATION ACT</u> 10. <u>REGULATIONS OF CIVIL AIR TRANSPORT ENTERPRISE</u> 11. <u>REGULATIONS GOVERNING GENERAL AVIATION</u> 12. <u>ULTRA-LIGHT VEHICLE REGULATIONS</u> 13. <u>REGULATIONS GOVERNING PRIVATE AIRCRAFT ACTIVITIES</u>	2012/01/04 Amended 2010/06/11 Amended 2010/07/08 Amended 2010/09/09 Amended 2008/04/22 Promulgated	fu4352@mail.caa.gov.tw
8.Firearms, Ammunition, Controlled Swords, Simulation Guns	National Police Administration, Ministry of Interior	1. <u>REGULATION GOVERNING PERMISSION AND CONTROL OF FIREARMS, AMMUNITION, AND KNIVES</u> 2. <u>FIREARMS, AMMUNITION AND KNIVES CONTROL ACT</u>	2011/11/07 Amended 2011/11/23 Amended	chih621@npa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of Promulgation/Amendment	Contact Point
Police Weapons	National Police Administration, Ministry of Interior	3. <a href="#">SOCIAL ORDER MAINTAINING LAW (PARTIAL ARTICLES)</a> 4. <a href="#">THE USE OF POLICE WEAPONS ACT</a> 5. <a href="#">REGULATIONS GOVERNING THE PERMISSION TO MANUFACTURE, SELL AND POSSESS POLICE WEAPONS</a>	2011/11/04 Amended 2002/06/26 Amended 2008/08/22 Amended	kai2014@npa.gov.tw
Industrial Use Explosives	Bureau of Mines, Ministry of Economic Affairs	6. <a href="#">INDUSTRIAL EXPLOSIVES ADMINISTRATIVE ACT</a>	2009/05/27 Amended	shunn@mine.gov.tw
9.Tariff Quota	Department of Customs Administration, Ministry of Finance	1. <a href="#">THE REGULATIONS OF TARIFF QUOTA</a>	20011/09/27 Amended	hyyu@mail.mof.gov.tw

**QUESTIONNAIRE 1**

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

**EQUIPMENT:** BUREAU OF FOREIGN TRADE, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 1-1](#)

## **Foreign Trade Act**

**Promulgated on February 5,1993**

**Amendment to Articles 6,18and 37,addition of Article 20-1,promulgated on May 7,1997**

**Addition of Articles 27-1 and 27-2,Amendment to Articles 2, name of Chapter 2, Article 13,15 through 17, 21, 23, and 27 through 32,and deletion of Article 34 promulgated on December 15, 1999.**

**Addition of Articles 9-1, 15-1, 20-2, 21-1 and 21-2 , Amendment to Articles 9, 16, 18, 20 and 28 through 30 promulgated on June 12,2002**

**Amendment to Articles 3,6,10 and 20-2 promulgated on January 10,2007**

**Amendment to Articles 20-2 and 28 promulgated on July 11,2007**

**Addition of Article 13-1,Amendment to Article 2, 9,13,15 through 18,20,20-2,27,27-1,28 through 30,36,37,and deletion of Article 33 promulgated on Jan 13 2010**

**Amendment to Article 18 promulgated on Jan 19 2011**

### **Chapter 1 General Principles**

#### **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” in this Act refers to the action of exporting/importing goods and related activities.

The term “goods” referred to in the preceding paragraph includes the following rights attached thereto: 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 engage in export/import trade or a firm though not engaging in export/import trade 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 natural disaster, 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, United Nations resolution or international cooperation calls for it; or
  6. When a foreign country impedes import/export with measures violating international agreements or principles of fairness and reciprocity.
- Application of subparagraphs 1 through 4 or subparagraph 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 subparagraph 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 thereof 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 of 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 trade 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 Bureau of Foreign Trade ( BOFT ) as an exporter/importer may engage in export/import business.

A corporation or business firm intending to apply for registration as an exporter/importer shall first apply to the BOFT for approval of its proposed English name. The proposed English name, upon approval, will be reserved for a period of six (6) months.

An exporter/importer, whose registration has been revoked or nullified by the BOFT, shall not reregister within two years starting from the date of revocation or nullification.

For an exporter/importer which has closed, dissolved or whose registration has been revoked or nullified by the relevant competent authority in accordance with relevant laws, the BOFT may cancel its registration.

Regulations governing the terms and procedures for exporter/importer registration applications, as well as changes to, revocations and nullifications of, or the English name of exporter/importer for registrations and all other related matters required for compliance shall be prescribed by the competent authority.

#### **Article 9-1**

An exporter/importer whose export/import performance in the preceding year has reached a certain prescribed amount may be commended. Regulation of the commendation shall be prescribed by the competent authority.

#### **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/ecological 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, administer international cooperation and agreements, enhance regulation of the exportation/importation and flow of strategic high-tech goods, so as to facilitate the need for introducing high-tech goods, the exportation/importation of such goods shall comply with the following provisions:

1. No exportation is allowed without authorization;
2. Where import permits are granted, no alteration of the importer or transfer to any third country or region is allowed without authorization; and
3. Intended use and end user shall be truthfully declared; no change is allowed without authorization.

Specific strategic high-tech goods transported to restricted regions may not transit, transfer or be stored in bonded warehouses, logistics centers or free ports of this country without authorization.

For the types of goods and the regions restricted, as referred to in the two preceding paragraphs, the competent authority shall post a public notification and publish in a government bulletin.

For specific strategic high-tech goods in breach of the provisions in Paragraph 2, the competent authority may detain such goods in accordance with this act or relevant acts. Besides confiscation, the competent authority shall also return shipment of such goods.

For detainment of aforementioned goods, Customs officials are entrusted with enforcement by the competent authority.

Application requirements and procedures, regulations governing exportation/importation, transit, transshipment or storage in bonded warehouses, logistics centers and free ports, declarations, changes and restrictions of the export/import use and end user and investigations of destinations and use of goods, 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.

#### **Article 13-1**

Exportation of endangered species of wild fauna and flora, and products thereof, is not allowed without authorization by the competent authority. No importation is allowed without submitting an export permit issued by the exporting country.

Endangered species of wild fauna and flora, and products thereof, are governed by the Wildlife Conservation Law (including wildlife bred or raised in captivity that have been announced as governed by the Wildlife Conservation Law), and require authorized documentation issued by the national principal authority prior to importation or exportation.

The competent authority shall post a public notification and publish in a government bulletin those endangered species of wild fauna and flora, as referred to in Paragraph 1 of this Article.

Permit application requirements and procedures, cancellations, re-issues, regulations for import /export, and any other matters required for compliance, as referred to in Paragraph 1 of this Article, shall be prescribed by the competent authority.

#### **Article 14**

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

1. Issuance of export/import permits for goods;
2. Administration of export/import quotas for 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 responsibility for their acts respectively.

#### **Article 15**

To export/import goods for which exports/imports and export/import permits can be granted, the exporters/importers shall proceed as prescribed with the export/import permits.

Regulations governing the issuance, amendments and valid periods of export/import permits, labels of origin, trademark declarations, source identification or source identification codes, inspection of authorized copyright documentation attached to goods and all other matters required for compliance shall be prescribed by the competent authority.

#### **Article 15-1**

To proceed with export/import, the exporter/importer may apply or address export/import documents through the computer or electronic data transmission among Customs, the BOFT or institutions entrusted by the BOFT relating to visa issuing matters.

#### **Article 16**

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

The measures for 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 are applicable; otherwise, the quotas shall be for public auction.

The quotas required premium mentioned in Paragraph 1 refer to those announced through public notifications by the BOFT after consulting the relevant authorities and allocated through tendering procedures or distributed by charging a certain amount of administrative fees.

Exporters/Importers of goods which are subject to quota restrictions may not engage in any of the following conduct:

1. Forging or altering quota-related documents, or using forged or altered documents;
2. Illegal transfer of exports/imports;
3. Circumventing inspection or violating regulations that pertain to safeguarding relevant data or documents about means of production;
4. Improper use of the quotas thus, causing disruption of trade order, or breach of pacts/agreements with other countries;
5. Evading quota regulations;
6. Failure to comply with overseas processing as certified;
7. False declaration for the utilization of quotas; or
8. Other improper acts obstructing quota regulations.

Export/import quotas may not be pledged or subject to forcible implementation. Free quotas may not be transferred to others unless otherwise prescribed under the laws and regulations governing specific goods.

The allocation methods, procedures, quantities, time limits for export/import quotas, time limits for retainment of data and documents, fees for quotas required premiums and payment deadlines, and any regulations governing quota disposal of exporters/importers shall be prescribed by the competent authority in accordance with the regulatory needs of each type of goods respectively.

#### **Article 17**

An exporter/importer shall not:

1. Infringe on any intellectual property rights protected by laws of this country or other countries.
2. Fail to or untruthfully label the source identification or the country of origin as required.
3. Fail to or untruthfully declare the source identification code or trademarks.
4. Use false export/import permits or false relevant trade permits/certificates.
5. Fail to perform business contracts honestly or in good faith.

6. Disturb trade order through undue means.
7. Commit any other acts damaging the goodwill of this country or creating trade barriers.

### **Article 18**

Where the increase in the import volume of goods causes or threatens to cause serious injury to the domestic industry which produces like or directly competitive products, the authority in charge of the said industry, its associations, labor union 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.

In cases where relief measures have been implemented, the competent authority shall not impose relief measures for the same products within two years after the expiration of the original period of implementation. However, where the relief measures have been implemented for a period exceeding 2 years, the competent authority may not impose such measures for the same products for an equivalent period.

Under any of the following circumstances, the competent authority may apply again, if necessary, the import relief measure to the import of the same product for a duration of 180 days or less, without being subject to the restrictions stipulated in the preceding paragraph of this Article:

1. The duration of the original relief measure is 180 days or less;
2. At least one year has elapsed since the date of implementation of the original relief measure;
3. Such import relief measure has not been applied on the same product more than twice in the five-year period immediately preceding the date of implementation of the measure.

The competent authority shall not accept any application for the same case again within one year from the determination by the competent authority for the import relief cases relating to products, according to paragraph 3 or the preceding paragraph of this Article, if the injury to the industry is not established or no relief measure is to be applied, provided, however, those with justifiable reasons are not subject to this limitation.

### **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 where injury has been verified after investigation by the MOEA, the Ministry of Finance may impose, by law, countervailing or anti-dumping duties.

#### **Article 20**

For the purpose of expanding trade, the competent authority may subsidize a juristic person, a corporation or a business firm to promote trade. Regulations governing the qualifications, application procedures, subsidy standards, methods of evaluation and other matters required for compliance shall be prescribed by the competent authority.

For the promotion of important products made in Taiwan, the competent authority should set up a Taiwan products pavilion (area) in the main trade exposition centers or halls of other countries when the participating exhibitors and products reach a certain scale, so as to assist in the expansion of trade.

For the promotion of Taiwan's image as a producer of excellent products, the competent authority may set up pavilions (areas) for the display of excellent Taiwanese products in appropriate local halls and areas in order to assist firms in expanding trade.

#### **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.

#### **Article 20-2**

The BOFT may issue certificates of origin or certificates of processing, and collect fees as needed on the goods of exporters. When necessary, the BOFT may entrust other institutions, foundations, industrial organizations, business organizations or farmers' associations, fishermen's associations, provincial agricultural cooperatives, agricultural products and marketing associations with the aforementioned matters.

The industrial organizations, business organizations or farmers' associations, fishermen's associations, provincial agricultural cooperatives, agricultural products and marketing associations may also issue certificates of origin or certificates of processing regarding the export of

goods. But, in order to fulfill international treaties, agreements, and other international organization regulations, or based on specific certificates of origin required by foreign governments and announced through public notifications by the BOFT, the certificates herein shall not be issued unless they are approved by the BOFT.

The following acts are not permitted while issuing certificates of origin or certificates of processing:

1. Issuing certificates of origin without conforming to the form, procedures or the prescribed fees.
2. Issuing specific certificates of origin as stipulated in Paragraph 2 without authorization.
3. Not retaining documents according to the regulations.
4. Divulging confidential business information of an exporter.
5. Other conduct damaging the goodwill of this country or disturbing trade order.

The format of the certificate of origin and certificate of processing, the approval standards for the origins and processing, the terms for entrustment or termination of entrustment in Paragraph 1, the qualifications for the above-mentioned organizations to issue certificates of origin and terms for issuing the certificates of origin in Paragraph 2, the documents to be attached to the application, the issuing procedures, prescribed fees, time limits for retaining documents and any other matters required for compliance shall be prescribed by the competent authority.

### **Chapter 3 Trade Promotion and Assistance**

#### **Article 21**

In order to expand foreign trade, cope with the situations of foreign trade, and 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 a rate not more than 0.0425% of the price of the goods exported/imported, provided that the collection may be exempt from international treaties, pacts/agreements, practices or any other specific reasons.

The actual 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 21-1**

Collection of trade promotion service fees under Paragraph 1 of the preceding Article shall be made under the following basis:

1. Fees for exported goods shall be based on the FOB prices thereof.
2. Fees for imported goods shall be based on the dutiable value thereof.

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.

**Article 21-2**

In the following situations concerning exported/imported goods, an application may be filed with Customs for refund of paid or overpaid trade promotion service fee:

1. The export/import goods are rejected for export or import during customs clearance procedures.
2. The fee was overpaid due to misprinting, miscalculation, or false charges.
3. The exporter, having its goods 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 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 related to their business operations and, if necessary, may conduct inspections thereof; no exporter/importer shall refuse such a request for inspection. However, when making any such inspection, the inspector shall produce the papers certifying his authority to perform 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, unless 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**

Exportation/importation of strategic high-tech goods under any of the following circumstances, shall be punishable with imprisonment for not more than five (5) years, detention, or, in lieu of or in addition to, a fine of not more than NT\$1,500,000:

1. Where such goods are transported to restricted regions without authorization;
2. Where, after import permits are granted, such goods are transferred to restricted regions without authorization prior to being imported;
3. Where, after being imported, the use or end user of such imported goods are changed without authorization from the original declaration to the production or development of military weapons, such as nuclear or biochemical weapons, or ballistic missiles.

Where the representative 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 his/her course of business, not only the perpetrator 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 each subparagraph of Paragraph 1 of the preceding article, 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 high-tech goods under any of the following circumstances, the BOFT may impose an administrative fine of not less 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 abolish the liable party's exporter/importer registration:

1. Where such goods are transported to any region other than the restricted regions without authorization;
2. Where, after import permits are granted, the importers are changed without authorization, or the said goods are transferred to any third country or region other than the restricted regions without authorization;
3. Where, after being imported, the use or end user of such imported goods is changed without permission from the originally declared to the production or development of military weapons, such as nuclear or biochemical arms, or ballistic missiles.

For specific strategic high-tech goods in breach of the provision of Paragraph 2 of Article 13, the competent authority may confiscate such goods.

#### **Article 28**

Should an exporter/importer commit 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; 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:

1. Violating the provisions of Article 5 by trading with a country or territory with which the trade is prohibited or restricted;
2. Violating the temporary suspension of export/import goods or any other necessary measures as prescribed in Paragraph 1 of Article 6;
3. Violating the regulations governing goods subject to export/import restriction as prescribed in Paragraph 2 of Article 11;
4. Violating the provisions in Paragraph 1 of Article 13-1 by exporting without authorization and importing without submitting an export permit issued by the exporting country.
5. Violating the provisions in Paragraph 1 of Article 15 for failure to proceed with export/import as prescribed in the export/import permits;
6. Committing any of the prohibited acts as stipulated in Article 17;
7. Violating the provisions of Article 24 by refusing to provide documents or information, or refusing to accept inspection thereof;
8. Violating the provisions of Article 25 by prejudicing the business interests of others.

As per any violations referred to in subparagraphs 1 through 5 of the preceding paragraph, the BOFT may, in addition to the punishment provided for in the preceding paragraph, revoke the export/import registration of the liable exporter/importer.

If the industrial organizations, the business organizations, farmers' associations, fishermen's associations, provincial agricultural cooperatives or agricultural products and marketing associations as referred in Paragraph 2 of Article 20-2 violate the regulation in Paragraph 3 of the same Article, the BOFT may either issue a warning or impose an administrative fine of not less than NT\$30,000, but not more than NT\$300,000 on the organization herein. For serious violation, the BOFT may suspend the organization from issuing certificates of origin or certificates of processing for not less than one (1) month, but not more than one (1) year.

### **Article 29**

Should an exporter/importer commit any of the violations as prescribed in subparagraphs 1 through 5 of Paragraph 4 of Article 16, the BOFT may impose an administrative fine of not less than NT\$60,000, but not more than NT\$300,000; reclaim the allocated quota; or suspend export, import or export/import 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 abolish the export/import registration of such exporter/importer, whichever appropriate, and taking into account the seriousness of the violation.

Should an exporter/importer commit any of the violations as prescribed in subparagraphs 6 through 8 of Paragraph 4 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; reclaim the allocated quota; or suspend export, import or export/import 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, or suspend for not less than one (1) month, but not more than three (3) months the eligibility for quota application of such export/import.

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

### **Article 30**

Should an exporter/importer commit any of the following violations, the BOFT may suspend the exporter/importer concerned from exporting/importing goods and the suspension shall cease once the cause is removed:

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

The period of suspension from exporting/importing goods due to the provisions prescribed in subparagraph 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 under 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 re-examination. 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 re-examination 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 law.

**Article 33**

**Deleted**

**Chapter 5 Supplementary Provisions**

**Article 34**

**Deleted**

**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. In addition, the said association or juristic person shall be obligated to be present at the Legislative Yuan to respond to interpellation, when necessary.

**Article 36**

Enforcement of the rules of this Act shall be determined by the competent authority.

**Article 37**

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

The amendments of this Act, except for the amendments to Article 6, 18 and 20-1, shall be implemented from the date of its promulgation, which will be determined by the Executive Yuan.

# Enforcement Rules of the Foreign Trade Act

Amended March 18, 2005, (94)-Mou-09400513942

## 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 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 terms “international treaty” or “agreement” mentioned in subparagraph 5, Paragraph 1, Article 6; the Proviso in Paragraph 1, Article 11; Paragraphs 1 and 2, Article 16; and the Proviso in Item 2, Article 20.2 of the Act refer to:

1. Any treaty or agreement signed by this country with any foreign country; and
2. 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 1 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:

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

2. 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
3. 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 preceding paragraph, the nomenclature or quantity of goods shall be filled out.

#### Article 8.1

To manage trade and collect statistics under the Act, the Bureau of Foreign Trade (BOFT) of the MOEA may use the Customs Import Tariff Code as the classification framework to compile our Import and Export Commodity Classification schedule.

#### Article 9 (deleted)

#### Article 10

In respect of export/import of goods, if quotas with or without charges are required under Paragraph 1, Article 16 of the Act, BOFT may take any of the following actions:

1. To issue and allocate quotas by itself or jointly with authorities concerned.
2. To entrust financial institutions, trade associations, or juristic persons with the administration of quota.
3. To designate a government operated trading organization to import such goods for resale through tendering procedures.
4. To handle the matter in other manners designated or approved by the competent authority.

## Article 11 (deleted)

## 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 subparagraph 2, Paragraph 4, 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. Evasion of investigation means that the exporter/importer, as required by the measures stipulated in Paragraph 6 of Article 16 of the Act, fails to keep the production materials and documentation or refuses either to submit the said materials and documentation or to cooperate in the investigation.

Overseas processing as mentioned in subsection 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 subparagraph 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 substantial injury, threat of substantial injury, or



substantial 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 67 and Article 68 of the Customs Law as to whether there is substantial injury, threat of substantial injury, or substantial retardation of establishment of domestic industry concerned under Article 69 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:

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

11. To increase other activities helpful to promotion of external trade.

Article 16 (deleted)

Article 17

The trade promotion service fee collectable under Paragraph 1, Article 21 of the Act shall be paid by concerned exporter/importer within fourteen 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 (deleted)

Article 19 (deleted)

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, and export licensing of using quota.

Article 21

Pursuant to subparagraph 1 or 2, 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 Science-based Industrial Park or a Free Port or an Agricultural Technology Park may be entrusted to the administrative office of such Zone or Park or administrative authority.

#### Article 23

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

# Regulations Governing Import of Commodities

( Amended on July 8, 2010 )

## **Chapter 1-General Provisions**

### **Article 1**

These Regulations are enacted pursuant to Paragraph 2 of Article 15 of the Foreign Trade Act (hereinafter referred to as "the Act").

### **Article 2**

The term "licensing" as used herein means issuance of import permits by the Bureau of Foreign Trade, Ministry of Economic Affairs (hereafter 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 3**

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

### **Article 4**

In respect to intellectual property rights affiliated with commodities, rules governing import of trademarks rights, patent rights, copyrights, and any other intellectual property rights protected by the laws enacted and the scope of such commodities shall be published by the BOFT after consultation with the relevant authorities.

### **Article 5** deleted

## **Chapter 2-Import Regulations**

### **Article 6**

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

1. Commodities manufactured in specific countries or territories to be designated under Article 5 of the Act.
2. Commodities for which necessary measures need to be taken to restrict import thereof in accordance with Article 6 of the Act.
3. Commodities of which import is restricted in accordance with the proviso of Article 11 of the Act.
4. Importation of endangered species of wild fauna and flora, and products thereof in accordance with Article 13-1 of the Act.
5. Commodities for which an import quota system is enforced in accordance with Article 16 of the Act.
6. Commodities of which import is restricted due to import relief in accordance with Article 18 of the Act.

For import of commodities on the list of commodities subject to import restriction, applications for licensing shall be filed in accordance with the regulations prescribed in the said list, unless otherwise provided in other laws and regulations or announced as licensing-exemption items by the BOFT. Commodities which do not comply with import regulations set forth on the said list can not be imported without special approval by the BOFT.

#### **Article 7**

Where a firm, government agency, government operated enterprise and a public or private school imports commodities not included on the list of commodities subject to import restriction, licensing shall be exempted.

#### **Article 8**

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 the customs, compile and publish a list of commodities assisted by the 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 the customs for import examination, the applicable import regulations listed on the said list shall be followed when an import application is filed with the customs.

## **Article 9**

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

1. 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.
2. 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.
3. Commodities which are not included on 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\$20,000 or its equivalent.
4. Articles for humanitarian relief.
5. Other articles approved by the BOFT.

For import of the above licensing-exemption commodities, if they are included on the list prescribed in Article 6 or 8 hereof, regulations set forth on the list shall be complied with when import application is filed with the customs, unless there are other special regulations applicable.

Specific commodities for which import licensing is applied for by an importer mentioned in Paragraph 1 of this Article, shall be limited to those imported for personal use by the importer, unless special approval is obtained from the BOFT.

## **Article 10**

If an importer imports any commodity on the list of commodities subject to import restriction in a small quantity for own use or as gift, the 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 11**

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 the customs.

### **Chapter 3-Licensing Regulations**

#### **Article 12**

Applications for license to import commodities shall be made in writing or lodged electronically with BOFT.

To make an application in written form for license to import commodities, the following documents shall be submitted:

1. Application for import permit.
2. 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 13**

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, import permits of shorter validity may be issued. For special import cases which have been approved by the Ministry of Economic Affairs or BOFT, import permits of longer validity may be issued.

If the applicant foresees that the commodities for import cannot be shipped within the prescribed validity period of an import permit, the applicant may apply for an import permit of longer validity by explaining reasons and submitting evidential documents.

#### **Article 14**

Imported commodities shall be shipped from the port of embarkation before the expiry 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 15**

In case shipment of imported commodities cannot be made from the port of embarkation within the validity period of an import permit, the applicant may apply for an extension within one(1) month before the expiry of the validity. Each extension shall not exceed a period of six(6) months, and no more than two(2) extensions may be made. For BOFT designated commodities of which shipment must be made within the validity of the import permit, extension is not allowed.

#### **Article 16**

In respect to amending the contents of an import permit, the applicant may submit, before expiry of the validity of the import permit, an application for amendment together with the original import permit and relevant evidential documents for amendment. Except for change of registration already approved, no change of applicant name for an import permit may be made.

If part of the commodities covered by an import permit has been declared with the customs, no application for amendment of the contents on the import permit is allowed, except for application for extension of the validity period of the import permit in accordance with the regulations of the preceding Article.

#### **Article 17**

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

**Article 18** deleted

### **Chapter 4-Supplementary Provisions**

#### **Article 19**



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

**Article 20**

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

**Article 21**

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 of Exporters and Importers**

Promulgated on July 9, 1993

Amendment on January 7, 1994

Amendment on September 10, 1997

Amendment on August 18, 1999

Amendment on June 20, 2001

Amendment on December 11, 2002

Amendment on April 27, 2007

Amendment on June 1, 2010

### Article 1

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

### Article 2

Except where other prohibitions or restrictions apply, a company or business firm that engages in export/import business may apply, in accordance with the standard procedures, to the Bureau of Foreign Trade (hereafter referred to as “BOFT”) of the Ministry of Economic Affairs for registration as an exporter/importer.

### Article 3

The application for an approved English name shall be made either by original hard copy, facsimile or e-transmission.

### Article 4

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 confusion with or similarity to that of any government agencies or non-profit organizations.

#### Article 5

The English name of an exporter/importer shall not be identical or similar to the English name of any exporter/importer, whether existing, dissolved, closed, or punished with cancellation of registration within the last two (2) years, unless special approval is obtained from the BOFT based on proper reasons or if the English name of a branch of a foreign company is the same as that which appears 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. [For example, ABC Company, Taipei Branch (USA)]

#### Article 6

English names shall be regarded as “similar” under Article 5 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; different lowercase or uppercase letters; a different corporate form designation like “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 word” referred to in the previous paragraph is any one of the following: enterprise, industry, export, import, trade, business, commerce, international, manufacturing, or group.

#### Article 7

The application for exporter/importer registration shall be made either by original hard copy, facsimile or e-transmission with the following documents attached:

1. An application form;
2. A photocopy of company registration certificate for companies, or business firm

registration certificate for business firms.

#### Article 8

An exporter/importer that undergoes a merger, change of Chinese or English name, organization, representative, or place of operation shall submit relevant documents to the BOFT to effect the change of registration.

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

#### Article 8-1

After registration as an exporter/importer, the BOFT may revoke the said registration for either of the following circumstances:

1. Exporter/importer has applied to the BOFT for cancellation of registration.
2. If an exporter/importer, who changes the business items of a company or business firm, continues to engage in exporting/importing, will be in violation of prohibition or restriction regulations.

#### Article 9

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

#### Article 10

The various documents referred to in these Regulations may be sent via electronic means, in accordance with the Electronic Signatures Law.

#### Article 10-1

According to the Article Ten, Item Two regulation governing the application for export and import goods registration, the following items should accompany the said application: a corporate institute certificate, a cooperative association certificate and any other trade-related legal certificates verified by the proper authorities.

Individuals or organizations that have previously applied for export and import registration must be prepared to use this procedure to re-register, to start using an English name and to implement any other related items.

#### Article 11

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

## OPTICAL DISK ACT

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

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

Article 9-1 is Amended and Promulgated on June 15, 2005 per Order ref. Hwa-Tzong-1- Yi-Tze-No.08400088861

Article 17, 18, 20 is Amended and Promulgated on May 27, 2009 per Order ref. Hwa-Tzong-1- Yi-Tze-No. 09800135161

(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 9-1

A business entity who has been licensed by a foreign country to manufacture export-only pre-recorded optical disks may manufacture, hold or export shall the following conditions apply; however, Article 235 of the Criminal Code does not apply:

1. Proof of license granted by the foreign right holder;
2. The exporter signs an affidavit declaring no violation of the laws and regulations of the importing country.

Export-only optical disks set forth in the preceding paragraph shall not be distributed, broadcast or sold in the Republic of China.

The competent authority may revoke the manufacturing permit of a business entity shall the court render its responsible person in a final and conclusive judgment of violations of the preceding paragraph.

## 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.

A business entity violating the second paragraph of Article 10 due to negligence, and can provide proof of license granted by right holders may have this penalty reduced to one thirds.

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 shall apply for corrections within fifteen days. Failure to apply within the time given shall be fined between NT\$1,500,000 and NT\$3,000,000 and imposed a time limit of an additional fifteen days to apply for corrections. Failure to apply within the 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.

A business entity violating the second paragraph of Article 11 due to negligence, and can provide proof of license granted by right holders may have this penalty reduced to one thirds.

#### 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.

Governing Regulations 1-6

**REGULATIONS GOVERNING EXPORT/IMPORT OF OPTICAL  
DISK MANUFACTURING IMPLEMENTS**

Promulgated on December 26, 2001

Amended and promulgated on January 30, 2002, revising Article 3 and 4

Amended and promulgated on November 27, 2009, revising Article 4

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 implements 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 implements 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 commodity specs., brand or maker, etc.
3. Country of origin
4. Quantities and units
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 implements 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 commodity specs. , brand or maker, etc.
3. Country of destination, consignee and buyer
4. Quantities and units
5. Storage premises or manufacturing premises
6. Import declaration number or documentary evidence of "Made in Taiwan"

An exporter is exempt from completing the preceding item 6 of the original import declaration if one of the following circumstances arises:

1. Exporter is unable to obtain information from the original import declaration 5 years after the optical disk manufacturing implements were released for import.
2. Exporter, who while purchasing optical disk manufacturing implements imported from abroad for domestic manufacturers, is unable to obtain information from the original import declaration, but has already issued domestic manufacturing invoice or a photocopy of the agreement.
3. Exporter is unable to obtain other information from the original import declaration, has justifiable reasons, or can provide relevant supporting information.

#### 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 implements import or export is lost prior to customs declaration.

#### Article 6

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



Where the importer/exporter fails to submit the above certificate, 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 export issued by the competent authority. 2. Applicants other than the above business entity are not required to fill in this column.
7	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,

Column		Contents
		regardless of whether the C.C.C. codes of such items are the same or not.
8	Description of commodities spec. and brand or maker etc.	1. The product name should in principle be typed in English. 2. Serial number means the ex-factory number of the injection molding machine for the manufacture of optical disks.
9	C.C.C. Code	The C.C.C. codes applicable to this declaration are as follows:  CCC8477.10.90.20-3 Injection molding machine for the manufacture of optical disks  CCC8479.89.99.20-8 Laser beam recorder systems for optical disks  CCC8480.71.90.10-6 Molds for optical disks
10	Quantity	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.
11	Unit	

## 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 R.O.C. product	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.
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,

Column		Contents
		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.	1. The product name should in principle be typed in English. 2. Serial number means the ex-factory number of the injection molding machine for the manufacture of optical disks.
11	C.C.C. Code	The C.C.C. codes applicable to this declaration are as follows:  CCC8477.10.90.20-3 Injection molding machine for the manufacture of optical disks  CCC8479.89.99.20-8 Laser beam recorder systems for optical disks  CCC8480.71.90.10-6 Molds for optical disks
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	

# METHYL BROMIDE MANAGEMENT REGULATIONS

Promulgated and Effective on May 21, 2003

Article 1        These Regulations are adopted pursuant to the provisions of Article 30, Paragraph 2 of the Air Pollution Control Act (hereinafter referred to as the "Act").

Article 2        Definitions of terms used in these Regulations:

1. "Methyl Bromide (CH<sub>3</sub>Br)" refers to a substance that has been listed as the controlled substance in Annex E of the Montreal Protocol and that have been publicly announced by the central competent authority, whether existing alone or in a mixture.
2. "Quarantine" refers to a control measure conducted by the government in order to prevent introduction, increase and distribution of quarantine pests.
3. "Pre-Shipment Treatment " refers to conduct direct fumigation within 21 days prior to loading and shipping of goods for export in order to match plant quarantine or health regulations of import or export countries.
4. "User" refers to those who use methyl bromide on quarantine, pre-shipment or academic research.
5. "Importer" refers to an entity that import and sell methyl bromide

Article 3        Production of methyl bromide shall not be conducted without permission of the central competent authority.

Article 4        The importing and exporting of methyl bromide is limited to states

or regions that act in accordance with the terms set by the Montreal Protocol and have been approved and publicly announced by the central competent authority.

The central competent authority, in consultation with the relevant authorities, shall revise and publicly announce the states or regions mentioned in the previous paragraph.

Article 5           Importer and user shall submit the following documents to the central competent authority to apply import permit and usage permit according to the demand quantity of the second half of the very year and the first half of next year before the end of every February and August respectively:

1. Application form (as per Appendix 1),
2. Registration documents of importer/exporter qualifications,
3. Relevant registration documents of user approved by the competent authority whereas governmental authorities as users shall not be subject to this regulation, and
4. Certificate document of purpose of usage of methyl bromide.

The certificate document of purpose of usage of methyl bromide provided in the preceding item (iv) refers to the following documents:

1. Quarantine regulations of import country and fumigation certificate,
2. Request document of importer and fumigation certificate,
3. Certificate documents of quarantine and pre-shipment treatment granted by the competent authorities of animal/plant quarantine or epidemic prevention and therapy.

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame. An application that is not complete or corrected within the specified time frame will be rejected. In case the application is approved after investigation, document of import permit and usage permit shall be granted.

Article 6           The effective period of document of import permit and usage permit of methyl bromide is six months. User who continues to use

beyond expiration date shall apply to the central competent authority for a permit extension within one to two months prior to the expiration date whereas application for extension shall not exceed once.

Article 7           Importer with document of import permit of methyl bromide granted by the central competent authority shall apply for an import license.

Article 8           Transfer of methyl bromide shall not be conducted without permission of the central competent authority.

The applicant shall apply to the central competent authority for transfer permit according to attached format and content (as per Appendix 2).

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame. An application that is not complete or corrected within the specified time frame will be rejected. In case the application is approved after investigation, document of transfer permit and usage permit shall be granted.

Article 9           The usage of methyl bromide shall be limited on quarantine, pre-shipment treatment or academic research.

Article 10          Importer and user shall report to the central competent authority before the end of every February and August according to the attached form and content (as per Appendix 3).

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame.

Article 11          Under one of the following circumstances, the application for import and use of methyl bromide with the central competent authority shall be permitted and shall not be subject to the regulations of Article 6 and Article 10.

1. Where the emergency quarantine of pests occurs;
2. Where the academic research is necessary; and
3. Others recognized by the central competent authority.



Article 12            In case the applicant applies for permit of methyl bromide with false documents, the central competent authority shall impose a fine pursuant Paragraph 1 of Article 59 of this Act and shall reject its permit.

Article 13            In case of violation of Paragraph 1 of Article 8 or Article 9, the central competent authority shall impose a fine pursuant to Paragraph 1 of Article 59 of this Act and cancel its permits of import, usage and transfer, if necessary.

Article 14            Those who violate regulations stipulated in Article 3 or Paragraph 1 of Article 10 shall be punished in accordance with Paragraph 1 of Article 59 of this Act.

                         Those who violate regulations stipulated in Paragraph 1 of Article 4 or Article 7 shall be punished in accordance with Paragraph 2 or Paragraph 3 of Article 59 of this Act.

Article 15            These Regulations shall be enforced from the date of promulgation.

# **HCFCs CONSUMPTION MANAGEMENT REGULATIONS**

19 articles promulgated by Environmental Protection Administration Order Huan-Shu-Kong-Tzu No. 0920002417 on January 15, 2003

25 articles and revisions promulgated by Environmental Protection Administration Order Huan-Shu-Kong-Tzu No. 0960032941 on May 4, 2007

26 articles and revisions promulgated by Environmental Protection Administration Order Huan-Shu-Kong-Tzu No. 0980067964 on August 5, 2009

Article 1            This Regulation is formulated pursuant to the provisions of Paragraph 2, Article 30, of the Air Pollution Control Act (hereinafter referred to as the "Act").

Article 2            Definitions of terms used in these Regulations:

1. "HCFCs" refers to a group of controlled substances listed in Group I of Annex C to the Montreal Protocol, and that also have been publicly announced by the central competent authority. They include virgin, recovered, recycled or reclaimed, whether alone or in a mixture, but exclude the products except for the containers used for the transportation or storage.
2. "Production" refers to the amount of national HCFCs produced, minus the amount of recycled or used as feedstock in the manufacture process and minus the destroyed amount using technologies approved by the Montreal Protocol. But the amount of recycled and reused is not considered as "production".
3. "Consumption" refers to production plus imports minus exports of HCFCs.
4. "Ozone Depleting Potential Tonnes, hereinafter an abbreviation used for this term is ODP tonnes " refers to the calculation of any HCFCs measured in metric tons multiplied by its respective ODP

value listed in Group 1 of Annex C to the Montreal Protocol.

5. "User" refers to any entity that uses HCFCs in product manufacturing or equipment maintenance.
6. "Supplier" refers to entity that imports or produces HCFCs to users or retail vendors.
7. "Implementing Record" refers to record amount of HCFCs used by users; cleared import declaration of importers; or produced by producers with recognized records and verified by central competent authorities.
8. "Recovery" refers to the act of extracting, collecting and storing of HCFCs from the machinery, equipment or containers.
9. "Reuse" refers to the act of using HCFCs again after filtering and dehydrating in basic purification process.

#### Article 3

The national baseline consumption level of HCFCs is set at 638.156 ODP tonnes. The HCFCs consumption reductions timeline and cap value for each calendar year are listed as follows,

1. For the twelve-month period commencing on 1<sup>st</sup> January 2004, and in each twelve-month period thereafter, the calculated level of consumption of HCFCs shall not exceed 65% of the baseline consumption level, which is 414.801 ODP tonnes.
2. For the twelve-month period commencing on 1<sup>st</sup> January 2010, and in each twelve-month period thereafter, the calculated level of consumption of HCFCs shall not exceed 25% of the baseline consumption level, which is 159.539 ODP tonnes.
3. For the twelve-month period commencing on 1<sup>st</sup> January 2015, and in each twelve-month period thereafter, the calculated level of consumption of HCFCs shall not exceed 10% of the baseline consumption level, which is 63.816 ODP tonnes.
4. For the twelve-month period commencing on 1<sup>st</sup> January 2020, and in each twelve-month period thereafter, the calculated level of consumption of HCFCs shall not 0.5% of the baseline consumption level, which is 3.191 ODP tonnes, and such consumption shall be restricted to the servicing of existing refrigeration and air conditioning equipment at this period.
5. Commencing on 1<sup>st</sup> January 2030, the calculated level of

consumption of HCFCs shall not exceed zero.

Article 4 The national baseline production level of HCFCs is set at 638.156 ODP tonnes. The HCFCs production control timeline reductions timeline and cap value for each calendar year are listed as follows:

1. For the twelve-month period commencing on 1<sup>st</sup> January 2004 and in each year thereafter, the calculated cap level of production of HCFCs shall not exceed the baseline production level.
2. For the twelve-month period commencing on 1<sup>st</sup> January 2010 and in each year thereafter, the calculated cap level of production of HCFCs shall not exceed 25% of the baseline production level, which is 159.539 ODP tonnes.
3. For the twelve-month period commencing on 1<sup>st</sup> January 2015 and in each year thereafter, the calculated cap level of production of HCFCs shall not exceed 10% of the baseline production level, which is 63.816 ODP tonnes.
4. For the twelve-month period commencing on 1<sup>st</sup> January 2020 and in each year thereafter, the calculated cap level of production of HCFCs shall not exceed 0.5% of the baseline production level, which is 3.191 ODP tonnes, and such production shall be restricted to the servicing on existing refrigeration and air conditioning equipment during this period.
5. Commencing on 1<sup>st</sup> January 2030, the calculated level of consumption of HCFCs shall not exceed zero.

Any supplier that produces HCFCs shall provide to the central competent authority, by the end of January and July of each year, its forthcoming 6 months production scheme which includes the amount of HCFCs produced, amount of HCFCs used as feedstock in the manufacture process for other chemicals, and the export amount.

Article 5 Importation of HCFCs is forbidden unless permitted by central competent authority.

The importing and exporting of HCFCs is limited to states or regions that are in compliance with the control measures of the Montreal Protocol and its amendments, and have been approved and publicly announced by the central competent authority.

Article 6            The controlled HCFCs application and timeline are listed as follows,

1. User of applying HCFC-141b as a foaming agent:

- (1) Commencing on 1st January 2004, users that apply HCFC-141b as the foaming agent in manufacturing soft and semi-rigid polyurethane (PU) foam, non-insulation PU foam, and PU foam for insulation purpose at normal ambient temperature shall be forbidden to use HCFC-141b.
- (2) Commencing on 1st January 2008, users that apply HCFC-141b as the foaming agent in manufacturing low temperature insulation of refrigerator shall be forbidden to use HCFC-141b.
- (3) Commencing on 1st January 2010, users that apply HCFC-141b as the foaming agent in manufacturing rigid PU foam for low temperature insulation (including wall panel of refrigeration) shall be suspended to receive any HCFC-141b quotas.
- (4) Commencing on 1st January 2011, users that apply HCFC-141b as the foaming agent in manufacturing rigid PU foam for low temperature insulation (including wall panel of refrigeration) shall be forbidden to use HCFC-141b.

2. User of applying HCFC-141b as a solvent:

- (1) Commencing on 1st January 2004, users that apply HCFC-141b as a cleaning solvent in manufacturing process of electronic information and non-electronic products shall be forbidden to use HCFC-141b.
- (2) Commencing on 1st January 2008, users that apply HCFC-141b as a cleaning solvent in manufacturing process of electronic communication products, satellite microwave communication is excluded, shall be forbidden to use HCFC-141b.
- (3) Commencing on 1st January 2010, users that apply HCFC-141b as a cleaning solvent on satellite microwave communication products and other purposes shall be suspended to receive any HCFC-141b quotas.
- (4) Commencing on 1st January 2011, users that apply HCFC-141b as a cleaning solvent on satellite microwave communication products

and other purposes shall be forbidden to use HCFC-141b.

3. User of applying HCFC-22 as a refrigerant:

- (1) Commencing on 1st January 2010, users that apply HCFC-22 as a refrigerant in manufacturing window-type air conditioners (including split-type) below 7.1 kW shall be suspended to receive any HCFC-22 quotas.
- (2) Commencing on 1st January 2011, users that apply HCFC-22 as a refrigerant in manufacturing window-type air conditioners (including split-type) below 7.1 kW shall be forbidden to use HCFC-22.

4. Commencing on 1st January 2010, users that apply HCFCs as the spray propellant shall be forbidden to use HCFCs.

The central competent authority shall have suspended allocating HCFCs to users who apply on controlled application since aforementioned commencing date.

Article 7 Commencing on the aforementioned date of suspending allocation, the importation of products or equipment contained aforementioned controlled HCFCs or using in manufacturing process shall be forbidden, according to the date of products shipped on board.

Article 8 HCFCs users and suppliers must submit the following documents to the central competent authority to apply for quotas before the end of July in each calendar year,

1. A photocopy of company registration documents, importers shall have importer/exporter qualifications.
2. A photocopy of factory registration certificate, refrigeration and air conditioning businesses shall attach a photocopy of their refrigeration and air conditioning engineering business registration license.
3. Record documents verifying the import or actual HCFCs consumed by the applicant from January to June of the same year.
4. Other documents as specified by the central competent authority

If any application documents are incomplete or not in compliance with regulations, the applicant should submit the

required documents within the time frame specified by the central competent authority. Any application that is not complete or corrected within the specified time frame will be rejected.

The central competent authority shall cancel the quota allocation qualification of any entity whose actual consumption of HCFCs is zero for two consecutive years. Any applicant who was cancelled the allocation qualification, when re-apply the allocation qualification, shall refer to the paragraph 1.

Article 9 The central competent authority should reserve 10% of the HCFCs cap value in each calendar year for requirements in national development, national defense and the military, and emergencies.

The aforementioned useable quota for a given year is the calculated consumption cap level minus the reserved quota for that year, and shall be allocated to the qualified users on the priority basis. The remained useable quota shall be allocated to the qualified suppliers according to the proportional basis calculated by their actual importation records.

For an entity with newly qualified application, the HCFCs quota shall be allocated with annual remaining national HCFCs consumption.

Article 10 Before the end of October in each year, the central competent authority shall calculate and examine the preliminary annual HCFCs quota allocation, and the projected purchase volume of the first half year for the following year of each applicant.

The standards used to calculate the aforementioned preliminary annual HCFCs quota are as follows:

1. For entity that has received quota in the previous year: The sum of its actual consumption reported for the first half year, plus the projected purchases volume for the second half year of the current year.
2. For entity newly applying for quota: Double the amount imported or actually consumed from January to June of the current year.

Article 11 Before the end of April in each year, the central competent authority shall calculate and examine the actual annual HCFCs quota allocation, excess quota allocation, and the projected purchase volume

of the second half year for the current year of each applicant.

The actual annual HCFCs quota allocation for each applicant is calculated according to the sum of its reported actual HCFCs consumption in the previous year.

The excess quota allocation is calculated according to the sum of verifiable recycled HCFCs amount as an evaluation baseline. The HCFCs allocation for excess quota condition shall be allocated by proportion with annual remaining national HCFCs consumption.

Article 12 Any entity with a HCFCs quota allocation permit issued by the central competent authority may apply, or commission an importer to apply for an import permit on HCFCs to the Board of Foreign Trade, Ministry of Economic Affairs,. The importation of such goods shall be completed within the current and effective period.

Any entity with a HCFCs quota allocation permit issued by the central competent authority may produce, or commission a manufacturer to produce HCFCs. The withdrawal of such goods shall be completed within the current and effective period.

If the goods, as aforementioned, are not imported or withdrawal from domestically acquired during the current and effective period; the entity also does not apply to the central competent authority for a permit extension, the central competent authority shall withdraw the allocated quota of that period.

Article 13 An user shall not place its quotas acquired in the market or transfer to others through any type of business deals. If violated, the central competent authority shall revoke the qualification in receiving HCFCs quota from the entity concerned

A supplier may transfer its quota to other suppliers from approval of the central competent authority. In the event a supplier transfers its quota without approval, the central competent authority shall subtract its actual annual quota for the following year by double the transferred amount, or revoke the HCFCs quota qualifications.

Article 14 Any entity with a quota allocation that needs to change the name of the goods, source of the goods, or to relinquish its quota allocation, shall report detailed information to the central competent authority for future inspection.



Article 15 Before the end of September each year, any entity with a qualified quota allocation shall report its projected HCFCs purchase volume for the second half year of current year and the first half of the subsequent year to the central competent authority.

Such projected HCFCs purchase volume for the first half and second half year shall fall between plus and minus twenty percent of their half preliminary yearly estimated value. However, entities that have applied and received approval from the central competent authority are exempted from such restriction.

Any entity that doesn't submit projected HCFCs purchase volume in regulated deadline as aforementioned in paragraph 1 will be regard it as qualification revoked.

Article 16 Any user with quota allocations shall prepare the following proof documents of consumption and submit them to the central competent authority before the end of January, April, July, and October each year. The documents shall be including names and amount of HCFCs purchased in prior season, use amount, the application way of HCFCs, stock volume, and any other detailed information that the central competent authority required. The user has the responsibility to offer related verifiable proof documents.

Any supplier with quota allocations shall prepare the following proof documents of consumption and submit them to the central competent authority before the end of January, April, July, and October each year. The documents shall be including names and amount of HCFCs imported or produced in prior season, sales volume, stock volume, and any other detailed information that the central competent authority required. The supplier has the responsibility to offer related verifiable proof documents.

Failure to submit in time or without submitting proof documents shall be deemed as non-acquisition of HCFCs execution records.

If any report documents are incomplete or not in compliance with the regulations, the entity concerned shall submit the required documents within the specified time frame set by the central competent authority. Failure to do so within the specified time frame shall be deemed as not having submitted a report.

Article 17           The suppliers shall submit reports to the central competent authority according to Article 16, paragraph 2 for reporting HCFCs execution records. The suppliers shall also report to the central competent authority with their name lists of retail vendors, basic information, sale object, the application purposes, and corresponding products' name and sales volumes.

Only the suppliers and retail vendors who have applied in compliance with the aforementioned paragraph 1 can place HCFCs as goods on the market.

The aforementioned activities of placing HCFCs on the market shall be recorded and kept for inspection for at least 5 years.

Article 18           The central competent authority handles applications for quota-receiving qualification, and conduct assessments on amount of quota issuing, actual clearance of quota, and projection of HCFCs. The central competent authority should invite specialists, scholars, or relevant government agency representatives to perform related review tasks, and each of such review examination or assessment shall be completed within 30 days after the case handling cut-off date. The period for submitting supplemental materials will not be included as part of the review period.

Article 19           Any entity with a quota allocation that needs to change the registered name of the company or manufacture factory shall submit a report to the central competent authority for future inspection. The entity will be exempted for re-submitting quota allocation as a new entity application.

Article 20           Any entity should apply recycle or reuse equipment while refilling, dismantling and replacing refrigerant for systems or facilities that containing HCFCs. However, for in-situ site that is deemed to without proper operation space could be exempted from this regulation.

The aforementioned recovery or reuse equipment should have the capacity to achieve the requirements as follow:

1. The recycle equipment shall have ability to reduce the pressure of the system or facility that containing HCFCs to below 102 mmHg after the refrigerant was extracted.

2. The reuse equipment shall have the capacity function to recycle the refrigerant from the system or facility; it also shall have abilities to separate with impure substances of moisture, lubricant oil and air as concentration below 20 ppm (parts per million) by weight, 0.01% by volume and 1.5% by volume, respectively.

Article 21           The applying of recycle or reuse equipment shall implement rationale practices listed below:

1. Equipment shall be inspected and checked if there is leakage of HCFCs refrigerant from the system or facility, if found leaking, the system or facility shall be repaired before filling.
2. The container shall be clearly labeled the type of HCFCs for storing recycled refrigerant.
3. The recycle or reuse equipment shall maintain and service regularly.

                          The operations implemented according to aforementioned of this article shall be recorded and kept for inspection for at least 5 years.

Article 22           The importer do not compliant with this regulation and import HCFCs without applying and receiving a permit, shall return such goods abroad within a prescribed period specified in the Tariff Act.

Article 23           For those forfeit HCFCs, the central competent authority should appoint or commission the specialized institutions or entities for conducting HCFCs recovery, purification, recycle, temporary storage and destruction.

Article 24           Those who violate demands stipulated in the Paragraph 3 of Article 4, Paragraph 1 of the Article 6, Paragraphs 1 and 2 of the Article 12, the Article 13, the Article 14, Paragraphs 1 and 2 of the Article 16, the Article 17, and the Article 19 toward the Article 21 shall be punished in accordance with the Paragraph 1 of Article 59 in the Act.

Those who violate demands stipulated in the Article 5 and the Article 7 shall be punished in accordance with the Paragraph 2 of Article 59 in the Act.

Article 25            The central competent authority shall determine the format of documents related to these Rules.

Article 26            These Rules shall take effect on the date of promulgation..

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

Amended on 2009.06.22

## Legislative:

- 1.Promulgated on October 30, 2000.
- 2.Amendment to all Articles and amendment to Title promulgated on July 24, 2002.
- 3.Amendment to all Articles and amendment to Title promulgated on October 29,2004.
- 4.Amendment to Article 2 promulgated on April 15, 2005.
- 5.Amendment to Article 3 promulgated on June 23, 2006.
- 6.Amendment to Article 7 promulgated on January 18, 2007.  
Amendment to Articles 2 , Appendix 1 and 2 of Article 4 promulgated on June 22, 2009.

## Content

### Article 1

In order to execute Article 19 of the “Animal Industry Act” for issuing the approval letters of importing breeding livestock and poultry and genetic resources, the following guidelines were promulgated.

### Article 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) 0101.10.00.10 — 4 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) 0105.94.10.00 — 9 Live fowls of the species *Gallus domesticus*, pure-bred breeding animals, weighing more than 185g .
- (9) 0105.99.10.00 — 4 Live ducks, geese, turkeys, guinea fowls, pure-bred breeding animals, weighing more than 185g.
- (10) 0106.19.10.21 — 5 Deer, pure-bred breeding animals.
- (11) 0106.39.00.24 — 0 Lives ostriches, pure-bred breeding animals.
- (12) 0511.10.00.00 — 0 Bovine semen.
- (13) 0511.99.91.20 — 0 Semen for livestock and poultry breeding.
- (14) 0511.99.92.20 — 9 Embryos for livestock and poultry breeding.
- (15) 0511.99.99.40 — 8 Ovum for livestock and poultry breeding.

### Article 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:

- A. Holstein.
- B. Jersey.

(2) Beef cattle:

- A. Brahman.
- B. Santa Gertrudis.
- C. Brangus.
- D. Simbrah.
- E. Charbray.
- F. Beefmaster.
- G. Belmont Red.
- H. Droughtmaster.

I. Angus.

J. Hereford.

(3) Swine:

- A. Landrace.
- B. Yorkshire or LargeWhite.
- C. Duroc.
- D. Hampshire.
- E. Berkshire.

(4) Goats:

- A. Saanen.
- B. Toggenburg.
- C. Nubian.
- D. Alpine.
- E. Boer.

(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.

#### Article 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 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 dam 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.

#### Article 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.

#### Article 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.

#### Article 7

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



#### Article 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.

#### Article 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.

#### Article 10

The import involving genetic manipulated shall follow other related regulations.

Appendix 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

**APPLICATION FORM FOR THE IMPORTATION OF  
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

# **The Guidelines Needed for Obtaining Approval for the Import and Export of Genetically Modified Breeding Stock and Poultry and Genetic Resources**

**Amended on 2009.06.19**

1. These guidelines are prescribe with an aim to executing Regulation 19 of the Animal Husbandry Law and issuing approving papers for the export and import of genetically modified breeding stock and poultry and genetic resources.
2. The Agricultural Council of Executive Yuan (referred to hereunder as the Council) issues the approving papers for the export and import of the genetically modified breeding stock and poultry and genetic resource to serve the purpose of the breeders and those who do research and experiments. And they are applicable to the following species:
  - (1)0101.10.00.10-4 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 185 g.
  - (6)0105.12.10.00-8 Live turkeys, pure-bred breeding animals, weighing not more than 185 g.
  - (7)0105.19.10.00-1 Live ducks, geese, guinea fowls, pure-bred breeding animals, weighing not more than 185 g.
  
  - (8)0105.94.10.00-1 Live fowls of the species Gallus domesticus pure-bred breeding animals, weighing more than 185 g.
  - (9)0105.99.10.00-4 Live ducks, geese, turkeys, guinea fowls, pure-bred breeding animals, weighing more than 185 g.
  - (10)0106.19.10.21-5 Deer, pure-bred breeding animals.
  - (11)0106.39.00.24-0 Live ostriches, pure-bred breeding animals.

(12)0407.00.11.00-6 Egg, for breeding or for hatching.

(13)0511.10.00.00-0 Bovine semen.

(14)0511.99.91.20-0 Semen for livestock and poultry breeding.

(15)0511.99.92.20-9 Embryos for livestock and poultry breeding.

(16)0511.99.99.40-8 Ovum for livestock and poultry breeding.

3. The applicants are restricted to those who raise and breed breeding stock and poultry, a research institute and those who do business with breeding stock and poultry.

The aforesaid institute should be registered with the competent authorities; those who do business with breeding stock and poultry and own a farm should be equipped with a registration certificate.

4. The application procedure for import and the documents to be submitted :

- (1) Application procedure :

Applicants may apply to the Council for the approving papers to be reviewed and issued by the Council

- (2) Documents to be submitted :

- (a) A copy of application form (see attached for the detailed form)
- (b) A photocopy of the certification papers of the applicant (the institute should attach registration papers while the business owner should attach registration certificates of the farm)
- (c) Two copies of the related field test of the imported goods, which is completed by the institute certified by the exporting country and of the bio-safe evaluation report in both the original language and Chinese translation
- (d) Two copies of the sequence data of the transferred genes, their performance locus, performance amount and other documents good enough for certification

- (e) One copy of the approving papers issued by the competent authorities of the exporting country (including the Chinese translation)
- (f) One copy of the explication papers concerning the usage, the location where they are bred or preserved and the management fashion of the imported goods
- (g) Other documents as prescribed by the Council

5. Application procedure for export and the papers to be submitted :

(1) Application procedure :

Applicants may apply to the Council for the approving papers to be reviewed and issued by the Council.

(2) Documents to be submitted

(a) Application form (see attached for the detailed form).

(b) A photocopy of the certification papers of the applicant (the institute should attach registration papers while the business owner should attach registration certificates of the farm).

(c) One photocopy of the field test and of the bio-safe evaluation report

(d) Other documents as prescribed by the Council

6. The reviewing committee of the genetically modified breeding stock and poultry established by the Council may review the application on a case-by-case basis. The approving papers for import or export cannot be issued without the review and approval of the Council.
7. The approving papers for import and export of the genetically modified breeding stock and poultry and genetic resource will be valid from the day after the issuing day to six months after. Exceeding the valid period necessitates a reapplication.
8. The immunization procedures have to be conducted in accordance with the statutes regarding the immunization of the imported animals and their products of R.O.C.
9. After the imported genetically modified breeding stock and poultry complete the immunization procedures in flocks and are thus cleared, they have to be

sent straightaway to the field test premises for assessment in accordance with “the Regulations of the field test and bio-safe evaluation of the genetically modified breeding stock and poultry”. They cannot be reclaimed, put to use nor promulgated before they complete and pass the assessment.

The breeding stock and poultry which do not pass the aforesaid assessment should be returned, euthemized and incinerated in a humanistic way. The applicant is liable to the cost or damages resulting from the procedure.

To conduct the assessment prescribed in the first item, the Council may collect samples for test or send to preserve the genetic samples of the imported breeding stock and poultry and the genetic resource for free for the purposes of follow-up matching and management.

10. The research institute which imports genetically modified breeding stock and poultry and genetic resource for the purposes of experiments and tests, and which has obtained approval from the Council, may be exempt for the field test and bio-safe evaluation procedure as prescribed in Article 9. However, the breeding stock and poultry which are marked, bred in isolation and preserved in designated locations, must not be moved, put to use, nor promulgated without permission.

The Council may collect samples for tests or send to preserve genetic samples of imported breeding stock and poultry or genetic resource for free for follow-up matching and management.

11. The imported genetically modified stock and poultry and genetic resource, which had been reviewed and passed bio-safe evaluation and been approved for promulgation, and which had been assessed to be low in risks, may be exempt from the field test and bio-safe evaluation procedure with the approval of the Council.
12. If the imported genetically modified stock and poultry are used for human consumption, they should be handled in accordance with related regulations of the competent authorities in charge of food safety.
13. In case the exported and imported genetically modified stock and poultry and genetic resource have a negative effect on industrial development or endanger the intactness of domestic high technology, the Council may cease issuing approving papers.



**Application From for Import and Export of the Genetically  
Modified Breeding Stock and Poultry**

For (or on behalf of) \_\_\_\_\_ Co., Ltd./Farm, the applicant desires to import from \_\_\_\_\_ (country) for the total of \_\_\_\_\_ (number of breeds) of \_\_\_\_\_ (Chinese and English name of the breed), comprising \_\_\_\_\_ of male breeds and \_\_\_\_\_ of female breeds, for the purposes of his own breeding and reproduction purposes. The said \_\_\_\_\_ will be raised at \_\_\_\_\_ (full address).

Name of the genetically modified breeding stock or poultry and genetic resource	Total number / male or female / unit

Documents to be submitted :

- Application form
- A photocopy of farm registration certificates
- Two copies of the related field test of the imported goods, which is completed by the institute certified by the exporting country and of the bio-safe evaluation report in both the original language and Chinese translation

- Two copies of the sequence data of the transferred genes, their performance locus, performance amount and other documents good enough for certification.
- One copy of the approving papers issued by the competent authorities of the importing or exporting country (including the Chinese translation)
- One copy of the explication papers concerning the usage, the location where they are bred or preserved and the management fashion of the imported goods
- One photocopy of the field test and of the bio-safe evaluation report

In the hope of obtaining

- Approving papers of import
- Approving papers of export

This is for application to Council of Agriculture, Executive Yuan

Company name of the applicant :

Person in charge :

Company Registered No. :

Address :

Mailing address :

Telephone No. :

Fax No. :

Name of the farm :

Farm Certificate No. :

Registered Address :

Mailing address :

Telephone No. :

Fax No. :

The import approving papers issued by the Council of Agriculture, Executive Yuan will be (please check either one)

mailed

picked up in person

**QUESTIONNAIRE 4**

**YELLOW-FIN TUNA; BLUEFIN TUNA; SOUTHERN BLUEFIN TUNA; SWORDFISH; BIG-EYE TUNA**: FISHERIES AGENCY, COUNCIL OF AGRICULTURE

[Governing Regulations 4-1](#)

## **Notice of Application for Written Approval Licence to Import Yellow-fin Tuna**

Enacted August 31, 1995

Amended January 31, 2007

(Ref. No. Nung-So-Yu-Tze-No. 0961310035)

### **Article 1**

These Rules are enacted in accordance with Article 44 Subparagraph 9 of the Fisheries Act.

### **Article 2**

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).

### **Article 3**

For the importation of yellow-fin tuna, the importer must submit the approval licence issued by the Fishery Agency, Council of Agriculture, Executive Yuan before its import.

### **Article 4**

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 approval licence for the importation of yellow-fin tuna, an importer shall file a written application supported by the following documents:

**(1) Photocopy of company registration certificate or business registration certificate,**

**(2) The certificate of origin issued by the government of the flag country of the fishing vessel that harvested the yellow-fin tuna in the**

**shipment, and a photocopies of the nationality certificate of the fishing vessel and fishing vessel license of the above fishing vessel,**

**(3)Photocopy of the foreign-issued quotation.**

**Article 5**

Licence of consent for import 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, a written approval issued shall be null and void.

**Article 6**

**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**

(1<sup>st</sup> 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:

Attachment A

**Written Approval for Importation of Yellow-fin Tuna**

(2<sup>nd</sup> form for applicant)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

cc: Bureau 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.

## Attachment A

### Written Approval for Importation of Yellow-fin Tuna

(3<sup>rd</sup> form)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

cc: Bureau 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.
- (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 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**

(4<sup>th</sup> form)

To:

From: Fishery Administration, Council of Agriculture, Executive Yuan

CC: Bureau 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.
- (3) This copy shall be served on the Bureau of Foreign Trade of the Ministry of Economic Affairs.

## Attachment A

### 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.

<b>Name</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>	<b>License No.</b>
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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**

Enacted July 1, 2003

Amended July 1, 2009

(Ref. No. Nung-So-Yu-Tze-No. 0981282124)

## **Article 1**

These Rules are enacted in accordance with Article 44 Subparagraph 9 of the Fisheries Act.

## **Article 2**

Application for import, export and re-export of bluefin tuna (*Thunnus thynnus*), live (C.C.C. No. 0301.94.00.00-3), bluefin tuna (*Thunnus thynnus*), fresh or chilled (C.C.C. No. 0302.35.00.00-4), bluefin tuna (*Thunnus thynnus*), frozen (C.C.C. No. 0303.45.00.00-1), bluefin tuna (*Thunnus thynnus*) fillets and its meat, fresh or chilled (C.C.C. No. 0304.19.90.31-6) and bluefin tuna (*Thunnus thynnus*), fillets or steaks, frozen (C.C.C. No. 0304.29.90.31-4), shall be handled based on these essentials.

## **Article 3**

To apply for import of bluefin tuna, importer should affix the following documents and apply with the Fishery Agency of this council for approval and issue of licence of consent for import before its import.

### **(1)When the import country is the original production country:**

1. Photocopy of company registration certificate or business registration certificate,
2. Original copy of the ICCAT bluefin tuna catch document issued by the export country.

If the export country has affixed a tag to each bluefin tuna, the ICCAT bluefin tuna catch document issued is not needed,

If the bluefin tuna caught in Atlantic Ocean is transshipped, the ICCAT transshipment declaration is needed,

3. 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. Photocopy of company registration certificate or business registration certificate,
2. Photocopy of ICCAT bluefin tuna catch document verified by the final export country,

If the bluefin tuna caught in Atlantic Ocean is transshipped, the ICCAT transshipment declaration issued by the final export country is needed,

3. Photocopy of overseas quotation (please add with company seal and seal of the responsible person),
4. Original copy of ICCAT bluefin tuna re-export certificate issued by the final export country,
5. Photocopy of ICCAT bluefin tuna re-export certificate of various export countries before certification by the final export country.

#### **Article 4**

Licence 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 licence of consent already issued will become void.

#### **Article 5**

Under any of the following circumstances, the import licence shall not be issued:

- (1) The bluefin tuna is not caught by legal fishing vessels of the original country in the relative maritime zone.**
- (2) Countries that the International Fishery Organization has prohibited its import.**

#### **Article 6**

Quarantine and other matters concerning the control of the importation of bluefin tuna shall be governed by other applicable regulations.

#### **Article 7**

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 affix the following documents to apply for approval and issue of ICCAT bluefin tuna catch document from the Fishery Agency of this council with other notice before its export.

#### **Article 8**

For application of re-export bluefin tuna after its import from other country, exporter should affix the following documents and apply with the Fishery Agency of this council for the ICCAT bluefin tuna re-export certificate before its export.

##### **(1) When the original country of origin is original production country:**

1. Photocopy of company registration certificate or business registration certificate,
2. Original copy of the ICCAT bluefin tuna catch document issued by the export country.

If the export country has affixed a tag to each bluefin tuna, the ICCAT bluefin tuna catch document issued is not needed,

If the bluefin tuna caught in Atlantic Ocean is transshipped, the ICCAT transshipment declaration is needed,

3. Photocopy of overseas quotation (please add with company seal and seal of the responsible person),

**(2) When the other country is not the original production country:**

1. Photocopy of company registration certificate or business registration certificate,

2. Photocopy of ICCAT bluefin tuna catch document verified by the final export country,

3. Photocopies of overseas quotation (please add with company seal and seal of the responsible person),

4. Photocopy of the ICCAT bluefin tuna re-export certificate issued by the final export country,

5. Photocopies of the ICCAT bluefin tuna re-export certificate of various export countries before verified by the final export country.

**Article 9**

To apply for the licence of consent for import with Article 3 and the bluefin tuna re-export certificate accordance with Article 8, the applicant shall apply on the “Integrated Agriculture Permit and Customs Declaration Platform” (<http://permit.coa.gov.tw/>).

And the original copy of ICCAT bluefin tuna catch document or ICCAT bluefin tuna re-export certificate shall upload to the platform and send to the Fishery Agency of this council by mail.

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

Enacted July 1, 2003

Amended January 1, 2010

(Ref. No. Nung-So-Yu-Tze-No. 0991340005)

## **Article 1**

These Rules are enacted in accordance with Article 44 Subparagraph 9 of the Fisheries Act.

## **Article 2**

Application for import, export and re-export of southern bluefin tuna (*Thunnus maccoyii*), live (C.C.C. No. 0301.95.00.00-2), southern bluefin tuna (*Thunnus maccoyii*), fresh or chilled (C.C.C. No. 0302.36.00.00-3), southern bluefin tuna (*Thunnus maccoyii*), frozen (C.C.C. No. 0303.46.00.00-0), southern bluefin tuna (*Thunnus maccoyii*) fillets and its meat (whether or not minced), fresh or chilled (C.C.C. No. 0304.19.90.32-5) and southern bluefin tuna (*Thunnus maccoyii*), fillets or steaks, frozen (C.C.C. No. 0304.29.90.32-3), shall be handled based on these essentials.

## **Article 3**

To apply for import of southern bluefin tuna, importer should affix the following documents and apply with the Fishery Agency of this council for approval and issue of licence of consent for import before its import.

- (1) Photocopy of company registration certificate or business registration certificate,**
- (2) Original copy of the catch monitoring form, catch tagging form, and re-export or export after landing of domestic product form issued by the export country,**
- (3) The farm stocking form and farm transfer form is needed if the southern bluefin tuna is from farm,**
- (4) Photocopy of overseas quotation (please add with company seal and seal of the responsible person).**

## **Article 4**

Licence 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 licence of consent already issued will become void.

## **Article 5**

Under any of the following circumstances, the import licence shall not be issued:

**(1)The southern bluefin tuna is not caught by legal fishing vessels of the original country authorised by CCSBT.**

**(2)Countries that the International Fishery Organization has prohibited its import.**

#### **Article 6**

Quarantine and other matters concerning the control of the importation of southern bluefin tuna shall be governed by other applicable regulations.

#### **Article 7**

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 shall apply for approval and issue of CCSBT southern bluefin tuna catch document from the Fishery Agency of this council with other notice before its export.

#### **Article 8**

For application of re-export southern bluefin tuna after its import from other country, exporter should affix the following documents and apply with the Fishery Agency of this council for the CCSBT southern bluefin tuna re-export certificate before its export.

**(1)CCSBT southern bluefin tuna re-export certificate and the application,**

**(2)Photocopy of company registration certificate or business registration certificate,**

**(3)Original copy of the catch tagging form issued by the original export country, and the catch monitoring form, re-expert or export after landing of domestic product form verified by the importer,**

**(4)The farm stocking form and farm transfer form is needed if the southern bluefin tuna is from farm,**

**(5)Photocopy of overseas quotation(please add with company seal and seal of the responsible person).**

#### **Article 9**

To apply for the licence of consent for import with Article 3 and the southern bluefin tuna re-export certificate accordance with Article 8,the applicant shall apply on the “Integrated Agriculture Permit and Customs Declaration Platform” (<http://permit.coa.gov.tw/>).

And the original copy of catch tagging form, catch monitoring form, re-export or export after landing of domestic product form, farm transfer form shall upload to the platform and send to the Fishery Agency of this council by mail.

# **Notice of Application for Written Approval licence to Import, Export and Re-export Swordfish.**

Enacted July 15, 2003

Amended December 25, 2008

(Ref. No. Nung-So-Yu-Tze-No. 0971295676)

## **Article 1**

These Rules are enacted in accordance with Article 44 Subparagraph 9 of the Fisheries Act.

## **Article 2**

Application for import, export and re-export 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.

## **Article 3**

To apply for import of swordfish, importer should affix the following documents and apply with the Fishery Agency of this council for approval and issue of licence of consent for import before its import.

### **(1)When the import country is the original production country:**

- 1.The sword fish import application,
- 2.Photocopy of company registration certificate or business registration certificate,
- 3.Original copy of the ICCAT swordfish statistical document issued by the export country,
- 4.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.The swordfish import application,
- 2.Photocopy of company registration certificate or business registration certificate,
- 3.Photocopy of ICCAT swordfish statistical document certified by the final export country,
- 4.Photocopy of overseas quotation(please add with company seal and seal of the



responsible person),

5.Original copy of 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.

#### **Article 4**

Licence 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 licence of consent already issued will become void.

#### **Article 5**

Under any of the following circumstances, the import licence shall not be issued:

**(1)The import fish goods are not caught by legal fishing vessels of the original country in the relative maritime zone.**

**(2)Countries that the International Fishery Organization has prohibited its import.**

**(3)Body size of swordfish caught in the Atlantic is less than 15 kg.**

#### **Article 6**

To apply for export of swordfish caught by a fishing vessel of the nationality of the Republic of China, exporter should apply with the Fishery Agency of this council for the ICCAT swordfish statistical document before its export.

#### **Article 7**

For application of re-export swordfish after its import from other country, exporter should affix the following documents and apply with the Fishery Agency of this council for the ICCAT swordfish re-export certificate before its export.

**(1)When the original country of origin is original production country:**

1.ICCAT swordfish re-export certificate and the application,

2.Photocopy of company registration certificate or business registration certificate,

3.Photocopy of the ICCAT Swordfish Statistical Document issued by the export country,

4.Photocopy of overseas quotation(please add with company seal and seal of the responsible person),

5.Photocopies of the licence of consent for import issuing by the Fishery Agency of this council and import declaration).

**(2)When the other country is not the original production country:**

1. ICCAT swordfish re-export certificate and the application,
2. Photocopy of company registration certificate or business registration certificate,
3. Photocopy of ICCAT swordfish statistical document certified by the final export country,
4. Photocopies of overseas quotation (please add with company seal and seal of the responsible person).
5. Photocopies of the licence of consent for import issuing by the Fishery Agency of this council and import declaration,
6. Photocopy of the ICCAT swordfish re-export certificate issued by the final export country,
7. Photocopies of the ICCAT swordfish re-export certificate of various export countries before certification by the final export country.

#### **Article 8**

To apply for the licence of consent for import with Article 3 and the swordfish re-export certificate accordance with Article 8, the applicant shall apply on the “Integrated Agriculture Permit and Customs Declaration Platform” (<http://permit.coa.gov.tw/>).

And the original copy of ICCAT swordfish statistical document or ICCAT swordfish re-export certificate shall upload to the platform and send to the Fishery Agency of this council by mail.

# **Notice of Application for Written Approval Licence to Import, Export and Re-export Bigeye Tuna**

Enacted July 15, 2003

Amended December 25, 2008

(Ref. No. Nung-So-Yu-Tze-No. 0971295672)

## **Article 1**

These Rules are enacted in accordance with Article 44 Subparagraph 9 of the Fisheries Act.

## **Article 2**

Application for import, export and re-export of bigeye tuna (*Thunnus obesus*), frozen (C.C.C. No.: 0303.44.00.00-2), and bigeye tuna (*Thunnus obesus*), fillets or steaks, frozen (C.C.C. No. 0304.20.90.33-1), shall be handled based on these essentials.

## **Article 3**

To apply for import of bigeye tuna, importer should affix the following documents and apply with the Fishery Agency of this council for approval and issue of licence of consent for import before its import.

### **(1)When the import country is the original production country:**

- 1.The bigeye tuna import application,
- 2.Photocopy of company registration certificate or business registration certificate,
- 3.Original copy of the bigeye tuna statistical document issued by the export country,
- 4.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.The bigeye tuna import application,
- 2.Photocopy of company registration certificate or business registration certificate,
- 3.Photocopy of the bigeye tuna statistical document verified by the final export country,
- 4.Photocopy of overseas quotation(please add with company seal and seal of the responsible person),
- 5.Original copy of the bigeye tuna re-export certificate issued by the final export country,

6. Photocopy of the bigeye tuna re-export certificate of various export countries before certification by the final export country.

#### **Article 4**

Licence 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 licence of consent already issued will become void.

#### **Article 5**

Under any of the following circumstances, the import licence shall not be issued:

**(1) The bigeye tuna is not caught by legal fishing vessels of the original country in the relative maritime zone.**

**(2) Countries that the International Fishery Organization has prohibited its import.**

#### **Article 6**

Quarantine and other matters concerning the control of the importation of bigeye tuna shall be governed by other applicable regulations.

#### **Article 7**

For direct catch that its fishery operation is approved by our country and when applying for export of bigeye tuna, fishery party or exporter shall apply for approval and issue of the bigeye tuna statistical document from the Fishery Agency of this council with other notice before its export.

#### **Article 8**

For application of re-export bigeye tuna after its import from other country, exporter should affix the following documents and apply with the Fishery Agency of this council for the the bigeye tuna re-export certificate before its export.

**(1) When the original country of origin is original production country:**

1. The bigeye tuna re-export certificate and the application,
2. Photocopy of company registration certificate or business registration certificate,
3. Photocopy of the bigeye tuna statistical document issued by the final export country,
4. Photocopy of overseas quotation (please add with company seal and seal of the responsible person),
5. Photocopies of the licence of consent for import issuing by the Fishery Agency of this council and import declaration).

**(2) When the other country is not the original production country:**

- 1.The bigeye tuna re-export certificate and the application,
- 2.Photocopy of company registration certificate or business registration certificate,
- 3.Photocopy of the bigeye tuna statistical document verified by the final export country,
- 4.Photocopies of overseas quotation(please add with company seal and seal of the responsible person).
- 5.Photocopies of the licence of consent for import issuing by the Fishery Agency of this council and import declaration,
- 6.Photocopy of the bigeye tuna re-export certificate issued by the final export country,
- 7.Photocopy of the bigeye tuna re-export certificate of various export countries before verified by the final export country.

#### **Article 9**

To apply for the licence of consent for import with Article 3 and the bigeye tuna re-export certificate accordance with Article 8,the applicant shall apply on the “Integrated Agriculture Permit and Customs Declaration Platform”(http://permit.coa.gov.tw/).

And the original copy of bigeye tuna statistical document or bigeye tuna re-export certificate shall upload to the platform and send to the Fishery Agency of this council by mail.

## **The Tobacco and Alcohol Administration Act**

Full text of 62 articles enacted and promulgated on 19th April, 2000 by Presidential Order

Full text of 63 articles amended and promulgated on 7th January, 2004 by Presidential Order

Article 12, 19, 25, and 63 amended and promulgated on 10th June, 2009 by Presidential Order

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

### CHAPTER I: General Provisions

#### Article 1

This Act is enacted to promote the sound administration of the tobacco and alcohol business and products. Other acts shall apply to matters not provided for in this Act.

#### Article 2

The competent authority under this Act 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 Act 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 shall mean 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" referred to in this Act shall mean the 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 acts or regulations of the central health authority shall be exempt from administration as Alcohol under this Act.

The term "alcohol content" referred to in this Act shall mean the percentage of ethyl alcohol contained in the

entire volume (of a specific beverage) at a temperature of 20 degrees as measured with a Celsius thermometer.

The term "undenatured ethyl alcohol" referred to in Paragraph One of this article shall mean the ethyl alcohol having an alcohol content by volume in excess of 90%, without adding therein any denaturant.

The undenatured ethyl alcohol as referred to in Paragraph One of this Article may be imported only for industrial, pharmaceutical, military, processing applications, or for repackaging before sale. The regulation governing the matters pertaining to production, importation, and sale of undenatured ethyl alcohol, and the addition of denaturants shall be prescribed by the central competent authority.

#### Article 5

"Tobacco/alcohol business" referred to in this Act shall mean any of the following three businesses:

1. tobacco/ alcohol producers: business operators engaging in the manufacturing of tobacco and/or alcohol products, or
2. tobacco/alcohol importers: business operators engaging in the importation of tobacco and/or alcohol products, or
3. tobacco/alcohol sellers: business operators engaging in the wholesale or retail of tobacco and/or alcohol products.

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

#### Article 6

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

#### Article 7

"Disqualified tobacco and disqualified alcohol" referred to in this Act shall mean the tobacco and alcohol products under any of the following contains:

1. tobacco whose content of nicotine or tar exceeds the limits set by Tobacco Hazards Prevention Act; or is 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 Act shall mean the person who shall assume the responsibility as required by the Company Law, the Business Registration Act, or other acts or the relevant organizational charters.

## CHAPTER II: Administration of Tobacco and Alcohol Business

### Article 9

Tobacco and/or undenatured ethyl alcohol producers shall be organized in the form of a company limited by shares only.

For a producer of alcohol products other than undenatured ethyl alcohol which is organized in the form other than a company limited by shares, except that it is a farmers' association or an agricultural cooperative association having received a factory registration certificate, the annual output of such alcohol producer shall not exceed the specific annual amount established by the central competent authority.

### Article 10

Where an existing company, partnership or wholly-owned enterprise, and/or any agricultural organization duly established under the act files an application for incorporating a tobacco/alcohol producer, it shall submit the following documents along with the application with the central competent authority for its approval, and may start the production/manufacture and business operations of the tobacco/alcohol producer only after having been permitted and obtained a permit license. In the case that the tobacco/alcohol producer to be incorporated is organized in the form of a company, partnership or a wholly-owned enterprise, it shall, after having obtained the permit license, follow the procedure for registration of alteration to company business by submitting the following documents:

1. a written application for permission of incorporation of a tobacco/alcohol producer;
2. the company registration or business registration certificate, or the certificate issued by other competent authorities approving the proposed incorporation;
3. the factory registration certificate;
4. the production and business operation plan; and
5. other supporting documents as required by the central competent authority.

Where a company, partnership, or a wholly-owned enterprise being prepared for incorporation applies for incorporation of a tobacco/alcohol producer, it shall first submit the documents as required in Items 1, 4 and 5 of the preceding paragraph with an application for incorporation preparation permit to the central competent authority, and shall subsequently, after having obtained the company or business registration certificate and the factory registration certificate, submit all the foregoing documents with an application to the central competent authority for its approval and issuance of a tobacco/alcohol producer permit license.



Where the applicant is an entity organized in a form other than a company, the factory registration certificate as required in Item 3, Paragraph One and the preceding paragraph of this article may be substituted for the following documents:

1. the certificate issued by the competent environmental protection authority justifying the conformity of the applicant's factory incorporation plan to the relevant requirements set out in environmental protection related acts and regulations; however, if the applicant is not an entity subject to control under the environmental protection related acts and regulations, a certificate confirming its exemption from such control shall be submitted instead;

2. the certificate issued by the competent health authority justifying the conformity of the applicant's factory incorporation plan to good sanitation standards as specified in Paragraph One, Article 28 of this Act;

3. the transcript of the land and building registration records in connection with the site whereat the proposed tobacco/alcohol production/manufacture will be located, or other document(s) which is(are) sufficient to certify the source of the applicant's title to such land and buildings; however, if such land and buildings are not owned by the applicant, a photocopy of the relevant lease agreements or the owners' consents to the use of such land and buildings shall be submitted along with the application.

Time tables for liberalizing the production of tobacco/alcohol products shall be determined by the central competent authority separately in respect of different categories of tobacco/alcohol products.

#### Article 11

Any farmer or aborigine who produces agricultural raw materials suitable for use in wine brewing within the agricultural area covered by an urban development plan, or on the farm/pasture land other than an urban land may apply for incorporation as an alcohol producer at the same piece of land provided that the alcohol production site shall meet the applicable environmental protection, sanitation, and land use control requirements, and shall be limited to one site only; and that its annual output shall not exceed the restrictive annual amount established by the central competent authority, nor may it be engaged in business activities thereat in connection with producing/manufacturing and/or repackaging alcohol products by or for other persons under contracts of commission.

The application for incorporation of an alcohol producer as set forth in the preceding paragraph shall be filed, through the competent authority of the local municipal or county (city) government, with the central competent authority, and the applicant may commence the production/manufacture and business operations only after having been approved by the central competent authority and obtained the permit license. Regulations governing the matters pertaining to the documents and the qualification requirements required for filing the application, the production/manufacture and sale of such alcohol products shall be prescribed by the central

competent authority.

#### Article 12

Under any of the following circumstances, the application for incorporation of a tobacco/alcohol producer shall be disapproved by the central competent authority:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;
2. Where the applicant or the responsible person has violated the provisions set out in Article 46, Article 47, Article 48 or Article 49 and the case is not executed;
3. Where the applicant or the responsible person has been adjudicated guilty by a final judgment or the case is executed for his/her commitment of the offence defined in Article 46, Article 47, Article 48 or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment is less than two years, or after remittance of the punishment is less than two years;
4. Where the duration elapsed after the tobacco/alcohol producer incorporation permit issued to the applicant has been revoked or invalidated by the central competent authority is less than three years;
5. Where the applicant or the responsible person had acted as the responsible person of a tobacco/alcohol producer, and the duration elapsed after the incorporation permit of the tobacco/alcohol producer was revoked or invalidated by the central competent authority is less than three years;
6. Where the contents provided in the production and business operation plan are insufficient to realize the objective of such business plan; or
7. Where the documents submitted along with the application for incorporation are incomplete or the contents contained therein are insufficient, and such deficiencies have not been supplemented or corrected after expiry of a deadline date given by a notice or the supplement made is still insufficient.

#### 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; and
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 a tobacco/alcohol producer intends to make any change/alteration to the type of product, location of the factory or its responsible person, it shall apply to the central competent authority for an approval, and shall, within fifteen days from the date of such change/alteration, apply to the central authority for issuance of a new permit license.

Where a tobacco/alcohol producer has made any change/alteration to the name of its enterprise, the total amount of its capital stock, the location of its head office, or to any particulars as set forth in Item 6, Article 13 hereof, it shall, within fifteen days from the date of such change/alteration, file a report with the central competent authority of such change/alteration for its recordation and at the same time apply for issuance of a new permit license accordingly.

#### Article 16

Where a tobacco/alcohol producer dissolves or terminates its tobacco/alcohol operation; the tobacco/alcohol producer shall surrender the permit license to the central competent authority for invalidation thereof within fifteen days from the date of its dissolution or business termination. For a tobacco/alcohol producer who fails to surrender the permit license upon expiry of the foregoing time limit, 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 or invalidated, the central competent authority shall notify such producer to surrender the permit license within a given time limit. If the permit license is not surrendered within the given time limit, the central competent authority shall make a public announcement to revoke the permit license.

#### Article 18

Where an existing company, partnership, or a wholly-owned enterprise applies for incorporation as a

tobacco/alcohol importer, an application accompanied by the following documents shall be filed with the central competent authority for its permission. The tobacco/alcohol importer may commence its business operation only after having been approved and issued with a permit license, and shall subsequently complete the procedure for alteration to registration of its company/business by supplying the following documents:

1. an application for permission for incorporation as an importer of tobacco/alcohol;
2. the company or business registration certificate; and
3. other documents as required by the central competent authority.

Where a company, partnership, or a wholly-owned enterprise being prepared for incorporation applies for incorporation as an a tobacco/alcohol importer, it shall first submit the documents as required in Items 1 and 3 of the preceding paragraph along with an application for a permit for preparation for incorporation to be filed with the central competent authority, and shall subsequently, after having obtained the company or business registration certificate, submit all the foregoing documents along with an application to the central competent authority for its approval and issuance of a tobacco/alcohol importer permit license.

#### Article 19

Under any of the following circumstances, an application filed for incorporation of a tobacco/alcohol importer shall be disapproved by the central competent authority:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;
2. where the applicant or the responsible person has violated the provisions set out in Article 46, Article 47, Article 48 or Article 49 hereof and the case is not executed;
3. where the applicant or the responsible person has been adjudicated guilty by a final judgment or whose case is in proceedings in regard to his/her commitment of the offence defined in Article 46, Article 47, Article 48 or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment is less than two years, or after remittance of the punishment is less than two years;
4. Where the duration of time elapsed after the incorporation permit of the tobacco/alcohol importer issued to the applicant has been revoked or invalidated by the central competent authority is less than three years;
5. Where the applicant or the responsible person had acted as the responsible person of a tobacco/alcohol importer, and the duration of time elapsed after the incorporation permit of the tobacco/alcohol importer was revoked or invalidated by the central competent authority is less than three years;

6. Where the documents submitted with the application for incorporation are incomplete or the contents contained therein are insufficient, and such deficiencies have not been supplemented or corrected after expiry of a deadline date given by a notice or the supplement made is still insufficient.

#### Article 20

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

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

#### Article 21

Where a tobacco/alcohol importer intends to make any change or alteration to its scope of business or the name of its responsible person, the importer shall apply to the central competent authority for approval; and shall, within fifteen days from the date of such change or alteration, apply to the central competent authority for a new permit license.

Where a tobacco and/or alcohol importer intends to make any change or alternation to the name of the importer, the location of its head office, or to any of the particulars as set forth in Item 5 of the preceding article required by the central competent authority, an application for recordation of such changes/alterations and for issuance of a new permit license shall be filed with the central competent authority within fifteen days from the date of such change or alteration.

#### Article 22

Where a tobacco/alcohol importer dissolves or terminates its tobacco/ alcohol business, the tobacco/alcohol importer shall surrender the permit license to the central competent authority for invalidation thereof within fifteen days from the date of such dissolution or business termination. For an importer who fails to surrender the permit license upon expiry of the foregoing time limit, the central competent authority may make a public announcement to revoke the permit license.

#### Article 23

For the tobacco/alcohol importer whose permit license was revoked or invalidated, the central competent authority shall notify such importer to surrender the permit license within a given time limit. If the permit

license is not surrendered within the given time limit, the central competent authority shall make a public announcement to revoke the permit license.

#### Article 24

The central competent authority may entrust to the competent authority of the municipal or county (city) 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 such approval.

#### Article 25

No person under any of the following circumstances shall be qualified as a tobacco/alcohol seller:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;;
2. Where the applicant or the responsible person has been adjudicated guilty by a final judgment or whose case is in proceedings in regard to his/her commitment of the offence defined in Article 46, Article 47, Article 48 or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment, or after remittance of the punishment is less than two years.

### 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 Tobacco Hazards Prevention Act.

#### Article 27

Hygiene of alcohol products shall comply with the hygiene standards and the relevant regulations prescribed jointly by the central competent authority and the central health authority.

The hygiene condition of alcohol products containers shall conform to the relevant hygiene standards as prescribed jointly by the central competent authority and the central competent health authority.

#### Article 28

The work places, facilities and quality assurance system to be used by any tobacco/alcohol in performing the manufacturing, processing, preparing, packaging, transporting, storing, and/or blending operations shall meet the sanitation standards as prescribed jointly by the competent central authority and the central health authority.

The buildings and equipment to be used by a tobacco/alcohol production/manufacture factory shall meet the factory establishment standards as prescribed jointly by the central competent authority, the central health authority and the industrial authority.

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

##### Article 29

Manufacturers other than a tobacco/alcohol producer shall not accept any contract to produce tobacco/alcohol products for any other persons.

A tobacco/alcohol producer shall, when accepting a commission from another business operator to produce tobacco/alcohol products for it, comply with the qualifications as set by the central competent authority.

The tobacco/alcohol producer to comply with the preceding paragraph shall apply to the central competent authority for approval and may proceed to produce only after obtaining the approval.

##### Article 30

Any tobacco/alcohol producer which repackages tobacco/alcohol products for sale shall not change the original brand of such tobacco/alcohol products, and shall obtain a written authorization from the original producer of such tobacco/alcohol products for such repackaging operation.

For the tobacco/alcohol products to be imported for repackaging and sale, the certificates of origin issued by the government of the country wherein such products are produced or the appropriate chamber of commerce authorized by such foreign government shall be presented along with the products at the time of importation thereof.

A timetable for revising the tobacco/alcohol products repackaging operation and sale by tobacco/alcohol producers shall be determined by the central competent authority separately in respect of different classes/categories of tobacco/alcohol products.

##### Article 31

Methods of sale by which a buyer's age can not be identified, such as by vending machine, postal sale or electronic sale, etc. cannot be used in the distribution and sale of alcohol products.

Tobacco/alcohol products whose expiration date or storage life has expired shall not be put to sale.

The distribution and sale of tobacco shall comply with Tobacco Hazards Prevention Act.

## 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 particulars on the label affixed directly on the tobacco containers:

1. brand name;
2. name and address of producer: for imported tobacco products, importers' names and addresses shall also be included; for tobacco products produced by a contractor under Paragraph Three, Article 29 hereof, the name and address of the commissioning party shall also be included; for tobacco products repackaged for sale in accordance with the provisions set out in Paragraph One, Article 30 hereof, the name and address of the repackaging producer 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, and where the date of production is labeled, the storage life of the products shall also be indicated; and
8. other labeling required to be included by the central competent authority.

The labels affixed on the containers and external packages of tobacco products shall not contain any false or misleading statements.

With regard to the nicotine and tar contents and the health warnings which must be labeled under items 5 and 6 of Paragraph One of this Article, the relevant labeling rules and penal clauses as provided for in Tobacco Hazards Prevention Act shall govern.

The labeling requirements as set out in Item 8, Paragraph One of this Article shall come into force after elapse of eighteen months from the date such requirements are published in a public notice given by 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 stated; the name and address of the commissioned party as prescribed in Paragraph Three, Article 29 of this Act shall also be stated; the name and address of the repackaging producer as prescribed in Paragraph One, Article 30 of this Act shall also be stated;
6. volume;
7. for alcohol products having an alcohol content of 7% or less, the expiration date or bottling date, and the period of storage after production shall also be included if the bottling date is indicated on the label;
8. "Excessive drinking endangers health." or other health warnings;
9. other labeling required to be included by the central competent authority.

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

In case the space on the surface of an alcohol container is too small to accommodate a label to be affixed thereon according to Paragraph One, a labeling tag may be used for the purpose of labeling.

No false or misleading statements may be made in labeling on the container or external packaging and or brochure introduction of alcohol products. The geographical indication of the alcohol product shall not be used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like, to convey erroneous impression or inference as to the origin of the alcohol product, even where the true origin of the product is indicated.

The regulations governing labeling shall be prescribed by the central competent authority. The labeling requirement as referred to in Item 9, Paragraph One of this Article will be made effective eighteen months after announcement by the central competent authority.

Article 34

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

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

The following particulars to be labeled on tobacco/alcohol products may not be made in Chinese characters:

1. the brand name and the name and address of the foreign producer of imported tobacco/alcohol products; and
2. the name and address of the foreign commissioning enterprise which are required under Item 2, Paragraph One, Article 32 or Item 5, Paragraph One of the preceding Article of this Act.

#### Article 35

Products which are not tobacco or alcohol referred to in this Act, 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 Tobacco Hazards Prevention Act.

#### 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, promote the consumption of a pregnant woman by 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 inspect the tobacco/alcohol business in respect of the matters

governed by this Act. The inspector(s) may, as it is deemed necessary, require the business operators to provide accounting books and records, evidentiary documents, and other necessary information; and may take samples, to which the examinees shall not refuse, evade, or impeded; provided, however, that the quantity of samples to be taken shall be limited to what the inspection requires.

Upon presentation of the accounting books and records, evidentiary documents, and other necessary documents by the tobacco/alcohol business undergoing inspection in accordance with the provisions set out in the preceding Paragraph, the competent authority conducting such inspection shall issue a receipt to the provider, and shall return such documentation to the provider within seven (7) days from the date such documentation is fully provided except that the business is suspected to violate the provisions set out in this Act; subject to an extension of seven (7) days thereof under extraordinary situation.

#### Article 39

The competent health authority may conduct a spot-check of the business operations, sanitary measures, and relevant records of any tobacco or alcohol product producer, and may take samples and seize relevant records in question when necessary, which actions the producer shall not refuse, evade or impede, provided, however, that the quantity of samples to be taken shall be limited to what the inspection may require.

If necessary, the inspection required in the preceding paragraph may be conducted jointly by the competent health authority and the other competent authorities.

Import of foreign alcohol products may be permitted only after such imported alcohol products have been inspected by the central competent authority for their conformity to the standard hygienic requirements.

The inspection set forth in the preceding paragraph may be conducted by means of lot-to-lot inspection, lot-sampling inspection, or release after documentary examination.

For imported alcohol products, with the exception for undenatured ethyl alcohol, in any of the following conditions, inspection may be conducted on the basis of release-after-documentary examination:

1. alcohol products that have been previously inspected and found to be conformity with the standard hygiene requirement; or
2. alcohol products other than those sampled for inspection; or
3. alcohol products accompanied by test reports, inspection certificates or relevant examination and verification certificates issued for that particular lot of alcohol products by the authority (institution) of nations having reciprocal recognition relations with the Republic of China.

The central competent authority may authorize another agency (institution) to execute the inspection of alcohol

products set forth in Paragraph Three of this Article. Regulations governing such authorization and the inspection shall be prescribed jointly by the central competent authority and the competent health authority.

#### 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/ alcohol, disqualified tobacco/alcohol, which is suspected to be in violation of this Act and take samples for examination. If the product may continuously ferment or injure the environment, the competent authority may take necessary procedures in handling.

The examination referred to in the preceding paragraph may be entrusted by the competent authority to the competent health authorities or other appropriate authorities or organizations.

#### Article 42

If the competent authority or the competent health authority discovers that the tobacco/alcohol products produced/manufactured or imported by a tobacco/alcohol producer or importer may cause serious injury to human health, the competent authority shall publicly announce a prohibition of the production/manufacture, importation, sale of, or otherwise dispose of such products.

The competent authority shall publicly announce a prohibition of the consumption of tobacco and alcohol referred to in the preceding paragraph, and order its producer or importer to recall and destroy the product within a specified time period. The tobacco and/or alcohol wholesaler and retailer shall comply with such recall and destruction order. Such recall and destruction may be enforced by the competent authority on behalf of the producer or the importer thereof; with any costs being entailed thereby such producer or importer. The injured victims may seek for compensation.

#### Article 43

The competent authority and health authority, when conducting inspection or launching a crackdown in accordance with this Act, 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 Act, 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 Act or other acts may be destroyed or disposed of in other manners.

### CHAPTER VII: Penal Provisions

#### Article 46

Any person who produces or imports illegal tobacco/alcohol products shall be punished by a fine of between NT\$ 100,000 to NT\$ 1,000,000; however, the producer will be punished by a fine equal to one to five times the market value in the case that the market value of the offending product(s) is/are above NT\$1,000,000 at the time when it/they were uncovered.

No punishment will be imposed provided that the quantity of illegal tobacco/alcohol products produced does not exceed a specific limit of quantity; and that such products are produced for own/personal use.

The central competent authority shall announce the specific amount set in the preceding Paragraph One of this Article.

Any person who imports illegal tobacco/alcohol products shall be punished by imprisonment for a period of up to 2 years, or by detention; further in lieu thereof or in addition thereto, a fine of between NT\$ 200,000 and NT\$ 2,000,000 may be imposed.

#### Article 47

Any person who sells, transports, transfers, or displays with the intention of selling illegal tobacco/ alcohol products shall be punished by a fine of between NT\$ 50,000 and NT\$500,000; however, the violator will be punished by a fine equal to one to five times the market value in the case that the market value of the offending product (s) is/are above NT\$500,000 at the time when it/they were uncovered.

#### Article 48

Any person who produces or imports disqualified tobacco/alcohol products shall be punished by a fine of between NT\$ 300,000 and NT\$3,000,000; however, the producer or importer will be punished by a fine equal to one to five times the market value in the case that the market value of the offending product(s) is/are above NT\$3,000,000 at the time when it/they were uncovered.

If the produced or imported disqualified tobacco/alcohol products, prescribed in the preceding paragraph, contain the material which may seriously injure people's health, any person who produces or imports disqualified tobacco/alcohol products shall be punished by imprisonment for a period up to 3 years, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 300,000 and NT\$ 3,000,000 may be imposed.

#### Article 49

Any person who sells, transports, transfers, or displays with the intention of selling illegal or disqualified tobacco or alcohol products shall be punished by a fine of between NT\$ 200,000 and NT\$2,000,000; however, the producer or importer will be punished by a fine equal to one to five times the market value in the case that the market value of the offending product(s) is/are above NT\$2,000,000 at the time when it/they were uncovered.

If the illegal or disqualified tobacco or alcohol products, prescribed in the preceding paragraph, contain the material which may seriously injure people's health, any person who sells, transports, transfers, or displays with the intention of selling illegal or disqualified tobacco or alcohol products shall be punished by imprisonment for a period up to 2 years, or by detention, in lieu thereof or in addition thereto, a fine of between NT\$ 200,000 and NT\$ 2,000,000 may be imposed.

#### Article 50

Where the representative of a juridical person, or agent, employee or other workers of a juridical person or natural person, commits any one or more of the crimes as set forth in Paragraph 4, Article 46 and the two preceding articles of this Act during discharge of their responsibility, such person(s) as described above shall be punished by the penal provision of each Article; and whether by penal provision /or by fine to the amount set forth in each Article.

#### Article 51

Where the responsible person of a permitted tobacco/alcohol producer is discovered under any of the following circumstances, the central competent authority may order the producer to change its responsible person within a given time limit; and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances prescribed in Items 1 through 5, Article 12 of this Act; or
2. having been adjudicated guilty by a final judgment or the case is executed for his/her commitment of the offence set forth in Article 46, Article 47, Article 48 or Article 49 of this Act.

#### Article 52

Where the responsible person of a permitted tobacco/alcohol importer acts or is discovered acting under any of the following circumstances, the central competent authority may order the importer to change its responsible person within a given time limit, and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances prescribed in Items 1 through 5 of Article 19; or
2. having been adjudicated guilty by a final judgment or where the case is in the process of execution for his/her commitment of the offence set forth in Article 46, Article 47, Article 48 or Article 49 of this Act.

### Article 53

Where the responsible person of a registered alcohol products seller is discovered acting under any of the following circumstances, the competent authority may order the seller to change its responsible person within a given time limit, and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances set forth in any of the Items of Article 25 of this Act; or
2. having been adjudicated guilty by a final judgment or where the case is in the process of execution for his/her commitment of any of the offences set forth in Article 46, Article 47, Article 48 or Article 49 of this Act.

Where the responsible person violates the provisions set out in Item 1 of the preceding paragraph, the competent authority may order the seller to change its responsible person within a given time limit, and he or she may also be imposed with a fine of not less than NT\$ 50,000 but not more than NT\$100,000.

### Article 54

Any tobacco/alcohol producer or importer who violates the labeling requirements set out in Article 32, 33 or 34 of this Act in course of its production/manufacture or importing operations shall be imposed with a fine of not less than NT\$ 100,000 but not more than NT\$ 500,000 each time upon confirmation of its performance of such act in violation of the Act, and shall be ordered to recall the products and correct the labeling within a given time limit. If such tobacco/alcohol producer or importer fails to do so upon expiry of the time limit, the competent authority shall suspend production or importation operations for a period from six months to one year, and shall confiscate those tobacco and/or alcohol products that were produced/manufactured in violation of this Act.

Any who sells, transfers, or displays with the intention of selling the tobacco/alcohol products not conforming to the labeling requirements set out in this Act shall be imposed with a fine in an amount of one to five times the market value of the unlawful products at the time when it/they were uncovered, and such unlawful products shall be confiscated.

### Article 55

Any person who advertises or promotes the sale of alcohol products in a manner violating the provisions set out in Article 37 of this Act shall be imposed with a fine of not less than NT\$ 100,000 but not more than NT\$ 500,000, and shall be ordered to take corrective measures within a given time limit; if he/she fails to do so upon expiry of the time limit, he/she shall be subject to the same punishment for each subsequent violation of this clause.

For any television, broadcast, newspaper, magazine or publication enterprise which broadcasts or publishes advertisement of alcohol products in violation of the provision of Article 37 of this Act, the competent information authority shall impose on the violator a fine of not less than NT\$ 100,000 but not more than NT\$ 500,000, and shall order such party to take corrective measures within a given time limit; if the party fails to do

so, the fine may be imposed on the violator for each subsequent violation of this Article.

#### Article 56

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

1. violations of the regulations prescribed pursuant to Paragraph 4, Article 4 of this Act;
2. violation of the specific annual amount as provided pursuant to Paragraph 2, Article 9 of this Act;
3. violation of the provision set out in Paragraph 1, Article 11 of this Law by producing alcohol products in excess of the specific annual amount ; or by producing alcohol products for other persons or repackaging alcohol products for sale;
4. violation by a tobacco/alcohol producer of the provisions of Paragraph 1, Article 15 of this Act;
5. violation by a tobacco/alcohol importer of the provision of Paragraph 1, Article 21 of this Act;
6. violation of the container sanitation standards as specified in Paragraph 2, Article 27 of this Act;
7. violation by a tobacco/alcohol producer of the hygiene standards as specified in Paragraph 1, Article 28 of this Act;
8. violation of the provisions set out in Paragraph 3, Article 29 of this Act by producing tobacco/alcohol products for other persons;
9. violation by a tobacco/alcohol producer of the provisions set out in Paragraph 2, Article 31 of this Act by selling tobacco/alcohol products whose expiration date or the storage life of which has expired;
10. violations of the provisions of Article 35 of this Act in connection with labeling or promotion;
11. violation by a tobacco/alcohol business of this Act by refusing, evading or impeding 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 of this Act; or
12. violation of the Provisions of Paragraph 2, Article 42 of this Act by failing to recall and to destroy within the time limit given by the competent authority those tobacco/alcohol products that may cause serious injury to human health.

The tobacco and/or alcohol producer or importer subject to the conditions set forth in Items 4, 5, 8, 9, or 12 of the preceding paragraph, shall be notified to take corrective measures or to recall and destroy the products



within a given time limit. If such producer or importer fails to comply with the terms of such notification, fines may be imposed per instance successively.

Subject to the imposition of the fines as set out in Items 2, 3, 7, or 8, Paragraph One of this Article, the incorporation permit certificate previously issued to the alcohol producer which has violated the provisions set out in Paragraph 2, Article 9; the specific annual amount in Paragraph 1, Article 11; the sanitation standards as specified in Paragraph 1, Article 28; or the provisions of Paragraph 3, Article 29 of this Act shall also be invalidated.

Subject to the imposition of a fine under Item 1, Paragraph One of this Article, the central competent authority may also prohibit the violator of the regulations prescribed under Paragraph Four, Article 4 of this Act from producing/manufacturing, importing or selling alcohol products for a period of not less than six months but not more than one year following the imposition of the fine.

#### Article 57

Under any of the following circumstances, the violator shall be imposed with a fine of not less than NT\$ 10,000 but not more than NT\$ 50,000:

1. violation by a tobacco/alcohol producer or importer of the provisions set out in Paragraph 2, Article 15 or Paragraph 2, Article 21 of this Act;
2. where the alcohol products are being sold in a manner violating the provisions set out in Paragraph 1, Article 31 of this Act.

The violator of the provisions set out in Item 2 of the preceding paragraph may also be imposed with a fine successively on a daily basis until the act performed in violation of the act is ceased.

#### Article 58

Any illegal tobacco/alcohol products, disqualified tobacco/alcohol, and the equipment used for the processing of the raw materials, and alcohol containers used for the production of the illegal and/or tobacco/alcohol products being attached under this Act shall be seized or confiscated.

### CHAPTER VIII: Supplementary Provisions

#### Article 59

When the fine imposed under this Act is overdue, the case shall be referred to the court for compulsory execution.

#### Article 60

In order to effect an upgrading in the quality of tobacco/alcohol products, the competent authority may authorize other authorities (institutes) to perform quality certification and examination activities in relation to tobacco/alcohol products.

#### Article 61

The competent authority authorized to process the applications, registrations, and to issue or re-issue (supplement or substitute) licenses pursuant to the provisions of this Act shall collect registration, examination and certification fees. The competent authority may collect annual licensing fees from tobacco/alcohol producers and/or the persons/entities authorizing others to produce/manufacture tobacco/alcohol products for them. The standard rate of charge of such fees shall be formulated and decided by the central competent authority.

#### Article 62

The enforcement rules of this Act shall be prescribed by the central competent authority.

#### Article 63

The implementation date of this Act shall be decided by the Executive Yuan.

The provisions of the revision of this Act shall come into effect as from 23rd November, 2009.

# **The Enforcement Rules of the Tobacco and Alcohol**

**(Amended on September 16, 2010)**

## Article 1

These Enforcement Rules are prescribed in accordance with Article 62 of the Tobacco and Alcohol Administration Act (hereinafter referred to as the "Act").

## Article 2

"Tobacco" set forth in Article 3, Paragraph 1 of the Act 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 subparagraphs.

The term "tobacco substitutes" used in Article 3, Paragraph 1 of the Act shall refer to other natural plants and processed products containing nicotine, used as substitutes for tobacco.

## Article 3

"Alcohol" set forth in Article 4, Paragraph 1 of the Act 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 are brewed from fermented fruits as raw materials:
  - (1) Grape wine: Wine brewed from grapes as raw materials;
  - (2) Other fruit wine: Wine brewed from fruits other than grapes, or from two or more kinds of fruits, as raw materials.
3. Beverages brewed from grains: Saccharized and fermented 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 subparagraphs.
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, maturation, and blending, using various yeast or enzyme and ferments.

(4) Rice spirits : Distilled spirits made from rice as raw materials and through the process of liquidization, saccharification, fermentation and distillation, using koji or enzyme.

(5) Other distilled spirits: Distilled spirits other than those set forth in the preceding four 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. Cooking alcohols: Alcohols exclusively used for cooking as follows:

(1) General cooking wine: 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. The aforesaid salt content of more than 0.05% shall refer to that each 100 ml of cooking alcoholic beverages contains more than 0.5 g of salt.

(2) Cooking rice wine: Alcohol products made from rice as raw materials and through the process of saccharification, fermentation, distillation, either blended or not blended with ethyl alcohol. The alcohol content for the rice wine shall not exceed 20 percent of the total volume. The labeling of 'exclusively used for cooking' on the package is required.

8. Ethyl alcohol: Undenatured ethyl alcohol with an alcohol content of more than 90 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 90 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 90 percent.

9. Other alcoholic beverages: Other kinds of alcohol not included in those set forth in the preceding eight subparagraphs.

#### Article 4

The "repackaging" set forth in Article 5, Paragraph 2 of the Act 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.

The processing activities referred to in the preceding paragraph shall exclude those processing activities with the authorization of the original manufacturers and not changing the original brands.

#### Article 5

"Tobacco and alcohol products manufactured or imported without permission" set forth in Article 6 of the Act 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 importers' permit licenses in accordance with the Act.
2. Tobacco and alcohol products manufactured by persons who fail to obtain tobacco or alcohol manufacturers' permit licenses in accordance with the Act.
3. Tobacco and alcohol products manufactured after the central competent authority revoke or abolish the permission or the relevant importers' permit licenses have been nullified.
4. Tobacco and alcohol products manufactured or imported that are forbidden or ceased by the competent authority.
5. Tobacco and alcohol products manufactured by the tobacco and alcohol manufacturers at places other than the factory locations listed on the permit licenses.
6. Alcohol products which only can be imported after being examined and meet the hygiene standard given in Article 39, Paragraph 3 of the Act are unable to pass the examination but have been imported already. Tobacco and alcohol products as referred to in Subparagraph 2 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, Paragraph 2 of the Act includes alcohol products manufactured under the commission of another person or manufactured by another person under commission.

#### Article 7

The term agricultural organizations set forth in Article 10, Paragraph 1 of the Act shall refer to farmers' associations, agricultural production and marketing departments, cooperative farms, or other agricultural organizations.

#### Article 8

The alteration date of the name of manufacturer, total capital, head office locations, name of the responsible person, and business items as set forth in Article 15 and Article 21 of the Act shall refer to the date when the company or business alteration registration is complete. With regard to agricultural organizations, the alteration date shall refer to the date when the fact occurs.

The alteration date of product type as set forth in Article 15, Paragraph 1 of the Act shall refer to the date when the fact occurs. The alteration date of factory locations shall refer to the date when the factory alteration registration is complete. With regard to those that do not possess factory registration documents, the alteration date shall refer to the date when the fact occurs.

#### Article 9

If deemed necessary, before the central competent authority issues or renews tobacco or alcohol manufacturers' permit licenses, it may request the municipal or county (city) competent authority situated in the head office

locations and factory locations of the manufacturers to dispatch personnel to inspect whether the manufacturers manufacture tobacco or alcohol in violation of the Act and to examine on whether the machinery and equipment are consistent with the production and operation plans declared by the manufacturers.

#### Article 10

Where a tobacco or alcohol manufacturer is commissioned to manufacture tobacco or alcohol products set forth in Article 29, Paragraph 3 of the Act, it means that said tobacco or alcohol products are for the commissioning party to sell.

Where a tobacco or alcohol manufacturer reports to the central competent authority for reference in accordance with Article 29, Paragraph 3 of the Act, it shall submit an application form bearing the signatures of the parties' responsible persons and the following documents:

1. Photocopy of the respective tobacco or alcohol manufacturers' permit licenses issued to the commissioned party.
2. The company or business registration documents of the commissioning party.
3. Declarations stating that the commissioning party does not fall under the situations set forth in Article 25 of the Act.
4. The manufacturing commission contract.
5. Photocopy of the factory registration documents of the commissioned party.
6. The commissioned party's tobacco or alcohol tax payment documents for the last one year.
7. 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 the head office locations of the commissioning and commissioned parties and the factory location of the commissioned party.
2. Types, specifications, 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 11

The addresses as referred to in Article 32, Paragraph 1, Subparagraph 2 and Article 33, Paragraph 1, Subparagraph 5 of the Act shall include the contents sufficient for identification and contact by consumers. The major raw materials as referred to in Article 32, Paragraph 1, Subparagraph 4 of the Act shall listed in a decreasing order according to their respective proportions.

#### Article 12

The false labels leading people to misidentify tobacco or alcohol products set forth in Article 35 of the Act 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 13

The term "advertising" as referred to in Article 37 of the Act shall mean propagating the content of promotion to unspecified majority by utilizing television, broadcasting, films, slides, newspapers, magazines, flyers, posters, signboards, memorial archways, computers, fax, electronic videos, electronic voice, or other means. Prohibiting alcohol products, pasting posters, or using words or patterns to label or describe the sales alcohol products inside of the business places to sell alcohol products, if not expanding to other places or floors and taking people who enter the room as targets, shall not be subject to the term "advertising" or "promotion" as prescribed in Article 37 of the Act.

#### Article 14

The health warning label on advertising or promotional materials of alcohol products set forth in Article 37 of the Act 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 or other image commercials or promotion, the warning shall appear in an overlapping manner all the time. In the case of merely sound advertisement or promotion, the health warning shall be clearly disclosed by sound. 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 15

With regard to the provision where advertising or promotion of alcohol shall not contain deceptive, exaggerated, distorted facts or contents that are easily misinterpreted, set forth in Article 37, Subparagraph 4 of the Act, it includes that the advertising or promotion shall not have false or misleading statements or use translation wording, labels of the same category, type, and style, other similar labels, or additional remarks to state that the alcohol is produced from somewhere else. This provision shall apply to those with correct labels of the actual place of origin as well.

#### Article 16

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

#### Article 17

The central competent authority shall conduct the spot check set forth in Article 38, Paragraph 1 of the Act 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 inspection officials 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 Act.

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 reference.

Other necessary matters set forth in Article 38, Paragraph 1 of the Act shall include the health inspection reports concerning the nicotine and tar content of tobacco or alcohol issued by the laboratories recognized by the central competent authority with public announcement.

#### Article 18

Where the competent authority takes samples of tobacco and/or alcohol products for examination in accordance with Article 38, Paragraph 1 of the Act, said samples shall be gratuitous. The competent authority shall give the examinee a recipe for the samples.

#### Article 19

After samples of tobacco and/or alcohol products for examination are taken in accordance with Article 39, Paragraph 1 of the Act, the health authority and the tobacco and/or alcohol enterprises concerned shall jointly sign the seals thereon. After the inspection officials give the examinee a receipt for the samples and each of these samples is given a specific code by the inspection officials, 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.

#### Article 20

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

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

#### Article 21

Where the competent authority takes samples for examination in accordance with Article 41, Paragraph 1 of the Act, Article 19 shall apply *mutatis mutandis*. The competent authority shall, within three days, commission the health authority or relevant authorities or institutions to examine samples delivered for examination in accordance with Article 41, Paragraph 2 of the Act.

#### Article 22

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 Act, 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.



## Article 23

The "tobacco and alcohol that will seriously injure people's health" as referred to in Paragraph 1, Article 42 of the Act 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 seal up or detain said tobacco and alcohol after checking and recording the finished goods and half-finished goods and shall transfer the case to the judicial authority. 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.

With regard to the tobacco and alcohol set forth in the preceding two paragraph, the municipal or county (city) competent authority shall make public announcement to stop smoking or drinking, order the tobacco and alcohol manufacturers or importers to retrieve and destroy such tobacco and alcohol within a prescribed period, and shall notify the central competent authority. After the prescribed period expires, if any enterprise is found failing to retrieve and destroy said tobacco and alcohol, it shall be punished in accordance with Article 56, Paragraph 1, Subparagraph 12 and Paragraph 2 of the Act.

## Article 24

The "other disposal manners" set forth in Article 45 of the Act shall refer to any of the followings:

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 shall be disposed in accordance with the preceding Paragraph only after the final decision on confiscation or appropriation is handed down.

Tobacco or alcohol confiscated or appropriated due to trademark infringement shall be destroyed

For tobacco or alcohol products disposed of in the manner set forth in Paragraph 1, Subparagraph 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 Paragraph 1, Subparagraph 1, the label thereon must meet the requirements in the applicable Acts 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 reference once every three months.

#### Article 25

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 26

Except that penalties of fines set forth in Article 56, Paragraph 1, Subparagraphs 2 to 5, Subparagraph 8, and Article 57, Paragraph 1, Subparagraph 1 of the Act shall be enforced by the central competent authority, the penalties set forth in the Act shall be enforced by the municipal or county (city) competent authority.

#### Article 27

Where a fine is imposed on a tobacco or alcohol manufacturer or importer and said enterprise is informed to retrieve and take supplementary measures within a prescribed period in accordance with Article 54, Paragraph 1 of the Act, if the enterprise fails to comply within the deadline, the municipal or county (city) competent authority shall apply to the central competent authority to terminate the manufacture or import for more than six months and less than one year, and shall appropriate the tobacco or alcohol.

The disposition of appropriation set forth in the preceding paragraph shall be conducted by the municipal or county (city) competent authority.

After a fine is imposed on a tobacco or alcohol manufacturer in accordance with Article 56, Paragraph 1, Subparagraph 7 of the Act, the municipal or county (city) competent authority shall apply to the central competent authority to abolish the permission in accordance with Article 56, Paragraph 3 of the Act.

#### Article 28

Where the central competent authority revokes or abolishes a tobacco or alcohol manufacturer's permit or forbids or suspends the ethyl alcohol production during a certain period, the central competent authority shall notify the local municipal or county (city) competent authority in conjunction with the competent tax collection agency to dispatch personnel to check the inventory and record the finished goods and half-finished goods of tobacco or alcohol and take the goods under supervision.

After the central competent authority abolishes the permit or forbids or suspends the tobacco or alcohol production during a certain period, the tobacco or alcohol manufacturer may, with regard to those finished goods completed before the day when the permit is abolished or when the production is forbidden or suspended, pay the taxes and sell said goods. The production of the remaining half-finished goods of tobacco or alcohol shall not be continued. Where a tobacco or alcohol manufacturer's permit is revoked, in order to maintain public interest or avoid the beneficiaries' property loss, the provision hereof shall apply *mutatis mutandis*.

#### Article 29

Fees 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 24 of the Act shall be handed over to the National Treasury. The central competent authority shall handle the entrustment fees in accordance

with the budget procedures.

#### Article 30

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

#### Article 31

The Enforcement Rules shall be enforced as of the date of promulgation. Article 5, Paragraph 1, Subparagraph 6 of the Rules amended and promulgated on November 9, 2005 shall be enforced from January 1, 2006. Article 3, Subparagraph 8 of the Rules amended and promulgated on May 16, 2008 shall be enforced from May 16, 2008. Article 3, Subparagraph 5 and 7 of the Rules amended and promulgated on September 16, 2010 shall be enforced from September 16, 2010.

## **The Regulations Governing Undenatured Ethyl Alcohol**

Full text of 16 articles enacted and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 0890351440 on December 30, 2000

Full text of 19 articles amended and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 09303509830 on June 29, 2004

The Standard Chart of Ethyl Alcohol Denaturant of Article 11 amended and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 09403510960 on June 27, 2005

Article 9 and 17 amended and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 09403525530 on December 1, 2005

Article 7 and 10 amended and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 09503515970 on November 8, 2006

Article 3 and 19 amended and promulgated by the Ministry of Finance with Order Tsai-Ku-Tzu-No. 09703507780 on May 16, 2008

### Article 1

The Regulations are enacted pursuant to Article 4, Paragraph 4 of the Tobacco and Alcohol Administration Act (hereinafter referred to as the Act)

### Article 2

The manufacture, importation, and sale of undenatured ethyl alcohol and the addition of denaturant shall be governed by the Regulations.

Other relevant Acts and regulations shall apply with regard to those not provided for herein.

### Article 3

Undenatured ethyl alcohol (hereinafter referred to as "ethyl alcohol") referred to in the preceding article shall mean ethyl alcohol having an alcohol content by volume of over ninety percent (90%) without denaturant.

The alcohol content referred to in the preceding paragraph shall mean the volume percentage of ethyl at 20 degrees Celsius ( 20°C ).

## Article 4

Ethyl alcohol manufacturers shall be organized in the form of a company limited by shares.

Prior to establishment of an ethyl alcohol manufacturer, an existing company shall submit the following documents to the central competent authority for approval. A company may only produce and operate its business with the permit license after the approval is granted, and shall additionally complete the company alteration registration after receiving said permit license:

1. Application form for the establishment of tobacco/alcohol manufacturing;
2. Evidencing documents of company registration;
3. Evidencing documents of factory registration;
4. Production and operation plans;
5. The satisfactory factory examination report issued by the competent authority of fire control where the factory is located; and
6. Other documents required by the central competent authority.

Where a company during the process of establishment applies for the establishment of an ethyl alcohol manufacturer, it shall first submit the documents as prescribed under Subparagraphs 1, 4, and 6 of the preceding paragraph to the central competent authority for the establishment approval. After receiving the company registration and the factory registration, it shall file said documents along with the satisfactory factory examination report issued by the competent authority of fire control with the central competent authority to apply for the issuance of the ethyl alcohol manufacturing permit license.

## Article 5

Where the industrial by-product of a company is ethyl alcohol, the company shall apply to the central competent authority for the ethyl alcohol manufacturing permit license in accordance with Article 10 of the Act and the preceding article herein. The company shall begin selling its by-product after receiving the permit license.

## Article 6

Where an existing company, a partnership or sole proprietorship enterprise applies for the establishment of an ethyl alcohol importer, it shall submit the following documents to the central competent authority for approval. It may only operate with the permit license after the approval is granted, and shall complete the company or business alteration registration after receiving the permit license:

1. Application form for the establishment of tobacco/alcohol importation;
2. Evidencing documents of the company or business registration;
3. Plans regarding the importation of undenatured ethyl alcohol; and

#### 4. Other documents required by the central competent authority.

The plans regarding the importation of undenatured ethyl alcohol as referred to in the Subparagraph 3 of the preceding paragraph shall clearly specify the storage location, transportation plans, route/traffic plans, the origin and purpose of ethyl alcohol, and the sales target.

Where a company, a partnership or sole proprietorship enterprise during the process of establishment applies for the establishment of an ethyl alcohol importer, it shall first submit the documents as prescribed under Subparagraphs 1, 3, and 4 of Paragraph 1 to the central competent authority for the establishment approval. After receiving the company or business registration, it shall file said documents with the central competent authority to apply for the issuance of the ethyl alcohol import permit license.

#### Article 7

An ethyl alcohol seller shall submit the evidencing documents of the company, business or other approved operations to the municipal government or county (city) government located in where the business place is for registration prior to the operation. However, ethyl alcohol manufacturers, importers, and those who sell ethyl alcohol in accordance with Article 15 with the pharmacy license or pharmaceutical business permit license are not subject to this article.

#### Article 8

The importation of ethyl alcohol shall be limited to the industrial, pharmaceutical, military, processing, or repackaging purposes and shall not be utilized for purposes inconsistent with declaration.

The storage location of imported ethyl alcohol shall be limited to the factory location stated in the tobacco/alcohol manufacturing permit license, pharmaceutical business permit license, or the factory registrations of other industries, or the storage location clearly specified in the plans regarding the importation of undenatured ethyl alcohol prescribed in Article 6, Paragraph 1, Subparagraph 3 hereof.

#### Article 9

Where an ethyl alcohol importer applies to import ethyl alcohol for processing or repackaging, it shall submit the following documents and applies to the central competent authority for approval:

1. For self-processing or repackaging alcohol, the photocopies of the alcohol manufacturing permit license and the satisfactory factory examination report issued by the competent authority of fire control where the factory is located shall be submitted;
2. For other people to process or repackage alcohol, the entrustment contract, the photocopy of the principal's alcohol manufacturing permit license, and the satisfactory factory examination report issued by the competent authority of fire control where the factory is located shall be submitted; or
3. The evidence of place of production issued by the government or chamber of commerce authorized by the

government of the place (country) of production or the government or chamber of commerce authorized by the government of the place (country) of exportation;

Where imported alcohol are utilized as self-use raw materials for the industrial, pharmaceutical, and military purposes, the alcohol import permit license may be exempted, however, the following documents shall be submitted during the customs clearance:

1. For industrial purposes excluding alcohol manufacturing and pharmacy: documents of the approval or evidencing the purpose issued by the Industrial Development Bureau, Ministry of Economic Affairs;
2. For industrial purposes of pharmacy: for industrial purpose of pharmacy excluding medicinal liquor, it shall submit the pharmaceutical business permit license and the permit certificate of the pharmaceuticals for applying the approval or document of verifying its use to the Industrial Development Bureau Ministry of Economic Affairs. For purpose of development new medication, however, it can use the Research & Development Plan to replace the permit certificate of the pharmaceuticals; for industrial purpose of medicinal liquor manufacturing, it can apply the approval documents of the central competent authority; or
3. For military agencies, military schools, and military hospitals: documents of the approval or evidencing the purpose issued by the Ministry of National Defense.

When an agency issue documents of approval or evidencing the purpose as referred to in Subparagraphs 1 to 3 of the preceding paragraph, said agency shall also notify the central competent authority and shall supervise or administer the utilization of imported ethyl alcohol.

#### Article 10

Ethyl alcohol manufacturers, importers, and sellers shall handle affairs concerning the factory establishment, storage equipment, transportation, and labor working environment in accordance with the relevant public safety Acts and regulations, such as the Fire Act, Labor Safety And Health Act, Labor Inspection Act, and Statue Governing Road Traffic, prior to the business operation.

#### Article 11

Where denaturant is added to denature ethyl alcohol, the denaturation method shall conform to the “Standard Chart of Ethyl Alcohol Denaturant”

(Appendix).

Ethyl alcohol denatured without conforming to the provision of the preceding paragraph shall be deemed as undenatured.

#### Article 12

Denatured ethyl alcohol, without reporting to the competent authority for approval, shall not be transformed back to the undenatured status.

## Article 13

Ethyl alcohol manufacturers, importers, and a sellers without the pharmacy license or pharmaceutical business permit license shall fill out the “Monthly Report of the Production, Importation, and Sale of Undenatured Ethyl Alcohol” and the “Sale Detail Statement of Undenatured Ethyl Alcohol” of the previous month and file the same with the local competent authority prior to the tenth (10<sup>th</sup>) day of each month. The local competent authority shall transfer said documents to the central competent authority for review.

When selling more than five (5) liters of ethyl alcohol at a time, the seller shall ask for evidencing documents of purpose and ID from the purchaser for checkup prior to the sale and shall keep said documents for two (2) years for the competent authority to examine.

The evidencing documents of purpose referred to in the preceding paragraph shall mean the following documents:

1. For selling, the documents shall refer to the certificates of selling registered at the municipal government or county (city) government located in where the business place is.
2. For alcohol manufacturing, the documents shall refer to the permit license of alcohol manufacturing.
3. For pharmacy, the documents shall refer to the pharmaceuticals permit.
4. For industries other than alcohol manufacturing and pharmacy, the documents shall refer to the evidencing documents of purpose issued by the competent authorities of relevant businesses.
5. For medical treatment, the documents shall refer to the practice license of the medical institutions.
6. For sanitation and sterilization, the documents shall refer to the company or business registration documents or the documents issued by the agencies, schools, or hospitals.
7. For military, academic, and scientific research, the documents shall refer to those issued by each competent authority or the agency (organization) that utilized ethyl alcohol.

With regard to those that purchase for sanitation and sterilization, if the purchaser purchases over four hundred (400) liters of ethyl alcohol at one time or the same purchaser aggregately purchases over four hundred (400) liters of ethyl alcohol within the same month, in addition to submitting the evidencing documents of purpose prescribed in Subparagraph 6, the purchaser shall also provided the utilization plan. Ethyl alcohol may only be purchased after the competent authority grants its approval.

A purchaser shall use the purchased ethyl alcohol in accordance with the purpose.

## Article 14

With those who have the pharmacy license or pharmaceutical business permit license, when purchasing more than five (5) liters of ethyl alcohol at one time, Paragraphs 2, 3, and 4 of the preceding article shall apply.

With those whose sales amount accumulates up to four hundred (400) liters, the relevant reports shall be filled and filed with the local competent authority and be transferred to the central competent authority for review prior to the tenth (10<sup>th</sup>) day of each month in accordance with Paragraph 1 of the preceding article.



## Article 15

With regard to ethyl alcohol used for pharmacy or medical sanitation and sterilization, the inspection specifications shall conform to the standards stipulated in the Chinese Pharmacopoeia.

Sellers of ethyl alcohol referred to in the preceding paragraph shall be limited to those who possess the pharmacy license or pharmaceutical business permit license.

## Article 16

Where ethyl alcohol manufactures, importers, and sellers dissolve or terminate their operations or where their permit licenses are revoked, the remaining ethyl alcohol stock, except for those that are approved to extend the handling period by the local competent authority, shall be appropriately handled within three (3) months after the fact occurs. With regard to those that fail to handle by the deadline, the local competent authority may directly dispose of the stock. The expenses occurred therefrom shall be borne by such business operators.

Where the central competent authority revokes or abolishes an ethyl alcohol manufacturer's permit or forbids or suspends the ethyl alcohol production during a certain period, the central competent authority shall notify the local municipal or county (city) government in conjunction with the competent tax collection agency to dispatch personnel to check the inventory and record the finished goods and half-finished goods of ethyl alcohol and take the goods under supervision.

After the central competent authority abolishes the permit or forbids or suspends the ethyl alcohol production during a certain period, the ethyl alcohol manufacturer may, with regard to those finished goods completed before the day when the permit is abolished or when the production is forbidden or suspended, pay the taxes and sell said goods. The production of the remaining half-finished goods of ethyl alcohol shall not be continued. Where an ethyl alcohol manufacturer's permit is revoked, in order to maintain public interest or avoid the beneficiaries' property loss, the provision hereof shall apply *mutatis mutandis*.

## Article 17

Where ethyl alcohol manufacturer, importers, and sellers violate Articles 7, 8, 12, 13, or 14 hereof, the punishment pursuant Article 56 of the Act is as follows:

1. An ethyl alcohol seller that fails to register with the municipal or country (city) government located in where the business place is, in violation of Article 7 hereof, shall be punished by fines and may also be forbidden to sell;
2. An ethyl alcohol importer that uses ethyl alcohol imported for purposes inconsistent with declaration, in violation of Article 8 hereof, shall be punished by fines. Those that recommit the violation shall be punished by fines and may also be forbidden to import.
3. Those that transform ethyl alcohol back to the undenatured status after the ethyl alcohol was denatured without reporting to the competent authority for approval, in violation of Article 12 hereof, shall be

punished by fines.

4. Those that fail to fill out and file the reports by the deadlines or evidencing documents of purpose and ID from the purchaser or evidencing documents of purpose issued by the competent authorities of relevant businesses and keep in 2 years, in violation of Article 13 or Article 14 hereof, shall be punished by fines. Those that make false statements in the reports for the first time shall be notified to take corrective measures within a specified time period by the competent authority. For the second violation, a fine shall be imposed. For the third violation, besides a cumulative fine, those business operators may also be forbidden to manufacture, import, and sell.

The Ethyl alcohol manufacturers, importers, and sellers that violate Article 10 shall be handled in accordance with the relevant Acts and regulations, such as the Fire Act, Labor Safety And Health Act, Labor Inspection Act, and Statue Governing Road Traffic.

#### Article 18

The forms required in the Regulations shall be additionally prescribed by the central competent authority.

#### Article 19

The Regulations shall be enforced as of the day of promulgation.

Article 3, Paragraph 1 of the Regulations amended and promulgated on May 16, 2008 shall be enforced from May 16, 2008.

## QUESTIONNAIRE 6

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

[Governing Regulations 6-1](#)

# Petroleum Administration Act

Promulgated by Presidential Decree on October 11, 2001

Promulgated and executed after revision by Presidential Decree on January 21, 2009

Amended on January 26, 2011

## Chapter 1 General Provisions

### Article 1

The Petroleum Administration Act (henceforth the Act) is being instituted to promote the sound development of the oil industry, to safeguard the production and sales of oil, to ensure the steady supply of oil, to enhance people's livelihoods, and to develop the national economy while at the same time give equal consideration to environmental protection.

### Article 2

Definitions of terms used in the Act:

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 that contain 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 or production with using hydrocarbon as raw materials that designated by central competent authority. These include gasoline, diesel oil, kerosene, naphtha, liquefied petroleum gas (LPG), jet fuel, and fuel oil.
5. Renewable oil products: It indicated the reusing materials that recycled from the domestic waste or others according to the environmental protection law, after processing to produce the petroleum materials and used as fuel.
6. 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.
7. 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 for use in motor vehicles, machinery, and other purposes.
8. LPG station: Refers to a business place with a gas storage facility and metered gas-servicing equipment installed so that the built-in container of a vehicle can be filled with LPG.
9. 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.

10. Oil storage facility: Refers to a structure specifically for oil storage that has both a top lid and walls and is situated either above or below ground. It must also have 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.

11. Suppliers of LPG: Refers to oil refineries, oil importers, oil exporters, LPG stations, LPG wholesale distribution industries, LPG packing industries, and LPG retailers.

12. LPG wholesale distribution industries: Refers to the industries wholesale LPG, which is obtained from oil refineries and oil importers, to LPG packing industries.

13. LPG packing industries: Refers to the industries that have a gas storage facility and packing equipments, filling gas into LPG gas cylinders.

14. LPG retailers: Refers to the sale of LPG cylinders to users.

The criteria for petroleum products mentioned in Items 1, 4, and 6 of the preceding paragraph will be promulgated by the central competent authority after conferring with the agencies concerned.

### Article 3

The competent authorities referred to in the Act are the Ministry of Economic Affairs on the central level, the municipal governments on the special municipality level (Taipei and Kaohsiung), the county, or city governments on the county or city levels.

## Chapter 2 Oil Refining

### Article 4

An oil refinery must be a limited liability corporation and meet the following requirements:

1. Have installed oil distillation, refining, and blending equipment.
2. Have installed or leased 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 an establishment permit for an oil refinery, it must set up a separate company or change its own registration. After doing one of these and then completing a trail run, the business can apply for

an operation license to refine oil. A business may not start refining oil until it has been granted an operation license and can apply for one by submitting the following documents to the central competent authority:

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 after completing a trial run but before receiving the operation license, an oil refinery operator has constructed or leased an oil storage facility that has a capacity greater than the required security stockpile and it has submitted the documents specified in Item 3 of the preceding paragraph to the central authorities, then the oil refinery operator may sell the petroleum products it produces following the completion of the 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 as 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 competent authority 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

An oil importer must be a limited liability corporation.

The aforesaid business 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 to do so. A business must submit the following documents to apply for said operation license:

1. Company license.

2. 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.

3. Other documents as required and promulgated by the central competent authority.

#### Article 11

The types of oil or petroleum products that can be imported by licensed importers 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 oil market to imported products.

#### Article 12

Manufacturers of petrochemical feedstock 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 factory registration permit along with a business registration permit and 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 process.
3. The types, volume, and proportions of petrochemical materials to be produced.
4. The types, volume, and proportions 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.

The exporter of the aforesaid petroleum by-products 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 competent authority will withhold the approval of this manufacturer's application for six months starting from the day after the penalty 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 authority within ten days of any importation. The report must state the name and location of the principal business, the name and domicile or residence of its responsible person, the types, quantity, and usage of the product imported. Imports by petrochemical enterprises sanctioned by the industrial authority are exempt from this provision.

#### 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. 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 feedstock manufacturer needs petroleum products for a trial run.
- 3.If an establishment needs oil for research and testing purposes.
- 4.If an establishment needs to import petroleum products for special applications that are either not produced domestically and if products of similar specifications are not available domestically.
- 5.If an establishment needs to import less than one kilogram of a 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 as feedstock, unless the crude oil is otherwise approved under special case status.

Naphtha imported by a licensed importer can only be supplied as feedstock to the oil refinery or manufacturer of petrochemical feedstock, unless the naphtha 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 following targets:

1. Gasoline stations or LPG station operators not set up according to this law.
2. Private gasoline, LPG filling or storage facilities not set up according to this law.
3. LPG wholesale distributors, packing companies, and retailers not set up according to this law.

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

#### 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, its scope of business, the name and domicile or residence of 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 competent authority.

Due to the unexpected accident in domestic oil market that resulted in the imbalance of oil supply or any doubt of that, central competent authority then can restrict the oil exporter to export the oil.

As for the determination, restricted duration, conditions and methods of the imbalance of oil supply or any doubt of that aforesaid shall be promulgated by the central competent authority, dissolve is likewise.

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

#### Article 15-1

Due to the unexpected accident in domestic oil market that resulted in the imbalance between oil supply and demand or any doubt of that, the central competent authority can levy fees as a means to raise the Petroleum Fund on oil exporters for their export of oil. The amount and period of the aforesaid fees shall be promulgated by the central competent authority; dissolution is likewise.

## Chapter 4 Administration of Sold

### Article 16

Wholesalers of gasoline and diesel oil must be limited liability corporations.

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, its scope of business, and the 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 LPG for vehicles must set up a gasoline 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 a special municipality, a county, or a 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 municipality, the county, or the city government that the operators are located in 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, installation and facilities requirements, application formalities, issue and change of operation licenses as well as other relevant administrative affairs for the aforesaid gasoline stations, LPG stations, and fishing boat filling stations.

The central competent authority may authorize the competent authority of special municipality, county, or city governments to administer the issuing and changing of the operation licenses or take charge of other administrative affairs referred to in the preceding paragraph.

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 gasoline (LPG) filling and storage facilities to supply their own vehicles or machinery must apply for special permission from the competent authority of the special municipality, the county, or the city government that the business is located in.

The central competent authority will stipulate rules and regulations on the installation and facilities requirements, application formalities and other relevant administrative affairs for the aforesaid gasoline (LPG) filling and storage facilities.

### Article 19

Other than the gasoline, LPG, and fishing boat filling stations specified in Items 6 - 8 of 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 operation vehicles, ships, or port machinery. The central competent authority will stipulate rules and regulations on the installation and facilities requirements as well as application formalities, and other relevant administrative affairs for these entities after conferring with the central competent authorities

#### Article 19-1

LPG distributors and packing companies must periodically report to their authoritative units their supply and sale of LPG. LPG retailers must display information on source of gas and the retail price in the business place. LPG packing companies must fill the high pressure gas containers with LPG according to the weight labeled. LPG retailers must ensure that the weight of the LPG is consistent with the label on the container.

The central competent authority will stipulate laws on the supply and sale information to be reported by LPG distributors and LPG packing companies. The information provided should include preparation, contents, and formats. The central competent authority shall also determine the acceptable range of error regarding LPG weight and the packing and filling of LPG, as well as the methods of price displays and other regulations.

#### Article 20

The sources of petroleum products sold by gasoline stations, LPG stations, fishing boat filling stations, and other sellers must be those legally imported or legally refined domestically.

The sources of oil purchased are limited to legal imports or those legally refined domestically.

#### Chapter 5 Oversight

#### Article 21

In the event of an oil shortage or a great fluctuation in 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 security stockpile adjustments and utilization.

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 (Cabinet) for final approval.

#### Article 22

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

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

#### Article 23

Oil businesses are liable for damages caused by their production methods, import/export, sales, transport, and storage of oil products as well as for other damages caused by business-related activities.

#### Article 24

Oil refinery operators and importers are required to maintain an oil security stockpile of no less than sixty days of supply. The supply amount will be based on the average domestic sales and private consumption of the past twelve months. The security stockpile of LPG must amount to no less than twenty-five days of supply. The supply amount will be based on the average domestic sales and private consumption of the past twelve months. The aforesaid security stockpile, oil refinery's total storage quantity must be no less than 50,000 kiloliters, and no less than 10,000 kiloliters for oil importers.

The government should make use of the Petroleum Fund to finance the storage of oil. The amount stored shall be calculated according to thirty days of 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 paragraph will be determined 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 volume stored jointly is lower than the total reported by the individual businesses, each individual business will be deemed to have failed to meet its security stockpile requirement unless evidence proves which business actually stored less than their required security stockpile amount.

#### Article 26

If an oil refinery operator or importer ceases operations, its storage of security stockpile may not be disposed of without the prior consent of the central competent authority.

The central competent authority may draw on the Petroleum Fund (see Chapter 6 herein) to purchase the aforesaid security stockpile.

#### 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 paragraph also applies to oil importers, exporters, and gasoline/ diesel oil wholesalers.

#### Article 28

The central competent authority may ask oil refinery operators, importers, exporters, and gasoline/diesel oil wholesalers to report on their operations. The central competent authority may also send personnel or entrust a professional institution conduct an inspection of the actual operations, security stockpile, and relevant data of

these businesses. A business may not obstruct, refuse, or evade such inspection.

The central competent authority may ask the manufacturers of petrochemical feedstock 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 or sold. Likewise, the central competent authority may send personnel or entrust a professional institution to conduct an inspection on the same issues. A business may not obstruct, refuse, or evade 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 entrust a professional institution to conduct an inspection on the same issues. A business may not obstruct, refuse, or evade such inspection.

#### Article 29

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

The central competent authority may send personnel or entrust a professional institution to examine the quality of the petroleum products sold. A business may not obstruct, refuse, or evade such examination.

#### Article 30

If the central competent authority revokes the license or registration certificate of an oil refinery operator, importer, exporter, or gasoline/diesel oil wholesaler, that business is prohibited from reapplying 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 lands.

Laying the pipeline may not adversely affect the safety or 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 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 entrust 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, leak-proofing, 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 an inspection of the pipeline shows that the corrosion of pipes poses a safety concern, the competent authorities may demand that the business take remedial actions within a prescribed time period.

### Article 33

Oil businesses must apply to the competent authority of the special municipality, the county, or the city government in which the business is located for permission to install oil storage facilities. The central competent authority will prescribe the rules governing the application procedures, land uses, requirements, 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 entrust an inspection 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 special municipality, the county, or the city government in which the business is located 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

In order 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 to the feedstock for any petrochemical products 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. The central competent authority will announce the amounts collected for the fund.

## Article 35

The Petroleum Fund will be financed with fees collected through the following methods:

1. Require oil importers to pay fees into the Petroleum Fund before importing oil.
2. Require oil explorers to pay fees into the Petroleum Fund before refining or selling the oil to oil refinery operators.
3. Require petrochemical feedstock 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 for the exported oil described in the preceding paragraph and decide whether or not to continue it.

## Article 36

The Petroleum Fund will be used for the following purposes:

1. To maintain the government petroleum security stockpile.
2. To subsidize the set up of petroleum facilities in mountain and offshore areas as well as transportation outlays, and offer price subsidies.
3. Award of encouraging the exploration for and development of oil and natural gas reserves.
4. To implement research and development on energy policy, oil development technology, and alternative energies.
5. To make the security and reasonable effective use of oil & gas (include LPG) as well as to develop and promote the oil-saving technology and method.
6. Subsidy of rewarding the heat use of renewable energy to replace the petroleum energy.
7. Operation subsidy of a municipality, a county, or a city competent authority to implement the oil management and the ban, inspection or auditing that stated in the first paragraph of Article 54 in this Law.
8. To implement other necessary measures deemed necessary by the central competent authority to stabilize the oil supply and maintain the oil market order.

## Article 37

( deleted )

## Article 38

A business engaging in the production, import, blending, sales of alcohol gasoline, bio-diesel, or renewable oil products must apply for prior approval of the central competent authority for operating the business.

Other than petroleum products used for blending, rules related to the security stockpile and Petroleum Fund do not apply to renewable energy sold by businesses operated according to the provision specified in the preceding

paragraph.

As the first paragraph mentioned, the central competent authority will stipulate measures for the administration of businesses engaging in the production of the renewable energies of alcohol gasoline, bio-diesel, or renewable oil products.

Article 38-1

The central competent authority can determine the fixed blending ratio of alcohol or ester to the gasoline and diesel in accordance with the actual implementing schedule, scope and method for the oil refinery and oil importer.

The aforesaid blending ratio of alcohol or ester to the gasoline and diesel, the actual implementing schedule, scope and method shall be promulgated by the central competent authority.

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 herein (i.e., failing to obtain an oil import operation license) and in violation of Articles 12 or 13 herein (i.e., failing to acquire a special permit for oil imports) while conducting oil imports.

Oil distilled, refined, blended, or imported as 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 will 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 (LPG) 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 an oil storage facility).

Petroleum products (for sale or private use), oil or LPG filling and storage facilities and other items used in the violations of 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 prescribed deadline. Any business failing to comply by the deadline will be penalized 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.

#### Article 42

Offenders of the provisions stipulated in the bill on controlling oil in emergency periods as described in 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 being 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).
2. A violation of the third paragraph of Article 14 herein (i.e., supplying gasoline, diesel oil, or LPG to gasoline or LPG 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).
3. 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 machinery).

Any petroleum products being used or to be used in the aforesaid offenses will be confiscated.

#### Article 46

Businesses importing or selling petroleum products that do not meet national standards as described in 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 businesses will also be ordered to take remedial actions by a prescribed 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.

The aforesaid 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 prescribed deadline. Any offender failing to comply by the deadline will be penalized consecutively until satisfactory corrective actions are taken.

1. An oil refinery operator who in violation of the first paragraph of Article 7 herein does not obtain prior approval or does not change its operation license before expanding or reconstructing its distillation, refining, or blending facilities.
2. A violation of the first paragraph of Article 15 herein (i.e., exporting oil without registering with the central competent authorities as an oil exporter).
3. Any business that engage in the gasoline station, LPG station or a fishing boat filling station violated the regulations of third paragraph of Article 17 herein pertaining to related equipment (facility) or operation management of setting up a gasoline station, a LPG station, or a fishing boat filling station.
4. Any business that approved to set up oil or LPG filling or storage facilities for private use violated the regulations of the second paragraph of Article 18 herein pertaining to the using permit(s), equipment (facility) standard, reliability insurance or using management of setting up oil or LPG filling or storage facilities for private use.
5. A violation of the related regulations of setup permit(s), using permit(s), equipment (facility) standard(s), liability insurance, or using management that stated in Article 19 herein pertaining 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 Article 19-1 herein. (i.e., LPG distributors, LPG packing companies, and LPG retailers failing to report information of supply and sales of LPG, the preparation and filling of LPG, the acceptable range of error on LPG weight, the display of retail price, and other regulations that should be followed.)

7. A violation of the first paragraph of Article 22 herein (i.e., oil refinery business, oil import business, oil export business, gasoline and diesel oil wholesalers, gasoline stations, LPG stations, fishing boat filling stations, oil or LPG storage and refilling facilities of air terminals, commercial ports, and industrial ports failing to obtain public liability insurance coverage and accidental contamination liability insurance).

8. Oil or LPG filling or storage facilities installed for private use that meet the criteria set by the central competent authority failing to obtain public liability insurance or accidental contamination liability insurance as required by the first paragraph of Article 22 herein.

9. Not filing periodic reports as required by Article 27 herein or filing a false report.

10. A violation of any of the provisions specified in the first paragraph of Article 32 herein pertaining to laying pipelines.

11. Any oil business that approved to set up the oil storage facility violated the rules governing the setup of oil storage facilities as specified in the first paragraph of Article 33 herein pertaining to the using permit(s), equipment (facility) standard or using management.

12. A violation of the measures for applying for the approval of operation as specified in the first paragraph of Article 38, or in the third paragraph herein pertaining to the operation application, data registration, quality standard, purpose restriction or other.

13. A violation of the blending ratio of alcohol and ester to gasoline and diesel, the actual implementing schedule, scope and method as specified in the second paragraph of Article 38-1.

14. A violation of the fourth or tenth paragraphs of Article 52 herein (i.e., oil refinery operators designated by the competent authority may not refuse to negotiate for the purchase of detained oil products).

Furthermore, if a violation of Items 1, 3, 5, 6, 7, 9, 10, 12 (posterior segment), 13, 14 is committed and it is of a serious nature, the business may be or ordered to suspend operations for a maximum of three months, it may have its operation license revoked, or it may be ordered to close down. Moreover, if a violation of aforesaid Items 4, 8, or 11 occurs and it is of a serious nature, the violator may be ordered to stop using its facility for a maximum of three months, it may be ordered to close down, or terminate the permission(s) they had. Finally, if a violation of Items 2 or 12 (anterior segment), the violator may be ordered to close down.

#### 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 do not have permission to receive crude oil).

2. A violation of the second paragraph of Article 14 (i.e., supplying naphtha to businesses or individuals that do

not have permission to receive naphtha).

3.A violation of the first paragraph of Article 20 (i.e., selling oil illegally imported or illegally refined domestically).

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 obstructing, refusing, or evading an inspection by the competent authorities).

Article 49

The offenses of a serious nature in Articles 41, 42, 44, and 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 petroleum 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., obstructing, refusing, or evading an 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., selling petroleum by-products to oil refinery operators without paying the required fees into the Petroleum Fund).

Article 51

Gasoline stations that do not join their 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.

Any offender of the preceding paragraph will be ordered to take remedial actions by a prescribed deadline. Any

gasoline station failing to comply by the deadline will be fined consecutively until satisfactory corrective actions are taken.

#### Article 52

Where the detained oil has the risk of impairment or hard to safe keep, it may be sold to an authority-designated oil refinery operator by price negotiations and can keep custody of the proceeds. The oil refinery operator designated by the competent authority may not refuse such a purchase request.

The measure for price negotiations of the aforesaid detained oil will be stipulated separately by the central competent authority.

If the owner, trustee, or caretaker of the detained articles cannot be identified or notified, the competent authority will make a public announcement of the detention and then process the detained articles as waste if their owner, keeper, or custodian remain unidentified ten (10) days after the announcement.

The competent authority may negotiate price for and then sell to a designated oil refinery operator oil confiscated in accordance with this law. An oil refinery operator so designated may not refuse the purchases price, which will be computed according to the Measure for Price Negotiations of Detained Oil.

#### Article 53

The central competent authority will carry out those points of the Act that call for imposition of fines, confiscation, demands of remedial actions within a prescribed time period, business suspensions, revocations of a license/certificate, or the issuing of orders to cease business. But as of an occurrences, following each item circumstances, a special municipality, a county, or a city competent authority will take administrative disciplinary action.

1. The fines and/or carry out the confiscation for violations of Items 2-4 of the first paragraph, and the second paragraph of Article 40.
2. According to Item 2 of the first paragraph of Article 45, fines should be imposed for a violation of Item 3 of third paragraph of Article 14, and confiscation should be made for a violation of the second paragraph of Article 45.
3. To impose the fines, carry out the demands for remedial actions by the prescribed deadline for violations set forth in Items 3, 6, 7, of the first paragraph of Article 47 herein. (i.e., oil filling stations, LPG filling stations, fishing boat filling stations failing to obtain public liability insurance coverage. ), and to cease business, to order close business for a violation of the second paragraph of Article 47.
4. To impose fines, carry out the demands for remedial action by prescribed deadlines for violations of Items 4, 8, and 11 of the first paragraph of Article 47, and to cease business, to order close business for violation of the second paragraph.
5. To impose the fines and carry out the demands of remedial actions set forth in Article 51.

A special municipality, a county, or a city competent authority will carry out inspections and execute punishment(s) set in Article 46 herein that are to be imposed on gasoline or LPG stations for selling petroleum products not complying with national standards. The applicable competent authority will also carry out the punishment(s) on violations set out in Item 14 of the first paragraph of Article 47 herein.

#### Article 54

Competent authorities of different levels who have insufficient personnel and facilities, the risk of resistances and public safety, or other reasonable cause, 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 are in violation of the first paragraph of Article 6 herein.
2. Seizing gasoline, diesel oil, or LPG and other petroleum products supplied to gasoline or LPG station operators whose stations are not set up according to this law or to private-use gasoline or LPG filling or storage facilities not set up according to this law, which are in violation of the third paragraph of Article 14 herein.
3. Investigating the sale by oil or non-oil businesses of solvent oil, lubricants, or other volatile hydrocarbon compounds as fuels for use by motor vehicles or machinery. All such sales are illegal under the fourth paragraph of Article 14 herein.
4. Seizing wholesale operations for gasoline or diesel oil that are in violation of the second paragraph of Article 16 herein.
5. Seizing retailing operations of gasoline, diesel oil, or LPG for vehicle use that are in violation of the first or second paragraph of Article 17 herein.
6. Seizing oil or LPG filling or storage facilities for private use that are in violation of the first paragraph of Article 18 herein.
7. Investigating sales of imported or sold solvent oil or lubricants pursuant to the second paragraph of Article 28 herein.
8. Seizing oil storage facilities that are in violation of the first paragraph of Article 33 herein.

The informer(s) and law enforcement personnel involved in the aforesaid actions may be rewarded. The central competent authority will stipulate measures for the reward.

#### Chapter 8 Supplemental Provisions

##### Article 55

Oil-related provisions in the Energy Management Law will no longer apply after this Petroleum Administration Law (the Act) is implemented.

##### Article 56

The Act does not apply to the import and security stockpiling of oil or the set up of oil filling or storage facilities and their management by military establishments for national defense purposes.

##### Article 57

Prior to the enforcement of the amendment of this Law, any business that engaged in alcohol gasoline, bio-diesel, or renewable oil products granted the permit(s) of establishment in accordance with Article 38 will be regarded as already granted the valid approval of the production and sales for alcohol gasoline, bio-diesel, or renewable oil products.

##### Article 58

The competent authorities of each level will charge review and license/certificate fees for processing the applications for review, granting the permissions, and/or issuing the licenses/certificates described in the Act. The central competent authority will set the fee schedule.

Article 59

The central competent authority will separately prescribe the forms and license formats required under the Act.

Article 60

The Act will come into force upon promulgation.

The promulgation date of the amended article in this Act on January 6, 2009 should be provided by the Executive Yuan.

## QUESTIONNAIRE 7

### **FISHING BOATS; VESSELS; CIVIL AIRCRAFT**

**FISHING BOATS:** FISHERIES AGENCY, COUNCIL OF AGRICULTURE

**VESSELS:** DEPARTMENT OF NAVIGATION & AVIATION, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

**CIVIL AIRCRAFT:** CIVIL AERONAUTICS ADMINISTRATION, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

[Governing Regulations 7-1](#)

# Fisheries Act

## Fisheries Act

**1.Promulgated on November 11, 1929 by the Nationalist Government; Effective July 1930;**

**2.Amended on August 05, 1932**

**3.Amended on April 30, 1970**

**4.Amended on January 06, 1986**

**5.Amended on February 01, 1991**

**6.Amended on June 19, 2002**

**7.Amended on December 18, 2002**

**8.Amended on January 09, 2008**

## Chapter One General Principles

### Article 1

This Act is enacted to conserve and rationally utilize aquatic resources, to increase fisheries productivity, to promote sound fisheries development, to guide and assist the recreational fishery, to maintain order of the fisheries, and to improve the living of fishermen. Matters not covered by this Act shall be governed by the provisions of other acts and regulations.

### Article 2

In this Act, the term “competent authority” or "competent authorities" means the Council of Agriculture of the Executive Yuan at the central government, municipal governments at municipalities, and county/city governments at /counties/cities.

### Article 3

In this Act, the term “fishery” means the industries of catching, of harvesting, or of cultivating aquatic organisms, as well as processing, transportation, and distribution industries associated thereto.

### Article 4

In this Act, the term “fishery operator” means the fishing right holders, the piscary holders, or any other persons

who engage in fisheries operation in accordance with the provisions of this Act.

In this Act, the term “fishing professional” means any crew members of fishing vessels and any other persons who catch, harvest, or cultivate aquatic organisms for any fishery operator.

#### Article 5

Only nationals of the Republic of China may qualify as fishery operators hereunder unless a foreign national obtains the approval from the central competent authority to operate fisheries in cooperation with any Republic of China fishery operator.

#### Article 6

Any person who wishes to operate fishery in the public waters or non-public waters adjacent thereto shall obtain approval given and fishing license issued by the competent authority prior to the operation.

#### Article 7

The competent authority shall collect fees from applicants for fishing licenses issued. The central competent authority shall prescribe guidelines of granting license and the amount of the fees.

#### Article 7-1

The competent authorities of different levels shall not issue fishing licenses when the following circumstances occurs:

- (1) any fishery operator whose fishing license has been revoked by the fisheries competent authorities;
- (2) any fishery operator who engages in smuggling and whose vessels are consequently confiscated or withheld by the customs or the courts;
- (3) any fishery operator who arbitrarily imports vessels without obtaining permission from the central competent authority;
- (4) any fishery operator who is within the restrained or suspended period in accordance with Article 10 of this Act;
- (5) any fishery operator whose fishing license is still under withdrawal;
- (6) any fishery operator who has not paid for penalties in accordance with this Act; and
- (7) any fishery operator who violates the provisions of this Act or these regulations promulgated pursuant to this Act before any alteration of vessel ownership takes place, but who has yet to be dealt with by the competent authorities.

#### Article 8

The building, alteration, or chartering of any fishing vessel used by a fishery operator operating in fishery shall obtain permission from the competent authority.

A fishery operator shall obtain permission from the competent authority before importing/exporting any fishing vessel in accordance with regulations provided by the competent trade authorities.

The qualifications, conditions, application procedure and any other standards to be followed for the building, alteration or chartering of any fishing vessel in accordance with paragraph 1, or the rights of exportation and

importation provided in the preceding paragraph, shall be prescribed by the central competent authority.

#### Article 9

For the purposes of exploiting or conserving aquatic resources, or for the need of public interests, the competent authority may impose restrictions or conditions when giving approval to any fishery operation.

#### Article 10

Any fishery operator who violates the provisions of this Act or any other regulations promulgated pursuant to this Act, the central competent authority may restrain or suspend the operator's right to operate any fishery, or revoke his fishing license for not more than one year. Where the violation is considered gross, the central competent authority may withdraw the approval of the fishery operation or revoke the fishing license of the fishery operator.

Any fishery professional who violates this Act or any other regulations promulgated pursuant to this Act, the central competent authority may withdraw the professional's Fishing Vessel Officer Certificate or Fishing Vessel Crew Identification for not more than one year. Where the violation is considered gross, the central competent authority may revoke the professional's Fishing Vessel Officer Certificate or Fishing Vessel Crew Identification.

#### Article 11

Where any of the following circumstances occurs, the competent authority shall revoke the approval of the fishery operation:

- (1) any fishery operator who does not have any justification for not being able to undertake his fishery operation for more than one year as from the date of approval was given, or who suspends his fishery operation for more than two years without being approved from the commencement of the operation;
- (2) any fishery operator who applies and is approved to operate fishery as a Republic of China national loses his Republic of China nationality; or
- (3) any applicant who obtains the approval of the fishery operation by fraud or illicit means.

Without stating justification and being approved by the competent authority, any fishery operator shall not suspend his fishery operation for more than one year. The operator shall report to the competent authority for resumption of fishery operation on records. Failure to do so, the operation shall be considered as not resumed.

#### Article 12

For the purposes of maintaining the orderly operation of fishing vessels and safety of navigation and operation, the central competent authority shall prescribe rules governing the management of crew members of any fishing vessel.

#### Article 13

For the purposes of adjusting the fisheries structure, the competent authority may establish a fisheries advisory committee, which consists of experts, scholars, fisheries associations, and officials from relevant government agencies. The fisheries advisory committee shall be organized, functioned, and operated in accordance with



regulations prescribed by the central competent authority.

#### Article 14

The competent authority shall, by the types of fishery, respectively establish and promulgate the facilities of fishing grounds, methods of catching, harvesting, and cultivating, fishing gears, and any other matters as deemed necessary.

#### Chapter Two Fishing Right Fishery

#### Article 15

In this Act, the term “fishing right” means any of the following rights:

- (1) set net fishing right: the right to build underwater rocky cliffs or wooden fences or to install fishing gears within a specific water area for catching or harvesting aquatic animals;
- (2) demarcated fishing right: the right to partition a specific water area for operating aquaculture; or
- (3) exclusive fishing right: the right to use a specific water area and form a fishing ground for piscary holders to operate the following fisheries:
  - (a) catching or harvesting aquatic organisms;
  - (b) aquaculture; or
  - (c) catching or harvesting aquatic animals with anchored fishinggears within the waters at a depth of twenty-five meters or less

Only fishermen’s associations or fisheries production cooperatives can qualify as exclusive fishing right holders mentioned in the preceding paragraph.

#### Article 16

In this Act, the term “piscary” means the right to operate fishery within the authorization of exclusive fishing right.

#### Article 17

The competent authority shall, according to the production of fishery resources and taking into account minerals exploration and exploitation, navigation, irrigation, environmental protection, and other public interests, make an integrated plan with respect to the fishing right fishery in public waters and shall elaborate and regularly publicize relevant programs annually, as well as take applications for fishing rights.

The programs mentioned in the preceding paragraph may be revised according to practical needs. The competent authority shall promulgate such revised programs.

#### Article 18

Set net and demarcated fishing rights shall be granted according to the following order of priority:

- (1) any fishery operator or fishery professional in hsiang /town /city /district where the fishing ground is located;
- (2) any fishermen’s association or fishery production cooperative in hsiang /town /city /district where the fishing ground is located;

- (3) any fishery operator or fishing professional in municipality /county /city where the fishing ground is located;
- (4) any fishermen's association or fishery production cooperative in municipality/county/city where the fishing ground is located;
- (5) any non-fishery operator or non-fishery professional in hsiang/town/city/district where the fishing ground is located;
- (6) any non-fishery operator or non-fishery professional in municipality/county/city where the fishing ground is located;
- (7) any fishery operator or fishery professional in other municipalities/counties/cities;
- (8) any non-fishery operator or non-fishery professional in other municipalities/counties/cities.

Any fishery operator applying for continuous operation before his fishing right expires shall not be subject to the order of priority mentioned in the preceding paragraph.

#### Article 19

Any fishermen's associations or fishery production cooperatives approved to operate exclusive fishing right shall draft rules for access fishing and apply to the competent authority for approval.

Piscary undertaken by any non-member of fishermen's associations or fishery production cooperatives shall be agreed by a contract.

#### Article 20

The fishing right shall be considered as the right over things. Except as this Act otherwise provides, the provisions of the Civil Code governing immovables of the right over things shall, *mutatis mutandis*, apply.

#### Article 21

The creation, acquisition, alteration, and loss of fishing right shall not become effective before registration. In taking legal proceedings pursuant to Articles 10, 11, and 29 regarding set net fishing right, demarcated fishing right, and exclusive fishing right, the competent authority shall also register such legal proceedings to the respective fishing right.

The competent authority processing application for fishing right registration shall charge the applicant registration fees. The central competent authority shall prescribe the registration rules and the amount of fees.

#### Article 22

Jurisdiction over any dispute concerning fishing right shall be exercised by a court at the municipality or city/county with its coast closest to the fishing ground where such fishing right is exercised.

#### Article 23

Exclusive fishing right shall not be the subject of any other rights or juristic acts other than entitling the holder thereof to fish in the specific waters.

#### Article 24

Set net fishing right and demarcated fishing right shall not be the subject of any other rights or juristic acts except for succession, transference, and mortgage.

#### Article 25

Unless approved by the competent authority, no mortgage shall be created over the fishing right provided in the preceding article, nor shall such right be transferred unless otherwise arises out of a compulsory execution and the approval of the competent authority has been duly obtained.

A fishery operator or fishery professional shall be preferred to be the transferee of the compulsory execution and the transference provided in the preceding paragraph.

Except as otherwise provided in a contract, the working articles grounded within a fishing ground over which a mortgage has been registered shall be deemed as the subject of the mortgage created.

#### Article 26

Except as the competent authority otherwise approves, the fishing right shall neither be merged nor subdivided.

#### Article 27

Unless consented by at least two-thirds of the other joint-holders who hold their respective percentage shares, the joint-holders of set net fishing right, demarcated fishing right, or piscary shall in no event dispose of their respective percentage shares.

The provision of the preceding paragraph shall, mutatis mutandis, apply to the fishing right jointly held by public bodies.

#### Article 28

The term of fishing rights shall be as follows:

- (1) set net fishing right: 5 years;
- (2) demarcated fishing right: 5 years;
- (3) exclusive fishing right: 10 years.

Upon the expiration of the term provided in the preceding paragraph, the fishing right holder may be preferred to apply for renewing the respective rights.

#### Article 29

The competent authority may alter or revoke its fishing right approval or suspend the operation of any fishing right if any one of the following circumstances occurs:

- (1) requirements of national defense;
- (2) economic utilization of land;
- (3) conservation of aquatic resources;
- (4) requirements of environmental protection;
- (5) navigation and anchoring of any vessel;
- (6) laying of underwater pipelines and cables;
- (7) exploration and exploitation of minerals; or

(8) other public interests.

Before taking any official proceedings provided in the preceding paragraph, the competent authority shall publicize such proceedings and notify all fishery operators concerned.

Where the official proceedings provided in the first paragraph cause any loss to the fishery operator, the relevant competent authority or the party claiming alteration, revocation, or termination shall reconcile the operator to make appropriate compensation for the losses. Should the reconciliation fails, the central competent authority shall decide the content of the compensation.

Article 30

The piscary shall not be the subject of other rights or juristic acts apart from succession and transference.

Article 31

The term of a piscary that is not specified shall be valid for a term as that of an exclusive fishing right.

Article 32

An exclusive fishing right holder may collect fishing access fees from piscary holders. The amount of the fees shall be enunciated in the rules or the contract of fishing access.

Article 33

Where the fishing right holder deems necessary, he may, with the consent of the land owner or user, utilize the land or request the reservation of bamboo, timber, soil, and stones therefrom:

- (1) to build signs within the fishing ground;
- (2) to build or maintain necessary signs within the fishing ground; or
- (3) to build beacons or other necessary facilities relating to fishing right.

Article 34

For the purposes of fisheries survey, site investigation, or the building of facilities mentioned in any subparagraph of the preceding article, the fishing right holder may, with the consent of the land owner and land user, access to the land or remove any obstruction from the land.

Article 35

If any one of the circumstances occurred under Articles 33 and 34 prevents the obtaining of any necessary consent to take any action under the articles, an application may be filed to the competent authority for permission to take the said action. The competent authority shall publicize the permission it has issued and shall also notify the said land owner and land user. The applicant shall make appropriate compensation to the particular land owner and land user for any losses incurred.

Chapter Three Directed Fisheries

Article 36

In this Act, the term “directed fishery” means the fishery authorized by the competent authority for the use of fishing vessels to catch or harvest aquatic organisms for commercial purposes.

The authorizations of fishery operation provided in the preceding paragraph shall include the types of fishery, operating period as well as operating areas, and such items shall be stipulated in the fishing license.

#### Article 37

The competent authority may impose restrictions on respective directed fishery regarding the total number and tonnage of the fishing vessels, operating areas, operating period, and other matters, if any one of the following circumstances occurs:

- (1) conservation of aquatic resources;
- (2) adjustment of fisheries structure; or
- (3) restrictions on terms of international fisheries agreements or fisheries cooperation with foreign countries.

#### Article 38

Where the restrictions imposed in accordance with the provisions of the preceding article on the total number of fishing vessels within respective directed fishery requires the reduction of the approved number of fishing vessels, the fisheries association of the particular directed fishery shall coordinate with the operators for the reduction. The operators who continue their operation shall compensate those who are restricted. Provided that those fishing vessels imposed restrictions may operate other types of fishery, no compensation shall be given. Should no coordination be reached, the competent authority shall mediate between the relevant operators, and make a decision at its discretion if such mediation fails.

Where the restrictions in the preceding paragraph cause termination of the fishery operation and revocation of the fishing license, the competent authority shall make appropriate compensation accordingly.

#### Article 39

Any fishery operator shall obtain approval from the central competent authority before his fishing vessels and crew members operate at overseas bases. The central competent authority shall prescribe regulations governing such operations.

#### Article 40

For the purposes of meeting the needs of the fisheries development and promoting fisheries cooperation with foreign countries, the central competent authority shall prescribe rules governing fisheries cooperation with foreign countries.

### Chapter Four Recreational Fishery

#### Article 41

In this Act, the term "recreational fishery" means the fishery using fishing vessels, for recreational purposes, for passengers to catch or harvest aquatic organisms or to engage in sightseeing on the water or on islands as well as islets.

Any fishery operator engaging in recreational fishery provided in the preceding paragraph shall apply to the

competent authority for license.

#### Article 42

The recreational fishery operator shall obtain the consent of the exclusive fishery right holder and comply with the rules prescribed by the said holder prior to operate within the waters covered by the exclusive fishing right. The exclusive fishing right holder can not withhold his consent without justification.

#### Article 43

The central competent authority shall prescribe regulations to strictly govern the equipment of the fishing vessels, life saving, and other compliance matters that must be met concerning full time or part time recreational fishery.

### Chapter Five Conservation and Management

#### Article 44

For the purposes of resources management and fisheries structure adjustment, the competent authority may promulgate the following matters:

- (1) restriction or prohibition of the catching, harvesting, or processing of aquatic organisms;
- (2) restriction or prohibition of the sale or possession of aquatic organisms or the products made therefrom;
- (3) restriction or prohibition of the use of fishing gears and fishing methods;
- (4) restriction or prohibition of fishing area and fishing period;
- (5) restriction or removal of any article obstructing the migratory routes of aquatic animals;
- (6) restriction or prohibition of placing or dumping of objects harmful to aquatic organisms;
- (7) restriction or prohibition of placing or removal of protective objects necessary for the propagation of aquatic organisms;
- (8) restriction or prohibition of transplantation of aquatic organisms; or
- (9) other matters as deemed necessary.

#### Article 45

For the purposes of conserving aquatic resources, the competent authority may designate the establishment of aquatic organisms propagation and conservation zones.

The establishment of the conservation zones shall be subject to the approval of the municipal competent authority. In the case of the county/city, the competent authority may submit a project concerning the conservation zones to the central competent authority for approval and promulgate the project after being approved. If the establishment of the conservation zone involves two or more provinces or municipalities, the project shall be subject to the approval of the central competent authority.

The municipal/county/city competent authority with jurisdiction over the conservation zone shall be responsible for the management of the conservation zone. Where the jurisdiction over the waters on which the conservation zone established is extended over two or more provinces/municipalities/counties/cities or is not clear, the central competent authority shall appoint an agency to manage the conservation zones.

#### Article 46

For the purposes of conserving aquatic resources, the competent authority may undertake survey on respective directed fishery regarding its catch volume, operation conditions, and sea conditions.

In undertaking the investigation as mentioned in the preceding paragraph, the competent authority may request the fishery operator or fishing professional to submit a report on catch volume, operation period, fishing gears, fishing methods and other relevant facts. The fishery operator or the fishing professional shall not withhold his consent.

#### Article 47

The central competent authority shall draft regulations for conserving and managing aquatic resources for submission to the Executive Yuan for approval.

#### Article 48

Aquatic organisms shall not be caught or harvested by use of:

- (1) toxic substances;
- (2) explosives or other dynamites; or
- (3) electricity or other narcotics.

The restrictions provided in the preceding paragraph shall not apply to the catch or harvest which is for experimental and research purposes and with permission from the central/municipal competent authority.

#### Article 49

When the competent authority deems necessary, it may designate an officer to the fishing vessel or other relevant sites of the fishery operator to inspect the operator's catch, fishing gears, account books, and other objects. The officer may also question any relevant party who shall not withhold his consent.

In carrying out the inspection provided in the preceding paragraph, where the officer finds any commission regarding fisheries offense but is not in the position to request the judicial authority to proceed with search or seizure, he/she may provisionally seize the fishing vessel, the catch, or other objects that may serve as evidence of the offense committed. In case that any other violation of the provisions of this Act is found, the catch, the fishing gears and other objects may be seized.

The seizure undertaken in accordance with the preceding paragraph shall be witnessed by any person in charge of the fishing vessel or the site, or any other civil servant. An inventory shall be made in respect of the objects detained.

In carrying out the inspection, the officer mentioned in the first paragraph above shall produce his identification and authorization issued by the competent authority specifying the area of inspection. Failure to do so, the subject of the inspection may refuse such inspection.

#### Article 50

Where any dispute arises concerning the operation areas, fishing grounds, or the methods of catching, harvesting, or aquaculture, the fishery operator may apply to the competent authority for the mediation.

#### Article 51

Where there are more than one fishing methods used within the same fishing ground, the competent authority may, after consulting the fishery operators' opinion, prescribe rules for operation.

#### Chapter Six Fishery Development

##### Article 52

For the purposes of facilitating fisheries fund, the competent authority shall, in consultation with the authorities concerned, consult financial institutions in providing various fishery loans.

Whenever necessary, the financial and the fisheries competent authorities may approve the establishment of fisheries financial institutions.

##### Article 53

For the purposes of promoting fisheries investment and assuring safety fisheries, the competent authority shall coordinate with the authorities concerned to conduct various fisheries insurance programs, or shall designate fishermen's associations or consult public or private insurance institutions to undertake the programs.

##### Article 53-1

For the purposes of protecting fishermen's lives and property safety, the competent authorities may prescribe regulations regarding salvage operations for fishermen and their fishing vessels in maritime distress, awards to motor-powered vessel owners, and insurance to fishermen in their sea operations.

##### Article 54

For the purposes of assuring fishery security and maintaining the order of the fishing areas, the competent authority shall:

- (1) construct and maintain fishing ports and fisheries infrastructures;
- (2) dispose patrol fleets to perform the duties of salvage, patrol, and fishery protection;
- (3) establish fisheries radio broadcasting stations;
- (4) establish such safety facilities as beacons, sign poles, and weather forecasting systems;
- (5) prescribe regulations which must be observed in the fishing grounds and for the fishing vessels; and
- (6) request the Ministry of Defense and other authorities concerned for necessary assistance and protection.

##### Article 55

The competent authority may award those who have performed any of the following:

- (1) improving facilities which are conducive to safety fishing and salvage;
- (2) improving fishing vessels, fishing gears, fishing methods, or processing methods of fisheries products, with remarkable result;
- (3) promoting fisheries education or conducting fisheries research, with remarkable result;
- (4) exploiting fisheries resources which are conducive to fisheries development; or
- (5) any other performance which contributes greatly to fisheries development.

The central competent authority shall prescribe regulations for providing incentives mentioned in the preceding



paragraph.

#### Article 56

For the purposes of promoting fisheries development, the government shall establish fisheries development fund. The competent authority shall propose the amount of the said fund to the Executive Yuan for approval, and duly appropriate its budget accordingly.

The Executive Yuan shall prescribe regulations on the incomes and expenditures, safe custody, and application of the fisheries development fund.

#### Article 57

For the purposes of coping with price fluctuation of fishery products and stabilizing the market of fishery products, the government shall establish a fishery products market stabilization fund. The central competent authority shall prescribe regulations for the establishment of the fund and guidelines for its management and application.

#### Article 58

Any fishing vessels, fishing gears, or capital goods for fishing imported for fisheries production purposes shall be exempted from or reduced from import duties in case such items are not manufactured domestically or the quantity of those domestically manufactured is insufficient to meet the demand. Any item imported by fisheries research institutes for experimental and research purposes shall be exempted from import duties.

The Executive Yuan shall decide and promulgate those items eligible for exemption or reduction of import duties and the applicable criteria mentioned in the preceding paragraph.

#### Article 59

Fuel for powered equipment used in fisheries shall be exempted from commodity tax. The Executive Yuan shall decide the standard of preferential fuel price.

#### Chapter Seven Penalty

#### Article 60

Any person who violates the provisions of any subparagraph of Article 48(1) shall be convicted to imprisonment for a period of not exceeding five years, detention, or in lieu thereof, or a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars.

Any person who violates the rules promulgated by the competent authority pursuant to Article 44(1) and (2) shall be convicted to imprisonment not exceeding three years, detention or in lieu thereof or in addition thereto a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars.

#### Article 61

Any person who violates the rules promulgated by the competent authority pursuant to Article 44(3) shall be convicted to imprisonment not exceeding six months, detention, or in lieu thereof or in addition thereto, a fine of not exceeding thirty thousand New Taiwan Dollars.

## Article 62

Any person who undertakes any one of the following activities shall be liable to detention or in lieu thereof a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars:

- (1) altering the fishing vessel's name or the registration number;
- (2) removing, vitiating, or destroying the signs on any fishing grounds or any fishing gears; or
- (3) setting up fences, buildings, or any other fishing gears to obstruct the migratory routes of fish.

## Article 63

Where the representative of a judicial person, or an agent, an employee, or any other professional of a judicial person or natural person, in performing his duty, violates the provisions of Articles 60 to 62, the offender shall be punished pursuant to the provisions of the respective article. In addition thereto, the relevant judicial person or natural person shall be punished with a fine for the amount as specified in the relevant article.

## Article 64

Any person who undertakes any one of the following activities shall be liable to a fine of between sixty thousand and three hundred thousand New Taiwan Dollars:

- (1) operating fisheries in violation of the provisions of Article 6;
- (2) violating the official proceedings imposed by the competent authority pursuant to Article 29(1); or
- (3) continuing to operate fisheries after his fishing license has expired and application for renewal of the license has not been duly approved.

## Article 65

Any person who undertakes any one of the following activities shall be liable to a fine of between thirty thousand and one hundred and fifty thousand New Taiwan Dollars:

- (1) violating the restrictions or conditions imposed pursuant to Article 9;
- (2) violating conditions as promulgated pursuant to Article 14;
- (3) violating the provisions or restrictions pursuant to Article 36 or Article 37;
- (4) failing to apply for license pursuant to Article 41(2);
- (5) violating any one of the provisions of Article 44(4) to (9);
- (6) refusing, bypassing, or obstructing an inspection carried out pursuant to Article 49(1), or refusing to answer without proper reason or making false statement to the officers' queries;
- (7) violating the regulations prescribed pursuant to Article 54(5); or
- (8) violating the orders issued by the competent authority pursuant to this Act.

## Article 66

Any person who undertakes any one of the following activities shall be liable to a fine of between fifteen thousand and seventy-five thousand New Taiwan Dollars:

- (1) violating the provisions of Article 11(2) in suspending operation for more than one year without approval;
- (2) refusing, bypassing, or obstructing the inspection carried out pursuant to Article 46(1), or violating the

provisions of Article 46(2) by refusing to submit a report; or  
(3) violating the rules prescribed pursuant to Article 51.

Article 67

Fines imposed in accordance with this Act not paid within the designated time limit shall be transferred to the court for compulsory execution.

Article 68

In addition to the punishment imposed pursuant to Article 60, Article 61, Article 62(3), Article 64, and Article 65(1), the catch or fishing gears may also be confiscated. In case the whole or part of such catch or fishing gears cannot be confiscated, the value of such catch or fishing gears shall be collected.

Chapter Eight Miscellaneous

Article 69

The municipal/county/city competent authority shall prescribe rules for registration and management of inland aquaculture.

The municipal/county/city competent authority may plan and set up an aquaculture area in which the environment is appropriate for developing aquaculture or presently fish farms concentrated.

Any aquatic organisms that involved in genetic breeding and transference shall run prior field tests and safety assessments before promotion. Regulations on genetic breeding and transference shall be prescribed by the central competent authority.

Article 70

The central competent authority shall prescribe rules for the enforcement of this Act.

Article 71

This Act shall enter into force on the date of promulgation.

# **ENFORCEMENT RULES OF THE FISHERIES ACT**

- 1.Promulgated on June 28, 1930
- 2.Amended on April 4, 1931
- 3.Amended on November 1, 1932
- 4.Amended on January 10, 1956
- 5.Amended on November 30, 1973
- 6.Addition of Article 28-1 promulgated on December 16, 1983
- 7.Amendment to Article 9 promulgated on March 5, 1985
- 8.Amendment to Article 9 promulgated on August 5, 1985
9. Amendment to all Articles promulgated on November 30, 1991
10. Amendment to Article 6, 7,15,16,17, 17, 36 promulgated on January 31, 2000
11. Amendment to Article 6, 7,13,18,19, 21,28, 30, and deletion of Article 11 promulgated on December 23, 2010

## **Article 1**

These Rules are enacted in accordance with Article 70 of the Fisheries Act (hereinafter called the "Act").

## **Article 2**

The term "processing", "transportation" and "distribution" in incidental sense referred to in Article 3 of the Act 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 Act shall denote rivers, natural lakes, tidal belts and oceans. The term "non-public waters adjacent to public waters" shall denote ponds, low-lying ponds, or reservoirs etc. which are adjacent to public waters.

## **Article 4**

The term "fishing vessel(s)" referred to in the Act shall denote boats, sampans and fishing rafts on which fisheries are operated, and fishery patrol boats, fishery research vessels and fishery training boats.

## **Article 5**

The term "modification" referred to "alteration" in the first paragraph of Article 8 of the Act shall denote any of the following circumstances:

1. Alteration of the length, width and depth of a fishing vessels;
2. Installation of the major and donkey engines, or alter the model or power output rate of such engines; and/or
3. Alteration of the structure or equipment of a fishing vessel for different utilizations or purposes of the vessel or of the type of fishery being operated.

## **Article 6**

An application for building/modification of fishing vessels shall be accepted by competent authorities accordingly and proceeded as the following:

1. The applications are accepted in accordance with the tonnage of the fishing vessel if the fishing base is located and subject to jurisdiction of county/city, thus to competent authorities at county/city level if the vessel concerned is measured by volume less than 20 tons; or to the competent authority of central government should the tonnage exceeds 20 tons.
2. The applications are accepted in accordance with the tonnage of the fishing vessel if the fishing base is located and subject to jurisdiction of municipality, thus to competent authorities at municipality if the vessel concerned is measured by volume less than 100 tons; or to the competent authority of central government should the tonnage exceeds 100 tons.

The applications aforesaid ought to be included with application form, references and documentation as following:

1. Three copies of technical drawing (including specification of hull, central cross-section and line chart) with the building manual (not required for sampans, fishing rafts and fishing boats with a wooden hull measured less than 10 tons).
2. Other references demanded by the competent authorities of central government.

The following information and details are also required as essential with the submission of the application form aforesaid:

1. Name, ID number and address of the applicant;

2. Name of the fishing vessel;
3. Type of fishery and areas/regions where the vessel sails ;
4. Proposed gross tonnage;
5. Main dimension of the vessel;
6. Building materials of the hull structure;
7. Name and location of the shipyard;
8. Model and specification of major and donkey engine, maximum power output, number of cylinders, radius and rate of gyration of the cylinders; and
9. The dates in schedule to initial and complete the building, and launching of the vessel.

#### **Article 7**

The jurisdiction of competent authorities in terms of certification and approval pertaining to fishery affairs, may be vary as the follows:

##### 1. Competent authorities at central government

- (1) Fishery based on exclusive fishing right.
- (2) Set-net activities or sectional fishery which located at hence requires fishing rights permitted from multiple jurisdictions of more than two municipalities, and counties/cities.
- (3) Directed and recreational fisheries which are permitted by competent authorities other than municipality and county/city.

##### 2 Competent authorities of municipality

- (1) Set-net activities or sectional fishery which located at hence requires fishing rights permitted from the jurisdiction of municipality.
- (2) Directed and recreational fisheries resorting to fishing vessels with gross tonnage of less than 100 tons and the bases are located within the territory of municipality.

##### 3. Competent authorities of county/city

- (1) Set-net activities or sectional fishery which located at hence requires fishing rights permitted from the jurisdiction of county/city.
- (2) Directed and recreational fisheries resorting to fishing vessels with gross tonnage of less than 20 tons and the bases are located within the territory of county/city.

#### **Article 8**

An application for operating fishery based on fishing right shall be filed with the competent authority of municipality or county/city at the location where the fishing ground accordingly.

An application for operating directed and recreational fisheries shall be filed with the competent authority of municipality or county/city where the port/place of registration of the vessel is 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 vessel shall be attached with the following documents thus to be filed with the competent authority of central government for approval through the authority of municipality or county/city where the place/port of registration of the vessel is 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**

Deleted

#### **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 Act 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**

A competent authority may establish fishery advisory committee in accordance with Article 13 of the Act, therefore to seek advices from the committee with regard to the following appeals:

1. Overall planning for structural adjustment and management system of fishery;
2. Ulterlization of fishing ground;
3. Overall planning of fishery based on fishing right;
4. Priority and dispute resolving over applications of fishery based on fishing right;
5. The proceeding in changes and updates of type of fishery and fishing areas;
6. The proceeding of approval and revocation and administrative prescriptions all pertaining to fishing right;
7. Consideration to Determine the type of directed fishery, operating duration, fishing areas, total tonnage of fishing vessels, and other relevant matters;



## 8. Conservation and management of fishery resources.

### **Article 14**

The term "fishing gear" referred to in Article 14 of the Act shall denote tools directly or indirectly used for catching and aquaculture purposes.

### **Article 15**

The plan to be drafted in accordance with Article 17 of the Act shall include the type of fishery, range of fishing ground, fishing period, anticipated quantity of catch to be approved, period of public notice, period of application and other relevant matters.

When deemed as necessary, the competent authority of central or county/city government may allocate a budget to the relevant organizations or academic institutions, to be commissioned to study and in charge of the drafting or adjustment of the overall plan under the first paragraph of Article 17 of the Act and the plan under the preceding paragraph.

### **Article 16**

The plan drafted or adjusted by the competent authority of central or county/city government in accordance with the preceding article shall be exhibited for 30 days to the public, which ought to be taken place at the relevant village/township/city/district and fishermen's association where the fishing ground is located.

During the above period of public circulation, interested ones, or parties concerned may submit their comments to the competent authority in writing, with name, address and occupation stated on. After the plan has been duly publicly displayed hence 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 competent authority of central or county/city government shall publish a public notice with respect to the acceptance of applications of fishing right permits at the village/township/city/district and fishermen's association where the fishing ground is located prior to July of each year.

The period of the above public notice shall be lasting more than 30 days.

### **Article 18**

An application to operate fishery activities based on fishing right requires three copies of application form and submission of the following items:

1. Three copies of fishing ground map (provided with relevancies of cardinal points of the fishing

ground including information of distance, bearing from the land, size of the nets and specification of equipment);

2. Three copies of business plan;

3. The partnership contract for the applicant who is under partnership or one photocopy of the certificate of registration for the applicant who is happened to be a company, or three copies of resolutions from assembly/meeting of member, to be submitted by fishermen's association or fishery production cooperative.

4. Three copies of letter in proving consent if the zone or waters of the fishing ground within which fishery is to be operated, owned or occupied by another party.

5. An application of exclusive fishery right shall be accompanied by three copies of draft fishing rules and regulations specifying the following:

(1) Qualifications of the person who is allowed to seek permission for fishing activities in specific waters;

(2) Area and duration of which to conduct fishing activities in specific waters;

(3) Fishing methods or techniques used in fishing activities in specific waters; and

(4) Other requirements to be met.

The following information and details are also required as essential with the submission of the application form aforesaid:

1. Name, address, ID number and occupation of the applicant;

2. Type and name of fishery activity to be operated;

3. Location, region, calculation of square in area and range of fishing ground (the figure or calculation of square in area is not required for set-net fishery);

4. Type and quantity of fishing gear;

5. Target species;

6. Fishing period.

**Article 19**

The waters to be approved for operating exclusive fishery right shall be limited to waters subject to 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 following information and details ought to be stated on fishing right permit issued by the competent authority:

- 1.Name, address and ID number of the fishing right holder;
- 2.Serial number and date of expiration;
- 3.Type and name of fishery activity to be conducted;
4. Location, region, calculation of square in area and range of fishing ground;
- 5.Target species;
- 6.Fishing period;
- 7.Valid period of the fishing right; and
- 8.Conditions or restrictions on the permit concerned.

**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, it shall apply to the fishing right *mutatis mutandis*.

**Article 23**

Any one waiving fishing right shall apply to the original issuing authority for cancellation. If other rights are registered in relation to said fishing right, a written approval shall be submitted.

**Article 24**

A fishing right holder shall, within three months of the acquisition of a fishing right permit, complete set-up of markings of datum points on land for surveying the fishing ground.

After completion of the establishment of a fishing ground for fishery based on fishing right, an application shall be filed with the competent authority for inspection and for a map of the fishing ground.

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 from the fishing ground.

**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 Act.

**Article 26**

Applicants for the permission under Article 35 of the Act shall specify the following material facts:

1.Name and address of land owner or user

2.Location and range

3.Purposes of use

4.Period of use

5. Reasons for denying

6.Other necessary material facts

**Article 27**

The designation of and restrictions on the directed fishery, and the change thereof, under Articles 36 and 37 of the Law shall be published in a public notice by the competent authority of municipality or county/city after being approved by the authority central government.

## **Article 28**

When applying for permit of directed fishery from the competent authority, an completed application form and references or documentation listed below are required:

1. Photocopies or transcripts of vessel inspection record book, ship registration certificate, certificate of vessel's nationality, small boat license or raft license.
2. Registration certificate and business plan shall be provided if apply as a firm or enterprise.
3. Other references demanded by the competent authority

The following information and details are also required to be stated on the application form as essential:

1. Name, address, ID Number and date of birth of the fishing right holder;
2. Type of fishery;
3. Name of the fishing vessel, hull length, length overall, gross tonnage, net tonnage, and uniform number of the vessel ;
4. Model and power output of the engine;
5. Type and quantity of fishing gears;
6. Target species;
7. Fishing base and port where to load and unload catches;
8. Certificate of origin of the fishing vessel;
9. Communication equipment and international radio call sign.

## **Article 29**

The approval granted based upon directed fishery shall be valid for a period of five years maximally. 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 following information and details ought to be stated on the permit for directed fishery issued by the competent authority:

- 1.Name, address and ID number of the fisher;
- 2.Serial number and the date for the issuance;
- 3.Type of fishery;
4. Location and region of the fishing ground;
5. Name of the fishing vessel, gross tonnage, net tonnage, hull length, length overall, uniform number, and number of fishing crew;
- 6.Model and power output of the engine, capacity of oil tank, and hourly speed;
- 7.Type and quantity of fishing gears;
- 8.Target species;
- 9.Fishing period;
10. Fishing base and port where to load and unload catches;
- 11.Viable period of fishing permit;
12. Communication equipment and international radio call sign; and
13. Conditions or restrictions on the permit concerned.

**Article 31**

No fishery person shall allow a third person to use his/her fishing permit.

**Article 32**

Fishery persons shall bring their fishing permits when fishing or operating at the sea.

**Article 33**

Neither fishery persons nor fishing professionals may perform any of the following conducts when fishing or operating:

- 1.Non-fishery activities or outlaw actions;
- 2.Breach of the restriction which has imposed by the competent authority in terms of operation period

and number of crew on the vessel;

3.Selling or using fishing power oil for other purposes; or

4.Entering foreign waters illegally.

**Article 34**

When a fishing operation is happened to obstacle or block fish migrations of anadromous, a one-fifth of the waterway at the least must be remained clear hence to be reserved for ecological protection.

**Article 35**

Both fishery persons and fishing professionals shall fill in fishery reports and other relevant materials in accordance with regulations set forth by the competent authority.

**Article 36**

The authority of central government may authorize the competent authority of municipality or county/city, to be commissioned for all affairs and applications concerned.

**Article 37**

These Enforcement Rules shall become effective from the date of being promulgated.

# THE REGULATIONS 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)
- Jun. 28, 2002 Council of Agriculture, Executive Yuan (91) Nong-Shou-Yu No.0911320977 order amends and issues Article 12
- Jun. 30, 2003 Council of Agriculture, Executive Yuan (92) Nong-Shou-Yu No.0921321090 order amends and issues Article 18, 26(2), and deletes Article 28
- Jun. 29, 2005 Council of Agriculture, Executive Yuan (94) Nong-Shou-Yu No.0941331395 order amends and issues Article 3, 16, 26, and 26(3)
- Mar. 21, 2007 Council of Agriculture, Executive Yuan (96) Nong-Shou-Yu No.0961320588 order amends

Article 1 The regulations (here in after “the Regulations” ) are made pursuant to Article 7 & Article 8, paragraph 3 of the Fisheries Act.

Article 2 The regulations are fit for the building, alteration , chartering, or importing of fishing vessel and obtaining the permit and license issue of the Directed Fisheries.

The regulations are 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.

The regulations are fit for the building, alteration, chartering, or importing of fishing vessel and obtaining the permit and license issue of Fishing Right Fishery unless there is additional Fishery Rights Registration regulations or the regulations.

Article 3 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. Breach of the law of foreign country, 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. Otherwise, the qualification, which is approved by the central competent authority as a special case, for fishery operator to be granted the right to export and build the same tons and continue to manage the tuna purse seine fishery, after decommissioning equal tonnage of fishing vessel/s of the same fishery registered in regional fisheries management organizations. Besides, the [Chinmen](#), Mazu area fishing vessels approved change to cargo vessel by the competent authority gaining the qualification to operating original fishery type before June 30 2006.
5. The replacement number of tons: the number of tons approved to be replaced on the cancellation of the original 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 4 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.
  7. The fishing businessman gaining the qualification may not build new fishing vessel, gaining the fishing vessel which is revoked the .fishing license of the fishery operator.
- The fishing businessman who paragraph 7 referred is not the person of fishing competent authority who revoked the fishing license.

Article 5 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 6 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 7 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, vessel name or fishery type, the application must be made for license change.

Article 8 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 9 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 applied for its replacement qualification under the original fishery type.

Article 10 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 11 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 27, which will be managed according to the provisions of the above two Articles.

Article 12 The provisions for the mutual change or concurrent operation of the fishing vessel of the directed fisheries, recreational 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 concurrent operation fishing right fishery. The fishing vessel of purse seine for mackerel and fish carrier may not be applied for operation other fishery type.
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 3 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.
4. The application for the change of fishery type is made for pole and lines boote, troll line, longline fisheries, spear fishing and other fishery type that central competent authority announced they allowed for the recreational fishery vessel.
5. The application for directed fisheries made for the fishing vessel for fishing right fishery, coral reef 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 13 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 14 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; its fishery type is the same as newly built vessel, the reserved replacement number of tons is valid one year from the verified date for reservation. 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.

When the replacement amount in ton is supplemented by the reserved part or the fishery type other than mackerel purse seine boat and fish transportation vehicles according to the said supplement provision, the amount in ton for the replacement to be supplemented should not be more than 5% of the tonnage of the newly-built fishing vessels.

When the fishing operator applies for the fishery type change of the current fishing vessel according to the Entry 1, Article 9, 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 mackerel 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.

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 mackerel purse vessel and fish transportation vehicles.

When a longline or purse seine fishing vessel, being larger than 20 tons and serving more than 25 years, does not undergo replacement within two years after the amendment of the regulations enters into effect, the replacement amount in ton shall be 74 % of the tonnage of the original fishing vessel.

When the fishing operator gaining the vessel according to the VII of Article 4, the replaced number of tons is supplemented according to the Entry I to Entry III, Article 15 to Article 16.

Article 15 When a fishery operator builds a new fishing vessel or applies Article 9.1 for change of fishery type by qualification replacement, the following requirements shall be met:

1. A new fishing vessel whose length is over 24 meters shall obtain the replacement amount in ton from another fishing vessel which is over 24 meters in length and more than 100 tons in gross tonnage, and is of the same fishing type. Besides, the gross tonnage of newly-built fishing vessel shall not be less than 100 tons.
2. A new fishing vessel whose length is over 15 meters, but less than 24 meters shall obtain the replacement amount in ton from another fishing vessel which is over 15 meters but less than 24 meters in length and more than 20 tons in gross tonnage, and is of the same fishing type, or which is over 24 meters in length and less than 100 tons in gross tonnage. Besides, the gross tonnage of the newly-built fishing vessel shall be between 20 tons and 100 tons.
3. A new fishing vessel whose length is less than 15 meters shall obtain the replacement amount in tons of another fishing vessel which length is less than 15 meters and is of the same fishing type. Besides, the gross tonnage of the newly-built fishing vessel shall be less than 20 tons.

The total length of a fishing vessel refers to the horizontal distance between the forward-most point of a bow and the after-most point of a stern.

A fishing operator, who acquires the qualification for replacement of the same scale in length and tonnage, as required by Paragraph 1, but fails to attain 95% of replacement tonnage of the same fishing type, shall make up the lacking tonnage which belongs to the same scale of qualification for such a replacement of the same scale in length and tonnage.

The fishing vessel less than 5 tons should replacement less than 5 tons fishing vessel, the replacement or combined the amount in ton for the replacement to be supplemented shouldn't be more than 5 tons.

Article 16 From July 1 2007, the longline fishing vessels, operating respectively in areas of regional fishery management organizations in Pacific, Atlantic and Indian Oceans, shall not replace by rebuilding one another, when they belong to different vessel lists of the regional fishery management organizations concerned.

Article 17 When the tons of the fishing vessel are increased upon the verification and reconstruction, the replaced number of tons should be made up according to the Article 14 and Article 15, 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 18 The applicant for qualification replacement should attach the following documents:

1. The original fishing license.
2. The cancellation document of ship registry for replaced fishing vessels.
3. The certifying documents for the reduction of the fishing vessels or the certifying documents for exporting tuna purse seine vessels as a special case.
4. The cancellation document of oil rations handbook.
5. The [Chinmen](#), Mazu area fishing vessels according to the IV of Article 4 changing to cargo vessel should provide the certifying documents of navigation affairs department.
6. Other specified documents or data.

The fishing business of which the cancellation made according to the Entry 1 of Article 8, may omit the above first to third documents upon application

Article 19 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 original operation fishing type according to the Entry 2 of Article9 will be valid within 3 years from the approval date.

Article 20 Any one of the following cases cannot apply for the qualification replacement:

1. No reduction of the fishing vessels.
2. The applicant being refused to issue license due to any one case under Article 7-(1) of the fisheries law.
3. The validity of the fishing license or the approved close-down period is already expired.
4. 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.
5. The owner of the fishing vessel did not properly manage the stranded boat, which affected shipping navigation, or polluted the oceanic environment
6. A fishing vessel was sunk or detained/confiscated by foreign governments, but the fishing operator did not handle properly the repatriation of fishing crews.
7. The fishing operator still owes governmental agencies fees, charged for dealing with an accident

of a fishing vessel occurring in foreign countries.

Article 21 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 22 The main fishery business Articles such as trawling, longline, squid fishing, skipjack, tuna purse net, and mackerel 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 23 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 qualification replacement in the said Article should choose to build the fishing vessel for other fishery type.

Article 24 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 25 No more than one main fishery business is allowed to be registered in license and three types for the concurrent business.

Article 26 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 27 No fishing vessel is to be imported from foreign country unless one of the following cases exists:

1. The fishing vessel with new fishing style and examined and approved by the central authorities-in-charge as a special case.
2. The fishing vessel specially for the entertainment fishery.
3. 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.
4. The fishing vessel in accordance with the provisions under Article 28 & 29.

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 County of the planned harbor, and finally the verification of the central competent authority.

Article 28 Fishery operators, who obtained the qualification replacement for one tuna purse seine vessels, may apply to the central competent authority, before July 31 2007, for importing one or two Taiwan nationals owned/controlled foreign flagged tuna purse seine vessels more than 1000 tons that was built and exported after February 28 1999, after import plan proposing by the relevant fishery association.

The central competent authority, when granting the import of tuna purse seine vessel in accordance with the Paragraph 1 of this Article, may add notes on the fishing license as follows: When the number of authorized tuna purse seine vessels need to be reduced for the conservation of fishery resource or public interest, the relevant fishery association shall coordinate related fishery operators to follow the policy, and the fishery operators cannot apply to the authorities concerned for subsidy.

When the number of Taiwan flagged tuna purse seine vessels reaches 42, the central competent authority may not follow the Paragraph 1 of this Article and stop granting permission for importing tuna purse seine

vessel.

The related document verification and application procedure for importing tuna purse seine vessels in accordance with this Article would be announced by the central competent authority.

Article 29 A squid fishing vessel larger than 100 tons, which was built in Taiwan, was exported to another country during the period from January 1 2003 to March 21 2007 and registered as a foreign vessel owned by our nationals, is allowed to apply for importation, when a sufficient replacement amount in ton is acquired, according to Article 14.

The procedures as mentioned by previous paragraph for verifying relevant documents of applying for importing squid fishing vessels shall be announced by the central competent authority.

Article 30 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 31 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 7 of the fishery laws.

Article 32 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.

Article33 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.



# **DIRECTIONS FOR THE IMPORT OF FOREIGN FLAGGED SQUID JIGGING VESSELS OVER 100 GROSS REGISTERED TONNAGE CONSTRUCTED IN DOMESTIC SHIPYARDS AND OPERATED BY THE NATIONALS OF CHINESE TAIPEI**

Proclaimed by Council of Agriculture, Executive Yuan on November 2007 under Proclamation No. (96) Nun-Yu-Tzu 961332836

1. These Directions are established pursuant to Article 29, paragraph 2 of the “Regulations for the Issuing of Fishing Vessel Building Permit and Fishery License (hereinafter referred to as “the Regulations”) ”.
2. The application for the import of a squid jigging vessel pursuant to Article 29, paragraph 1 of the Regulations shall be approved by the competent authority of the central government through the competent authority of municipality or county or township where the vessel is intended to be registered, together with the following documents :
  - (1) An application (format as shown in Attachment)
  - (2) The identification document of the applicant. (For a natural person, a copy of the applicant’s national identity card, and for a legal person, copies of the company's document of registration or amended document of registration and the identity card of its legal representative.)
  - (3) The identification document of the owner of the vessel for import. (For a natural person, a copy of the applicant’s passport, and for a legal person, copies of the company's document of registration or amended document of registration and the ROC passport of its legal representative.)
  - (4) The original and a copy of the vessel sales contract between the applicant and the owner of the vessel to be imported.
  - (5) The original and a copy of the certificate of nationality of the vessel, issued by the exporting country.
  - (6) The original and a copy of the surveyor report confirming seaworthiness of the vessel.
  - (7) Layout of the vessel.
  - (8) The original letter of the qualification of tonnage replacement of a squid jigging vessel over 100 gross registered tonnage, issued by the competent authority. In case of assignment of the qualification of tonnage replacement of another vessel, the original assignment agreement signed with seal and the certification of specimen of signature and seal shall be attached.

(9) After deduction of vessel tonnage from the tonnage replacement stipulated in the preceding sub-paragraphs, for any shortage of the tonnage replacement shall be made up by producing the original letter of qualification of tonnage replacement issued by the competent authority. In case of assignment of the qualification of tonnage replacement of another vessel, the original assignment agreement signed with seal and the certification of specimen of signature and seal shall be attached.

## Attachment

### The Application for the Import of Fishing vessels (template)

I (Name of natural person or legal person) hereby apply for the import of the following vessel in accordance with Article 29, paragraph 1 of the “Regulations for the Issuing of Fishing Vessel Building Permit and Fishery License”:

#### 1. The basic information of the fishing vessel to be imported

The basic information of the fishing vessel		Remarks
Name of vessel		
Nationality of vessel		
owner		
Gross registered tonnage		
Type of fishery		
Export date		

#### 2. Affixing documents ( Please mark ) :

- The identification document of the applicant
- The identification document of the owner of the vessel for import
- The original and a copy of the vessel sales contract between the applicant and the owner of the vessel to be imported
- The original and a copy of the certificate of nationality of the vessel issued by exporting country
- The original and a copy of the surveyor report confirming the seaworthiness of the vessel
- Layout of the vessel
- The original letter of qualification of tonnage replacement of a squid jigging vessel over 100 gross registered tonnage and the tonnage assignment agreement.
- The original letter of qualification of tonnage replacement for shortage of tonnage replacement, and the tonnage assignment agreement.

I hereby declare that the above information and documents provided are true. If any counterfeit or fraudulence is found, I shall assume all legal responsibilities.

to  
Government of municipality  
Government of county or township

Applicant :  
Address :  
Legal Representative :  
Telephone :

Year                      Month                      Day

# Shipping Act

( 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.

## **The Law of Ships**

**2010.12.08 amended**

### Chapter 1 General Principles

#### Article 1

This Law is enacted to ensure safety of navigation and life, and to put into effect the administration of the Certificate of Vessel's Nationality (Register), inspection, measurement, load line mark and facilities.

#### Article 2

The competent authority for this Law is the Ministry of Transportation and Communications, and the businesses are run by the shipping administration authority.

#### Article 3

Terms used in this Law are defined as follows:

1. "Small ship" refers to a non-power-driven ship of under fifty (50) gross tonnage, or a power-driven ship of under twenty (20) gross tonnage.
2. "Passenger ship" refers to a non-small ship that carries more than twelve (12) passengers, and is intended for carrying passengers.
3. "Power-driven ship" refers to a ship propelled by mechanical means.
4. "Hydrofoil" refers to a special type of ship that is equipped with hydrofoils which raises the hull up on the water surface by means of the lifting force created by the hydrofoils when sailing.
5. "Hovercraft" refers to a special type of ship with air cushion created by continuous air blast within the ship that produces an effective counterforce on the water surface under the ship, causing the hull to rise up from the water, and the ship sails by means of jet, aerial propeller, underwater propeller or other propelling approaches recognized by the shipping administration authority.
6. "High-speed craft" refers to a ship designed and built according to the International Code of Safety for High-speed Craft, and the ship is capable of a maximum speed, in meters per second (m/s), equal to or exceeding  $3.7 \sqrt[3]{0.1667 \Delta}$ , where  $\Delta$  = volume of displacement corresponding to the designed waterline.
7. "Yacht" refers to a ship intended exclusively for entertainment, not for carrying passengers or goods, nor fishing, and the ship is mainly driven or ancillary driven by mechanical means.
8. "Personal yacht" refers to a ship used for entertainment by the owner himself/herself or by others who borrow the ship at no cost.
9. "Non-private used yacht" refers to a ship to be rented as a whole or as a clubhouse service for entertainment.

#### Article 4

This Law applies to ships sailing on or in the water, except the following:

1. Naval crafts of military organization.
2. Dragon boats, canoes and non-powered sailboats.
3. Business small ships coast-anchored by the fire and rescue organization.
4. Powered small ships with a propulsive power under 12 kilowatts and not used for fishing.

#### Article 5

The term "R.O.C. (The Republic of China)-flag ship" used herein refers to a ship which is approved by and registered in the shipping administration authority pursuant to the R.O.C. laws.

A ship may apply for registering as a R.O.C.-flag ship Under any one of the following conditions:

1. The ship is owned by the R.O.C. government.
2. The ship is owned by a R.O.C. national.
3. The ship is owned by any of the following companies, which are established under the R.O.C. laws, with principal offices situated within the R.O.C. territory:
  - (1) An unlimited company, of which all shareholders are ROC nationals.
  - (2) A limited company, of which at least half of the capital is owned by R.O.C. nationals, and the director authorized to represent such company is a R.O.C. national.
  - (3) A joint company, of which all shareholders with unlimited liabilities are R.O.C. nationals.
  - (4) A company limited by shares, of which the chairman of the board and at least half of the directors are R.O.C. nationals, and at least half of the capital is owned by R.O.C. nationals.
4. The ship is owned by a juridical corporate, which is established under the R.O.C. laws, with its main office situated within the R.O.C. territory and at least two-thirds of the members and the statutory representative being R.O.C. nationals.

#### Article 6

Any non-R.O.C. flag ship shall not fly a national flag of the R.O.C., except otherwise stipulated in laws, or under any one of the following circumstances:

1. On the National Day or any memorial day of the R.O.C., or
2. When celebration or salute is needed.

#### Article 7

R.O.C.-flag ships shall not fly a non-R.O.C. flag, except otherwise stipulated in related regulations or under any one of the following circumstances, where a foreign flag may also be flied:

1. On the National Day or any memorial day of a foreign country of which a port the R.O.C.-flag ship is calling; or
2. When celebration or salute is needed.

#### Article 8

Unless otherwise specially approved by the R.O.C. government or for seeking shelter, any non-R.O.C. flag ship shall not stay in any harbor or port other than those announced as international ports by the R.O.C. government.

## Article 9

Any R.O.C.-flag ship, unless having obtained a Certificate of Vessel's Nationality (Register), a Provisional Certificate of Vessel's Nationality (Register), a Certificate of Yacht or a Small-ship License, shall not navigate except for one of the following circumstances:

1. When the ship is launched or in a trial voyage;
2. When the ship is permitted or ordered to move by the shipping administration authority; or
3. When it is a necessary measure to be taken due to emergency.

## Article 10

Any ship shall be marked with the following signs:

1. Name of the ship;
2. Name of the port of registry or the place of small-ship registration;
3. Distinctive number;
4. Load line mark and draft marks, except those exempted from making load line mark or draft mark pursuant to the provision of Article 51 and the proviso in Paragraph 1 of Article 80;
5. Other marks specified in laws and regulations.

None of the marks mentioned in the previous paragraph shall be defaced or obliterated, except for avoidance of capture in time of war.

The following alteration timelines shall apply when the items of ship markings have to be changed:

1. When markings of Subparagraphs 1 to 3, Paragraph 1 need to be changed, it shall be done at the same time of registration.
2. When markings of Subparagraphs 4 and 5, Paragraph 1 need to be changed, it shall be done within 3 months from the date of occurrence.

Name of the ship, name of the port of registry, place of registration, distinctive number, draft marks, load line mark, other markings and other regulated items shall be set down by the competent authority.

## Article 11

A Certificate of Yacht shall be obtained for a yacht; a Small-ship License shall be obtained for a small ship.

The following documents shall be obtained for ships apart from those listed in the previous paragraph:

1. Certificate of Vessel's Nationality (Register) or Provisional Certificate of Vessel's Nationality (Register);
2. Ship Inspection Certificate or other certificates that shall be obtained pursuant to international conventions;
3. Tonnage certificate;
4. Minimum Safe Manning Certificate;
5. Crew list;
6. Loadline Certificate, but it is not required for ships without technical need for assigning a load line pursuant to the provision of Article 51.
7. Passenger Ship Safety Certificate or Certificate of Fitness for Carrying Passengers, for ships carrying passengers; and passenger list for ships carrying registered passengers;
8. Grain loading permission document for ships carrying grains in bulk; and approval document for ships



carrying dangerous goods;

9. Logbook;

10. Other documents as announced by the competent authority.

The shipping administration authority at the ship location may examine the documents of vessel in the first two subparagraphs at any time. The ship owner shall be ordered to apply for a change of registration, or replacement of the relevant certificates of vessel within one month when discrepancy is found.

When examiners as mentioned in the preceding paragraph execute their duty, a document for the execution of such duty shall be presented. The examinees may refuse the request of those who fail to present such document. If the documents in Subparagraph 1 and 2 expire during a voyage, they should be considered still valid until the ship arrives at the port of destination.

Article 12

The name of a ship, to be given by the owner, shall not be identical to that of any other ship. However, this does not apply to the names of small ships that are approved before the enforcement of the amendment of this Law at November 12, 2010.

Article 13

The ship owner shall determine by himself/herself a port of registry or a place of registration for his/her ship.

Article 14

If any certificate of a ship stipulated by this Law is missing, broken, or any alteration of entry of any certificate's registration occurs, the owner of the ship shall apply for replacement, reissuance of the certificate or change of registration within 3 months from the date of discovery or occurrence.

Chapter 2 Certificate of Vessel's Nationality

Article 15

After receipt of the Ship Inspection Certificate and the Tonnage Certificate, the owner of a ship shall register the proprietorship at the shipping administration authority of the port of registry within 3 months pursuant to the Ship Registration Law.

The Ship Inspection Certificate referred to in the previous paragraph, pursuant to the provision of Article 31, may be substituted by a valid certificate of international conventions, and a certificate of classification issued by a ship register institute commissioned by the competent authority.

Article 16

After a ship is registered pursuant to the preceding article, the shipping administration authority shall not only issue the Registration Certificate pursuant to the Ship Registration Law, but also issue the Certificate of Vessel's Nationality (Register); a Provisional Certificate of Vessel's Nationality (Register) may be issued first if necessary.

Article 17

A ship owner who acquires a ship at a port other than the recognized port of registry may apply for a Provisional Certificate of Vessel's Nationality (Register) to the shipping administration authority at the port of calling or the port of registry, by submitting the relevant supporting documents of ship acquisition or original ship nationality. An application for registration of the ship shall be made pursuant to Article 15 herein within 3 months from the date of obtaining the certificate.

#### Article 18

In case the Certificate of Vessel's Nationality (Register) of a ship is missing, broken or any entry therein is altered when it calls at a port other than the port of registry, the master or owner of the ship may apply to the shipping administration authority at the port of calling or port of registry for issuance of a Provisional Certificate of Vessel's Nationality (Register) within 3 months from the date of discovery or occurrence. If the aforesaid event occurs on voyage, the master or owner of the ship may make the above-mentioned application to the shipping administration authority at the port of arrival or port of registry.

In case a Provisional Certificate of Vessel's Nationality (Register) is applied for pursuant to the preceding two paragraphs, the ship owner shall apply for replacement or reissuance of the Certificate of Vessel's Nationality (Register) to the shipping administration authority at the port of registry within 3 months from the date of receiving the provisional certificate.

#### Article 19

The validity of the Provisional Certificate of Vessel's Nationality (Register) shall not exceed six months for a ship navigating abroad, or three months for a ship navigating within domestic waters. However, for cases with proper reasons, application may be made for renewal to the shipping administration authority at the port of calling or port of registry before the expiry of the certificate, stating the reason. Validity of the renewed certificate shall not exceed one month, and only one renewal is allowed.

#### Article 20

In the event that a registered ship is lost or wasted, loses its R.O.C. nationality, has been missing for more than six months or sunk and unable to be salvaged or repaired, the owner of the ship shall apply for cancellation of the ship's ownership registration to the shipping administration authority of the ship's port of registry pursuant to the Ship Registration Law, within 4 months after discovery or occurrence of such facts. The Certificate of Vessel's Nationality (Register) of such ship shall then be withdrawn, unless it has been lost.

For any ship modified into small ship, the owner of the ship shall apply for registration and issuance of a license pursuant to relevant regulations within 3 months from the date of completion of modification. The original Certificate of Vessel's Nationality (Register) shall be withdrawn, unless it has been lost.

#### Article 21

Ship owner who fails to apply for cancellation of registration and submit the certificate for withdrawal pursuant to Paragraph 1 of the preceding article, will be ordered by the shipping administration authority of the port of registry to complete the procedures within one month. For those who still fail to do so without proper reason,

the shipping administration authority may cancel the registration, and withdraw the Certificate of Vessel's Nationality (Register) at its own discretion.

#### Article 22

The competent authority shall undertake to prescribe and give effect to the regulations on the issuance, renewal/replacement, annulment, cancellation or withdrawal, imposition of certification fees, validity of certificate, management and regulations on other matters for compliance concerning the Certificate of Vessel's Nationality (Register) and Provisional Certificate of Vessel's Nationality (Register).

#### Chapter 3 Inspection of Ships

#### Article 23

For inspection of a ship, there are special inspection, periodical inspection and additional inspection.

Scope of the ship inspection shall include the following:

1. Structural strength of various parts of the ship.
2. The major and ancillary machines or tools for propelling of the ship.
3. Stability of the ship.
4. The load line mark, except for ships without technical need for assigning a load line pursuant to the provision of Article 51.
5. Subdivision of the ship, except for ships without need for subdivision pursuant to the provision of Article 36.
6. Fireproof construction of the ship, except for ships without need for fireproof construction pursuant to the provision of Article 35.
7. Ship's marks.
8. Ship equipment.

Ships shall not sail unless having passed the inspection, and arranged the equipment properly according to regulations.

The competent authority shall undertake to prescribe and give effect to the regulations on the items and content of ship inspection, the inspecting agencies, validity period, application procedures and documents, on the issuance, renewal/replacement, annulment, cancellation or withdrawal of the Ship Inspection Certificate, and on imposition of inspection fee and certification fee, and other matters for compliance.

#### Article 24

Ship equipment as mentioned in Subparagraph 8, Paragraph 2 of the preceding article refers to the following equipment:

1. Life-saving appliances
2. Fire fighting equipment
3. Light, sound and flag signals
4. Navigation instrument
5. Radio telecommunication equipment
6. Accommodation and recreational facilities
7. Sanitary and medical equipment

8. Ventilation equipment
9. Refrigerating and freezing equipment
10. Cargo gears
11. Drainage and equipments for pollution prevention
12. Steering, anchoring and mooring equipment
13. Rig and hawser
14. Loading and stowing facilities for dangerous goods and bulk cargoes
15. Container and securing device for sea transportation.
16. Other required equipment as announced by the competent authority

Specifications, certificates and regulations on other matters for compliance concerning the aforesaid ship equipment shall be set down by the competent authority.

#### Article 25

Under any one of the following conditions, ship owners shall apply to the shipping administration authority at the port of calling for a special inspection:

1. The ship is newly built.
2. The ship is acquired abroad.
3. The hull is overhauled or the propeller is altered.
4. The intended use or type is changed.
5. Validity of the special inspection has expired.

After passing the special inspection, the ship shall be issued or renewed the Ship Inspection Certificate by the shipping administration authority, which shall be valid for five years.

#### Article 26

After the special inspection, the ship owner shall apply to the shipping administration authority at the port of calling for periodical inspection every one full year within 3 months before and after the due date.

After passing the periodical inspection, the ship shall obtain an endorsement on the Ship Inspection Certificate from the shipping administration authority.

#### Article 27

Under any one of the following conditions, ship owners shall apply to the shipping administration authority at the port of calling for an additional inspection:

1. The ship suffers from a marine casualty.
2. The hull, machinery or equipment is in danger of tampering with navigation, personal safety or environmental pollution.
3. The ship's seaworthiness is in doubt.

After passing the additional inspection, the ship shall get a note on the Ship Inspection Certificate from the shipping administration authority.

#### Article 28

The ship owner who disagrees to the result of an inspection may request a re-inspection by stating the reason within one month from the date the inspection of any kind is completed. However, the condition of the ship shall not be changed before the result of the re-inspection is determined.

#### Article 29

When the special inspection, periodical inspection or additional inspection as stipulated in Articles 25 to 27 occurs in a foreign country, the owner or master of the ship shall request a local ship register institute commissioned by the competent authority at the port of calling to execute the inspection.

After passing the special inspection as stipulated in the preceding paragraph, the owner of the ship shall submit the inspection report to the shipping administration authority at the port of registry for application for issuing or renewing the Ship Inspection Certificate.

After the ship has passed the periodical inspection or additional inspection as stipulated in Paragraph 1, the ship register institute shall endorse or note on the Ship Inspection Certificate.

#### Article 30

A ship governed by an international convention shall be inspected pursuant to the regulations prescribed in the international convention, and shall possess the certificates specified therein.

#### Article 31

A ship possessing valid certificates issued according to an international convention, and is inspected and classified by a ship register institute commissioned by the competent authority, is deemed to have completed the inspection pursuant to the provisions set forth in this Chapter, and exempted from issuance of the Ship Inspection Certificate.

Passenger ships of a gross tonnage above 100 tons or capable of carrying over 150 persons shall possess a certificate of classification issued by a ship register institute commissioned by the competent authority.

#### Article 32

For a non-R.O.C. flag ship that departs from a R.O.C. international port, the master of the ship shall submit the inspection document or proof of passing inspection to the shipping administration authority of the port for examination.

For a non-R.O.C. flag ship that fails to submit the inspection document or proof of passing inspection for examination or whose documents have expired, the shipping administration authority of the port may order improvement to be made within a specified deadline, and the ship shall not depart from the port before fulfillment of the order.

The master of the ship who disagrees to the order for improvement or prohibition to depart from the port as mentioned in the preceding paragraph should appeal to the shipping administration authority of the port within 5 days.

#### Article 33

For a ship carrying goods in bulk, the owner or master of the ship shall apply to the shipping administration authority at the port of calling for permission before it may sail. The competent authority shall undertake to prescribe and give effect to the regulations on the basic conditions for loading, application for permission, calculation of the assumed heeling moment, fitting device, fixing facility, imposition of loading inspection fee and other matters for compliance.

#### Article 34

For a ship carrying dangerous goods, the owner or master of the ship shall apply to the shipping administration authority at the port of calling for permission before it may sail. The competent authority shall undertake to prescribe and give effect to the regulations on the packaging of dangerous goods to be transported, application for permission, marks and labels, loading documents, loading transportation, loading inspection, imposition of inspection fee and other matters for compliance.

#### Article 35

The owner or master of a ship shall apply to the shipping administration authority at the port of calling for inspection of the ship's fireproof construction, and the ship may only sail after passing the inspection. The competent authority shall undertake to prescribe and give effect to the regulations on the classification of a ship's fireproof construction, fireproof construction of various classes and other matters for compliance.

#### Article 36

To ensure the stability required for the safety of navigation, a ship shall be subdivided, for which the owner or master of the ship shall apply to the shipping administration authority at the port of calling for inspection, and the ship may only sail after passing the inspection. The competent authority shall undertake to prescribe and give effect to the regulations on the permitted length and special conditions for the subdivision, stability of a ship under damaged condition, watertight devices of the subdivision and other matters for compliance.

#### Article 37

For an hydrofoil, hovercraft, high-speed craft, or special ship, the owner or master of the ship shall apply to the shipping administration authority at the port of calling for inspection, and the ship may only sail after passing the inspection and obtained the certificate. The competent authority shall undertake to prescribe and give effect to the regulations on inspection, construction, fixture, equipment, passenger cabin, passenger quota, on the issuance, renewal/replacement, annulment, cancellation or withdrawal of certificates, and on imposition of inspection fee and certification fee, and other matters for compliance.

#### Article 38

For a chemical tanker and liquefied gas tanker carrying dangerous or noxious liquid substances or liquefied gas in bulk, the owner or master of the ship shall apply to the shipping administration authority at the port of calling for inspection, and the ship may only sail after passing the inspection. The competent authority shall undertake to prescribe and give effect to the regulations on the construction and stability, safety equipment, imposition of inspection fee and certification fee, and other matters for compliance.

## Chapter 4 Measurement of Ships

### Article 39

Before applying for a Certificate of Vessel's Nationality (Register), the owner of the ship shall apply to the shipping administration authority at the port of calling for tonnage measurement and issuance of the Tonnage Certificate.

### Article 40

The owner of a ship which is built or acquired abroad shall apply to a ship register institute commissioned by the competent authority at the port of calling for tonnage measurement.

For ships that have been measured pursuant to the provision in the preceding paragraph, the owner shall apply to the shipping administration authority for issuance of the Tonnage Certificate.

### Article 41

A ship acquired abroad which has been measured by the same mode as that of the R.O.C. may be exempted from re-measurement.

A ship acquired abroad which has been measured by a different mode from that of the R.O.C. shall be re-measured through an application made in accordance with the relevant regulations. The owner of the ship may apply for issuance of a Provisional Certificate of Vessel's Nationality (Register) before applying for measurement and obtaining the Tonnage Certificate, with the tonnage document issued by the former flag state.

### Article 42

When the ship's type, arrangement or capacity has been altered, or its tonnage measurement or calculation is found incorrect after the ship owner has registered the ship, an application for re-measurement and reissuance of the Tonnage Certificate shall be made. Where such alteration or incorrection is found by the shipping administration authority, the authority shall undertake the re-measurement and reissuance of the Tonnage Certificate.

### Article 43

For a non-R.O.C. flag ship departing from a R.O.C. port, the master of the ship shall submit the Tonnage Certificate to the shipping administration authority of the port for examination.

For a non-R.O.C. flag ship that fails to submit the Tonnage Certificate for examination pursuant to the preceding paragraph, the shipping administration authority of the port may order improvement to be made by a specified deadline. The ship shall not depart from the port before fulfillment of the order.

The master of the ship who disagrees to the order for improvement or prohibition to depart from the port as mentioned in the preceding paragraph may appeal to the shipping administration authority of the port within 5 days.

### Article 44

The competent authority shall undertake to prescribe and give effect to the regulations on the application for measurement, measurement, calculation of gross and net tonnages, on the issuance, renewal/replacement, annulment, cancellation or withdrawal of Tonnage Certificate, and on imposition of measurement fee and certification fee, and other matters for compliance.

#### Chapter 5 Load Lines of Ships

##### Article 45

The load line represents the maximum draft, which shall not be submerged on her voyage.

##### Article 46

All ships shall be provided with a load line certificate, except for ships without technical need for assigning a load line pursuant to the provision of Article 51.

##### Article 47

The owner of a ship shall apply to the shipping administration authority at the port of calling for the assignment of load lines and the issue of a load line certificate for the ship.

The load line certificate of a ship is valid for 5 years. The ship owner shall apply for special inspection before expiry for renewal of the certificate.

##### Article 48

After a ship is assigned a load line or undergoes special inspection, the ship owner shall apply for periodical inspection every one full year within three months before and after the assignment or inspection. The certificate shall be endorsed by the shipping administration authority at the port of calling when the results of periodical inspections are considered satisfactory.

##### Article 49

A ship shall not sail Under any one of the following conditions:

1. A load line shall be assigned but not assigned yet.
2. The load line certificate has expired.
3. A load line shall be re-assigned but not re-assigned yet.
4. Loading of the ship has exceeded the maximum draft specified on the load line certificate.

##### Article 50

When a non-R.O.C. flag ship, of which a load line shall be assigned subject to the provisions of the International Load Line Convention or the laws of its flag state, departs from a R.O.C. international port, the master of the ship shall submit the Load Line Certificate or Exemption Certificate to the shipping administration authority of the port for examination. In one of the following conditions, the authority may order improvement to be made by a specified deadline, and the ship shall not depart from the port before fulfillment of the order:

1. Failure to submit the load line or exemption certificate for examination or such certificate has expired.



2. The ship's load exceeds the maximum draft specified in the load line certificate.
3. The position of the load line is inconsistent with that specified in the load line certificate.
4. The load line shall be re-assigned but not re-assigned yet.

The master of the ship who disagrees to the order for improvement or prohibition to depart from the port as mentioned in the preceding paragraph may appeal to the shipping administration authority of the port within 5 days.

#### Article 51

The competent authority shall undertake to prescribe and give effect to the regulations on the inspections and assignments of load lines; issuance, renewal/replacement, annulment, cancellation or withdrawal of the load line certificate; terms for assigning load lines, freeboard, and load lines of timber deck cargo of ships sailing on international voyages; subdivision load lines of passenger ships, and load lines of ships sailing on inland waters; zones, areas and seasonal periods; and imposition of assignment fee and certification fee; and other matters for compliance.

#### Chapter 6 Passenger Ships

#### Article 52

The owner of a passenger ship shall apply to the shipping administration authority of the port of calling for issuance of a Passenger Ship Safety Certificate. Ships shall not carry passengers without a Passenger Ship Safety Certificate.

The shipping administration authority shall undertake to ratify the certified number of passengers and the navigable waters subject to the conditions of ship's equipment, watertight subdivisions and fireproof construction, which shall be noted in the Passenger Ship Safety Certificate.

Passenger ships shall not carry passengers in excess of the aforesaid certified passenger quota, and shall not carry passengers outside the aforesaid specified navigable waters.

#### Article 53

The validity of a Passenger Ship Safety Certificate, which is to be ratified by the shipping administration authority, shall not exceed one year, depending on the ship's seaworthiness.

In case of entries in the Passenger Ship Safety Certificate being altered or within one month before the expiry of the Certificate, the owner of the passenger ship shall apply for renewal.

Ships shall not carry passengers upon expiry of the Passenger Ship Safety Certificate and before renewal of the Certificate.

#### Article 54

The seaworthiness of a passenger ship sailing to a foreign port shall be verified by the shipping administration authority before departure. Random sample inspection shall be implemented on passenger ships sailing on inland waters by the shipping administration authority at least three times a year depending on the ship's seaworthiness.

#### Article 55

When a non-R.O.C. flag ship carries passengers at a R.O.C. port, the master of the ship shall submit the Passenger Ship Safety Certificate to the shipping administration authority at the port of calling for examination. In no case may the ship carry passengers unless its seaworthiness is verified.

For non-R.O.C. flag ships that fail to submit the Passenger Ship Safety Certificate for examination as stipulated in the preceding paragraph, the shipping administration authority of the port may order improvement to be made by a specified deadline. The ship shall not depart from the port before fulfillment of the order.

The master of the ship who disagrees to the order for improvement or prohibition to depart from the port as mentioned in the preceding paragraph may appeal to the shipping administration authority of the port within 5 days.

#### Article 56

The competent authority shall undertake to prescribe and give effect to the regulations on the inspection of passenger ships, pre-sailing inspection, stability, passenger cabins, passenger quota, fresh waters and accommodation, sanitary facilities, picked-up cargoes, contingency measures, and on the issuance, renewal/replacement, annulment, cancellation or withdrawal of the Passenger Ship Safety Certificate, imposition of inspection fee and certification fee, and other matters for compliance.

#### Article 57

Cargo ships may carry passengers only after the owner or master of the ship has applied for approval of the shipping administration authority. The competent authority shall undertake to prescribe and give effect to the regulations on passenger quota, passenger cabins, on the issuance, renewal/replacement, annulment, cancellation or withdrawal of the Certificate of Fitness for Carrying Passengers, and on inspection, imposition of fees, management, and other matters for compliance.

#### Chapter 7 Yachts

#### Article 58

Inspection and measurement of yachts, once authenticated by a foreign or domestic institution recognized by the competent authority, shall be handled by the shipping administration authority at the port of calling. The registration and issuance of certificate shall be handled by the shipping administration authority at the port of registry or place of registration.

For yachts acquired abroad or change of the intended use of existing ships into yachts, the age of the ship may not exceed the years specified in Article 71.

#### Article 59

For inspection of yachts, there are special inspection, periodical inspection, additional inspection and voluntary inspection.

Yachts may only sail when the following stipulations are met:

1. The yacht has passed the inspection.
2. The total number of passengers on board does not exceed the quota ratified by the shipping administration

authority.

3. Equipment is well-arranged according to relevant regulations.

Article 60

Non-personal yachts shall be assigned a load line pursuant to the provisions of Chapter 5; personal yachts are exempted from assignment of a load line.

Article 61

An application shall be made by the owner of the yacht for implementing special inspection if:

1. When the yacht is newly built,
2. The yacht is acquired abroad,
3. The hull is modified or the propeller is altered,
4. The intended use or type is altered, or
5. The validity of special inspection has expired.

After the yacht has passed the special inspection, the shipping administration authority shall issue or renew the Certificate of Yacht, which has a valid period for 5 years. For personal yachts not exceeding 24 meters in full length, however, the Certificate of Yacht has no expiry date.

Article 62

When the owner of a yacht applies for implementation of special inspection pursuant to Subparagraphs 1 to 3, Paragraph 1 of the preceding article, he/she shall also apply for measurement of the ship's capacity at the same time pursuant to relevant regulations.

Article 63

The owner of a yacht shall submit the ex-factory certificate issued by the manufacturer or certificate of origin for the yacht, for application of the special inspection and measurement mentioned in the preceding article.

The aforesaid certificates include the relevant illustrations of the hull structure, and the proof of origin for such machinery as the main engine, propeller, engines, ancillary engine, etc.

For yachts constructed by mass production with verified certificate from the shipbuilder, the shipping administration authority at the port of calling may directly register the yacht according to the verified ex-factory certificate endorsed by the shipbuilder, and issue the Certificate of Yacht without implementing special inspection.

Article 64

Special inspection of yachts shall include the inspection of the hull, stability, propelling machine and shafting, and safety equipment. However, special inspection for newly built yachts shall be done in accordance with the yacht manufacturer's design plan and safety equipment.

Article 65

The owner of the following yachts shall apply to the shipping administration authority at the port of calling for implementation of periodical inspection every two and a half years from the date of passing the special inspection within 3 months before and after the due date:

1. Non-private used yachts
2. Private used yachts of a full length of 24 meters or above.
3. Private used yachts of a full length not exceeding 24 meters, and more than 12 passengers in total.

Yacht of an age above 12 years shall apply for implementation of periodical inspection every one full year of age within 3 months before and after the due date.

After passing the periodical inspection, the yacht shall be given endorsement on the Certificate of Yacht by the shipping administration authority.

#### Article 66

The owner of yachts of a full length under 24 meters and less than 12 passengers shall implement voluntary inspection and fill in the voluntary inspection form every one full year from the date of passing the special inspection within one month before the due date, and the submit the form together with the Certificate of Yacht to the shipping administration authority of the port of registry or place of registration for future reference. Personal yachts shall not sail without completing the stipulated procedures as mentioned in the preceding paragraph.

After the yacht has passed the additional inspection as stipulated in Paragraph 1 of Article 27, the shipping administration authority shall make a note on the Certificate of Yacht.

#### Article 67

For yachts having passed the inspection and measurement, the owner shall apply for registration at the shipping administration authority within 3 months pursuant to the following stipulations:

1. Yachts of 20 gross tons or above shall be registered according to the provisions in the Ship Registration Law.
2. Yachts under 20 gross tons shall be registered according to the provision of Article 71.

After the yachts of Subparagraph 1 in the preceding paragraph are registered, the shipping administration authority shall issue a Certificate of Registry.

#### Article 68

In the event that a registered yacht is lost or wasted, loses its R.O.C. nationality, has been missing for more than six months or sunk and unable to be salvaged or repaired, the owner of the yacht shall apply for cancellation of the yacht's registry to the shipping administration authority at the port of registry or place of registration within 4 months from the date of discovery or occurrence of such facts. The Certificate of Yacht and Certificate of Registry shall then be withdrawn, unless they have been lost.

#### Article 69

Yacht owner who fails to apply for cancellation of registration and submit the certificates for withdrawal pursuant to the provision of the preceding article, will be ordered by the shipping administration authority of the port of registry or place of registration to complete the procedures within one month. For those who still fail to

do so without proper reason, the shipping administration authority may cancel the registration, and withdraw the Certificate of Yacht and Certificate of Registry at its own discretion.

#### Article 70

A yacht shall not be used for passenger or cargo transportation, fishing business, or any other purposes than entertainment, but fishing activity not for business purpose is allowed.

For yacht activities that do not involve entry/exit of the border, relevant information about the ship, the voyage and the persons shall be reported to the coast guard authority at the port of departure by means of e-mail, fax or in person. The relevant forms and procedures shall be determined by the coast guard authority.

Regulations concerning the customs clearance, entry/exit, health inspection, safety inspection procedures for yachts involved in entry/exit of the border shall be determined the competent authority in conjunction with all relevant authorities.

Application for a foreign yacht entering the country shall be made 48 hours in advance, and the Ministry of The Interior shall decide on approval or rejection within 24 hours after the application is made.

#### Article 71

Yacht owners shall effect the liability insurance at a premium specified by the competent authority. Failure to do so shall result in prohibition to depart from the port.

The competent authority shall undertake to prescribe and give effect to the regulations on inspection, measurement, equipment, maximum number of passengers, insurance premium, limitation on age of the ship, navigable waters of the yachts, Certificate of Yacht, registration, imposition of relevant fees and other matters for compliance.

Authorities of various grades in charge of the commercial ports, fishing ports, coasts and rivers shall institute yacht parking and yacht towing areas at suitable locations within their jurisdictions, and plan, develop and manage the areas according to relevant laws and regulations.

#### Article 72

Provisions in this Law, except those in this Chapter, Chapter 1, Paragraph 2 of Article 23, Paragraph 1 of Article 24, Paragraph 1 of Article 27, Article 28, Paragraph 1 of Article 29, Article 30, Article 32, Paragraph 1 of Article 40, Paragraph 1 and Paragraph 2 first half of Article 41, Paragraph 1 of Article 84, Article 89, Articles 91 to 95, Subparagraph 1 of Article 97 and Articles 99 to 102, are not applicable to private used yachts.

Provisions in this Law, except those in this Chapter, Chapter 1, Paragraph 2 of Article 23, Paragraph 1 of Article 24, Paragraph 1 of Article 27, Article 28, Paragraph 1 of Article 29, Article 30, Article 32, Paragraph 1 of Article 40, Paragraph 1 and Paragraph 2 first half of Article 41, Chapter 5, Paragraph 1 of Article 84, Article 89, Articles 91 to 95, Subparagraph 1 of Article 97 and Articles 99 to 102, are not applicable to non-private used yachts.

### Chapter 8 Small Ships

#### Article 73

The shipping administration authority at the port of calling shall undertake the inspection and measurement of the small ships. The shipping administration authority at the place of registration shall handle the registration and issuance of Small Ship License. A small ship shall not sail without the Small Ship License issued by the shipping administration authority. For business needs, the competent authority may commission a ship register institute or licensed and qualified shipbuilder to carry out the inspection and measurement tasks.

The shipbuilder who is the designer of the small ship shall not work on the inspection and measurement of the same small ship. Those who fail to decline the commission of inspection and measurement shall be terminated for the commissioned work, and the inspection and measurement results shall be void.

Effective date of the provision concerning the shipping administration authority's undertakings as per Paragraph 1 shall be determined by the Executive Yuan.

#### Article 74

For inspection of small ships, there are special inspection, periodical inspection and additional inspection.

Small ships may only sail if the following stipulations are met:

1. Having passed the inspection.
2. Number of passengers does not exceed the quota ratified by the shipping administration authority pursuant to Article 81.
3. Equipment is well-arranged pursuant to relevant regulations.

#### Article 75

The owner of a small ship shall apply for implementation of special inspection Under any one of the following conditions:

1. The ship is newly built.
2. The ship is acquired abroad.
3. The hull is modified or the propeller is altered.
4. The intended use or type is changed.
5. The validity of the special inspection has expired.

After the small ship has passed the special inspection, the shipping administration authority shall issue or renew the Small Ship License.

#### Article 76

In event of the situation in Subparagraph 1 or 2, Paragraph 1 of the preceding article, the small ship shall apply for measurement. For small ships that are already measured, but have changed the hull capacity due to modification of the hull, an application shall be made for re-measurement.

#### Article 77

For small ships having passed the special inspection and measurement, the owner shall apply for registration and issuance of license to the shipping administration authority by submitting the measurement documents. For small ships constructed by mass production with manufacturer approval, type approval and product approval given by a ship register institute commissioned by the shipping administration authority, the shipping

administration authority at the port of calling may directly register the small ship according to the verified ex-factory certificate endorsed by the ship register institute, and issue the license without implementing special inspection.

#### Article 78

After the special inspection, the owner of a small ship shall apply for implementation of periodical inspection according to the following timelines:

1. Power-driven passenger small ships: within 3 months before and after the due date of every one full year.
2. Power-driven non-passenger small ships: within 3 months before and after the due date of every two full years.
3. Non-power driven small ships: within 3 months before and after the due date of every three full years.

After the small ship has passed the periodical inspection, the shipping administration authority shall endorse on the Small Ship License.

After the small ship has passed the additional inspection as stipulated in Paragraph 1 of Article 27, the shipping administration authority shall make a note on the Small Ship License.

#### Article 79

For small ship owners' application of inspection and measurement, the shipping administration authority shall send an officer to do on-site inspection or inform the owner to present the ship at specified port.

#### Article 80

For small ships carrying passengers or cargoes, the maximum draft mark shall be assigned, and marked on the external surfaces of the shipboards on two sides at the middle part of the hull. However, this does not apply to ships that are unable to be assigned a draft mark because of its design, structure, type, use or special functions, and are approved by the shipping administration authority.

Small ships with an assigned maximum draft mark shall not carry loads exceeding the mark when sailing.

#### Article 81

The owner of a passenger small ship shall apply for inspection to the shipping administration authority. The small ship may only carry passengers after having passed the inspection, and the passenger quota and navigable waters are being ratified, and marked on the Small Ship License by the shipping administration authority.

#### Article 82

Provisions in this Law, except those in this Chapter, Chapter 1, Paragraph 2 of Article 23, Paragraph 1 of Article 24, Paragraph 1 of Article 27, Article 28, Paragraph 1 of Article 40, Paragraph 1 and Paragraph 2 first half of Article 41, Article 89, Paragraph 2 of Article 90, Articles 92 to 94, Subparagraph 1 of Article 97 and Article 98 to 102, are not applicable to small ships.

#### Article 83

The competent authority shall undertake to prescribe and give effect to the regulations on the passenger quota, contingency preparation and registration of small ships, issuance, renewal/replacement, annulment or withdrawal of Small Ship License, imposition of fees and other matters for compliance.

The competent authority shall undertake to prescribe and give effect to the regulations on the hull, main engine, ancillary engine and stern shaft of small ships, on the inspection and measurement of the electrical equipment, drainage facility, steering, anchoring and mooring equipment, life-saving equipment, fire-fighting equipment and fireproof facilities, living and emergency escape facilities, navigating devices and other accessory devices, and on the imposition of inspection fee and measurement fee, and other matters for compliance.

#### Chapter 9 Ship Register Institutes and Ship Surveyors

##### Article 84

The competent authority may commission a ship register institute to handle the following tasks for business needs:

1. Inspection and measurement of ships, and issuance of certificates
2. Various ship examinations stipulated by international conventions and issuance of certificates
3. Assignment and verification of a ship's load line, and issuance of certificates

When the ship register institute is working on the aforesaid commissioned tasks, an experienced ship surveyor shall be hired to take charge of the tasks and to sign for endorsement.

##### Article 85

R.O.C. nationals must pass the ship surveyor's examination and applied to the shipping administration authority for issuance of a practicing certificate before engaging in the practice.

During the practice as a ship surveyor, ship surveyors may not be engaged in work related to the duty of a ship surveyor such as private or public shipping carrier business, shipping agency business or shipbuilding factories, etc.

##### Article 86

The practicing certificate of a ship surveyor is valid for 5 years. Licensed ship surveyors shall apply for renewal of the practicing certificate one month before the expiry of the license, enclosing the original practicing certificate and supporting documents of the service experience.

##### Article 87

Persons Under any one of the following circumstances may not take the practice as a ship surveyor. For those who have already been a practicing ship surveyor, their practicing certificate shall be withdrawn or annulled:

1. Those who have been convicted of offenses against internal and external security.
2. Those who are sentenced to one-year imprisonment or above due to business-related criminal acts, and no probation is pronounced.
3. Those whose exam qualification is withdrawn or annulled pursuant to the provisions of Examination Act.
4. Those who are diagnosed to have psychiatric disorder or abnormal physical or mental status, and verified by a relevant specialist doctor designated by the competent authority as unfit for the practice.



5. Those whose pronouncement of custody or assistance has not been withdrawn.
6. Those who are declared bankrupt, and whose rights are not yet recovered.
7. Those who are over 65 years of age.

#### Article 88

The competent authority shall undertake to prescribe and give effect to the regulations on the issuance, renewal/replacement, annulment, cancellation or withdrawal of the practicing certificate for a ship surveyor, imposition of fees and other matters for compliance.

#### Chapter 10 Penalties

#### Article 89

In case of violation of the provisions of Article 8, the shipping administration authority shall impose a fine between NT\$30,000 and NT\$300,000 on the owner or master of a ship, or steerer of a yacht or a small ship, and may order immediate exit from the port.

#### Article 90

In case of violation of the provisions of Paragraph 3 of Article 52, the shipping administration authority shall impose a fine between NT\$15,000 and NT\$150,000 on the owner or master of a passenger ship, and order a prohibition of navigation and improvement to be made by a specified deadline. The ship may be release for sailing only after the improvement is made.

In case of violation of the provisions of Subparagraph 2, Paragraph 2 of Article 74, the shipping administration authority shall impose a fine between NT\$15,000 and NT\$150,000 on the owner or steerer of a small ship, and order a prohibition of navigation and improvement to be made by a specified deadline. The ship may be release for sailing only after the improvement is made.

#### Article 91

In case of violation of the provisions of Subparagraph 2, Paragraph 2 of Article 59 or Paragraph 1 of Article 70, the shipping administration authority shall impose a fine between NT\$15,000 and NT\$150,000 on the owner or steerer of a yacht, and order a prohibition of navigation and improvement to be made by a specified deadline. The yacht may be released for sailing only after the improvement is made.

In case of violation of the provisions of Paragraph 1 or 2 of Article 66, the shipping administration authority shall impose a fine between NT\$3,000 and NT\$30,000 on the owner or steerer of a yacht, and order a prohibition of navigation and improvement to be made by a specified deadline. The yacht may be released for sailing only after the improvement is made.

#### Article 92

In case of violation of the provisions of Paragraph 1 of Article 15, Paragraph 3 of Article 23, Paragraph 1 of Article 25, Paragraph 1 of Article 26, Paragraph 1 of Article 27, Article 30, Article 39, the first half of Article 42, Article 49, Paragraph 1 of Article 52, Paragraph 2 or 3 of Article 53, the shipping administration authority shall impose a fine between NT\$6,000 and NT\$60,000 on the owner or master of a ship, or steerer of a yacht or

a small ship, and order a prohibition of navigation and improvement to be made by a specified deadline. The ship may be released for sailing only after the improvement is made.

#### Article 93

In case of violation of the provisions of Article 9, Paragraph 1 or 2 of Article 11, the shipping administration authority shall impose a fine between NT\$6,000 and NT\$60,000 on the owner or master of a ship, or steerer of a yacht or a small ship, and order improvement to be made by a specified deadline.

#### Article 94

Under any one of the following circumstances, the shipping administration authority shall impose a fine between NT\$6,000 and NT\$60,000 on the owner or master of a ship, or steerer of a yacht or a small ship:

1. Violation of the provisions of Article 6, Article 7 or Paragraph 2 of Article 20.
2. Failure to apply for change in registration of a ship or renewal of relevant certificates of a ship by the deadline specified in Paragraph 3 of Article 11.
3. Violating the order of navigating prohibition.

#### Article 95

In case of violation of the provisions of Paragraph 1 of Article 61, Article 62, Paragraphs 1 and 2 of Article 65, Paragraph 1 of Article 67 or Article 68, the shipping administration authority shall impose a fine between NT\$6,000 and NT\$60,000 on the owner or steerer of a yacht.

#### Article 96

Ship surveyors violating Article 85 or Article 86 shall be fined between NT\$6,000 and NT\$60,000 by the shipping administration authority.

#### Article 97

Under any one of the following circumstances, the shipping administration authority shall impose a fine between NT\$3,000 and NT\$30,000 on the owner of a ship or the steerer of a yacht:

1. Violation of the provisions of Paragraphs 1 to 3 of Article 10 or Article 14 and failure to apply for the change and registration.
2. Violation of the provisions of Article 17, and failure to register for ownership of a ship within 3 months from the date of obtaining the Provisional Certificate of Vessel's Nationality (Register).
3. Violation of the provisions of Article 18, and failure to apply for renewal or replacement of the Certificate of Vessel's Nationality (Register) within 3 months from the date of obtaining the Provisional Certificate of Vessel's Nationality (Register).
4. Violation of the provisions of the first half of Article 33, first half of Article 34, first half of Article 35, first half of Article 36, first half of Article 37, first half of Article 38 or half first of Article 57, and sailing or carrying passengers without permission, passing the inspection or approval from the shipping administration authority.
5. Violation of the provisions of Subparagraphs 1 and 3, Paragraph 2 of Article 59.

#### Article 98

Under any one of the following circumstances, the shipping administration authority shall impose a fine between NT\$3,000 and NT\$30,000 on the owner or steerer of a small ship:

1. Violation of the provisions of the latter half of Paragraph 1 of Article 73, and sailing without a Small Ship License issued by the shipping administration authority.
  2. Violation of the provisions of Subparagraphs 1 and 3 of Paragraph 2 of Article 74, Paragraph 1 of Article 75, Article 76, Paragraph 1 of Article 77, Paragraph 1 of Article 78, Paragraph 2 of Article 80 or Article 81.
- Article 99

The same ship owner, master, yacht steerer or small ship steerer who has been punished by the shipping administration authority twice or more within one year due to the same act provided in Articles 90 to 92, Article 94, Article 95, Article 97 or Article 98 shall be imposed a suspension of navigation on the ship between 7 days and one months as well.

Article 100

Punishments for the master or steerer of a ship as stipulated in this Law are applicable to acting masters, steerers or other persons assuming their duty.

Punishments for the ship owner as stipulated in this Law are applicable to charterers of a ship.

Chapter 11 Supplementary Provisions

Article 101

For other rules and regulations on ship technology and management, the competent authority may refer to the standards, recommendations, measures or procedures set down in the relevant international conventions or agreements and their annexes, and adopt them for promulgation and enforcement.

Article 102

This Law shall come into force on the date of promulgation, unless otherwise specified

# **Regulations for Administrating Vessel Carriers and Vessel Chartering Operators**

(The Chinese text is the only authentic text which shall be given priority if there is discrepancy between the Chinese text and this translation version)

1. Promulgated on May 25, 1962.
2. Amendment to Article 8,26 promulgated on March 28, 1972.
3. Amendment to related articles promulgated on October 8, 1973.
4. Amendment to related articles promulgated on May 24, 1977.
5. Amendment to name of the regulations and whole articles promulgated on June 23, 1982.
6. Amendment to Article 8 promulgated on December 30, 1983.
7. Amendment to Article 7,27, and augment to Article 42-1 promulgated on June 1, 1984.
8. Amendment to Article 19 promulgated on June 15, 1988.
9. Amendment to Article 27 promulgated on May 15, 1989.
10. Amendment to Article 35 promulgated on September 3, 1990.
11. Amendment to Article 27,30 promulgated on August 20, 1994.
12. Amendment to Article 35 promulgated on January 17, 1995.
13. Amendment to Article 47 promulgated on July 17, 1996.
14. Amendment to Article 1,3,4,5,6,7,14,30,32,37,45, and cancellation to Article 46 promulgated on August 12, 2002.
15. Amendment to Article 30 promulgated on July 10, 2003.
16. Amendment to attachment 8 of Article 12 promulgated on September 7, 2005.
17. Augment to Article 46-1 promulgated on May 3, 2006.
18. Amendment to attachment 8 of Article 12 promulgated on April 20, 2009.

## Chapter 1 General Principles

Article 1 The present Regulations are prescribed pursuant to Article 63 of the Shipping Law (hereinafter referred to as "The Law").

Article 2 The "Local Shipping Administration Authority" named herein means the shipping administration authority in the district under its jurisdiction, where the head offices of vessel carriers or vessel chartering operators are located.

The shipping administration districts shall be otherwise prescribed by the Ministry of Transportation and Communications (MOTC).

## Chapter 2 Vessel Carriers

### Section 1 Registration

Article 3 Any person desiring to engage in business as a vessel carrier shall make an application, with enclosure of two copies each of the following documents, to the local shipping administration authority for examining and submitting to the MOTC for approval to establish the company:

1. Application Form;
2. Photocopies of Name List and personal ID of all shareholders or initiators;
3. Operation plan elaborating operation plans, vessel's construction or purchase specifications, capital financing, and fund raising plan; and
4. Memorandum of Articles of Company.

Article 4 Any newly established vessel carrier shall have a paid-up capital of no less than the sum set forth hereunder:

1. For the new buildings, the paid-up capital shall be the sum that is sufficient to pay for 10% of total construction cost for the new vessels.
2. For the existing vessels, the paid-up capital shall be the sum that is sufficient to pay for 20% of total purchase cost for the existing vessels.

Article 5 During the period granted for establishment of company, the vessel carrier shall complete the Registration of Company by law, acquire its own vessels and make an application, with the enclosure of the following documents, together with a permit fee, to the local shipping administration authority for examining and submitting to the MOTC for the issuing of a Vessel Carrier Permit:

1. Application Form (see Attachment 1, Form No. 401);
2. Photocopies of the Company License and Business License;
3. Articles of Company;
4. Name List of Directors, Superintendents and Shareholders (see Attachment 2, Form No. 402);
5. Name List of Managers (see Attachment 3, Form No. 403);
6. List of Vessels (see Attachment 4, Form No. 404);
7. Company flag and logo; and
8. Operation plan and budget for operating revenues and disbursements.

Any carrier failing to apply for the permit within the specified period pursuant to the provision in the previous paragraph shall be liable to the revocation of permission to establish the company. Nonetheless, such time limit may be extended upon request, provided that the extension is sustained by due reasons; however, it shall not exceed six months.

Article 6 A newly established vessel carrier who has completed procedures for taking delivery of the vessel it owns, received a Provisional Certificate of Ship's Nationality, and made an application for the Vessel Carrier

Permit pursuant to Article 5 hereinbefore may apply to the local shipping administration authority for issuing a Provisional Vessel Carrier Certificate (see Attachment 5).

The Provisional Vessel Carrier Permit aforesaid shall be effective for a period identical to that for the Provisional Certificate of Ship's Nationality, and shall be void and null upon exchange of the official Vessel Carrier Permit.

Article 7 A vessel carrier desiring to establish branches or alter the organization and name of its company shall make an application to the local shipping administration authority for examining and submitting for approval of MOTC. The vessel carrier may thence apply for reissuing the Vessel Carrier Permit after completing the registration of such alteration by law, with payment of a fee of two thousand one hundred N.T. dollars for the permit.

A vessel carrier who alters its address, capital, statutory representative, directors, superintendents, managers or the address of branch shall file, within thirty days after the registration of alteration is made, such alteration with the local shipping administration authority for submitting to MOTC for filing and inspection (see Attachment 6, Form No. 405 and Attachment 7, Form No. 406).

In case of address alteration, as referred to hereinbefore, to an address in other county or city, the Vessel Carrier Permit shall be replaced. Whilst if the alteration causes to change the shipping administration district and the shipping administration authority of jurisdiction, the Permit shall secure replacement by MOTC through an application made to the shipping administration authority in the original district for transmitting to the shipping administration authority in the new district where the address is moved to.

Any vessel carrier who changes its company flag, colors or logo shall make a filing with the local shipping administration authority for transmitting to MOTC for filing and inspection.

## Section 2 Construction, Purchase and Demolition of Vessel

Article 8 Within the time limit granted for establishment of a company, the newly established vessel carrier shall complete the registration of company and the construction and purchase of vessels; and shall submit the copy of contract relating to such construction and purchase, together with vessel specifications (including drawings of layout thereof), to the local shipping administration authority for examining and submitting to MOTC for approval.

Article 9 After completing the registration of establishment of company, the vessel carrier that fails to proceed in accordance with the approved plan of construction or purchase of vessels shall make an application, with enclosure of a statement of reasons, together with the new plan, to the local shipping administration authority for examining and submitting to MOTC for approval.

Article 10 An existing vessel carrier who builds new vessels shall produce, before building,, the construction and operation plans, vessel specifications (including drawings of vessel layout), finances and refunding plan for making an application to the local shipping administration authority for examining and submitting to MOTC for approval. After the construction contract is signed, the carrier shall submit the copy of the contract to such

authority for filing and inspection to MOTC.

Article 11 A vessel carrier applying for purchasing existing vessels abroad pursuant to Article 15 of the Law shall submit the operation plan, purchase agreement, vessel specifications (including drawings of vessel layout), Certificate of Ship's Nationality, finances and refunding plan to the local shipping administration authority for examining and submitting to MOTC for approval.

Article 12 The purchase of existing vessel abroad by a vessel carrier shall comply with the "Age Limitations of Imported Existing Vessels" (see Attachment 8), and shall secure MOTC approval through an application made to the local shipping administration authority.

Article 13 The buyer of the vessel traded between vessel carriers shall submit the operation plan, the contract thereof, and relevant certificates of the vessel, to apply for examining and submitting of MOTC through the local shipping administration authority.

Article 14 A vessel carrier sells its vessel for demolition within this country shall apply for approval of MOTC through the local shipping administration authority, hence apply by law to the shipping administration authority concerned for deleting the registry of the vessel sold, and apply to the shipping administration authority governing the place of demolition for permission.

### Section 3 Operation of Service

Article 15 The liner vessels plying domestic routes shall, in principle, be so arranged as to fit the demand and supply appropriately; however, if the service provided is proved not meeting the public need, the local shipping administration authority may accept the applications of additional new comers to examine and submit to MOTC for approval in order to maintain the order of shipping and the public interest.

Article 16 If there remains a large volume of cargo or a lot of passengers waiting for transportation by liner ships in the domestic routes, the carriers who do not engage in such routes may apply for a temporary addition of ports of loading and discharging. The provision aforesaid shall also apply to non-domestic liner carriers.

Article 17 Any vessel carrier whose vessel terminates operation shall apply to the port authority where such vessel is scheduled to moor for the permission. Any liner cargo or passenger vessel that terminates its service in the domestic routes shall apply for permission in accordance with Article 16.3 of the Law.

Article 18 A vessel carrier engaging in domestic liner service shall make an application to the local shipping administration authority for examining and submitting to the MOTC for approving the issuance of a Routes Certificate, and on a form (see Attachment 9, Form NO. 407) elaborating the ports of departure and destination, ports of call, number of sailing, types of service and types of vessels.

If any information registered in a Routes Certificate is altered, omitted or in error, the vessel carrier shall apply

to the local shipping administration authority for correction and addition. However, an application for replacement of Routes Certificate shall be made (on the form identical to Form No. 407 in Attachment 9) if alteration is made to the company name or service routes, except for the temporary alteration on account of business need.

Article 19 Prior to the replacement of Routes Certificate, a vessel carrier may apply to the local shipping administration authority for issuing a Provisional Routes Certificate (in the application form of Form No. 407 in Attachment 9), which will be effective for a period of three months and is limited to issue once only.

Article 20 A vessel carrier altering its domestic liner service to non-liner service, or vice versa, shall apply by elaborating reasons to the local shipping administration authority for examining and submitting to MOTC for approval. And, such carrier shall surrender or reapply for the Routes Certificate.

Article 21 A vessel carrier engaging in the domestic liner service shall pay a fee of one thousand N.T. dollars for each of the Routes Certificate or Provisional Routes Certificate, or such a Certificate that is replaced or renewed as required. If such carrier terminates its service or closes its operation of transportation, it shall surrender the originally issued certificate for deletion. In the event that any of such issued certificates is unavailable owing to missing or loss, an application with a statement of reasons shall be made to the local shipping administration authority for examining and submitting to MOTC for deletion.

Article 22 A vessel carrier chartering out its vessels on the bareboat basis shall submit the copy of charter parties to the local shipping administration authority for submitting to MOTC for filing and inspection.

Article 23 A vessel carrier rendering services by the vessels under chartering or entrustment for the purpose of meeting the need of passenger or cargo transportation shall submit charter parties or contracts of entrustment and Certificate of Ship's Nationality to the local shipping administration authority for filing and inspection. (For the application form, see Attachment 10, Form No. 408.)

Article 24 A vessel carrier may only be permitted to issue passenger tickets or cargo bills of lading after the samples thereof are filed with the local shipping administration authority. The preceding requirement shall also apply to the revision of such passenger tickets or bills of lading.

Article 25 A vessel carrier who operates jointly with other carriers shall submit the contract or the evidencing documents subscribed by the parties concerned and the copy of Certificate of Ship's Nationality for registration. The carrier may only be permitted to solicit cargo and issue bills of lading in which the name of the relative vessel is shown after the registration is made.

Article 26 All vessel carriers shall apply for joining the vessel carrier association within one month after receipt of the permit.



Article 27 A vessel carrier engaging in passenger service shall subscribe the insurance covering injuries to passengers before transportation of passengers. The insurance policy shall be filed with the local shipping administration authority. The coverage of such insurance shall be two million N.T. dollars per passenger, except otherwise stipulated by the Insurance Law. Such coverage shall be depicted in the passenger tickets. Notwithstanding the insurance policy referred to in the previous paragraph is bound by a period of validity, it shall be continued without interruption during operation period. The policy covering the continued insurance shall be for filing and inspection.

#### Section 4 Filing Freight and Passenger Tariffs

Article 28 Any vessel carrier engaging in cargo and passenger liner services shall file its freight and passenger tariffs with the local shipping administration authority for submitting to MOTC for filing and inspection. The tariffs mentioned hereinbefore shall include various additional surcharges, methods of calculation, terms and conditions, and rules and regulations of transportation. The tariffs of the vessel carrier who joins a freight conference or consortium may be filed collectively by the conference or consortium, or its representing organization in ROC territory.

Article 29 Any revision made to the tariffs for liner services, which have been filed by a vessel carrier, shall be subject to filing (in the Form No. 409 shown in Attachment 11). The revisions shall be effective subject to the requirements as follows:

1. For an increase of rate or the case that the freight amount will be increased due to the increase or decrease of tariff items, the revision shall be effective from the thirtieth day after filing and inspection. However, the addition of surcharges by reason of proper grounds and approved by the MOTC may be effective within thirty days.
2. For a decrease of rate or the case that the freight amount will remain unchanged or be decreased due to the increase or decrease of tariff items, the revision shall be effective from the day of filing and inspection.

#### Section 5 Administration of Foreign Vessel Carriers

Article 30 A foreign vessel carrier who desires to establish a branch shall apply to the local shipping administration authority for examining and submitting to MOTC for approval to establish the company by enclosing the following information and documents:

1. The name, type and nationality of the parent company;
2. The business items of the parent company;
3. Paid-up capital;
4. The amount of the fund required for operation in ROC territory;
5. The location of the head quarters and the location of the branch in ROC territory;
6. The counterpart or photocopy of Vessel Carrier Permit and the date, month and year on which its business commences in its own country;
7. The names, nationalities and address of directors, superintendents and statutory representative;

8. The name, nationality and address of and the Letter of Authorization to the agent who is appointed in ROC territory for lawsuits and non-litigation cases;

9. Articles of Company;

10. The plan of operation in ROC territory;

11. List of Vessels and photocopy of Certificate of Ship's Nationality;

12. Business records of the past three years and the status of business in ROC; and

13. The document certifying that the government of the nation of such foreign carrier extends reciprocal privileges of setting up branches to ROC carriers.

All documents indicated in the previous paragraph shall be certified by a ROC embassy, consulate or representative. A Chinese translation copy shall be attached if the documents are written in foreign language.

Article 31 The branch of a foreign vessel carrier shall keep in ROC territory an operating fund of no less than twelve million N.T. dollars

Article 32 After granted to establish a branch, the foreign vessel carrier shall complete the registration of franchise and submit two copies each of the following documents together with a franchise fee of 0.4% of the operating fund to apply to the local shipping administration authority for examining and submitting to MOTC for issuing a Foreign Vessel Carrier Branch Permit:

1. Application Form, 2. Form for Registering Company Information, 3. Photocopy of Branch License and Business License, and 4. Name List of Managers

Failure to apply for the permit within the time limit specified in the previous paragraph shall cause the permission of establishment to be revoked.

Article 33 The employees engaged by a foreign vessel carrier shall be ROC nationals; however, MOTC may approve its application for the employment of foreigners as the business may require.

Article 34 Any vessel carrier engaging in the carriage of cargo out of and into ROC territory shall file the tariffs in accordance with Articles 28 and 29; so shall the carrier file upon revision of such tariffs.

Article 35 The provisions prescribed in Article 28 of the Law and paragraphs 2, 3 and 4 of Article 7 of the present Regulations shall be also applicable to the branches of foreign vessel carriers.

Article 36 Unless otherwise approved by MOTC, any foreign vessel carrier shall not appoint any representative in ROC territory to superintend the business operated by the agent of such foreign vessel carrier.

The representative of the foreign ocean carries is prohibited from actual local operation.

### Chapter 3 Vessel Chartering Operators

Article 37 Any vessel chartering operator who is newly established shall have a paid-up capital of no less than the sum set forth hereunder: 1. For new buildings, the paid-up capital shall be the sum that is sufficient to pay

for 10% of total construction cost for the new vessels.

2. For the existing vessels, the paid-up capital shall be the sum that is sufficient to pay for 20% of total purchase cost for the existing vessels.

Article 38 Any vessel chartering operator shall pay for the permit a fee of thirty thousand N.T. dollars.

Article 39 Any vessel chartering operator or any vessel carrier engaging in the bareboat chartering service shall produce, before chartering, the charter plan, elaborating estimated chartering rates and charges, period, revenues and disbursements to apply to the local shipping administration authority for examining and submitting to MOTC for approval; and shall file, after fixing, the charter party with the local shipping administration authority for examining and submitting to MOTC for inspection.

Article 40 Any vessel chartering operator whose vessels are chartered out abroad shall specify in the charter parties that all ROC laws and regulations relative to the administration of vessels shall be observed during the period of chartering.

Article 41 Any vessel carrier who operates chartering service with all its vessels on the bareboat basis shall surrender the Vessel Carrier Permit, or alternatively, shall apply for a Chartering Operator Permit.

Article 42 All vessel chartering operators shall apply for joining the local vessel charterer association within one month after receipt of permit.

Article 43 The provisions prescribed in Articles 3, 5 and 7 through 14 shall be also applicable to chartering operators.

#### Chapter 4 Penalty

Article 44 Any vessel carrier, foreign vessel carrier or vessel chartering operator who violates the provisions prescribed in the present Regulations shall be punished pursuant to Articles 57 and 59 of the Law.

#### Chapter 5 Supplementary Provisions

Article 45 All vessel carriers shall be subject to the fees for the permits as required hereunder:

1. Thirty six thousand N.T. dollars for the permit covering the international transportation;
  2. Eighteen thousand N.T. dollars for the permit covering the domestic transportation; and
- An additional fee in the sum of eighteen thousand N.T. dollars for a permit of which the coverage is altered from the domestic transportation to international transportation.

Article 46 (Deleted)

Article 46-1 For the related affairs of the vessel carriers establishing a company, issuing a permit, replacing permits, abolishing permits, changing the registration, shipbuilding, disassembly, and sales of vessels, business conducting, managing, tariff application and declarations, permit fee collections and management of foreign vessel carriers etc., MOTC may assign the local shipping administration authority to execute under the Law and this Regulations. For the related affairs of the vessel chartering operators establishing a company, issuing or replacing permits, abolishing permits, changing the registration, shipbuilding, disassembly, and sales of vessels, business conducting, managing, permit fee collections etc., MOTC may assign the local shipping administration authority to execute under the Law and this Regulations.

Article 47 The present Regulations shall come into force on the day of promulgation.

ATTACHMENT 1  
FORM NO. 401

APPLICATION FORM FOR VESSEL CARRIER PERMIT  
CHARTERING OPERATOR PERMIT

Name of Company	Chinese		Telephone No.		
	English		FAX No.		
Address		Branch	Name		
Job Title, Name of Representative			Address		
Total Capital			Tel/Fax No.		
Paid-up Capital		Number of shares			
Vessels in Liner Service	Number		Vessels in Tramp Service	Number	
	Gr. Tonnage			Gr. Tonnage	

Attachments	<ol style="list-style-type: none"> <li>1. Photocopy of Company License and B usiness License</li> <li>2. Rules of Company</li> <li>3. Name List of Directors, Superintendents and Shareholders</li> <li>4. Name List of Managers</li> <li>5. List of vessels</li> <li>6. Operation Route Map (Not for chartering operators)</li> <li>7. House flag and logo.</li> <li>8. Operation plan (including estimated operating revenues and disbursements)</li> <li>9. Certificate of seal imprint</li> <li>10. Permit fee (for international trade: NT\$36,000; domestic trade:NT\$18,000)</li> </ol>	Applicant company Representative (Signature & chop)	
Remarks: Seven application forms are required (size: A4). Attachments: International trade - 3 copies each, Domestic trade - 4 copies each.		Date (DD) (MM) (YY)	

To: \_\_\_\_\_ Harbor Bureau

ATTACHMENT 2  
FORM NO. 402

**NAME LIST OF DIRECTORS, SUPERINTENDNETS AND SHAREHOLDERS**

Name	Birth Date	Address	Personal ID No.	Investment	Remark

- Instructions: 1. For the listed companies, please fill in the information of directors, superintendents and the shareholders holding 5% and more of total number of shares.
2. For the non-listed companies, please fill in the information of all shareholders, and mark "Director" or "Superintendent" in the remark column.

3. Please mark the nationality of the directors, superintendents and shareholders of non-ROC nationals in the remark column, with attachment of relevant evidencing documents.

(Paper size: A4)



ATTACHMENT 3  
FORM NO. 403

NAME LIST OF MANAGERS

Job Title	Name	Birth Date	Address	Personal ID No.	Investment	Remark

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(Paper size: A4)

ATTACHMENT 4  
 FORM NO. 404  
 LIST OF VESSELS

Vessel Name		
Vessel Type		
Year of Building		
Tonnage	Gr.	
	Net	
	DWT	
Knot		
Hull	Length	
	Width	
	Depth	
Draft	Light load	
Dead	Weight load	
Fuel Tank Capacity		
Daily Fuel Consumption		
H.P.		

Main Engine	Type	
	Quantity	
Current Condition		
Source		

Remark: Source column to be filled in with Construction, Purchase, Charter or Lease.  
(Paper size: A4)

ATTACHMENT 5

**PROVISINAL VESSEL CARRIER PERMIT No.:**

**Whereas the application of (Company name), established in \_\_\_\_\_, for issuance of Vessel carrier Permit pursuant to the "Regulations for Administrating Vessel carriers and Ship Chartering Operators" has been examined and has proved that any non-compliance is not ever found,**

In witness whereof a provisional Permit is issued, on the day of \_\_\_\_\_.

Issued by: (The maritime authority)

Counterfoil	Name of Company	
	Address of Company	
	Reason for Issuance	
	Basis of Issuance	
	Other	

	Date	Permit No.
--	------	------------

ATTACHMENT 6  
FORM NO. 405

APPLICATION FORM OF  VESSEL CARRIER  
 CHARTERING OPERATOR  
FOR ALTERATING REGISTRATION OF INFORMATION

Information securing alteration	Information subject to approval of maritime authority before registering the establishment of company	Item	Documents to be attached							Notes:		
		Company name	Three copies each of the Letter of Consent of Shareholders or the minute of general shareholder meeting							<p>1. Please check the applicable item (Paper size: A4).</p> <p>2. Any alteration shall be reported within 30 days after completing the registration of such alteration.</p> <p>The report made exceeding the time limit shall be penalized pursuant to Rule 59 of Shipping</p>		
		<input type="checkbox"/> Organization										
		<input type="checkbox"/> Branch	1. Three copies each of the Letter of Consent of Shareholders or the minute of general shareholder meeting 2. Three copies of operation plan									
		Item	Three copies of the official documents of approval by local maritime authority and the supplementary cards	Seven copies of Form for Registering Alteration of Company Information	<b>Three copies of certified seal imprint</b>	Three copies of Name List of Managers	Three copies of Rules of Company	<b>Three copies of Comparison of Shareholders After Change (Please prepare in your own form.)</b>	Three copies of Company License		Fee for replacement of permit (NT\$2,100), with surrendering the original permit	
		<input type="checkbox"/> Organization										
		<input type="checkbox"/> Branch										
		<input type="checkbox"/> Liaison Office										
		Information subject to filing	Information subject to filing									

with maritime authority or continuous processing after registering the establishm ent of company	<input type="checkbox"/> Statutory Representative									
	<input type="checkbox"/> Director & Superintendent									
	<input type="checkbox"/> Manager									
	<input type="checkbox"/> Address									
	<input type="checkbox"/> Capital									
Other	<input type="checkbox"/> Operation closed	1. Two copies of Letter of Consent of Shareholders (or Minutes of General Shareholder Meeting) 2. Original permit								
	<input type="checkbox"/>									
Representative of applicant company (Signature and chop)							Address Telephone Fax			

Industry Law.  
**3. The fee for replacement of permit shall be paid in cash or with a postal bill of exchange.**  
**4. For the change of address to other county or city, the original permit and a fee for replacement of permit shall be surrendered and paid.**

To: \_\_\_\_\_ Harbor Bureau

Date:



ATTACHMENT 7  
FORM NO. 406

FORM FOR REGISTERING ALTERATION OF COMPANY INFORMATION

Item of Registration	Information Registered		Information Altered	
Name of Company	Chinese			
	English			
Address				
Telephone No.				
FAX No.				
Job Title and Name of Representative				
Total Capital				
Paid-up Capital				
Total Number of Share				
Branch	Name		Representative	

	Address		Telephone No.			
Remark						

(A4 paper size)

## ATTACHMENT 8

### AGE LIMITATION OF IMPORTED EXISTING VESSELS

Type of Vessel	Age Limitation Encouraged for Import	Age Limitation Permitted for Import
Full container ship, 500TEU and above	10	20
Full container ship, under 500 TEU	8	15
Semi-container ship, 10,000 dwt and above	10	20
Semi-container ship, under 10,000 dwt	8	15
Dry cargo ship, 10,000 dwt and above	10	20
Dry cargo ship, 5,000 dwt and above to under 10,000 dwt	8	15
Dry cargo ship, under 5,000 dwt	6	14
Passenger ship	8	15
LNG or LPG ship	10	15
Reefer cargo ship, Refrigerator cargo ship	8	15
Training ship	See note 3	
Oil tanker, Sugar syrup ship	5	14
Tug boat, other repair boat	4	12
Hydrofoil boat, Hovercraft	5	10
Vehicle ferry, Roll on/roll off ship and Automobile carrier, 10,000 dwt and above	12	20
Car ferry, Roll on/roll off ship and Automobile carrier, under 10,000 dwt	8	16
LASH	5	15

Other ship	Special approval	Special approval
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Notes:

1. The age limitations indicated above are calculated from the day on which the construction of ships are completed to the day on which such ships are imported. (If the days are unavailable, the month next to that of completion shall be taken.)
2. For the reconstructed or redesigned ships, the ages calculated from the day of construction shall comply with those prescribed in the above.
3. The encouraged age limitations for the imported ships that are specially constructed and equipped with special equipment for use of education and training are subject to special approval of MOTC.
4. The "semi-container ship" herein means the ship of which at least one third capacity of its cargo hold are installed with container loading equipment.
5. The "dry cargo ship" herein means the ship, other than those listed in "other ship" in this form, which is used for loading dry cargo; including bulk carrier, ore ship, lumber ship, etc.
6. Import of existing ship shall comply with the provisions specified herein; however, any type of vessel not listed herein shall be subject to special review and approval.
7. Ships that are encouraged to import may apply for the privileges prescribed in the Statute of Encouragement of Investment.

**8. The "other ship" in the table requiring a special approval by the MOTC means one of the following conditions:**

- (1) The ship (registered as non-TPKM flag) with age under 20 years, which is owned by TPKM national, and is classification society recognized by the MOTC, shall come into force within 18 months after the day of this regulation promulgation.**
- (2) For the ship with special construction and equipment excluded in this list.**

ATTACHMENT 9

FORM NO. 407

APPLICATION FORM FOR  ISSUANCE      OF  LINER CERTIFICATE  
 REPLACEMENT       PROVISIONAL CERTIFICATE  
 REISSUANCE

Name of Company				Permit No.	
Address				Telephone No.	
Port of Departure and Destination	Port of Call	Type of Business	Schedule or Time	Vessel	
Permit Fee	NT\$1,000			Remark	

Attachment	1. Two copies of MOTC official document approving operation in the specified lines 2. Two copies of Certificate of Ship's Nationality	(Paper size: A4)
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Applicant: (Company seal and signature)

To: \_\_\_\_\_ Harbor Bureau

Date:

ATTACHMENT 10  
FORM NO. 408

APPLICATION FORM OF VESSEL CARRIER FOR REGISTERING VESSELS  
USED FOR \*CHARTERING SERVICE (\*OPERATION UNDER ENTRUSTMENT)

Dispatched by: \_\_\_\_\_ Harbor Bureau Recipient: \*Department of Aviation & Navigation, MOTC \*Keelung Harbor Bureau \*Taichung Harbor Bureau  
\*Hualien Harbor Bureau \*Kaohsiung Harbor Bureau \*Suao Branch

Vessel Name		Call Sign		Shipowner	
Nationality		Vessel Type		Name of Charterer Last Time	
Item to Register	Valid Period for Business Registration				Attachment
Voyage Charter	From _____, Voy. ____, arriving Keelung Taichung Hualien Kaohsiung Suao Other Port _____				1. Charter party (Entrustment contract) 2. Certificate of Nationality 3. For a foreign vessel engaging in domestic lines, specify approval doc. No., lines and period.
Time Charter	From _____ to _____ Increase/Decrease _____				
Bare Boat Charter					
Operation under Entrustment	Advance the date to terminate the contract on _____				
Notes	1. This form will be deemed as an official document after approval. (Paper size: A4) 2. Fill out all above columns clearly and check applicable columns. 3. Seven copies of the form and one copy each of the attachments are required.				

Representative of Applicant Company		Representat ive of		Countersigned by	
--	--	-----------------------	--	------------------	--

Date of Approval: \_\_\_\_\_

Approval No.: \_\_\_\_\_



ATTACHMENT 11

FORM NO. 409

REPORT OF VESSEL CARRIER FOR REVISION OF TARIFF

Dispatched by: \_\_\_\_\_ Harbor Bureau Recipient: Department of Aviation & Navigation, MOTC Keelung Harbor Bureau Taichung Harbor Bureau  
Hualien Harbor Bureau Kaohsiung Harbor Bureau Suao Branch Shippers Association of R.O.C.

Name of *Vessel carrier  *Freight Conference  *Pool Organization	Chinese		*Agent	Name		Tel.		
	English		*Representative	Address		FAX		
Item to Report		Line	Contents of Revision				Brief Reason	
Report for Freight Rate Increase	*1. Sea freights *2. Terminal handling charges (THC) *3. Surcharges ( )		1. Enclose Freight Revision, total __ pages. Please mark the revisions with marker pen.					
			2. 20' Ordinary --> 40' Ordinary --> Special container Refrigerator Refrigerator					
			3. ( ) --> ( )					
Report for Freight Rate Decrease	*1. Sea freights *2. Terminal handling charges (THC) *3. Surcharges ( )		1. Enclose Freight Revision, total __ pages. Please mark the revisions with marker pen.					
			2. 20' Ordinary --> 40' Ordinary --> Special container Refrigerator Refrigerator					
			3. ( ) --> ( )					
* Other Matter	1. Method of freight calculation 2. Terms of transportation 3. Regulation of transportation		(Please describe)					

Notes	1. The rate revisions in this report shall be effective pursuant to Rule 29 of "Regulations for Administrating Vessel carriers and Chartering Operators". 2. Seven copies of Application Form (paper size: A4) and one copy each of the attachments are required. 3. Please check applicable items (not the recipient columns). 4. Please enclose a return mail envelope (with sufficient stamp charge) if application is made by mail.			Remark	(Fill in here if there is further thing to report or put it in other paper you provide.)
Certified by Maritime Authority		No.		Applicant (Signature)	Date:

## **Civil Aviation Act**

Promulgated on May 30, 1953.

Amendment to all Articles promulgated on January 4, 1974.

Amendment to Articles 2,10,22,35,37,38,44,45,64,73,76,78~89,91,92 and addition of Articles 32-1,76-1,92-1 and deletion of Article 90 promulgated on November 19, 1984.

Amendment to Articles 10,15 and addition of Article 10-1 promulgated on January 27, 1995.

Amendment to all Articles promulgated on January 21, 1998.

Amendment to Article 37 promulgated on June 2, 1999.

Amendment to Articles 2,84~87,111,121 and addition of Article 112-1 and deletion of Article 88 promulgated on April 5, 2000.

Amendment to Articles 23,28,43,48,55,64,112,114 promulgated on May 2, 2001.

Amendment to Article 55 promulgated on May 30, 2001.

Amendment to articles 9,23,25~27,32,33,41,47,49,50,65,66,71,73~75,77,78,111,112,116,118-121 and deletion of Articles 20-1,29-1,33-1,41-1,63-1,64-1,66-1,70-1,72-1,74-1,75-1,77-1,88-1 promulgated on November 14, 2001.

Amendment to Articles 2,23,27,40,55,57,63-1,69,79,93,105,108,112,118,119 and addition of Articles 58-1,93-1,chapter 9-1,99-1~99-8,110-1,119-1 and deletion of Article 63 promulgated on May 28, 2003.

Amendment to Articles 2,99-1,99-8,112 and addition of Article 41-2 and deletion of Articles chapter 8,84~87,88-1 promulgated on June 2, 2004.

Amendment to Article 37 promulgated on June 9, 2004

Amendment to Article 37 promulgated on January 30, 2005

Amendment to Articles 2,5,9,10,23,25,28,29-1,33~35,37,38,40~41-1,43,49,63-1~64-1,66-1,67,70-1,74-1,78,82,99-1~99-3,99-5,102,104~106,110,111,112,113,114,118,119-1 and addition of Articles 7-1,23-1,23-2,28-1,43-1,43-2,47-1~47-5,78-1,83-1,110-2,112-2~112-7,119-1~119-4 and deletion of Articles 68,120,122 per Presidential Decree No.Hua-Zong-Yi-Yi-Zi-09600091031 dated July 18, 2007.

Amendment to Article 55 per Presidential Decree No.Hua-Zong-Yi-Yi-Zi-09800018531 dated January 23, 2009

Amendment to Article 33, 78, 81, 83, 107, 112-4 per Presidential Decree No.Hua-Zong-Yi-Yi-Zi-10000299641 dated January 4, 2012

### **Chapter 1 General**

## Article 1

This Act is enacted to insure the aviation safety, a sound civil aviation system, compliance with international civil aviation standards, and promote the development of civil aviation.

## Article 2

The terms used in this Act are defined as below:

- 1) "Aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.
- 2) "Airport Terminal" means an area of land that is used for the landing and takeoff of aircraft, including its buildings and facilities to load/unload passengers/goods.
- 3) "Flight" means takeoff, navigation in the air, landing of aircraft and its taxiing on the ground of an airport or of an airfield before takeoff and after landing.
- 4) "Airman" means aircraft pilot, flight engineer, mechanic, air traffic controller, repairman and aircraft dispatcher.
- 5) "Airfield" means any land or water that is used for takeoff, landing and surface movement of aircraft.
- 6) "Navigation Aids" means facilities designed for the support of aviation communications, meteorology, radio and visual aids as well as other installations providing safety guidance to aircraft in flight.
- 7) "Airway" means a control area or portion thereof established by CAA in the form of a corridor.
- 8) "Special Flight" means any approved single flight such as an aircraft test flight, acrobatic flight, flight beyond prescribed limits or repair as well as maintenance, and ferry flight.
- 9) "Air Traffic Control" means a service provided by an appropriate authority to preventing collisions between aircraft, and on the maneuvering area, between aircraft and obstructions, as well as expedite and maintain an orderly flow of air traffic.
- 10) "Pilot-in-Command" means the pilot assigned by the aircraft owner or user and who is responsible for the operation and safety of an aircraft during flight time.
- 11) "Civil Air Transport Enterprise" means an undertaking directly engaging in the transportation by aircraft of passengers, cargo and mail for compensation or hire.
- 12) "General Aviation Enterprise" means an enterprise engaging in the aviation business other than Civil Air Transport Enterprise for compensation, including aerial tourism, survey, photographing, fire-fighting, searching, paramedic, hauling and lifting, spraying and dusting, drone-hauling service, business charter, as well as other authorized aviation service.
- 13) "Air Freight Forwarder" means a business authorized to forward, through a civil air

transport enterprise, air cargo and international trade and commercial documents other than mails for others for compensation or hire.

- 14) “Airport Ground Handling Service” means a service that performs towing and guiding of aircraft on the ramp, loading and unloading of baggage, cargo and meals, and cleaning aircraft cabin, and operating airbridge, and other associated tasks.
- 15) “Catering Service” means a caterer who transports meals and beverage and other necessary articles to and from aircraft on the ramp.
- 16) “Air Cargo Entrepot” means a business receiving compensations for providing customs clearance and warehousing space, facilities and services to handle import, export or transfer cargo into and out of airport bonded areas.
- 17) “Aircraft Accident” means an occurrence associated with the operation of aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which a person, either within or without the aircraft, is fatally or seriously injured or the aircraft sustains substantial damage or structural failure, is missing or completely inaccessible.
- 18) “Aircraft serious incident” means an occurrence associated with the operation of aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons aboard have disembarked, which almost result in an accident.
- 19) “Aircraft incident” means an occurrence associated with the operation of aircraft which takes place between the time any person boards the aircraft with the intention of flight until disembarkation of all those on board, other than what happen in the preceding two items.
- 20) “Ultra-light vehicle” means a powered aircraft which is used for manned operation in the air, has a maximum takeoff weight of five hundred and ten kilograms or less, and has a takeoff speed of less than sixty-five kilometers per hour at maximum takeoff weight or a power-off stall speed which does not exceed sixty-four kilometers per hour.
- 21) “Flight safety related event” means any occurrence of aircraft accident, aircraft serious incident, and aircraft incident incurred in operations of aircraft and the occurrence of ground safety events incurred in non-operations of aircraft.
- 22) “Aviation Product” means an aircraft, aircraft engine and propeller.
- 23) “Private Aircraft Activity” means a not-for-profit aviation with a privately owned aircraft.
- 24) “Aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.
- 25) “Helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical

axes.

## Article 3

The Ministry of Transportation and Communications (hereinafter referred to as MOTC) shall establish the Civil Aeronautics Administration (hereinafter referred to as CAA) to administer affairs relating to civil aviation.

Regulations governing the organization of CAA shall be enacted separately.

## Article 4

The use of air space and demarcation of control area, control zone, restricted area, dangerous area and prohibited area shall be determined by the MOTC in coordination with the Ministry of National Defense.

## Article 5

The first inbound landing of an aircraft originating from any point in a foreign country, or an outbound aircraft taking off from the ROC to another country, shall conduct such landing or takeoff at a designated international airport. A special approval granted by MOTC or in case of an emergency may be an exception.

## Article 6

In the event it is necessary for an aircraft to land at a military airfield, or to utilize the facilities of a military airport, the owner or operator of the aircraft shall apply to the military authorities through CAA for permission. However, an exception may be made for emergency landing.

When taking off from and landing at a military airfield, aircraft shall observe regulations of the airfield and abide by the instructions of the airfield authorities.

## Chapter 2

### Aircraft

## Article 7

All citizens, legal persons and government organizations of the ROC may enjoy the right to own aircraft according to this Act and other related statutes. MOTC may impose restrictions on such ownership of non-public use aircraft if air space is limited or facilities at air terminals are inadequate.

Foreigners, aside from complying with the provisions set forth in Chapter 7, shall not own aircraft in the ROC.

### **Article 7-1**

Any entity intending to engage in private aircraft activities shall request MOTC through CAA for its permission for making preparations and, in addition thereto, shall purchase aircraft while making preparations and possess the capabilities of engaging in safe aviation. Such entity may not engage in the aforesaid activities unless and until permit is obtained from the CAA upon its satisfactory completion of the review of the safe aviation capabilities of such entity, who, subsequent to the completion of said review, has applied to MOTC through CAA for its approval. The entity engaging in private aircraft activities intending to terminate its private aircraft activities shall first report to MOTC for reference through CAA.

The entity engaging in private aircraft activities is referred to in the preceding paragraph shall be a citizen, juridical association, foundation or corporate organization of ROC.

The aircraft of any entity engaged in private aircraft activities shall not be used for the purposes of commercial aviation, nor be leased or loaned to another engaged in aviation activities.

Rules governing the application for permission of making preparations, approval procedure and restrictions, application for purchase of aircraft and its restrictions, limitations of aircraft age, application for aviation and other matters to be observed in respect of the engagement in private aircraft activities, shall be enacted by the MOTC.

CAA may send its personnel to inspect various personnel, equipment, aviation operations and activities of an entity engaged in private aircraft activities, and such entity shall not refuse, avoid or impede such inspection. In case of any deficiency, CAA shall so inform such entity and set a time limit for the latter to cure such deficiency.

## Article 8

The owner or operator of an aircraft shall apply to CAA for aircraft registration. A certificate of registration shall be issued if the application meets all appropriate requirements. No ROC-registered aircraft shall be registered in a foreign country without first canceling its Chinese registration.

Aircraft that have been registered in a foreign country shall not be allowed to apply for registration in the ROC until its registration has been cancelled.

## **Article 9**

The design and manufacture of aviation products, appliances and parts shall be approved by CAA. Appropriate certificates will be issued upon completion of the certification. No person may manufacture, sell or use aviation products, appliances and parts for civil aviation unless properly certificated.

No person may sale or use imported aviation products and their imported appliances and parts for civil aviation unless certificated or validated by CAA.

The rules governing the certification for the design and manufacture as prescribed in the first two paragraphs of this article, and application, approval, issuance, modification, cancellation and renewal for airworthiness certificate and airworthiness approval tags of aviation products and their appliances and parts, and collection of certification fees shall be enacted by the MOTC.

The owner or operator of an aircraft registered in accordance with the previous article shall apply to the CAA for airworthiness certification. An airworthiness certificate will be issued upon completion of certification.

Classification and limitation of the above-mentioned airworthiness certification, conditions for application, issuance, cancellation and abolition as well as rules of revocation and renewal, signing of certificate, documentation, controlling of life-limited parts, airworthiness, management of maintenance and repair, and collection of certificate fees shall be enacted by MOTC.

## **Article 10**

An aircraft may be registered as ROC aircraft under any of the following categories:

- 1) Owned by ROC citizens.
- 2) Owned by government organizations of the ROC.
- 3) Owned by the following legal persons who have a principal office in ROC in accordance with ROC Acts:
  - (1) Unlimited company completely owned by citizens of the ROC.
  - (2) Limited company with over 50 percent of capital owned by citizens or legal persons of the ROC and represented by directors who are citizens of the ROC.
  - (3) Company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of the ROC.
  - (4) Company limited by shares with over 50 percent of its total shares owned by ROC citizens or legal persons of ROC, whose chairman and over 50 percent of the



directors are citizens of the ROC, provided that no single citizen or legal person of a foreign country may hold more than 25 percent of its total shares.

(5) Other legal persons whose representatives are citizens of the ROC.

Except otherwise prescribed in this Act, aircraft other than that of ROC nationality may not apply for registration in this country.

## Article 11

Any non-ROC aircraft purchased from a foreign country on conditional terms by ROC citizens, legal persons or government agencies pending entitlement of ownership, or any such aircraft leased from a foreign country for a period more than 6 months, may be registered as an ROC aircraft if its registration in the foreign country has been duly cancelled, provided the purchaser or lessee is responsible for operating such aircraft and employing the required personnel and equipment.

The purchaser or lessee may apply to the CAA for appropriate registration. However, such registration shall not construe proof of ownership.

Renewal is not required for registrations found to be in compliance with the provisions of this Article prior to the effective date of this Amendment.

## Article 12

After the aircraft has been properly registered, the ROC nationality marks and registration number shall be displayed on a conspicuous part of the aircraft.

## Article 13

The certificate of registration shall become invalid upon any of the following events:

- 1) Transfer of aircraft ownership.
- 2) Aircraft is destroyed or damaged beyond repair.
- 3) Aircraft is dismantled or abandoned.
- 4) Forfeiture or loss of aircraft nationality.

## Article 14

The certificate of airworthiness shall become invalid upon any of the following events:

- 1) Expiration of the certificate.
- 2) Invalidation or revocation of the certificate of registration.
- 3) Aircraft fails to meet CAA airworthiness requirements.

## Article 15

In case a registration or airworthiness certificate becomes invalid, CAA shall serve a public notice of its cancellation, and the holder of such certificate shall return it to CAA within twenty days from the date of invalidation.

## Article 16

In case a registered aircraft is found to be in non-conformity with the provisions of the paragraph II of Article 8, Article 10 or Article 11, the CAA shall cancel the registration and order the certificate of registration be returned.

## Article 17

At anytime a certificate of registration becomes invalid for reasons other than the two preceding articles, the CAA shall immediately revoke the aircraft registration certificate.

## Article 18

Except as specifically provided in this Act, aircraft shall be governed by the provisions of the Civil Code and other appropriate Acts.

## Article 19

Aircraft may be an object of mortgage.

The provisions of the Chattel Secured Transactions Act with regard to movable property shall apply to mortgaging an aircraft.

## Article 20

Unless duly registered, transfer of ownership, creation of mortgage, or lease of an aircraft, shall not be a defense against a third party.

### **Article 20-1**

Rules governing the registration and cancellation of an aircraft nationality and ownership, mortgage and lease thereof, nationality insignia , registration numbering and registration fees shall be fixed by MOTC.

## Article 21

The provisions of Article 11 to Article 14 and Article 16 to Article 19 of the Maritime Act shall apply to aircraft under joint ownership.

## Article 22

Except as otherwise specified in this act or other laws, aircraft shall not be detained, attached or provisionally attached from the time it takes off until completion of its flight.

### **Article 23**

Airworthiness standards for the aviation products, appliances and parts with regard to their design, manufacture, performance, operation limitations, flight and maintenance documentation shall be stipulated by CAA. Nevertheless, the airworthiness standards, which are generally used in international aviation practices and are deemed suitable for domestic use, can be adopted after CAA approval.

CAA may delegate a qualified agency, body or individual to perform the certification of aviation products, appliances and parts. Measures concerning qualifications, terms, obligations and supervision of those so delegated shall be enacted by MOTC.

CAA shall inspect/oversee the manufacturers of aviation products, appliances and parts with regard to their employees, facilities and operations. Those being inspected shall not refuse, avoid or obstruct such inspections. The inspected shall be notified of any deficiency found and given a time limit in which to effect improvement. CAA may suspend partial or entire operations of those who have any of the following violations:

- 1) Conduct manufacturing not in accordance with CAA approved documents.
- 2) Change quality systems without notifying CAA.

3) Mark unapproved aviation products and their appliances and parts as CAA approved.

## Article 23-1

Upon completion of manufacture of an aircraft, the aircraft manufacturer shall apply to CAA for a provisional registration. An aircraft with provisional registration may only be used in test flight or ferry flight.

Aircraft provisionally registered as per above shall not be subject to the constraints of the terms of owners set forth in Article 10, paragraph 1, subparagraph 3 and shall be exempt from charges for provisional registration.

## Article 23-2

A repair station that performs the maintenance of aviation products, appliances and parts shall apply to CAA for certification, a repair station certificate will be issued upon certification.

The rules governing classification of ratings, the inspection procedures manual, maintenance records, maintenance facilities, equipment, parts and qualification of personnel, the establishment of maintenance and quality assurance systems, application for certification, revision of ratings, issuance, cancellation and renewal, collection of certification fees for the repair station certificate etc, shall be enacted by MOTC.

CAA shall send its personnel to inspect the repair station with regard to personnel facilities and operations. Those being inspected shall not refuse, avoid or obstruct such inspections. In case of any deficiencies noted, the CAA shall inform the repair station and set a time limit to correct the deficiencies. CAA shall terminate, in whole or in part, the operation of a repair station for any of the following conditions:

- 1) An airman who does not possess a valid certificate or an aircraft pilot whose physical and psychological status is not suitable for flight.
- 2) The flight test operation would cause imminent danger to persons or property on the ground.

## Chapter 3 Airman

## Article 24

An airman shall be a citizen of the ROC, unless granted a special approval by MOTC.

## Article 25

Airmen rated qualified after passing written and practical tests shall be issued a certificate by CAA. Only those in possession of such a certificate can be allowed to work on their respective jobs. The certificate should be carried with the person while performing his or her duties.

The rules governing classification of ratings for the above-mentioned airmen, eligibility for applying for a certificate/rating, items for tests of written and practical, reexamination, periodic rechecks, additional ratings, expired ratings, eligibility and procedure for a foreign citizen to apply for ratings, collection of license fees and general privileges of the certificate etc, shall be enacted by MOTC.

The testing of airman may be administered by a CAA delegated agency, body or individual. CAA shall prescribe measures related to qualifications, conditions, obligations and supervision of the agency, body or individual so delegated.

## Article 26

CAA shall conduct periodical physical examinations of aircraft pilots, flight mechanics and flight controllers as well as temporary checks.

Those meeting the standard will be issued a Clean Bill of Health which should be carried with the person in performing his or her duties. Those who fail to pass the physical examination shall be suspended from duty.

CAA shall prescribe measures relating to the preceding airmen's bodily constitution, timing of examination, items of examination, procedure for requesting a review of those who fail to pass the examination and conditions for submitting such a request for review, the length of time required, collection of fees for such examination and rating, issuance of clean bill of health and the basis on which those who fail to pass examination must be suspended from duty.

Airmen's physical examination stated in paragraph one may be handled by a CAA commissioned agency or body. CAA shall provide measures relevant to the qualification, condition obligation and supervision of such an agency or body so commissioned.

## **Article 27**

With a view to cultivating civil aviation personnel, MOTC may consult with the Ministry of Education (MOE) to establish a civil aviation school, or ask MOE to increase or adjust related departments in existing academic institutions.

Any private civil aviation training institution shall apply to MOTC for approval prior to getting accredited.

MOCT shall establish rules governing the above said airmen's training institutions with regard to classification of training, organization, application for setting up such a school, application for a permit, its cancellation and renewal, procedure for student enrolment, qualification of trainees, curriculum of training, facility and equipment for training, qualification of the faculty, as well as collection of license fees and management of training.

CAA shall establish a state-operated air terminal with MOTC approval. Air terminals to be operated by a municipality under direct Central Government jurisdiction shall have application submitted to CAA for MOCT approval before such air terminal can be established. The same applies in the event of abolishing an air terminal.

CAA may send personnel to inspect a civil aviation training institution; to monitor its operations including employees, training, and equipment; and to monitor its business. The civil aviation training institution 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.

## **Chapter 4**

### **Airport, Airfield & Navigation Aids**

## **Article 28**

CAA shall prepare, construct and operate a state-operated airport terminal with MOTC approval. A municipality under direct Central Government jurisdiction shall start to prepare, construct and operate a municipality operated airport terminal after obtaining approval for its application from MOTC through CAA.

A company limited by shares eligible under Article 10, paragraph 1, subparagraph 3, item 4 shall prepare a private airport terminal after obtaining approval for its application to prepare the airport terminal from MOTC through CAA. After completely the construction of the airport terminal within the approved preparation period, registering with the relevant government organs and obtaining approval for its application to operation from MOTC

through CAA, the company shall operate the airport terminal.

MOTC shall prescribe rules governing such matters as the preparation, construction, application, approval, rental, ownership transfer, abolishment, cancellation, suspension of operation or dissolution, management and investment, operations supervision and other affairs that should conform for the preparation, construction, operation of an airport terminal mentioned in the preceding two paragraphs.

### **Article 28-1**

After the construction of an "airport terminal" mentioned in the preceding Article 28th , the airport operator shall apply to CAA for certification including its facilities and operations for the aircraft taking off, landing and movement in the activity area.

The "airport terminal" which has operated before the effective date of the amendment, the 15th June, 2007. The CAA shall inform the airport operator to apply the certification including its facilities and operations for the aircraft taking off, landing and movement in the activity area within a time limit.

About the items, certification, exemption procedure, issuance, suspension, and cancellation of the facilities and operations mentioned in the preceding two paragraphs, and other necessary procedures shall be formulated by MOTC.

CAA shall assign inspectors to inspect the facilities and operations for the aircraft taking off, landing and movement in the activity area in the "airport terminal" and shall supervise and direct its business. The airport operator cannot avoid, obstruct or refuse such inspection. Any deficiency is discovered, CAA shall inform the airport operator to make improvement in a time limit.

## **Article 29**

An airfield may be established and operated by the central or local governments, by ROC citizens or legal persons specified in Article 10, paragraph 1, subparagraph 3 of this Act after applications filed with CAA and approved by MOTC in consultation with authorities concerned. The same requirements shall apply to the lease, transfer or abolition of airfields.

The operators and managers of an airfield as stated in the preceding paragraph shall be limited to ROC citizens.

### **Article 29-1**

MOTC shall establish rules governing application for permission to set up a private airfield, conditions for revocation, abolition and cancellation, suspension of operation or closure, flight control, meteorological forecast and weather report, designing and planning, safety service, request for temporary takeoff and landing and business management and other

affairs that should be conformed.

## Article 30

No airport and airfield shall be utilized for any other purpose without CAA approval.

MOTC shall consult with the Ministry of National Defense for using a military airport or airfield.

## Article 31

The installation, alteration and abolition of navigation aids within the territory shall become effective only with CAA approval.

Any person who installs such navigation aids shall comply with CAA regulations in managing these facilities.

## Article 32

To bolster flight safety, CAA shall impose prohibition or restriction to a certain extent, on the heights of buildings and other obstructions around an air terminal, airfield or navigation aid installation and on the radiation angle of lighting thereof, and report the proposed move to MOTC which will consult with the Ministry of Internal Affairs (MOIA) and concerned agencies to reach consensus for a decision. It will then be announced by the municipal and county (city) governments. However, such a decision should not overrule any case of existing heights or lighting angles that has been specially approved by the Executive Yuan.

The MOTC in conjunction with MOIA and the Ministry of National Defense (MND) shall provide measures for regulating the heights of structures and radiation angle of lightings thereof, within certain range surrounding an air terminal, airfield and navigation aids, procedure for making public announcement, procedure for screening a proposed prohibition or restriction and for approving a special case.

## Article 33

To deal with violators of prohibition or restriction rulings referred to in the preceding Article, CAA in conjunction with concerned agencies should notify the owner of the obstructive structure to make improvement within a time limit or to relocate. However, in the case of a specially approved structure as referred to in the preceding Article, the owner should



be obliged to install obstacle lights and markings.

If such obstructive structures were already in place at the time the prohibition or restriction rulings were promulgated, operator of the airport or the airfield shall pay compensation for the relocation or for installing obstruction lights and marking.

Not according to demolition or relocation in paragraph one, the airport and the Aviation Police Office, Nation Police Agency, Ministry of the Interior (hereinafter referred to as Aviation Police Office) in conjunction with the relevant agencies shall be subject to perform coercive demolishing.

#### **Article 33-1**

Owners of buildings or other facilities exceeding a certain height shall have obstacle lights and marks installed, and shall keep such lights and marking in normal working condition. The same shall apply to buildings or facilities not exceeding such height but nonetheless believed to have an impact on aviation safety upon evaluation.

Standards for the certain height 、installing obstacle lights and marking mentioned in paragraph one shall be prescribed by MOTC in conjunction with the MOI.

### **Article 34**

Any person in possession of animals, pigeons and other birds shall prevent the same from entering an airport, airfield or area of navigation aids. The operator of an airport, airfield or navigation aids may catch and kill those animals, pigeons and other birds that have entered any of these areas which may pose a clear danger to aviation safety. Where there is any potential threat of such entry, appropriate measures may be implemented at a certain distance from the outer boundary of an airport to prevent such entry.

Except as otherwise approved by CAA, the raising of pigeons or releasing of any objects that may be considered hazardous to flight safety is prohibited within a certain distance from the outer boundary of an airport or airfield.

The MOTC, in conjunction with agencies concerned, shall determine and announce the exact distance referred to in the preceding paragraph. The operator of an airport or airfield shall make compensation for any pigeon house already in existence within such certain distance prior to the said announcement if such house is dismantled and moved within the announced time limit. Any pigeon house not dismantled and moved within the time limit or re-built without proper authorization shall be subject to compulsory dismantling by the operator of an airport and the Aviation Police Bureau in conjunction with the local police authorities without any compensation.

The MOTC shall prescribe the rules governing such matters as the application for the aforesaid compensation, on-site inspection, appraisal and grant of compensation.

The operator of an airport and the Aviation Police Bureau, in conjunction with the local police authorities, shall clamp down on the releasing of any object that may be considered hazardous to flight safety.

## **Article 35**

In an effort to control the noise problem at a civil airport, the CAA shall collaborate with the Environmental Protection Administration Executive Yuan in the determination of a noise abatement program.

Amongst airports referred to in the preceding paragraph, the noise abatement task of a state-operated airport shall be conducted by the CAA. The CAA may entrust the municipality or local county (city) government to conduct the task. For a non state-operated airport, the noise abatement task shall be conducted by its operator.

## **Article 36**

The land needed for public airports, airfields and navigation aids may be requisitioned by the government in accordance with the laws.

## **Article 37**

User, service or noise charges shall be paid for the use of airports, airfields, navigation aids and related facilities. The charge structures for using a state-operated airport, navigation aids and related facilities will be affixed by the MOTC. The charge structures for a non state-operated airport or airfield shall be formulated by its operator and then submitted to the MOTC through the CAA for approval. The same procedure shall apply in case of any modification thereof.

The noise charges referred to in the preceding paragraph shall be used exclusively for the control of noises. It shall be used first in noise abatement facilities in the vicinity of an airport utilized by civil aircraft. Any remaining budget, if necessary, may be used in health related facilities, or in deduction for electricity bills, house taxes and land value taxes etc. for the residents.

Among various charges stipulated in paragraph one, 8 percent of the total amount of airport landing charges levied annually shall be earmarked as recompenses to airports in accordance with the ratio each airport collects. These recompenses shall be used in maintaining the health of residents, scholarship or grant, social welfare, cultural activities, basic infrastructure budget and activities for public welfare etc.

The MOTC shall formulate the allocation and use of the above two kinds of charges for a state-operated airport. For a non state-operated airport, its operator shall formulate a plan for the allocation and use of such charges and then submit it to the MOTC through the CAA for

approval. The allocation and use of the recompenses of an airfield shall be formulated by its operator and then submitted to the MOTC through the CAA for approval.

## **Chapter 5**

### **Flight Safety**

#### **Article 38**

An aircraft shall carry the following documents during any flight:

- 1) Aircraft registration certificate;
- 2) Airworthiness certificate;
- 3) Flight logbook;
- 4) Passenger manifest when carrying passengers;
- 5) Cargo and mail manifest;
- 6) Aircraft radio station license.

The pilot-in-command shall ensure before takeoff that the documents described in the preceding paragraph are aboard the aircraft.

If the documents described in the preceding paragraph are not in order or invalid upon the required CAA preflight checks, the flight shall be terminated.

#### **Article 39**

Special flight shall be performed only after an application filed with CAA has been approved.

#### **Article 40**

The owner or operator of an aircraft with an airworthiness certificate shall maintain the aircraft in accordance to regulations to insure the aircraft remains airworthy and conduct a preflight inspection before flight. If the aircraft is found not to be airworthy determined by an inspector or the pilot-in-command, the aircraft shall not be allowed to take off.

CAA shall send personnel or delegate another agency or body to inspect the maintenance activities of the owner or operator of the aforesaid aircraft. The owner or operator of an aircraft may not refuse, evade or impede such inspection. If the maintenance

status does not meet airworthiness and safety requirements, the aircraft shall be grounded and its airworthiness certificate be revoked.

Civil Air Transport Enterprise shall publish aircraft ages, flight hours, the latest maintenance records, and pilots' flight hours for passengers' reference in choosing carriers.

The qualifications, duties and supervision for those delegations as per paragraph two, as well as the procedures to delegate aircraft inspections, shall be formulated by MOTC.

## **Article 41**

In the interest of flight safety, aircraft in flight shall submit to the appropriate requirements of general flight rules, visual flight rules and instrument flight rules. Aircraft shall also follow all instructions issued by the air traffic control unit.

Specific air traffic control procedures described above for general flight rules, visual flight rules, instrument flight rules and other related flight rules shall be prescribed by CAA.

### **Article 41-1**

The owner or operator of an aircraft shall be responsible for flight safety of the aircraft and shall conduct safe flight operations pursuant to this Act or any regulation issued under this Act.

Rules governing flight operations, preparation for flight, aircraft performance and operational limitations, aircraft instruments, equipment and documents, aircraft telecommunication, navigation equipment, aircraft maintenance, flight crew operation, qualification of pilots, dispatchers, handbooks, forms/records, cabin crew and security shall be enacted by MOTC.

CAA shall send personnel to inspect the operations activity of the owner or operator of the aircraft. The owner or operator of an aircraft may not refuse, evade or impede such inspection and will be notified of deficiencies if any. All deficiencies shall be corrected within a time limit when so advised by the CAA. CAA shall terminate the flight operation for any of the following conditions:

- 1) An airman who does not possess a valid certificate
- 2) An aircraft pilot whose physical and psychological status is not suitable for flight.

### **Article 41-2**

Rules governing matters of flight safety-related such as publication of bulletins, fire-fighting, search & rescue, taking emergency measures, as well as investigation of non-aircraft accident or major incident, statistics and analysis, shall all be prescribed by CAA.

## Article 42

No aircraft shall be allowed to fly over prohibited areas.

Aircraft flying over restricted or dangerous areas must comply with the applicable provisions of the regulations.

## Article 43

Any dangerous goods shall not be carried or consigned on board an aircraft, except complying with the provisions of paragraph four or the dangerous goods standards used in international practices regulations about the classification, identification, limitation, packing, marking, labeling, declaration and shipper's responsibility approved by CAA.

The civil air transport enterprise, general aviation, air freight forwarder, airport ground handling service, catering service and air cargo entrepot shall not consign, store, load or transport any dangerous goods, except complying with the provisions of paragraph four or the dangerous goods standards used in international practices about the classification, identification, limitation, packing, marking, labeling, declaration, shipper's responsibility, responsibility of the owner or operator of an aircraft, information providing, handling, training program, application procedure and compliance affair, accident or incident report, and other provisions of dangerous goods approved by CAA.

CAA shall publish the name of dangerous goods referred to in the preceding two paragraphs.

The regulations of classification, identification, limitation, packing, marking, labeling, declaration, shipper's responsibility, the responsibility of the owner of operator of an aircraft, information providing, handling, training program, application procedure, compliance affair, accident or incident report, and other provisions shall be enacted by MOTC. The dangerous goods regulations used in international practices, which are adoptable for domestic use can be referred to after CAA approves.

## Article 43-1

Any gun, cannon, knife referred to in the Act Governing the Control and Prohibition of Gun, Cannon, Ammunition, and Knife, and any other suspicious articles hazardous to flight safety shall not be carried on board an aircraft except the specially authorized firearms according to the demand of the special mission approved by the Aviation Police Office and agreed by the operator.

CAA shall publish the names of suspicious articles hazardous to flight safety referred to in the preceding paragraph.

## Article 43-2

No person shall use any device that may interfere with navigation or telecommunications from the time the cabin door is shut and the cabin crew announces such prohibited use up to the time the said door is reopened.

CAA shall publish the types of devices that may cause interference with navigation or telecommunications, as well as the conditions for such prohibited use.

## Article 44

No object shall be dropped from an aircraft in flight, unless otherwise provided for by law, or unless the object dropped is necessary for the safety of flight or for rescue purposes.

## Article 45

The pilot-in-command of an aircraft is directly responsible for the safe operation of that aircraft and may take any necessary steps to deal with an emergency.

## Article 46

An aircraft, its passengers and cargo, shall be available for examination by appropriate authorities in accordance with law prior to and after a flight.

## Article 47

CAA should help mediate in any dispute between the air carrier and passengers during or upon completion of a flight.

If passengers ignore efforts at mediation and refuse to leave aircraft after landing, the air carrier with CAA consent may request assistance of the Air Police Bureau to persuade or force passengers to leave aircraft after landing, the air carrier with CAA consent may request

assistance of the Air Police Bureau to persuade or force passengers to leave aircraft.

Measures for mediation stated in paragraph one shall be provided by CAA.

#### Article 47-1

For purposes of conducting matters relating to national civil aviation security, MOTC shall formulate a national civil aviation security program and submit it to Executive Yuan for approval prior to its implementation.

Aviation Police Office, which is the security authority of each airport, shall formulate each airport security program and submit it to CAA for approval prior to its implementation.

Each publicly and privately owned institution with operations at an airport shall comply with the regulations of the airport security program of the airport where it is operating.

#### Article 47-2

The civil air transport enterprise and general aviation enterprise shall formulate its own aviation security program and submit it to CAA for approval prior to its implementation.

The foreign civil air transport enterprise shall formulate its own aviation security program and submit it to CAA for acceptance prior to its implementation.

The air cargo entrepot, airport ground handling service, catering service and publicly and privately owned institution with operations at an airport connected with a security restricted area of an airport that has an independently guarded entrance connecting a non-security restricted area, shall formulate its own aviation security program of the airport where it is operating and submit it to Aviation Police Office for approval prior to its implementation.

The air freight forwarder should formulate an aviation security program and submit it to Aviation Police Office for approval to apply for the regulated agent.

Aviation Police Office may dispatch security inspectors to audit, inspect and test the security measures and practices of each publicly and privately owned institution operating at an airport and of the regulated agent. The unit subjected to such security audit, inspection and test shall not avoid, impede, or refuse, and will be notified of deficiencies, if any, and shall redress such deficiencies within a specified time limit.

While dispatching security inspectors to implement the security audit, inspection and test referred to in the preceding paragraph, Aviation Police Office may request the operator of an airport to jointly conduct.

#### Article 47-3

The passenger, baggage, cargo and mail that haven't been screened by Aviation Police Office shall not board nor be loaded onto an aircraft; unless it complies with any of the

following:

- 1) No screening is required under the provision of a treaty, agreement or international convention.
- 2) The cargo subject to security control implemented by a regulated agent according to its own approved aviation security program.
- 3) Other exception approved by Aviation Police Office according to applicable regulations.

The owner or operator of an aircraft shall not carry the passenger, baggage, cargo and mail that haven't been screened according to the provision of the paragraph one.

The crew, along with their cabin, hold baggage and articles shall be screened by Aviation Police Office before boarding or loading onto an aircraft; anyone refuses to be screened shall not board nor load onto the aircraft.

The owner or operator of an aircraft shall be responsible for the aviation security of their own aircraft.

The provisions of preceding five paragraphs shall be applicable to the owner or operator of a foreign aircraft.

#### Article 47-4

The operator of an airport shall designate certain areas of the airport as security restricted area for purposes of maintaining security and operation.

The personnel, vehicles and articles carried or transported by them shall be screened by Aviation Police Office when entering and leaving the security restricted area.

#### Article 47-5

Rules governing the formulating, reporting and approving procedures for aviation security program; the security measures as to protect an aircraft on the ground, aircraft security check; passenger, baggage, cargo, catering supplies and catering stores; application procedures of a regulated agent; escorts and personnel under their escort; matters to be followed by armed air marshal and other personnel carrying weapons on board as approved by Aviation Police Office; qualifications of the security control personnel; contingency response measures relating to aviation security incidents; formulating, reporting and approving procedures for aviation security quality control programs; formulating, reporting and approving procedures for security training programs; non-disclosure of security information; security management of the owner or operator of an foreign aircraft and other matters to be followed about the aviation security shall be enacted by MOTC.

## Chapter 6



# **Management of Civil Air Transport Enterprise**

## **Section 1**

### **Civil Air Transport Enterprise**

#### **Article 48**

Any person desiring to establish a civil air transport enterprise shall request MOTC through the CAA for permission to establish its business. Within a specified preparatory period the applicant shall, according to law, complete registration with appropriate authorities, execute agreements for conditional or unconditional purchase of aircraft, and submit to MOTC through CAA for approval. 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 a same as business license from CAA.

The license shall become invalid if the enterprise fails to start operations within 24 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 through due process.

Before a civil air transport 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 49**

A civil air transport enterprise shall be formed as a corporate organization adhering to the following rules:

- 1) Unlimited company with the entire body of its shareholders being citizens of the ROC.
- 2) Limited company with over 50 percent of capital owned by citizens or legal persons of the ROC and represented by directors who are citizens of the ROC.
- 3) Company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of the ROC.

4) Company limited by shares with over 50 percent of its total shares owned by citizens or legal persons of the ROC, whose chairman and over 50 percent of the directors are citizens of the ROC; provided that no single citizen or legal person of a foreign country may hold more than 25 percent of its total shares.

For a company limited by shares, all the shares issued should be registered by name.

#### **Article 50**

A civil air transport enterprise should have secured international air traffic rights with relevant slots and in possession of an air route certificate, before it can engage in international scheduled air transport service on assigned air routes. CAA shall establish an international airport slot coordination committee or commission a neutral entity to conduct the allocation of slots. CAA shall prescribe measures relative to the qualification, condition, obligation and supervision of the entity so commissioned.

Similarly, civil air transport enterprise should have acquired aircraft takeoff & landing allotment for domestic airports or slots and in possession of an air route certificate, prior to commencing domestic scheduled air transport service on designated air routes.

The points of departure, intermediate points and destinations along the designated air routes related to in the foregoing two paragraphs, nature of service and validation date are all specified in the air route certificate.

Guidelines for the screening of international air traffic rights allocation stated in paragraph one shall be formulated by MOTC.

CAA shall prescribe measures for regulating aircraft takeoff & landing allotment for domestic airports and time zone.

### **Article 51**

A civil air transport license or air route certificate is not transferable, and the license or certificate holder must not consider him- or herself as enjoying exclusive rights to operate the various services as prescribed in the permit or certificate thereof.

### **Article 52**

A civil air transport enterprise holding an air route certificate, or any aircraft stopping over in ROC territory shall be required to carry mail in accordance with the provisions of the ROC Postal Act.

## Article 53

Freight rates for airmail letters and air postal parcels shall be lower than those for ordinary air cargo.

## Article 54

A civil air transport enterprise shall give priority to transport airmail over that of passengers and cargo.

## Article 55

Civil air transport enterprise shall notify MOTC through CAA regarding its tariffs for passengers and cargo on international scheduled air routes. For those tariffs on domestic scheduled air routes, shall notify MOTC through CAA to approve the ceiling and bottom tariffs. The same procedure applies in the event of rate changes.

Rules governing the utilization of tariffs, preferential proposals, application procedures for approval, effective day and any other relevant matters shall all be formulated by MOTC.

As a favorable consideration to residents in remote offshore islands such as Penghu county, Kinmen county, Lienchiang county, Lanyu Township and Lyudao Township both in Taitung county, airfare subsidies shall be offered for travel by air to and from their residence or between offshore islands. Whereby, the airfare subsidies will be classified according to varied airport conditions as follows:

- 1) The subsidies of Magong Airport in Penghu county and Shangyi Airport in Kinmen county shall be 20 percent of airfare.
- 2) The subsidies of Nangan Airport and Beigan Airport in Lienchiang county shall be 30 percent of airfare.
- 3) The subsidies of both [Cimei](#) Airport and Wangan Airport in Penghu county , also Lanyu Airport and Lyudao Airport in Taitung county shall be 40 percent of airfare.

Aircrafts in use for the above purpose include fixed wing aeroplanes and helicopters.

Air carriers serving offshore islands with fixed wing aeroplanes and/or helicopters should be rewarded.

Measures of granting airfare subsidies as described in third paragraph and of reward in preceding paragraph shall be drafted by MOTC for ratification by the Executive Yuan (Cabinet).

## Article 56

A civil air transport enterprise shall submit periodical reports to MOTC for record through the CAA, pertaining to the following:

- 1) Business matters.
- 2) Financial matters.
- 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 relevant matters of the civil air transport enterprise.

## Article 57

CAA may provide personnel to inspect a civil air transport enterprise and monitor its operations including employees and equipment. The civil air transport enterprise 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 made within the specified period, or the civil air transport enterprise refuses, avoids or impedes inspections, the CAA may, with MOTC approval, take action necessary to restrict or suspend all or part of the air routes served by the civil air transport enterprise.

## Article 58

A civil air transport enterprise shall, in addition to action taken in compliance with law, make a report to MOTC for record through CAA regarding any of the following events:

- 1) Increase or decrease of capital.
- 2) Issuance of corporate bonds.
- 3) Contracts entered into between one civil air transport enterprise and another, or with any other related enterprise with regard to lease, joint transport and agency matters.
- 4) Change or relocation of principal operations and maintenance facilities.

### Article 58-1

Civil air transport enterprises shall report to CAA with a performance plan of alliance and submit related documentation to apply for approval and to file an application for MOTC

approval for their alliance before starting the alliance operation. The MOTC is able to approve such alliance with conditions, period, limitations or burdens.

In the event that the civil air transport enterprises fail to operate an alliance in accordance with the performance plan, or the approved reasons for the alliance to cease to exist, or the alliance cause violation of public interest or civil aviation development, the CAA is entitled to withdraw its approval, revise the contents of approval, order to stop the alliance or amend the alliance actions.

The alliance shall be subject to the Fair Trade Commission's approval if the alliance mentioned in the first paragraph meets the scope of alliance actions under Article 7 of the Fair Trade Law. The Reviewing Rules for Approving the Alliance shall be promulgated by MOTC together with the Fair Trade Commission of the Executive Yuan.

## Article 59

To serve the needs of public interest, CAA may, with MOTC approval, instruct any civil air transport enterprise to adjust or increase designated air routes.

## Article 60

In the event of any urgent requirement by the government, a civil air transport enterprise shall accept the direction of MOTC to carry out designated transport assignments.

## Article 61

When a civil air transport enterprise is dissolved in accordance with the law, its license and air route certificate shall simultaneously become invalid. The license and air route certificate shall be returned to CAA for cancellation within 30 days.

## Article 62

A civil air enterprise shall not continue operation beyond the expiration date specified in the license or air route certificate unless an extension is applied for and is approved in accordance with the laws.

# Article 63

(Deleted)

## **Article 63-1**

Rules governing the business items of civil air transport enterprise, limitation of eligibility, application for permission to set up business, application for a permit, registration, cancellation and renewal, amount of capital, change in company registration, procurement of aircraft, conditional purchase and sale, lease of aircraft, limitation of aircraft age, air routes preparation, suspension or termination, application for launching a flight, approval for alliance, collection of certificate fees and charter application fees, business management, as well as air routes preparation of foreign civil air transport enterprise, establishment of branch office, setting up a general sales agent, collection of certificate fees and charter application fees, management of operations and other matters to be observed shall all be enacted by MOTC.

## **Section 2**

### **General Aviation Enterprise**

#### **Article 64**

Any person who start a general aviation business shall request permission for doing so from MOTC via CAA and, within allotted preparatory period, complete registration with concerned authorities, have aircraft made available and capable of undertaking a safe general aviation service duly screened by CAA for MOTC approval. If an applicant's business scope includes international transport by means of business charter, the applicant shall register with the Customs Office to acquire appropriate certification. Business can begin upon only after receiving a general aviation license from CAA.

General aviation business that fails to start operation over 12 months from the date the CAA license was issued, or has suspended operation over six months after start-up, shall have its license revoked by CAA, who will also notify concerned authorities to cancel its registration, unless there are good reasons to justify an extension.

The aforesaid extension shall not exceed a period of six months, and it can only be granted once.

#### **Article 64-1**

A general aviation enterprise that operates business charter shall provide private and exclusive aviation passenger transportation with an airplane or helicopter having a passenger-

seat configuration of 19 seats or fewer, excluding each crewmember seat, and shall not engage in individual solicitations.

Rules governing the business items of general aviation enterprise, application for permission to set up the said enterprise, application for a permit, registration, cancellation and renewal, amount of capital, change in company registration, procurement of aircraft, conditional purchase and sale, lease of aircraft, limitation of aircraft age, application for making a flight, collection of certificate fees, management of operation and other matters to be observed shall all be enacted by MOTC.

#### **Article 65**

The provisions of paragraph 3 of Article 48, Article 49, Article 56, Article 57 and Article 60 shall apply to the general aviation enterprise.

### Section 3

#### Air Freight Forwarder

#### **Article 66**

Any person aspiring to work as air freight forwarder shall apply to MOTC via CAA for permission to set up business. Within a specified preparatory period the applicant shall, according to law, complete registration with appropriate authorities and submit to MOTC via CAA for approval. The forwarder-to-be may start operation only after receiving a license from CAA.

If the air freight forwarder fails to start up for over six months from the date license was issued, or has suspended operation for over six months after start-up, CAA shall advise MOTC to have its license revoked and notify concerned authorities to cancel its registration, unless an extension with justifiable reasons is applied for and approved.

To close down business, the air freight forwarder shall report via CAA to MOTC for record and, within thirty days after closure, return the air freight forwarder license. If the license is not returned in time, CAA will make known cancellation of the license in a public announcement.

The extension referred to in paragraph two may not exceed six months, and will be granted once only.

#### **Article 66-1**

An airfreight forwarder must be formed as a corporate organization.

## Article 67

A foreign airfreight forwarder intending to set up a branch office in the ROC shall apply to MOTC for approval of such office through CAA, and shall complete registration for branch office according to law within the approved time period for preparation before applying to MOTC for operation approval through CAA. No air freight forwarding business shall commence until CAA issues a license of foreign airfreight forwarder.

A foreign airfreight forwarder that has not set up a branch office according to the previous paragraph shall not conduct any airfreight forwarding business in the ROC unless it has entrusted an airfreight forwarder in the ROC to carry out or handle such business on its behalf.

A foreign airfreight forwarder intending to close up the business of its branch office shall report to MOTC for record through CAA in advance, and shall return its air freight forwarder license within thirty (30) days after business closure; failure to return such license within the time limit shall entitle CAA to revoke the permit directly and notify the public.

## Article 68

(Deleted)

## Article 69

CAA may provide personnel to inspect various facilities and operations of any air freight forwarder. The forwarder shall not refuse, avoid or impede such inspections, and will be notified of any shortcomings and told to improve within a certain period.

## Article 70

An air freight forwarder shall not employ any of the following persons to a management position, and where there is already a person employed, he or she must be dismissed:

- 1) A person implicated in any one of the circumstances outlined in Article 30 of Company Act.
- 2) A person whose previous air freight forwarder license was revoked less than 5 years before assuming the managerial position.

The provision in the preceding paragraph shall apply to the company board of directors and supervisors.

### Article 70-1



Rules governing an airfreight forwarder, application to set up a foreign airfreight forwarder branch office, for license, registration, cancellation and renewal, amount of capital, change in company registration, collection of license fees, application for entrusting business a foreign airfreight forwarder, and business management shall be prescribed by MOTC.

The 2 previous articles shall apply mutatis mutandis to a foreign airfreight forwarder.

## **Section 4**

### **Air Cargo entrepot**

#### **Article 71**

The applicant intending to set up an air cargo entrepot shall enclose relevant documents to CAA for permission from MOTC. Within a specified preparatory period, the applicant should complete registration with concerned authorities according to relevant laws, prepare necessary field, equipments and facilities, register with the customs office, for a certificate and submit to MOTC via CAA for approval. Only after a license issued by CAA can the air cargo entrepot begin operations.

CAA shall provide a designated hand-over area to off-airport entrepots which get approval to run their entrepot business within 25 kilometers radius from an international airport, to handle the freight into and out of the airport.

In the event the air cargo entrepot fails to start operation for more than six months after the license was issued, or has suspended business for over six months after starting up, the CAA shall advise MOTC to have its permission withdrawn, then revoke the license of the air cargo entrepot and notify concerned authorities to abolish its registration. However, an extension may be applied for on the basis of justifiable reasons.

The aforesaid extension, if approved, shall not exceed a period of six months, and it can be granted just once only.

#### **Article 72**

A civil air transport enterprise may request permission from the MOTC through the CAA to run the air cargo entrepot business for the cargo carried by its own aircraft.

The provisions of the preceding paragraph shall apply to foreign civil air transport enterprises whose home countries, based on bilateral treaties, agreements or reciprocal principles, grant similar rights to civil air transport enterprises registered in the ROC to run the entrepot business in those countries.

#### **Article 72-1**

Rules governing air cargo entrepot, both Chinese and foreign air transport enterprises with intent to run the entrepot business for the cargo carried by their own aircraft, their

business items, application for permission to set up business, for a license, registration, cancellation and renewal, amount of capital, change in company registration, collection of license fees and business management, shall all be formulated by MOTC.

### **Article 73**

The provisions of paragraph 3 of Article 48, Article 57 and Article 66-1 shall apply to the air cargo entrepot.

## **Section 5**

### **Airport Ground Handling Services**

#### **Article 74**

Any person wishing to run an airport ground handling service shall apply to CAA for permission from the MOTC in order to set up business. Within a specified preparatory period, the applicant shall complete registration with appropriate authorities according to law, and submit to MOTC via CAA for approval. Only after receiving an airport ground handling service license issued by CAA can business get started.

In the event the airport ground handling service fails to start operation for more than 12 months after the CAA license was issued, or has suspended business for over six months after starting up, the CAA will advise MOTC to have its permission withdrawn, then revoke the license and notify concerned agencies to abolish the registration. However, an extension may be applied for on the basis of justifiable reasons.

The above said extension, when approved, shall not be in excess of six months, and it can be granted just once only.

#### **Article 74-1**

An airport ground handling service shall be formed as a company organization in compliance with the following rulings:

- 1) Unlimited company with the entire body of its shareholders being citizens of the ROC.
- 2) Limited company with over 50 percent of capital owned by citizens or legal persons of the ROC and represented by directors who are citizens of the ROC.
- 3) Company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of the ROC.
- 4) Company limited by shares with over 50 percent of its total shares owned by citizens or legal persons of the ROC, whose chairman and over 50 percent of the directors are citizens of the ROC; provided that no single citizen or legal person of a foreign country may hold more than 25 percent of its total shares.

Stocks issued by company limited by share must be registered by name.

If otherwise provided for under a treaty or agreement, airport ground handling service shall not be bound by restrictions in the 2 preceding paragraphs.

#### **Article 75**

Civil air transport enterprise may apply for permission from MOTC via CAA to operate concurrently an airport ground handling service.

The foregoing provision shall also apply to foreign civil air transport service, provided whose home country grants equal rights to ROC civil air transport enterprise to operate airport ground handling service in that country under a treaty or agreement, or based on an equal and reciprocal principle.

To maintain airport security and good business order, MOTC may impose partial or complete restrictions on the operations of the approved airport ground handling service run concomitantly by a civil air transport enterprise, or an authorized private airport ground handling service.

#### **Article 75-1**

Rules governing airport ground handling service, both Chinese and foreign civil air transport enterprises applying for concurrent operation of airport ground handling service or private ground handling service, their business items, application for permission to set up business, for license, registration, cancellation and renewal, amount of capital, increase or decrease of business items, change in company registration, collection of license fees and business management, shall all be enacted by MOTC.

## **Article 76**

The provisions of paragraph 3 of Article 48, and Article 57 shall apply to the airport ground handling services.

#### **Article 77**

The provisions of paragraph 3 of Article 48, Article 57, Article 74, Article 74-1 and Article 75 shall apply to the flight kitchen service.

#### **Article 77-1**

Rules governing flight kitchen service, both Chinese and foreign civil air transport enterprises applying to run concurrently a flight kitchen service, their business items, application for permission to set up business, application for license, registration, cancellation and renewal, amount of capital, change in company registration, collection of license fees and

business management, shall all be provided by MOTC.

## **Chapter 7**

### **Foreign Aircraft or Foreign Civil Air Transport Enterprise**

#### **Article 78**

Foreign aircraft shall not be allowed to fly over, take off or land in ROC territory without permission from MOTC, unless otherwise provided for in a treaty or an agreement.

CAA may send its personnel to inspect various personnel, equipment and associated documents for a foreign aircraft landing or taking off within the ROC territory. The pilot-in-command shall not refuse, avoid or impede such inspection.

Rules governing the procedures and the required documents of application for permission, the circumstances and reasons of revocation or abolition of permission or forbidding operations, and other matters to be observed for a foreign aircraft flying over ROC territory or taking off or landing in ROC territory stated in paragraph one shall be prescribed by MOTC.

#### **Article 78-1**

The provisions of Article 5, Article 6, Paragraph 1 of Article 37, Article 38, Article 39, Article 41, Article 42, Paragraph 1 and 2 of Article 43, Paragraph 1 of Article 43-1, Article 44~47, Article 53, Article 54, Paragraph 1 of Article 55, Article 57, Article 61, Article 62, Article 89~93-1, Article 97 and Article 99 shall apply to the foreign civil air transport enterprises, foreign aircraft, foreign airfreight forwarders and foreign airmen.

#### **Article 79**

A foreign civil air transport enterprise may operate its aircraft on a non-scheduled flight between a point in the ROC and a point outside the ROC carrying passengers, cargo and mail with or without remuneration only after obtaining approval from the CAA.

## Article 80

A foreign air transport enterprise seeking to operate scheduled flights between a point in the ROC and a point outside the ROC to carry passengers, cargo and mail with or without remuneration pursuant to a treaty or an agreement, or based on an equal and reciprocal principle, shall first apply to the CAA for an air route certificate prior to its operation.

## Article 81

No foreign aircraft or foreign civil air transport enterprises may carry passengers, cargo and mail between two points in the ROC with or without remuneration, or operate as a general aviation enterprise in the ROC, unless it complies with any of the following:

- 1) Foreign private aircraft in accordance with paragraph one of article 78 allowed to engage in flights of non-profit activities in the territory of the Republic of China .
- 2) Otherwise provided under a treaty or agreement.

## Article 82

A foreign civil air transport enterprise seeking to establish a business partnership in the ROC shall provide all relevant documents in its application to the CAA. The CAA will forward the application to the MOTC for processing and approval in accordance with the laws. If the business partner is a branch office, the registration shall be made in accordance with the law, and the application submitted to the CAA for approval by the MOTC. A branch office may begin operations only after receiving a license for that specific branch office of the parent foreign civil air transport enterprise by the CAA, and supporting documents are obtained upon registering with the Custom Office.

A foreign civil air transport enterprise that has not set up a branch office according to the previous paragraph shall not solicit any passenger and/or cargo transport business in the ROC unless it has entrusted a general sales agent in the ROC to carry out or handle such business on its behalf.

A foreign civil air transport enterprise intending to close up the business of its branch office shall report to MOTC for reference through CAA in advance, and shall return its branch office license of a foreign civil air transport enterprise within 30 days after its business closure; failure to return such license within the time limit shall entitle CAA to revoke the

license directly and notify the public.

## Article 83

Article 81 does not apply in cases where the aircraft maintenance needs of a ROC civil air transport enterprise or general aviation aircraft, or in cases where a government agency is of business purposes or legal persons, bodies entrusted to handle government agency's business needs, provided the foreign registered aircraft is under a lease or loan approved by the MOTC for a term not to be exceed 6 months.

### Article 83-1

Rules governing a foreign civil air transport enterprise, air routes preparation, application for permission to set up a branch, application for general sales agent, collection of license fees and charter application fees, management of operations and other matters shall be observed shall all be formulated by MOTC.

## Chapter 8 (Deleted)

### Article 84

(Deleted)

### Article 85

(Deleted)

### Article 86

(Deleted)

### Article 87

(Deleted)

### Article 88

(Deleted)

### **Article 88-1**

(Deleted)

## **Chapter 9**

### **Liability for Compensation**

#### **Article 89**

Where casualties or damage to property occur as a result of aircraft accident, the owner of the aircraft shall be liable for compensation regardless of whether such accident is due to willful action or negligence. Such an owner of the aircraft shall also be liable for damage caused by force majeure. The same also applies to damage caused by falling or dropping of objects from the aircraft.

#### **Article 90**

Where the damage as referred to in the preceding article is caused by an aircraft operated on lease, conditional purchase or lending, the owner and lessee, the conditional purchaser or borrower shall be jointly and severally liable. But if the said conditional purchase and lease have been registered, the lessee and purchaser shall be singly liable unless the owner is faulty for negligence.

#### **Article 91**

The aircraft operator shall be liable for accidental death or injury of passengers in the aircraft or while embarking or disembarking the aircraft. But if such death or injury is attributed to the passenger's fault, such liability may be exonerated or reduced.

The aircraft operator shall be liable for causing damage to passengers because of flight delay, provided that the aircraft operator can prove the delay is caused by force majeure. The liability shall be limited to the necessary extra expense incurred to the passengers through the flight delay.

#### **Article 92**

Where damage is caused by the willful act or negligence of an airman or a third party, the owner, lessee or borrower has the right to make a claim against such airman or third party.

## Article 93

Where there is a special contract providing for the amount of compensation for damage to passengers or duty personnel aboard an aircraft, the special contract shall prevail. If the special contract contains discriminating clauses unfavorable to ROC citizens, the most favorable clauses shall apply. Where there is no special contract, the MOTC shall, according to related regulations or rules in this Law, and making reference to international standards for liability, prescribe rules for compensation and submit to the Executive Yuan for approval and promulgation.

The special contract referred to above shall be in writing.

The standards of liability set forth in the first paragraph shall not affect the right of the victim to bring claim in a lawsuit.

### Article 93-1

The liability of aircraft users or carriers for loss of cargo, or checked-in baggage shall be limited to NT\$1,000 per kilogram, unless the nature and value of the cargo or baggage which have been declared to air carriers and specified in the airway bill or passenger tickets.

Passengers' carry-on baggage shall be compensated for actual damages. Each passenger shall not claim compensation for more than NT\$20,000.

Aircraft users or carriers shall not claim for limited liability if the damage mentioned in preceding 2 paragraphs was caused by their intention or by their gross negligence.

The preceding 3 paragraphs shall also be applied to air freight forwarders, airport ground handling services and air cargo entrepots when being claimed for compensations.

## Article 94

An aircraft owner shall, prior to applying for registration pursuant to Article 8; or a civil air transport enterprise, prior to applying for a license pursuant to Article 48, purchase liability insurance.

The amount of liability referred to in the preceding paragraph shall be prescribed by the MOTC, and such amount shall be complied with for effecting liability insurance.

## Article 95

Where a foreign aircraft operates in the ROC territory with a special permit, the MOTC may order such foreign aircraft to produce, in advance, an appropriate amount as security for



liability or a certificate of insurance.

## Article 96

CAA may detain any foreign aircraft that fails to produce proof of liability insurance, or makes an emergency landing or crashed without a special permit to operate in the ROC territory. If there is any damage to persons or property, compensation shall be made in accordance with the ROC laws.

In the events of the circumstance described in the preceding paragraph, except where other violations of law are found, the aircraft shall be released if its owner, lessee, borrower or pilot-in-command produces proof of liability endorsed by CAA.

## Article 97

Litigation over damages provided for in Article 89 shall be under the jurisdiction of the court where damage occurred.

Litigation over damage provided for in Article 91 shall be under the jurisdiction of the court at the place where the contract of carriage was concluded or at the destination of the flight.

## Article 98

At the request of any interested party or the public prosecutor, the court may declare a person dead who has been missing for six months following the date an aircraft carrying this person was involved in an accident.

## Article 99

Except as otherwise provided for in this Act, all matters relating to liability for aircraft accident and jurisdiction of litigation thereof shall be governed by the provisions of the Civil Code and the Code of Civil Procedure.

## Chapter 9-1

## **Ultra-light Vehicle**

### **Article 99-1**

Subject to approval by CAA to set up an activity association for ultra-light vehicle (“activity association”) and to register the association as a legal entity for community group under the laws. Through CAA’s permission, the activity association is allowed to operate after its activities guideline has been approved by MOTC together with the National Council on Physical Fitness and Sports, Executive Yuan.

The activities guideline shall include the following:

- 1) Applications for manufacturing, importation, registration, inspection, issuing certification and changing (reissuing) certificate for ultra light vehicle.
- 2) Applications for issuing and changing (reissuing) operating license for ultra-light vehicle.
- 3) Plan of requirement, arrangement, and application for places of activities.
- 4) Scope, limitation, execution of activities in airspace, safety and management of airspace.
- 5) Notification and handling of Flight safety-related event.

The rules governing the organizational establishment, procedures for abolishment, function guide implementation, ultra-light vehicle importation, registration, inspection, issuance of operating certificate and renewal, operation and air navigation limitations, application for operation areas, application for competition, fare and pricing standards and accident/incident reporting, and the requirements and procedures for approvals of test-flights conducted by ultra-light vehicle manufacturers, flight test manuals, qualifications of ultra-light vehicle manufacturers will be enacted by the MOTC.

The ultra-light vehicle design and manufacturing standard will be prescribed by the CAA. Nevertheless, the airworthiness standards, which are generally used in international aviation practices and are deemed suitable for domestic use, can be adopted after CAA approval.

### **Article 99-2**

Owners and operators of ultra-light vehicle shall join an activity association as members and comply with the guideline provided by the activity association before starting activities. Manufacturers and their operators of ultra-light vehicles may be excluded from the guideline made by the association stated above.

Owners and operators of ultra-light vehicles shall be responsible for flight safety, keep the ultra-light vehicle in serviceable condition, and perform a safe flight operation in accordance with CAR and related regulations.

### **Article 99-3**

Ultra-light vehicles shall be registered, inspected and obtain the inspection certificate before commencing activity. The foregoing shall not apply to test-flights of ultra-light vehicles conducted by the manufacturers in accordance with the CAA approved flight test manuals and relevant limitations.

Operators of ultra-light vehicles shall pass a physical examination and a written and practical test before obtaining the operating certificate prior to commencing activities.

The regulations governing ultra-light vehicle registration, certification and operating certificates may be administered by CAA or a designated agency.

#### **Article 99-4**

The airspace for ultra-light vehicle shall be defined by MOTC together with the Ministry of National Defense; and can be revoked if and when necessary.

The above-mentioned airspace shall not include the airspace of national parks and planned urban development region. Nevertheless, it shall include agriculture and scenery areas or areas approved by the Executive Yuan.

The period for use, or any other prohibitions or limitations for use of airspace mentioned in the first paragraph can be preside over by CAA for national defense, for safeguarding aviation safety, or for public interest, must be published.

The activity association shall inform its members of the publication mentioned in the preceding paragraph.

#### **Article 99-5**

The operator of ultra-light vehicle shall operate the vehicle by visual flight, and shall not:

- 1) Operating the vehicle outside the designated airspace.
- 2) Operating the vehicles while blood alcohol content exceeding 0.04% or when exhaling, exceeding 0.02mg per liter.
- 3) Fly after sunset and before sunrise.

Operator of an ultra-light vehicle shall avoid coming close to or hitting another aircraft, ultra-light vehicle or obstruction during flight operation.

CAA may seek assistance from other government officials when enforcing Ultra-Light Vehicle regulations and procedures.

#### **Article 99-6**

Where casualty, bodily injury or damage to property occurs as a result of operating an ultra-light vehicle, the owner of the vehicle shall be liable for compensation regardless of whether such accident is due to willful action or negligence. Owner of the ultra-light vehicle shall also be liable for damage caused by force majeure. The same also applies to damage caused by falling or dropping objects from the vehicle.

The owner and operator of ultra-light vehicle shall be jointly liable for damages

mentioned in the preceding paragraph if the owner of ultra-light vehicle allowed a third party to operate the ultra-light vehicle.

The compensation amount for death and bodily injury in the preceding 2 paragraphs shall also be applied to the standards as mentioned in the rules of paragraph 1 of Article 93, The standards of liability set forth shall not affect the right of the victim to bring claim in a lawsuit.

The owner of ultra-light vehicle shall purchase liability insurance for the compensation amount mentioned in the preceding paragraph.

#### **Article 99-7**

CAA may provide personnel to inspect an activity club and its members for various equipments, business and ultra-light vehicle. The activity club 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 CAA.

#### **Article 99-8**

The provisions of paragraph 1 of Article 42, paragraph 1 of Article 43, Article 44, Article 98, and Article 99 shall apply to the ultra-light vehicle.

### **Chapter 10**

#### **Penalties**

#### **Article 100**

Any person who hijacks an aircraft by force, threat or other means shall be subject to punishment by death, imprisonment for life, or imprisoned for not less than 7 years.

Such person who causes death to another shall be subject to the penalty of death or imprisonment for life; subject to the punishment by death, imprisonment for life or no less than 10 years while causes serious injury to another person.

Any person attempting to commit the crime described in paragraph 1 shall be punished.

Any person conspiring to commit the crime described in paragraph 1 shall be liable to imprisonment not exceeding 3 years.

#### **Article 101**

Any person who endangers flight safety or aviation facilities by force, threat or other means shall be liable to imprisonment not exceeding 7 years, detention or a fine of up to NT\$210,000.

Such person who caused damage to aircraft or other facilities shall be subject to imprisonment from 3 to 10 years.

Such person who causes death to another is subject to the penalty of death, imprisonment for life or more than 10 years; subject to imprisonment from 5 to 12 years for causing serious injury to another.

Any person attempting to commit the crime described in paragraph 1 shall be punished.

## Article 102

Any person who violates the provisions specified in Article 43-2, paragraph 1 shall be subject to imprisonment not exceeding five years, detention or a fine of up to NT\$ 150,000.

Any person committing the crime stated in the preceding paragraph and consequently causes death to another shall be subject to imprisonment for life or not less than 7 years; subject to imprisonment from 3 to 10 years for causing serious injury to another.

## Article 103

Any person operating an aircraft without an airworthiness certificate shall be subject to imprisonment not exceeding 5 years, detention or a fine of up to NT\$1,000,000.

The same applies also to a person flying an aircraft with an invalid airworthiness certificate.

## Article 104

Any person who engages in a flight without a airman certificate and medical certificate shall be subject to imprisonment not exceeding 5 years, detention or a fine of up to NT\$1,000,000.

## Article 105

Any person making a false report to a government official, to the staff of a civil air

transport enterprise, or the staff of an activity association alleging a threat to aviation safety or aviation facilities without naming or identifying the violator or offender, or disseminating false information such as to jeopardizes the flight safety, shall be subject to imprisonment up to 3 years, detention or a fine up to NT\$1,000,000.

Any person committing the crime stated in the preceding paragraph and consequently causing real danger to flight safety shall be subject to imprisonment from 3 to 10 years; for causing damage to an aircraft or casualties is subject to imprisonment for life or over 5 years.

## Article 106

Any person who, by fraudulence in application for certification or registration, obtaining an airman certificate, medical certificate, certificate of aircraft registration or airworthiness certificate, shall be subject to imprisonment up to 5 years, detention or a fine of up to NT\$1,000,000.

The license and certificates referred to above shall be revoked by CAA.

## Article 107

In case of violation of the provisions of paragraph one and two of Article 78, the pilot-in-command shall be subject to imprisonment not exceeding 3 years, detention or a fine of up to NT\$1,000,000.

## Article 108

Any airman, duty personnel aboard an aircraft, passenger, or operator of ultra-light vehicle who violates the provisions of Article 44 without justifiable reasons shall be subject to imprisonment not exceeding 3 years, detention or a fine of up to NT\$600,000.

## Article 109

Any person who violates the provisions specified in Article 42, paragraph 1 shall be subject to imprisonment not exceeding 2 years, detention or a fine of up to NT\$400,000.

## Article 110

The responsible person of a manufacturer or repair station, their employee or other hired person who undertakes the manufacture or maintenance with unapproved aviation products, appliances and parts, shall be subject to imprisonment not more than 3 years, detention, or in lieu of or addition to, a fine of up to NT\$1,000,000.

Any person who commits the crime stated in the preceding paragraph to the extent of causing danger to flight safety shall be subject to imprisonment from 3 to 10 years; subject to the death sentence, imprisonment for life or up to 10 years for causing death to another; subject to imprisonment from 5 to 12 years for causing serious injury to another.

Any person who, due to negligence of duty, commits the crime stated in paragraph 1 to the extent of causing danger to flight safety shall be subject to imprisonment not exceeding 3 years, detention plus a fine of up to NT\$1,000,000; subject to imprisonment up to 7 years or detention plus a fine of up to NT\$3,000,000 for causing death to another; subject to imprisonment up to 5 years or detention plus a fine of up to NT\$2,000,000 for causing serious injury to another.

## Article 110-1

The operator of ultra-light vehicle, who perform aviation activities beyond the limit of aviation vicinity and caused danger to aviation safety, shall be subject to imprisonment for more than 6 months and less than 5 years; subject to imprisonment for more than 3 years and less than 10 years for causing death to another; subject to imprisonment for less than 1 year and less than 7 years for causing serious injury to another.

### **Article 110-2**

Any person entering an aircraft without authorization shall be subject to imprisonment up to one year, detention or a fine of up to NT\$50,000.

Any person lurking in an aircraft without any reason or insisting on board with compelling for his/her disembarkation shall be subject to the penalty stated in the preceding paragraph.

### **Article 111**

Any airman shall be subject to a fine from NT\$60,000 to NT\$300,000 for any of the following; and in serious cases, the penalty shall be the suspension of duty or revocation of his or her certificate.:

- 1) Landing at or taking off from a site outside an airfield without justification.
- 2) Violate of the provision set forth in Article 46 for refusing to submit to

inspection prior to taking off and/or after landing.

3) Committing a technical error that leads to an aircraft accident or a serious incident.

4) Using an expired airman or medical certificate.

5) Falsifying records or flight hours.

6) Using an assumed name or asking another to act as in signing various kinds of certificates, records or documents.

7) Not reporting or intentionally not reporting an incident relating to flight safety.

8) Making use of a airman certificate for illegal activities.

9) Causing a serious incident as a result of being neglectful.

10) Allowing another to stand in for duty without authorization, thereby causing a serious incident to happen.

11) Unlawful alteration of, or lending to another the use of airman certificate.

Any airman may be issued a warning and ordered to make corrections or is liable for a fine from NT\$60,000 to NT\$300,000 for any of the following; He or she may be ordered to make corrections within a specified time frame and may be fined by each violation if he or she fails to make corrections within due date; in serious cases, the penalty shall be the suspension of duty or revocation of his or her certificate:

1) Violation of the provisions of Article 25, for not having an airman certificate while on duty.

2) Violation of the provisions of Article 26, paragraph 1 for not having a medical certificate while on duty.

3) Violation of the provisions of Article 38, for not carrying all required documents.

4) Violation of the provisions of Article 41 pertaining to flight control and air traffic control instructions.

5) Violation of the provisions of Article 41-1, paragraph 2 pertaining to flight operations, flight preparation, aircraft performance and limitation, aircraft instrumentation, equipment and documentation, aircraft communication, navigation equipment, aircraft maintenance, flight crew operations, flight crew qualifications, dispatcher, manual, forms, record, cabin crew and security.

6) Failure to turn in a certificate due for cancellation.

## **Article 112**

An aircraft owner or operator, civil air transport enterprise, general aviation enterprise, air freight forwarder, airport ground handling service, catering service, air cargo entrepot, airfield, aircraft manufacturer or civil aviation training institution shall be subject to a fine of NT\$600,000 to NT\$3,000,000 for any of the following; and in serious cases, after reporting to MOTC for approval through the CAA, the penalty shall be partial or complete suspension of business or revocation of permits:

1) Aircraft nationality marking and registration number not clear or not in



designated place.

2) Violation of provisions of Article 40, paragraph 1 pertaining to aircraft maintenance requirements.

3) Obstructing, avoiding or refusing to accept inspections prescribed in paragraph two of Article 56.

4) Violation of the provisions of Article 58-1, paragraph 1 for operating alliance without approval.

5) Violation of the provisions of Article 64-1, paragraph 1 regarding individual solicitations.

6) Other acts such as rejecting, avoiding or impeding an inspection or scheduled improvement under the Law, and failing to make correction of irregularities or deficiencies, and improvement not corrected or completed within a given deadline.

An aircraft owner or operator, civil air transport enterprise, general aviation enterprise, air freight forwarder, airport ground handling service, catering service, air cargo entrepot, airfield, aircraft manufacturer or civil aviation training institution may be issued a warning and be ordered to make corrections or be subject to a fine of NT\$600,000 to NT\$3,000,000 for any of the following; and in serious cases, after reporting to MOTC for approval through the CAA, the penalty shall be partial or complete suspension of business or revocation of permits:

1) Failure to turn in certificate of registration, airworthiness certificate or other certificates issued in accordance with this Law that should have been forfeited due for cancellation.

2) Violation of the provisions of Article 9, paragraph 3 regarding certification of design and manufacturing of aviation products, their appliances and parts.

3) Violation of provisions of Article 9, paragraph 5 regarding classification and limitation of the airworthiness certifications, signing of certificate, records, controlling of life-limited parts, airworthiness, and management of maintenance.

4) Violation of the provisions of Article 41, paragraph 1 pertaining to flight control and air traffic control instructions .

5) Violation of the provisions of Article 41-1, paragraph 2 regarding aircraft flight operations, flight preparations, operational limits of aircraft performance, aircraft instruments, equipment and documents, aircraft communications and navigation equipment, aircraft maintenance, flight crew operations, pilot qualifications, dispatchers, manual forms and records, cabin crew and security.

6) Violation of provisions of Article 41-2 pertaining to reporting of flight safety related events.

7) Non-compliance with noise control regulations.

8) Violation of the provisions of Article 55, paragraph 1 for failure to report for permission or record when setting or changing passenger and cargo tariffs.

9) Violation of the provisions of Article 56, paragraph 1 for failure to submit

periodical reports on business, finance, flight operation, maintenance or name list of shareholders in possession of over three percent (3%) of stocks.

10) Violation of the provisions of Article 58, for failure to report an increase or decrease of capital, issuance of company bonds, contracts of lease for connecting carriage and franchise, change or relocation of major facilities for flight operations and maintenance.

Any person who engages without permission in a civil air transport enterprise, general aviation enterprise, airfreight forwarder, catering service, airport ground handling service, air cargo entrepot or civil aviation training institution and the manufacture and sale of aviation products, appliances and parts shall be subject to a fine from NT\$600,000 to NT\$3,000,000.

#### **Article 112-1**

For reporting on one's own initiative to CAA on any undetected violation covered in the preceding two Articles, CAA may impose lesser penalty or grant exoneration judging by the seriousness of the case.

### **Article 112-2**

Any person shall be subject to a fine from NT\$20,000 to NT\$100,000 for any of the following,

1) Violation of the provisions of Article 43, paragraph 1 for carrying or consigning any dangerous goods on board an aircraft.

2) Violation of the provisions of Article 43-1, paragraph 1 for carrying on board an aircraft any gun, cannon, knife, or any other suspicious articles hazardous to flight safety.

Any civil air transport enterprise, general aviation, air freight forwarder, airport ground handling service, catering service or air cargo entrepot in violation of the provisions of Article 43, paragraph 2 for consigning, storing, loading or transporting any dangerous goods shall be subject to a fine from NT\$20,000 to NT\$100,000.

Violation of the provisions of the preceding paragraph 3 times or more in a single year shall be subject to a fine from NT\$100,000 to NT\$500,000, and after reporting to MOTC for approval through the CAA by Aviation Police Office, the penalty shall be partial or complete suspension of its business or revocation of its permits.

Any shipper in violation of the provisions of Article 43, paragraph 1 for falsely declaring dangerous goods and being tracked down before loading into an aircraft shall be subject to a fine from NT\$20,000 to NT\$100,000.

Aviation Police Office shall enforce the penalties referred to in the four preceding paragraphs.

For reporting on one's own initiative to Aviation Police Office on any undetected violation covered in the paragraph one to four, Aviation Police Office may impose lesser penalty or grant exoneration judging by the seriousness of the case.

## Article 112-3

An airport ground handling service, both Chinese and foreign civil air transport enterprises for concurrent operation of airport ground handling service or private ground handling service, violation of the provisions set forth in Article 75-1 may be issued a warning or be subject to a fine from NT\$60,000 to NT\$300,000, CAA can fine its by times if it doesn't cure deficiency in time; and in serious cases, after reporting to MOTC for approval by CAA, the penalty shall be partial or complete suspension of its business or revocation of its permits.

A catering service or both Chinese and foreign civil air transport enterprises for concurrent operation of catering service in violation of the provisions of Article 75-1 may be issued a warning or be subject to a fine from NT\$60,000 to NT\$300,000, CAA can fine its by times if it doesn't cure deficiency in time; and in serious cases, after reporting to MOTC for approval by CAA, the penalty shall be partial or complete suspension of its business or revocation of its permits.

## Article 112-4

The owner or operator of an aircraft, owner or operator of a foreign aircraft, civil air transport enterprise, foreign civil air transport enterprise, general aviation enterprise, air cargo entrepot, airport ground handling service, catering service, publicly and privately owned institutions with operations at an airport, other publicly and privately owned institutions connected with a security restricted area of an airport that has its own independently guarded entrance connecting a non-security restricted area shall be subject to a fine from NT 50,000 to NT 250,000, which is successively punishable, for any of the following:

- 1) Violation of the provisions of Article 47-1, paragraph 3 for failure to comply with the airport security program where it is operating.
- 2) Violation of the provisions of Article 47-2, paragraph 1~3 for refusing to submit or not submitting its own aviation security program.
- 3) Violation of the provisions of Article 47-2, paragraph 5 for avoiding, impending, or refusing an inspection, or not redressing the deficiencies within a specified time limit.

4) Violation of the provisions of Article 47-3, paragraph 3 for carrying passengers, baggage, cargo and mail that haven't been screened by Aviation Police Office according to the provisions of Article 47-3, paragraph 1.

5) Violation of the provisions of Article 47-5 about the security measures as to protect an aircraft on the ground, aircraft security check; passenger, baggage, cargo, catering supplies and catering stores; escorts and personnel under their escort; matters to be followed by armed air marshal and other personnel carrying weapons on board as approved by Aviation Police Office; qualifications of the security control personnel; contingency response measures relating to aviation security incidents; formulation procedures for aviation security quality control programs; formulation procedures for security training programs; non-disclosure of security information; security management of the owner or operator of an foreign aircraft and other matters to be followed about the aviation security.

The air cargo entrepot, airport ground handling service, catering service, publicly and privately owned institutions with operations at an airport, publicly and privately owned institutions connected with a security restricted area of an airport that has its own independently guarded entrance connecting a non-security restricted area in violation of any of the provisions of the preceding paragraph shall be punished by the Aviation Police Office.

The owner or operator of an aircraft, owner or operator of a foreign aircraft, civil air transport enterprise, foreign civil aviation transport enterprise, general aviation, air cargo entrepot and airport ground handling service that has been punished 3 consecutive times for violation of the provisions of paragraph 1 but still fails to redress the deficiencies, may be subject to partial or complete suspension of its business or revocation of its permits after reporting to MOTC for approval by CAA or through CAA by Aviation Police Office.

The regulated agent shall be subject to revocation of its qualification for any of the following, after the revocation it shall not apply for a regulated agent again within 1 year.

1) Violation of the provisions of Article 47-2, paragraph 5 for refusing inspection, or not redressing the deficiencies within a specified time limit.

2) Violation of the provisions of Article 47-5 about the security measures as to protect an aircraft on the ground, aircraft security check; passenger, baggage, cargo, catering supplies and catering stores; escorts and personnel under their escort; matters to be followed by armed air marshal and other personnel carrying weapons on board as approved by Aviation Police Office; qualifications of the security control personnel; contingency response measures relating to aviation security incidents; formulation procedures for aviation security quality control programs; formulation procedures for security training programs; non-disclosure of security information; security

management of the owner or operator of a foreign aircraft and other matters to be followed about the aviation security.

For reporting on one's own initiative to CAA or Aviation Police Office on any undetected violation covered in the paragraph one or preceding paragraph, CAA or Aviation Police Office may impose lesser penalty or grant exoneration judging by the seriousness of the case.

## Article 112-5

Any person who engages in private aircraft activities without permission shall be subject to a fine from NT\$600,000 to NT\$3,000,000.

Any person who engages in private aircraft activities shall be subject to a fine from NT\$600,000 to NT\$3,000,000 for any of the following; and in serious cases, after reporting to MOTC for approval through the CAA, to suspend its flight activities and impose restrictions on its right to engage in private aircraft activities:

- 1) Violation of provisions of Article 7-1, paragraph 3 for engaging in commercial activities, leasing or loan.

- 2) Violation of provisions of Article 7-1, paragraph 5 for refusing, avoiding or impeding inspections.

Any person who engages in private aircraft activities may be issued a warning and ordered to make corrections or subject to a fine of not less than NT\$60,000 but not more than NT\$300,000 for any of the following; and in serious cases, after reporting to MOTC for approval through the CAA, to suspend its flight activities and impose restrictions on its right to engage in private aircraft activities:

- 1) Aircraft nationality marking and registration number not clear or not in designated place.

- 2) Failure to turn in a certificate of registration, airworthiness certificate or other certificates canceled in accordance with this Act.

- 3) Violation of provisions of Article 9, paragraph 5 regarding classification and limitation of the airworthiness certifications, signing of certificate, records, controlling of life-limited parts, airworthiness, and management of maintenance

- 4) Violation of provisions of Article 40, paragraph 1 pertaining to aircraft maintenance requirements.

- 5) Violation of provisions of Article 41, paragraph 1 pertaining to flight control and air traffic control instructions.

- 6) Violation of the provisions of Article 41-1, paragraph 2 pertaining to flight operations, flight preparation, aircraft performance and limitation, aircraft instrumentation, equipment and documentation, aircraft communication, navigation equipment, aircraft maintenance, flight crew operations, flight crew qualifications,

dispatcher, manual, forms, record, cabin crew and security.

- 7) Non-compliance with noise control regulations.

## Article 112-6

A general aviation enterprise shall be subject to a fine from NT\$60,000 to NT\$300,000 for any of the following:

- 1) Failure to carry out its operations according to approved items of operations.
- 2) Taking off or landing at a non-approved temporary takeoff and landing field without due cause.
- 3) Carrying a non-approved passenger.

## Article 112-7

Any air cargo entrepot may be issued a warning or subject to a fine from NT\$60,000 to NT\$300,000 and ordered to make corrections in a certain period of time for any of the following, CAA can fine the air cargo entrepot by times if it doesn't remedy deficiency in time; and in serious cases, after reporting to MOTC for approval by CAA, the penalty shall be partial or complete suspension of its business or revocation of its license:

- 1) Using any parking lot for other purposes without approval.
- 2) Establishing additional air cargo entrepot facilities on adjacent land outside the scope of originally approved land without approval.
- 3) Establishing any additional warehouse within the originally approved scope of building without approval.
- 4) Starting to use any warehouse without first obtaining consent after joint surveys.

## Article 113

Any manufacturer or repair station shall be subject to a fine of NT\$1,000,000 to NT\$3,000,000 for committing the crime stated in Article 110 by their responsible person, any employee or hired person.

## Article 114

Any repair station, in the execution of its operations, shall be liable to a fine from NT\$600,000 up to NT\$3,000,000 for any one of the following; and in serious cases, the penalty shall be partial or complete suspension of its business or revocation of his or her certificate:

1) For major repair or alteration, not comply with the technical documents approved by CAA or by the civil aviation authority of the manufacture.

2) Performing maintenance or alteration of items not rated in operation specification or lacking the necessary special equipment, facility, tools, or technical documents when working on any items been rated.

3) Failure to keep its maintenance capacity, inclusive of staff, facilities, equipment, tools and instruments up to the standards, and failure to conduct periodical inspections.

4) The material, method and procedures used in maintenance or alterations do not conform to the technical documents issued by the original manufacturer or accepted by CAA.

5) The use of special tools or test equipment not in compliance with the recommendations of the original manufacturer, or alternate methods accepted by CAA.

6) Not using the maintenance program of the operator or owner.

7) The repair or alternation of aviation products, instruments, radio equipment or parts has neither been subject to final inspection by qualified inspectors, nor signed off by personnel considered eligible by CAA.

8) Failure to have a complete set of records of the maintenance and alteration, or failure to properly keep such records on file.

9) Failure to execute operations in accordance with the technical documents accepted by CAA. For erasing, altering, falsifying records, or for non-reporting of quality control systems, major malfunction or failure or deficiencies of products.

10) Violation of the provisions of Article 23-2, paragraph 2 regarding the inspection procedure manual, maintenance records, facilities, equipment, material, qualifications of personnel, maintenance and quality assurance systems or the management of maintenance.

11) Others such as evading, impeding or refusing inspections that have to be conducted in accordance with this Act or failure to make corrections within time limit.

For reporting on one's own initiative to CAA on any undetected violation covered in the preceding paragraph, CAA may impose lesser penalty or grant exoneration judging by the seriousness of the case.

## Article 115

Any foreign civil air transport enterprise found in violation of this Act, the decrees issued

pursuant to this Act, or the provisions of a treaty or an agreement, in addition to penalties prescribed in this Act, the CAA may cancel its air route certificate, or suspend its business totally or partially.

## Article 116

Private air field manager and navigation aids installer shall be subject to a fine from NT\$600,000 to NT\$3,000,000 for any of the following, in addition to being ordered to make improvement, dismantle, relocate or to install as the case may be, within a given deadline, and the penalty shall be repeated if work has not been satisfactory completed before the deadline:

- 1) Violation of the provisions paragraph two of Article 29, paragraph 1 relative to setting up, lease, transfer or abolishing an airfield without permission.
- 2) Violation of the provisions paragraph two of Article 31, relative to setting up, changing or abolishing domestic navigation aids installation without permission, or not following regulations in managing the diverse equipment.

## Article 117

A private air field operator or manager shall be subject to a fine from NT\$300,000 to NT\$1,500,000 for any one of the following:

- 1) Concurrent use of airfield for other purposes without permission.
- 2) Abolition of airfield, putting it to lease or rent, without permission.
- 3) Collection of airfield charges not conforming to regulations.
- 4) Failure to comply with the rules in managing navigation aids facilities.

## Article 118

Violation of any one of the following shall be subject to a fine from NT\$300,000 to NT\$1,500,000:

- 1) Violation of the provisions paragraph two of Article 33, paragraph 1 for failure to make improvement, dismantle, relocate, or to install obstacle lights and marking within a time limit.
- 2) Violation of the provisions paragraph two of Article 33-1, paragraph 1 for not having installed obstacle lights and marking or maintaining the same for normal use.
- 3) Violation of the provisions paragraph two of Article 34, paragraph 1 for intrusion of livestock found to have been set loose negligently by its owner.



4) Violation of the provisions paragraph two of Article 34, paragraph 2 for raising pigeons or releasing objects considered hazardous to flight safety.

The owners concerned as referred to in Subparagraphs 1 and 2 of the preceding paragraph, after being fined and still not in compliance, shall continue to be fined until they carry out their obligations.

## Article 119

Any civil air transport enterprise violation of Article 40, paragraph 3 shall be subject to a fine from NT\$60,000 to NT\$300,000.

### Article 119-1

Any ultra-light vehicle owner, operator, activity association or manufacture shall be subject to a fine from NT\$60,000 to NT\$300,000 for any one of the following; and in serious cases, the penalty shall be suspension of its activities or revocation of his or her operation certificate:

- 1) Violation of the provisions of Article 99-1, paragraph 1 for operating activities.
- 2) Violation the provisions of Article 99-2, paragraph 1 for flying without joining activity association to operate activities, or failing to comply with activity guidelines.
- 3) Violation of the provisions of Article 99-3, paragraph 1 for operating ultra light vehicle without inspection certification, or performing ultra light vehicle test flights not in accordance with test flight manual and related limitations approved by CAA.
- 4) Violation of the provisions of Article 99-3, paragraph 2 for performing ultra light vehicle flying activity without operation certificate.
- 5) Violation of the provisions of Article 99-4, paragraph 3 for operating limitations, prohibitions, or other restrictions to the operation airspace.
- 6) Violation of the provisions of Article 99-4, paragraph 4 for activity association failure to notify its member regarding compliance of all published limitations, prohibitions and restrictions.
- 7) Violation of the provisions of Article 99-5, paragraph 1 for prohibitions specified.
- 8) Violation of the provisions of Article 99-5, paragraph 2 for coming into close proximity of or colliding with other aircraft, ultra light vehicle or obstacle while flying.
- 9) Violation of the provisions of Article 99-6, paragraph 4 for failure to have current liability insurance.
- 10) Violation of the provisions of Article 99-7, for avoiding, interfering, or refusing

with such inspections, or failing to make correction within a specified time limit.

## Article 119-2

Any person on board an aircraft shall be subject to a fine from NT\$10,000 to NT\$50,000 for any of the following:

- 1) Failure to comply with any instruction given by the pilot-in-command for purposes of maintaining order and safety on board the aircraft.
- 2) Taking alcoholic beverage or medicine, disrupting the order on board the aircraft.
- 3) Smoking in a lavatory on board the aircraft.
- 4) Tampering with any smoke detector without authorization or operating any other safety devices without due cause.

## Article 119-3

Any person shall be subject to a fine from NT 5,000 to NT 25,000 for any of the following and, in addition thereto, the operator of an airport may, in conjunction with Aviation Police Office, compel his or her absence from the airport:

- 1) Soliciting donations from, or selling goods to passengers or the general public, or engaging in any other commercial activities at an airport without permission.
- 2) Harassing passengers or soliciting customers at an airport.
- 3) Taking an animal into an airport, thus interfering with health, order and safety.
- 4) Spitting phlegm, beetle nut juice or beetle nut dregs; littering wastepaper, cigarette butts, used chewing gums, other litter; or smoking in a non-smoking area.
- 5) Loitering or lingering in an airport, thus interfering with the passage of or use by passengers, or affecting peace and order.
- 6) Posting or distributing any flyers, hanging any flags, displaying any objects, or holding any activities without permission; or soiling or contaminating any facilities in an improper manner.
- 7) Parking a vehicle arbitrarily on a public passageway, thus impeding passage.
- 8) Violation of the provisions of Article 47-4, paragraph 2 for refusing to be screened or entering and leaving the security restricted area without authorization.

Aviation Police Office shall enforce the penalties referred to in the Subparagraph 8 of preceding paragraph.

## Article 119-4

Except otherwise prescribed in this Act, the administrative punishments under this Act hereof are administered by the CAA.

## Article 120

(Deleted)

## **Chapter 11 Supplemental Provisions**

## Article 121

CAA may, making reference to the standards, recommendations, measures or procedures outlined in relevant international conventions and annexes thereto, propose to MOTC for adoption of provisions involving international affairs not covered in this Act, for their promulgation and implementation.

## Article 122

(Deleted)

## **Article 123**

This Act shall become effective on the date of promulgation.

## **Regulation of Civil Air Transport Enterprise**

Full text promulgated by MOTC decree on June 4, 1949

Amended by MOTC Order No. 07150 on October 21, 1953

Regulations of Civil Air Transport Enterprise Registration and Management amended as Regulation of Civil Air Transport Enterprise by MOTC Order No. 580810270 on August 9, 1969 ;

Amended by MOTC Order No. 09190 on October 7, 1974 ; MOTC Order No. 10929 on December 9, 1975 ; MOTC Order No. 15127 on August 9, 1980 ; MOTC Order No. 7503 on January 15, 1986

Amendment to Article 29 promulgated by MOTC Order No. 7724 on September 15, 1988

Amendment to Article 31 promulgated by MOTC Order No. 7731 on November 15, 1988

Amendments to Articles 3~13 promulgated by MOTC Order No. 7805 on January 15, 1989

Amendments to Articles 5, 6, 11 promulgated by MOTC Order No. 8023 on June 19, 1991

Amendments to all articles promulgated by MOTC Order No. 8535 on September 3, 1996

Amendments to all articles promulgated by MOTC Order No. 8976 on November 22, 2000

Amendment to Article 1 promulgated by MOTC Order No. 00082 on November 27, 2001

Amendment to Article 11 promulgated by MOTC Order No. 091B000017 on April 2, 2002

Amendments to Articles 5~7, 25, 33 promulgated by MOTC Order No. 091B000042 on June 5, 2002

Amendments to Articles 7, 25, 33 promulgated by MOTC Order No. 091B000148 on December 13, 2002

Amendments to Articles 3, 5~8, 14, 16~20, 22, 30, 31, 33, 34 and addition of Articles 33-1, 33-2, 35-1 promulgated by MOTC Order No. 093B000053 on June 29, 2004

Amendments to Articles 7, 11, 30, 31, 33-1, 34, addition of Article 29-1, and deletion of 23 promulgated by MOTC Order No. 09500850131 on March 16, 2006

Amendments to Articles 2~4, 8, 16, 20, 24, 35-1, addition of Article 13-1, and deletion of Chapter VII (Articles 30~34), attachments 13~16 promulgated by MOTC Order

No.0970085032 on May 2, 2008

Amendments to Articles 7, 9 promulgated by MOTC Order No. 0980085066 on December 30, 2009

Amendments to Articles 20,28, addition of Article 35-2 promulgated by MOTC Order No. 0990085025 on June 11, 2010

## Chapter I General

### Article 1

This Regulations is enacted in accordance with Article 63-1 of the Civil Aviation Act (hereinafter referred to as The Act).

### Article 2

The terms used in this Regulation are defined as below:

- 1) "Aeroplane transport service" means carriage of passengers, cargo and mail for remuneration with aeroplane by a civil air transport enterprise.
- 2) "Helicopter transport service" means carriage of passengers, cargo and mail for remuneration with helicopter by a civil air transport enterprise.
- 3) "Scheduled air transport service" means a transport service by aircraft conducted between two points on a regular basis in terms of date and time along appointed air routes.
- 4) "Non-scheduled air transport service" means a service of additional and charter flights aside from the scheduled air transport service.
- 5) "Charter flight" means non-scheduled carriage of passengers, cargo and mail by aircraft of a civil air transport enterprise, to be charged by time spent, mileage flown or by the number of flights.

## Chapter II Permit & Registration

### Article 3

To apply for running a aeroplane transport service, a 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 one half of its directors being ROC citizen, ROC citizens and legal persons owning over one half of the company's total capital or shares, no one single foreign shareholder possessing over 25% of the entire shares of the company if the company is a company limited by shares, having had no financial problem nor dispute over share holdings that was detrimental to the normal operation of the company in the past three years, posted an annual revenue of more than NT\$6 billion, 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 the 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 entire systems all in sound condition, having had no financial difficulty nor share-holders' dispute to affect the normal function of company in the past two years, launched over 60 flights each year, had no occurrence of major flight safety incident in the 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 non-scheduled 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 over one half of its directors being ROC citizen, ROC citizens and legal persons owning over one half of the company's total capital or shares, no one single foreign shareholder possessing over 25% of the entire shares of the company if the company is a company limited by shares, 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 non-scheduled cargo service on international air routes. A company whose annual business income hit NT\$10 billion or more, may apply for scheduled or non-scheduled air carrier service on international air routes.
- 5) A company that has an equity capital of more than NT\$100 million with finance and organization in solid condition, its board chairman and over one half of its directors being ROC citizen, over one half of company capital or shares owned by ROC citizens and legal persons, and no one single foreign shareholder possessing over 25% of the entire shares of the company if the company is a company limited by shares, may apply for scheduled or non-scheduled air carrier services on domestic offshore and outlying island air routes.
- 6) A general aviation business whose total flight hours exceeds five hundred that has no record of aircraft accidents within the immediate five hundred flight hours, nor any record of serious incidents or aviation violations within the immediate two hundred and fifty flight hours, with finance and organization in solid condition, had no financial problem nor dispute over share holdings that were detrimental to the normal operation of the company in the past two years, may apply for scheduled or non-scheduled air carrier services on domestic offshore and outlying island air routes.

The domestic offshore and outlying island air routes referred to in Subparagraphs 5 and 6 of the preceding paragraph shall mean a route between Taiwan proper and such offshore island

areas as Chi-Mei Township and Wang-An Township of Penghu County or Lan-YU Township and Green-Island Township of Taitung County, or between an offshore island and its offshore island.

#### 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 aeroplane transport 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, Subparagraph 4 or Subparagraph 5 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 form (attachment 1).
- 2) original company bylaw.
- 3) identification papers for original company register.
- 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 or Subparagraph 6 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 form (attachment 1).
- 2) identification papers for company register.
- 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, equip itself with aircraft, enable itself to engage in safe operation according to applicable laws and pass the review of operational standards conducted by CAA, 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 a permit of civil air transport enterprise (attachment 2 and attachment 2-1) from CAA.

- 1) identification papers for company register.
- 2) company bylaw.
- 3) roster of shareholders and list of board directors and supervisors.
- 4) resume of managers.
- 5) contract for lease or 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.
- 12) a photocopy of the letter approving the aviation security program (aircraft operator security program).
- 13) operations specifications.

The civil air transport enterprise who received a permit of civil air transport enterprise from CAA before this Regulations promulgated on December 30, 2009, shall enclose operations specifications in applying to CAA for renewal, in 6 months since this Regulations promulgated.

#### Article 8

The equity capital of a civil air transport enterprise shall meet the following provisions:

- 1) no less than NT\$2 billion for aeroplane transport service on international air routes, scheduled or non-scheduled.
- 2) no less than NT\$1 billion for aeroplane transport service on international air routes.
- 3) no less than NT\$500 million for aeroplane transport service on domestic air routes, scheduled or non-scheduled.
- 4) no less than NT\$250 million for helicopter carrier service on domestic air routes, scheduled or non-scheduled.
- 5) no less than NT\$250 million for aeroplane transport service on domestic offshore and outlying air routes, scheduled or non-scheduled.

#### 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.

Any changes in permit of civil air transport enterprise, shall pay a fixed fee to apply for renewal.

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 purchase or lease of aircraft, shall enclose the following papers in duplicate applying to CAA for approval before the deal can go ahead.

- 1) Specification of aircraft.
- 2) Operation plan.
- 3) Maintenance plan (inclusive of maintenance organization, staff members, training program, capability of maintenance and repair).
- 4) Financial plan (inclusive of payment approach, source of capital, forecast of business revenue and expenditure).
- 5) Sourcing of pilot and training program.

The age of foreign aircraft to be purchased, conditional purchased or leased, for passenger aircraft it shall not exceed six years. Nevertheless, a civil air transport enterprise that has used the same type of aircraft for over three years, the age of foreign aircraft to be purchased, conditional purchased or leased shall be not more than ten years for passenger use.

In the event that the foreign aircraft of purchased, conditionally purchased or leased mentioned in the first paragraph is used as a freighter and the age of it is more than fourteen (14) years, the evaluation report for airworthiness together with the required documents mentioned in the first paragraph shall be submitted to the CAA for approval.

Under one of the following conditions, the provision in the second paragraph shall enclose the correlative papers applying to CAA approval for continued usage:

- 1) continued lease of the same aircraft.
- 2) with an aircraft already leased which is approaching the age limit set forth in the preceding paragraph, the lessee is applying to change the status of lease into that of purchase or conditional purchase.
- 3) authorized lease 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 transport service, 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 III Air Route Certificate

### Article 12

Civil air transport enterprise in applying for opening a new air route or adding air routes, should have first acquired the traffic right , time slots or aircraft take-off and landing allotment 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) operation 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 13-1

Civil air transport enterprise shall file with CAA for MOTC approval before suspending or terminating a scheduled domestic flight route.

The suspension stated in the preceding paragraph is restricted to once only and no longer than

a one-year period. The civil air transport enterprise may resume the flight operation within the one-year period after filing with CAA for record. If the flight operation is not resumed before the end of the suspension period, it shall be deemed as termination.

Civil air transport enterprise shall file with CAA for MOTC record before suspending a scheduled international passenger flight route or terminate a scheduled international passenger or cargo flight route. The civil air transport enterprise may resume the flight operation within the one-year suspension period after filing with CAA for record. If the flight operations is not resumed before the end of the suspension period, it shall be deemed as termination.

When a civil air transport enterprise has terminated a scheduled flight route or CAA has revoked a scheduled international air route originally assigned to a civil air transport enterprise, the enterprise shall surrender the original air route certificate within 30 days from the termination or revocation. If the enterprise fails to surrender the air route certificate by the end of the said 30-day period, CAA shall issue a public notice to revoke the certificate.

#### Article 14

Civil air transport enterprise not equipped with aircraft, but is serving a scheduled international air route in the form of code share flights, shall submit a business agreement along with the application when applying to CAA for issuing an air route certificate inscribed with the notation that this is for code share flights 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 IV Charter Flights

#### Article 16

For a civil air transport enterprise to undertake international passenger or cargo charter services, application (attachment 4) enclosing a copy of charter contract shall be filed with CAA ten working days before the estimated departure date. Flight can be operated upon

approval.

In case of charter flights for evacuating the wounded or sick, or for other emergencies, application may be filed without being subjected to the restraint of working days specified in the preceding paragraph.

#### Article 17

Application by a civil air transport enterprise for operating international passenger or cargo charter flights shall conform with the following stipulations:

- 1) The provisions of Articles 13 and 14 of the Regulation of the Distribution of International Traffic Rights and Review of Charter Flights in respect of charter flights..
- 2) No collecting goods for shipment other than what is intended for the cargo charter flight.

#### Article 18

For a civil air transport enterprise to undertake domestic charter flight, application (attachment 4) enclosing a copy of charter contract shall be filed with CAA ten working days before the estimated departure date for approval.

In case of charter flights for evacuating the wounded or sick, or for other emergencies, application may be filed with the nearest air terminal without being subjected to the restraint of working days specified in the preceding paragraph.

The operation of domestic charter flights by a civil air transport enterprise shall not affect the operation of scheduled air services.

### Chapter V Flight Application

#### Article 19

To apply for international scheduled flights, a 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 certain reasons of a scheduled flight already approved should be reported beforehand to the relevant air terminal.

A civil air transport enterprise operating a scheduled international air route in the form of code share shall give clear indications of the flight number of its collaborator and the actual operator of the aircraft in the time table for scheduled flights.

#### Article 20

To apply for a non-scheduled flight other than international charter flight, and special flight, a civil air transport enterprise shall file application (attachment 5) three working days before the estimated departure date with CAA for approval. The same applies to the case of changes.

CAA may commission the airport operator to conduct and approve the flight application or changes in the preceding paragraph.

The commissioned airport operator and matters, and the legal basis for such commission in the preceding paragraph shall be publicly announced and published in a government gazette. The validity of the flight approval in the first 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 domestic scheduled flights, a 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 certain reasons of a scheduled flight already approved should be reported beforehand to the relevant air terminal.

#### Article 22

To apply for domestic non-scheduled flights or special flights other than domestic charter flights, a civil air transport enterprise shall file application (attachment 5) five working days before the estimated departure date with CAA for approval.

### Chapter VI Operational Administration

#### Article 23

(deleted)

#### 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 7~9).
- 2) Financial matters (attachments 10~12).
- 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) identification papers for original company register.
- 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

(deleted)

#### Article 28

A civil air transport enterprise shall keep the following documents or electronic files used for its transportation at least two years from the date of take-off for CAA'S inspection:

- 1) passenger ticket stubs.
- 2) passenger manifests.
- 3) air waybill, air consignment note, cargo manifest and related shipping documents.
- 4) charter flight contract.

#### Article 29

When a freighter shipper/cargo 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 freighter 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.

Article 29-1

The passengers' personal information and reservation data obtained by civil air transport enterprise for the purpose of transportation shall be used in accordance with the respect to the customers' interest, and the means of honesty and credibility. Any use shall not beyond the scope of performing transportation contract.

Chapter VII Foreign Civil Air Transport Enterprise

(deleted)

Article 30

(deleted)

Article 31

(deleted)

Article 32

(deleted)

Article 33

(deleted)

Article 33-1

(deleted)

Article 33-2

(deleted)

Article 34

(deleted)

Chapter VIII 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 35-1

A civil air transport enterprise applying for charter flights shall pay CAA an application fee. In the event of domestic charter service, the aforesaid fee shall be NT\$500 per flight – defined as departing from one location to landing at another location; and in the event of international charter service, the fee shall be NT\$2,000 per flight – defined as leaving from a foreign location to arriving in ROC or departing ROC for a foreign destination.

In case of any voluntary cancellation of a charter flight referred to in the preceding paragraph whose application is already approved, the applicable application fee will be reduced by half.

#### Article 35-2

The provisions of Articles 12 to 15, 19 and 35, and the Regulations Governing Tariffs for Passengers and Cargo Air Transportation shall be applied to those international charter flights which are governed as scheduled flights pursuant to an air services treaty or agreement, for air route certificate and flight application, for the use of tariffs for passengers and cargo, for the filing procedures of such tariffs record, and for the proposed effective date for such tariffs.

#### Article 36

This Regulation becomes effective from the date of its promulgation.

Attachment 1

### **Civil Air Transport Enterprise Application**

To: Civil Aeronautics Administration, Ministry of Transportation & Communications

Subject: To apply for the establishment of

Dated:

Reference No.:

1. Name of Company	Chinese:
	English:
2. Total capital	NT\$
3. Location of head office (address)	
4. Location of aircraft base (address)	
5. Type of operations applied for	
6. Type and number of aircraft to be used	
7. Remarks	

中華民國交通部民用航空局  
CIVIL AERONAUTICS ADMINISTRATION  
MINISTRY OF TRANSPORTATION AND COMMUNICATIONS  
REPUBLIC OF CHINA

\*\*\*\*\*

PERMIT OF CIVIL AIR TRANSPORT ENTERPRISE

\*\*\*\*\*

Reference No. :

**WHEREAS,** **with items listed below has applied for operation of civil air transport business ;**

NOW CONSIDERING that all the items listed have met the requirements of related civil aviation regulations, this Permit and AOC is hereby issued according to Paragraph One of Article Forty-eight of Civil Aviation Act.

.

- 1. Name of the Company:
- 2. Name of Legal Representative:
- 3. Business Engaged in:
- 4. Paid-in Capital Amount:
- 5. Registered Office Address:

Effective Date:

\_\_\_\_\_  
○○○  
Director General

<b>AIR OPERATOR CERTIFICATE</b>		
<b>REPUBLIC OF CHINA</b>		
<b>CIVIL AERONAUTICS ADMINISTRATION MINISTRY OF TRANSPORTATION AND COMMUNICATIONS</b>		
AOC# : Expiry date: <b>(Invalidation or revocation of “Permit of Civil Air Transport Enterprise” or “Operations Specifications”)</b>	<p style="text-align: center;">_____ <u>Airlines</u></p> Operator address: Telephone: Fax: E-mail:	Operational points of contact  Contact details, at which operational management can be contacted without undue delay, are listed in _____ .
This certificate certifies that _____ <u>Airlines</u> is authorized to perform commercial air operations, as defined in the attached operations specifications, in accordance with the operations manual and the <u>Aircraft Flight Operation Regulations</u> .		
Date of issue:  dd-mm-yyyy	Name and signature: ○○○  Title: Director General	

## Attachment 3

**Civil Air Transport Enterprise Air Route Application**

To: Civil Aeronautics Administration, Ministry of Transportation &amp; Communications

Subject: To apply for a new air route

Dated:

Reference No.:

Company	Name		
	Address		
	Civil air Carrier's Permit	Number	
		Scope of business	
Representative	Name		
	Address		
Type & number of existing aircraft			
Air route now in use			
New air route applied for	Point of departure, intermediate station & destination		
	Estimated date of first flight		
	Type of aircraft to be used		
	Estimated date of test flight		
	Branch company along the route (agent)	Name	
		Address	
Remarks			

**Civil Aeronautics Administration, Ministry of Transportation & Communications**  
Application for Civil aircraft to fly in national territory (charter flight)

To: Civil Aeronautics Administration, Ministry of Transportation & Communications			
Subject:			
Reference	Dated:	Enclosure	Contract
	Number:		
Recommended action:			
Superior's decision:			
<p>In compliance with the provisions contained in Regulation of Civil Air Transport Enterprise, the following form is completed for the aircraft to fly within the designated air route, with our assurance that the civil air rules and other related laws will be adhered to.</p> <p>Reference number:</p> <p>Dated:</p> <p>Applicant: (sign &amp; chop)</p>			
Aircraft operator	(1) Nationality and registration mark		
	(2) Type		
	(3) Name		
	(4) Nationality		
	(5) Address		
(6) Nature of flight			
(7) Type of flight			<input type="checkbox"/> Instrument flight <input type="checkbox"/> Visual flight
(8) Flight number			
(9) Airways flown			
(10) Estimated date & time and aerodrome of entry			
(11) Estimated date & time and aerodrome of departure			
Cargo	(12) Name of consignee and address		
	(13) Name of consignor and address		
	(14) Type and total weight (handling or transit)		
Agent	(15) Title (and name of representative)		
	(16) Address		
(17) Remarks			

**Civil Aeronautics Administration, Ministry of Transportation & Communications**

Application for Civil aircraft to make a flight

To: Civil Aeronautics Administration, Ministry of Transportation & Communications	
Subject: In the matter of applying for making a flight	
Reference	Dated:
	number:
Recommended action:	
Superior's decision:	

Permission is hereby requested for Airlines to make a flight:

Date of flight	
Nationality and registration mark	
Type of aircraft	
Nature of flight	
Type of flight	<input type="checkbox"/> Instrument flight <input type="checkbox"/> Visual flight
Flight number	
Airways flown	
Estimated date & time and aerodrome of entry and departure	

Date of application:

Reference number:

Applicant:

Attachment 6

**Notice of Civil Aeronautic Administration, Ministry of Transportation & Communication, granting permission to a flight by civil aircraft**

Dated:

No. of permission:

Addressed to:

Copies to:

Date of flight	
Type of aircraft	
Flight number	
Name of airlines	
Airways flown	
Estimated date & time and aerodrome of entry and departure	
Nature of flight	
Agent in Taiwan	
Others	



Attachment 7

**(name of civil airlines) Monthly Report of passengers on domestic air routes**

				year	month	date
Air route						
Flights	Scheduled					
	Non-scheduled					
	Total					
	Seats available					
Number of passengers						
Passenger rate						

Remarks: To be submitted to Civil Aeronautics Administration before the tenth of the following month

Prepared by :

Attachment 8

**(name of civil airlines) Monthly Report of passengers on international air routes**

year          month          date

Air routes		
Flights		
Number of passengers carried	Entry	
	Transit	
	Exit	
Total number of seats provided by aircraft		
Rate of carriage (%)	Entry	
	Transit	
	Exit	
Remarks		

Footnotes: (1) Those marked RV means passengers who paid for the flight, NRV means non-paying passengers.

(2) The asterik mark \* indicates a percentage below 0.5 cannot be rounded off into "1".

(3) To be submitted to Civil Aeronautics Administration before the tenth of the next month.

Attachment 9

**(name of civil airlines) Monthly Report of cargoes carried on international air routes**

year          month          date

Flight number	
Air routes	
Flights	
Cargoes carried	
Mails carried	
Rate of carriage (%)	
Remarks	

Remarks: To be submitted to Civil Aeronautics Administration before the tenth of the following month

**(name of civil airlines)**  
**balance Sheet**

year            month            date                            page            of            pages

Assets		
Amount for current term	Amount	
	Total	
	Percentage %	
	Grand total	
Amount for last term	Amount	
	Percentage %	
Comparison plus(+) or minus(-)		
Debts & net worth		
Amount for current term	Amount	
	Total	
	Percentage %	
	Grand total	
Amount for last term	Amount	
	Percentage %	
Comparison plus(+) or minus(-)		
Debts & net worth		

Official in charge

Sheet compiled on    year    month    date  
and audited by the accounting case official

## Description:

- (1) This Sheet presents a static accounting report on the financial status of this organization relating to the business outcome at a given date.
- (2) This Sheet is compiled according to various sections of assets and liability under the general classification accounts.
- (3) Prior to adjustment of profit and loss, "current term net profit" or "current term net loss" shall be equal in amount to that of "current term net profit" or "current term net loss" on the "list of calculation of the same category. After adjustment made, the amount of "unappropriated earning" or "uncompensated loss" shall equate to that of uncompensated loss listed in "unappropriated earning" or "uncompensated loss" on the " list of revenue allocation".
- (4) Of such major items as "current assets" and "current liabilities", figures under various columns shall be underlined in red, figures under diverse columns of proposed mortgaging or proposed deduction shall be underlined in blue, to make them conspicuous.
- (5) Figures of plus or minus of the current term amount versus the last term amount shall enter the column of comparison plus or minus. Figures showing decrease from the previous term shall be printed in red.
- (6) Compilation of this Sheet shall follow exactly as the format shows.
- (7) This Sheet shall be forwarded to Civil Aeronautics Administration within six months from the close of a business year.

### Statement of Income

Item	actual figure				budget figure				comparison plus (+) or minus (-)		Item	actual figure				budget figure				comparison plus (+) or minus (-)	
	amount	Total	%	grand total	amount	total	%	grand total	amount	%		amount	total	%	grand total	amount	total	%	grand total	amount	%
Transport income											Non-operating income										
1. carriage of passengers											1. financial earning										
(1) carriage of passengers											(1) interest earning										
(2) carriage of freight											(2) gain on investment										
(3) carriage of mail											(3) gain or loss from currency exchange										
(4) carriage overweight luggage											(4) other financial earnings										
(5) other carriages											2. adjustment income										
2. other operating income											(1) gain or loss on inventory										
(1) airport service income											(2) gain or loss on sale of assets										
(2) franchise income											(3) differential on provisional assessment of material prices										
(3) income from rental of business assets											(4) income held over from previous term										
(4) earning from joint utilization of facilities											3. other non- operating income										
(5) others											(1) subsidies income										
Total amount of operating income											(2) miscellaneous income										
Deduction: operating expenses											Deduction: non- operating expenses										
1. transport expenses											1. financial expense										
(1) flight expenses											(1) interest expense										
(2) ground handling service expenses											(2) investment loss										
(3) maintenance expenses											(3) other financial expenditure										
(4) upkeep and balance expenses for aviation installations																					
2. other operating expenses											2. adjustment expense										
(1) air terminal service expenses											(1) loss on falling prices of goods in stock										
(2) franchise expenses											(2) expenditure carried over from preceding term										
(3) expenses for joint utilization of facilities																					
(4) other operational expenses											3. other non- operating expenses										
3. business expenses											(1) extraordinary loss										
(1) business expenses											(2) miscellaneous expense										
4. management and general affairs expense																					
management and general affairs expense											Total non- operating expenses										
total operating expenses											non- operating profit (or loss)										
operating profit											Current term net profit (or net loss)										

Official in charge \_\_\_\_\_ accounting case official \_\_\_\_\_ auditor \_\_\_\_\_ compiled \_\_\_\_\_ year \_\_\_\_\_ month \_\_\_\_\_ date \_\_\_\_\_

Remarks:

- (1) This statement embodies an active accounting report of this organization pertinent to its management performance for a period of time.
- (2) Compilation is based, at the time of final accounting for the last fiscal year and that of the current fiscal year, on final accounting of earnings and expenditure of the general classification accounts. However, for final accounting of the last fiscal year, the "budget figure" and "comparison plus or minus" blanks of this Statement may not be filled out.
- (3) Any increase or decrease from comparing the actual figure with the budget figure shall I enter the comparison plus minus column. Where actual figure exceeds budget figure, it will be indicated by the mark (+). Reduced figure will be marked (-).
- (4) The percentage of "actual figure" and "budget figure" will use the total amount of operational income as basis, whereas the percentage of "comparison plus or minus" shall be based on the budget figure.
- (5) Other figures for the diverse columns will be compiled exactly as the format shows.

## (name of civil airlines) Financial Analysis

data :

time prepared :

Serial numbers	Indicators	proportions		progress (+)	Computing formula	computing process (yearly data of _)	Description
		year	year	Retrogress (-)			
1.	Power of profitability	rate of capital business profit			business profit/capital ×100%		This serves as comprehensive indicator of enterprise management achievement to assess whether investment returns are good or not.
2.		rate of business profit			business profit/business income ×100%		To assess the gross profit rate that can be earned from business income, the higher the rate the better.
3.		return on equity			current term net profit/business income ×100%		This signifies the pre-tax net interest rate I that can be gained from the owner's self assets in the current term.
4.	Power of stability	rate of self capital			self capital/capital ×100%		The higher the rate of self capital the better, so that enterprise is more solid and sound in physical constitution to withstand such a rate, which varies from trade to trade, but should not run below 30%.
5.		equity-debt ratio			net worth/debts ×100%		To measure the proportion of self capital with other's capital.
6.		equity-fixed assets ratio			net worth/fixed assets ×100%		This reveals the percentage of one's self capital amongst fixed assets.
7.		ability to repay long term loans			pre-tax net profit/amount of long term debts repaid in current term		To assess the security of long term debts, the higher the individual number the better.
8.		rate of assets			stockholders' equity/total assets		To determine the percentage of stockholders' equity relative to total assets, which should not run lower than 30%.
9.		debt ratio			total liabilities/total assets		To determine the percentage of liabilities against total assets.
10.		ratio of company stock to total assets			stocks/total assets		To arrive at a rate of initial investment in relation to the total assets.
11.		current ratio			current assets/current liabilities ×100%		To find out the ability of repayment to short term loans, the higher individual number the better.
12.		quick ratio			fast moving assets/current liabilities ×100%		Otherwise known as the acid test, also a measurement of ability to repay short term loans.
13.		Power of liquidity	capital turnover			business income/average total capital	
14.	net worth turnover				business income/average net worth		To test the activeness of one's own capital, higher rate reflects the other's capital being greater and with a weak stability. Too low this rate tells too much of self capital or too few of business income.
15.	fixed assets turnover				business income/average fixed assets		To test the degree of fixed assets utilization, the higher the better.
16.	Power of growth	rate of business growth			(current business income-previous term business income)/previous term business income ×100%		This rate is the higher the better.
17.		rate of fixed assets increase			(current term fixed assets-previous term fixed assets)/previous term fixed assets ×100%		This rate is the higher the better.
18.		rate of net worth increase			(current term net worth-previous term net worth)/previous term net worth ×100%		This rate is the higher the better.
19.		rate of net profit increase			(current term pre-tax net profit-previous term pre-tax net profit)/previous term pre-tax profit ×100%		This rate is the higher the better.

This Analysis shall be submitted to Civil Aeronautics Administration within six months form the close of a business year.

## **Regulation Governing General Aviation**

As promulgated by MOTC Order No.05459 decree on June 17,1977

Amended by MOTC Order No. 7407 on November 15,1985

Amended by MOTC Order No. 8525 on May 23,1996

Amended by MOTC Order No. 8816 on May 13,1999

Amended by MOTC Order No. 0086 on November 27,2001

Amended by MOTC Order No. 91B000017 on April 2,2002

Amended by MOTC Order No. 91B000045 on June 11,2002

Amended by MOTC Order No. 91B000151 on December 13,2002

Amended by MOTC Order No. 0970085025 on April 16,2008

Amendments to Article 9 promulgated by MOTC Order No.09800850404 on July 15,2009

Amendments to Articles 5,9,10,12 promulgated by MOTC Order No. 0980085067 on December 30,2009

Amendments to Articles 18 promulgated by MOTC Order No. 0990085033 on July 8, 2010

### Article 1

This Regulation is enacted in accordance with the terms in Paragraph 2 of Article 64-1 of the Civil Aviation Act (hereafter referred to as this Act.)

### Article 2

“General Aviation Enterprise” means an enterprise engaging in the aviation business other than Civil Air Transport Enterprise for compensation, including aerial tourism, survey, photographing, fire-fighting, searching, paramedic, hauling and lifting, spraying and dusting, drone-hauling service, business charter, as well as other authorized aviation service.



A general aviation enterprise that operates business charter shall provide private and exclusive aviation passenger transportation with an airplane or helicopter having a passenger-seat configuration of 19 seats or fewer, excluding each crewmember seat, and shall not engage in individual solicitations.

#### 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 the Ministry of Transportation and Communications (MOTC) through the Civil Aeronautics Administration (hereinafter referred to as CAA) of MOTC for permission to establish its business:

- 1) Application (Attachment 1)
- 2) Draft of company charter
- 3) Name list and identification certificates of sponsors
- 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

An enterprise applying for general aviation operations concurrent to its regular business or a general aviation enterprise applying to increase its scope of operations according to Article 3 shall enclose papers listed in item 1, items 4 through 6 and a revised draft of company charter.

An enterprise applying to operate business charters shall submit descriptions of flight safety organization and planning.

#### Article 5

Within a specified preparatory period the general aviation enterprise shall, according to law, complete registration with appropriate authorities, equip itself with aircraft, enable itself to engage in safe operation according to applicable laws and pass the review of operational standards conducted by CAA, 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 business charter, the applicant shall register with the Customs Office to acquire appropriate certification. The general aviation enterprise may begin its operation only after CAA issues or renews its permit of general aviation enterprise (attachment 2 and attachment 2-1).

- 1) Company registration certificate
- 2) Company charter
- 3) Roster of board of directors, supervisors and shareholders
- 4) Resumes of managers
- 5) Contract for lease or 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 agent to perform maintenance and repairs
- 9) Copy of the ratified security program
- 10) Enclose the following documents for application for business charters:
  - A. Equipment and organization of flight operations and mechanical service and list of personnel
  - B. List of Pilots
  - C. Flight safety organization and list of staffs.
- 11) Operations specifications.

The license shall become invalid if the enterprise fails to start operations within 12 months from the date the license was issued by CAA, or it has suspended operations over 6 months after starting its business. In this case, CAA shall report to MOTC to have the license abolished and notify agencies concerned to cancel its registration, unless a justifiable extension is applied for and approved.

The extension period stated in the preceding paragraph shall not exceed 6 months and will be granted once only.

The general aviation enterprise who received a permit of general aviation enterprise from CAA before this Regulations promulgated on December 30, 2009, shall enclose operations specifications in applying to CAA for renewal, within 6 months since this Regulations promulgated.

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 airfield facilities would be overstretched.

#### Article 7

The equity capital of a general aviation business shall not be lower than NT\$50 million, and shall not be lower than NTD100 million when the operating items include business charter service.

#### Article 8

To import civil aircraft through procurement, on conditional transaction or on the basis of lease, general aviation enterprise 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) source of pilots and training program

The age of foreign aircraft to be purchased, procured with conditions attached, or leased, for passenger aircraft it shall not exceed ten years, for cargo aircraft it shall not exceed ten years. Nevertheless, a general air aviation business that has used the same type of aircraft for over three years, the aircraft shall be not more than ten years old for passenger use, not more than fifteen 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 general air 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, rescue and business charter service 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 enterprise 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

A general aviation enterprise shall, five working days before a planned operation, enclose the following papers to apply for CAA permission:

- 1) flight operation application (Attachment 3) ;
- 2) sketch of operation area ;
- 3) list of passenger (Attachment 4) – any changes made to the passenger list shall be submitted to CAA, the airport, and the operator or manager of the concerned private airfield before takeoff; aerial tourism operators are allowed to submit the passenger list to CAA and the airport before departure ;
- 4) statement of authorization to execute the operation ; and
- 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 Paragraph 1 of Article 21 of the Regulations Governing the Management of Private Airfield and pertinent rules, CAA permission shall be requested seven working days before the planned operation, submitting the papers aforementioned in Paragraph 1.

Paragraphs 1, 2 and 3 may 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 ; and
- 2) photocopy of the original letter of agreement approved

Application for launching 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

Application from general aviation enterprise for business charter operations shall abide by the following regulations:

- 1) Submit the following documents to CAA to apply for permission two working days prior to the expected takeoff when using a civil airport or four working days before the expected takeoff when using a civil and military airport
  - A. Application (Attachment 5)
  - B. A copy of the business charter contract
  - C. List of passengers to be aboard the said business charter flight (Attachment 6). Changes to the passenger list should be presented to CAA and the airport before takeoff.
- 2) Voluntary cancellation of an approved flight should be reported to concerned airports in advance for record.
- 3) Flight permission is valid within 24 hours before and after the expected departure and arrival times indicated in the flight notification (Attachment 7).

#### Article 11

Aside from dealing with the respective situations according to law, general aviation enterprises 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 operations and maintenance services, or of principal equipment

#### Article 12

General aviation enterprises 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.

Any changes in permit of general aviation enterprise, shall pay a fixed fee to apply for renewal.

#### Article 13

Before a general aviation enterprise terminates its operation, advance notice must be served to MOTC through CAA. Within 30 days from the 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 14

General aviation enterprises 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 15

To promote the development of civil aviation industry, ensure aviation safety or public interest, the CAA may provide personnel to inspect general aviation enterprises and monitor their operations including employees and equipment. General aviation enterprises 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 enterprise refuses, avoids or impedes inspections, the CAA may, with the MOTC approval, take action necessary to put on hold the general aviation enterprise's application under Article 9 or Article 10.

#### Article 16

General aviation enterprises are required to keep all contracts, letters of authorization and passenger lists for at least 2 years for reference.

#### Article 17

The Rules of Compensation for Damage Caused to Passengers and Freight shall apply to the passengers and flight crew aboard an aircraft for whom

the general aviation enterprise is accountable, unless otherwise stipulated in a special contract.

#### Article 18

General aviation enterprise applying for a general aviation enterprise permit shall pay a permit charge of NT\$36,000.

In the case a general aviation enterprise permit is damaged or lost, the general aviation enterprise shall state reasons in applying to CAA for issuance of the new one.

To apply for English version of the above said permit or for issuance of the new one, general aviation enterprise shall pay NT\$2,100.

#### Article 19

This Regulation shall become effective on the date of promulgation.

**Attachment 1**

**Application for Establishment of General Aviation Business**

Recipient: Civil Aeronautics Administration, Ministry of Transportation and Communications  
Issuing Date: \_\_\_\_yy \_\_\_\_mm \_\_\_\_dd

Subject: To apply for establishment of \_\_\_\_\_

Issuing No.:

1. Company Name	Chinese:
	English:
2. Total Capital	NTD
3. Location of Headquarters (address)	
4. Location of Aircraft Base (address)	
5. Business Items Intended	



**Attachment 2**

CIVIL AERONAUTICS ADMINISTRATION  
MINISTRY OF TRANSPORTATION AND COMMUNICATIONS  
REPUBLIC OF CHINA

\*\*\*\*\*

PERMIT OF GENERAL AVIATION ENTERPRISE

\*\*\*\*\*

Reference No. :

**WHEREAS,** with items listed below has applied for operation of general aviation business ;

NOW CONSIDERING that all the items listed have met the requirements of related civil aviation regulations, this Permit and AOC is hereby issued according to Paragraph One of Article Sixty-four of Civil Aviation Act.

1. Name of the Company:
2. Name of Legal Representative:
3. Business Engaged in:
4. Paid-in Capital Amount:
5. Registered Office Address:

Effective Date:

**Attachment 2-1**

**AIR OPERATOR CERTIFICATE**

**REPUBLIC OF CHINA**

**CIVIL AERONAUTICS ADMINISTRATION  
MINISTRY OF TRANSPORTATION AND COMMUNICATIONS**

AOC# : Expiry date: ( <b>Invalidation or                  revocation of “Permit of                  General Aviation                  Enterprise” or “Operations                  Specifications”</b> )	( <u>Airline’s</u> <u>Name</u> ) Operator address: Telephone: Fax: E-mail:	Operational points of contact Contact details, at which operational management can be contacted without undue delay, are listed in
---	---	--

This certificate certifies that \_\_\_\_\_ ( Airline’s Name ) is authorized to perform **general aviation operations** ( *including business charter* ) , as defined in the attached operations specifications, in accordance with the operations manual and the Aircraft Flight Operation Regulations .

Date of issue: dd-mm-yyyy	Name and signature: ○○○
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**Attachment 3**

<b>Application for General Aviation Operations</b>					
Subject of Application					
Operation Plan	Principal Airport			Relieve Airport	
	Flight Information region	See aviation map			
	Estimated Operation Time	Hour		<b>From (Date):</b>	
				<b>To (Date):</b>	
Aircraft Model		Nationality Code		Number of Aircrafts	

Flight Plan	1. Flight route planning:  2. Flight altitude <span style="float: right;">feet</span> 3. Flight distance <span style="float: right;">nautical miles</span> 4. Personnel boarding and descending locations:  5. Flight airspeed: <span style="float: right;">nautical miles/hour</span>
Reminders	1. 15 copies of this application are required. 2. The aviation map shall be a sketch with a ratio scale and includes the flight route and the operation range. 3. Indication of obstacles in a temporary takeoff/landing site should be in accordance with a helicopter field planned and designed in accordance with the final entry and departure area and includes the locations, altitudes and the relevant geometric dimensions of obstacles.

Date of Application:

Applicant: ( Signature )

**Attachment 4**

**Passenger List**

Date of Application:    Aircraft Model:    Takeoff Location:    Pilot :

Date of Operation Applied:

Name of Airline Company:                      Flight No.:                      Landing Location:                      Copilot :

No.	Name	ID No.	Date of Birth	Gender	Employer and Job Title	Insurance and Amount	Airline Signature
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							

Remarks	<p>Form completion and affidavit:</p> <ol style="list-style-type: none"> <li>1. For passengers that are staff members of the applying airline company, the insurance field can be omitted. The airline company shall vouch for the authenticity of the rest of the registered information or will be held for any legal responsibility entailed.</li> <li>2. For passengers that are employees of the unit authorizing the operation, the airline company shall vouch for all registered information or will be held for any legal responsibility entailed.</li> <li>3. For passengers aboard the aircraft for air sightseeing, the Employer and Job Title field can be omitted. The unit authorizing the operation or the travel agency shall vouch for the authenticity of the rest of the registered information or will be held for any legal responsibility entailed. Passenger information can be submitted to CAA or the airport before takeoff.</li> <li>4. Any change to this list should be submitted to CAA, the airport, or the operator or manager of the private airfield in concern before takeoff.</li> </ol>	
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**Attachment 5**

**Ministry of Transportation and Communications  
Civil Aeronautics Administration  
Application for Business Charter Operations**

Recipient: Civil Aeronautics Administration, Ministry of Transportation and Communications	Issuance	Date	
Subject:		Number	
Application Referral		Instruction	

**The application below has been completed in accordance with the Regulation Governing General Aviation from the Ministry of Transportation and Communications of the Republic of China. The applicant hereby requests for permission for the said aircraft to fly within the regulated air route and vows to abide by all civil aviation laws and related regulations.**

Issuing No.:

Applicant: (Signature) \_\_\_\_\_yy \_\_\_\_mm \_\_\_\_dd

Aircraft	(1)	
	(2) Model	
Owner	(3) Name	
	(4) Nationality	
	(5) Address	
(6)	Pilot Name and Nationality	

**Attachment 6****Business Charter Passenger List**

Date of Flight Application: Aircraft Model and Flight No.: Takeoff from: Pilot:

Airline Company: Nationality mark and Registration No.: Landing at: Copilot:

No.	Name	Nationality	ID or Passport No.	Date of Birth	Gender	Insurance Amount	Remark
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							



**Attachment 7**

**Ministry of Transportation and Communications  
Civil Aeronautics Administration  
Notification for Business Charter Permission**

Recipient :

Carbon :  
Copy  
Recipient

Date:

Approval Record No.: Yunfa \_\_\_\_\_

Flight Date					
Aircraft Model					
Flight No.					
Airline Company Name					

# ULTRA-LIGHT VEHICLE REGULATION

**Amended on 09.09.2010**

## **Article 1**

These regulations are pursuant to the provisions of Article 99-1, paragraph three of the Civil Aviation Act of the Republic of China. The regulations contain procedures for the certification and operation of Ultra-Light Vehicles (ULV).

## **Article 2**

To apply for the establishment of an activity association of ultra-light vehicle, applicants shall submit the following documents in duplicate to the Civil Aeronautics Administration (hereafter referred to as CAA) for the operation permit:

1. Application Form (Attachment 1).
2. Articles of the Organization.
3. List of Founders (Attached with a copy of identification certificate).
4. Source of fundamental equipment.
5. List of specialists.

Within six months of permission, the founders shall complete the registration of civil organization and submit the following documents to the CAA. The CAA may abolish the permit if the registration of civil organization cannot be accomplished within the prescribed period of time:

1. Copies of permit issued by relevant social administration agencies, license, and organization signs/logos.
2. Copies of registration certificate of civil organization
3. Organizational Articles.
4. List of Board of Directors.
5. Member List.

## **Article 3**

After legally registered, the activity association shall prepare **present** an activity function guide. The guide should include the following:

1. List of specialists and their qualifications.
2. List of basic equipment.
3. Applications for manufacturing, importation, registration, inspection, certification and changing (reissuing) certificate for ultra-light vehicle.
4. Applications for issuing and changing (reissuing) operation permit for ultra-light vehicle.
5. Activity zone for demand planning, co-ordination and applications.
6. Scope, restriction, and compliance of the flight activities, as well as airspace safety and management.
7. Notification and handling of flight safety-related event.

Activity associations shall submit their activity function guide to the CAA and transfer to the Ministry of Transportation and Communications (hereafter referred to as MOTC) in conjunction with the Sports Affair Council before commencing activities.

#### **Article 4**

Ultra-light Vehicle importation requests shall include two copies of the following documents through its activity association for CAA approval:

1. Vehicle utilization plan which includes original Flight Manual, Ultra-light Vehicle Specification, Operator Training Manual and activity zone.
2. Original Manufacturer's Assembling or Maintenance Manual.
3. Maintenance Plan which includes maintenance personnel, training program and maintenance capability.
4. Ultra-light Vehicles that meet class II or class III requirements under Article 7 shall provide the original manufacturer's compatible certificate or document(s) certified by the civil aviation authority of the manufacturer.

According to the preceding paragraph, the owners of the approved ultra-light vehicle shall submit personal information and transfer certificate to the CAA when the vehicle is transferred to another person prior to receiving a new CAA Ultra-light Vehicle Approval Certificate.

#### **Article 5**

The owner of the ultra-light vehicle and the operator of the ultra-light vehicle shall operate the ultra-light vehicle in a safe manner and ensure the proper maintenance has been accomplished as well as safe operation.

#### **Article 6**

The owners shall submit copies of registration numbers, signs/ logo and certificate of liability insurance (see Article 30 for liability insurance) to CAA or designated activity association/professional agency for registration application.

#### **Article 7**

According to the design features, ultra-light vehicles are characterized, as described in Appendix 2 herein, into following five categories: fixed wing airplanes, helicopters, gyroplanes and powered parachutes/power para-gliders. Besides, they are also classified in three classes according to the diverse empty weight and performance:

Class 1 Ultra-light vehicles, include powered parachutes, fixed wing airplanes, gyroplanes and powered para-gliders that are single seated and meet the following requirements:

- (1) Empty weight less than 115 kilograms;
- (2) Fuel tank volume not exceeding 18 liters;
- (3) Calibrated airspeed in level flight not exceeding 101 km/h, with engine full power; and
- (4) Calibrated stall airspeed not exceeding 44 km/h with engine under idle condition.

Class 2 Ultra-light vehicles, except helicopters, that meet the following requirements:

- (1) Maximum airspeeds in level flight not exceeding 220 km/h (CAS) with maximum continuous power (VH) under standard atmospheric conditions at sea level.
- (2) Maximum stall speed, or minimum speeds for stable flight, not exceeding 83 km/h CAS on the ground that lift-enhancing devices are not implemented and with the maximum takeoff weight and the most critical center of gravity conditions been certified.
- (3) Maximum seating capacity not exceeding two seats, including the pilot seat.
- (4) Powered by a single, reciprocating engine.
- (5) For powered aircraft, except powered para-gliders, with fixed or ground-adjustable only propeller. For powered para-gliders, with fixed or auto-feathering propeller system. For gyroplanes, with fixed-pitch, semi-rigid, teetering, two-blade rotor system.
- (6) Non-pressurized type, if equipped with a cabin,
- (7) With fixed landing gear, except aircrafts that intended for amphibious operation on water or a powered para-glider.

Class 3 Ultra-light vehicles that not meeting the requirements of Class 1 or Class 2.

### **Article 8**

Owner of an ultra-light Vehicle shall apply to CAA or to the designated activity association/professional agency for vehicle inspection.

Class I Ultra-light vehicle owners shall provide the following documents through their activity association to CAA or designated activity association/professional agency for vehicle inspections:

1. Flight Manual.

2. Assembly or Maintenance Manual and Maintenance Plan.

Class II Ultra-light vehicle owners shall provide the following documents through their activity association to CAA or designated activity association/professional agency for vehicle inspections:

1. Flight Manual.
2. Assembly or Maintenance Manual and Maintenance Plan.
3. Original manufacturer's conformity certificates or documents granted by their airworthiness authority.

Class III Ultra-light vehicle owners shall provide the following documents through their organization to CAA or designated activity association/professional agency for vehicle inspections:

1. Flight Manual.
2. Assembly or Maintenance Manual and a Maintenance Plan.
3. Original manufacturer's conformity certificate or document granted by their airworthiness authority.

For an ultra-light-vehicle that never applies for inspection previously, the owner thereof should apply, coupled with ground inspection record, to CAA for a Temporary Ultra-light Vehicle Approval Certificate for the authorization of subsequent functional flight tests. This application should be undertaken within 30 days after the completion date of ground inspection, as conducted by CAA or the designated activity association/professional agency. Following that, the owner should apply to CAA for an Ultra-light Vehicle Approval Certificate in accordance with the requirement of Article 12 of this Regulation, upon the completion of performance tests and the necessary inspection check.

For an ultra-light-vehicle without applicable Flight Manual, Assembly or Maintenance Manuals, the owner thereof shall create his/her own flight manual, assembly or maintenance manual in accordance with the requirements defined in the Ultra-light Vehicles Flight Test Procedures that promulgated by CAA. The developed manuals shall provide adequate guidance for safe operation and maintenance. Following that, the owner should apply for vehicle inspection per the requirements stipulated in paragraph 2 to 4 of this Article.

**Article 9**

Activity association or professional agency with the following authorizations/qualifications, may apply with CAA for the following inspection approvals:

1. Activity association with inspection capabilities for class I Ultra-light vehicles.
2. Aviation related businesses with engineering, quality assurance, testing and inspection capabilities may be approved by CAA or a foreign authority.
3. CAA approved aircraft repair station.

**Article 10**

Operator with the following qualifications and with no CAA regulation violations within the last two years, may apply through an activity association/professional agency for CAA approval and the issuance for the Ultra-light Vehicle Authorized Inspection Certificate (herein as an Authorized Inspection Certificate , refer the specification to attachment 3):

1. Must have a minimum of 5 years documented aircraft maintenance and inspection experiences approved by CAA.
2. Must have properly documented training on inspection work.
3. Must be familiar with appropriate CAA regulations, inspection standards and procedures.

The Authorized Inspection Certificate is valid for two years. Activity association/professional agency may apply for renewal 30 days prior to the expiration date. When the Authorized Inspection Certificate is expired or when inspection personnel are no longer employed by the activity association/professional agency, the activity association/professional agency shall return the Authorized Inspection Certificate to CAA. Loss or damaged Authorized Inspection Certificates may be reapplied for with a proper statement of explanation through its organization.

**Article 11**

CAA reserves the right to terminate the designation when the designated activity association/professional agency no longer meets the qualifications of Article 9. CAA also reserves the right to cancel the Authorized Inspection Certificates if any misconduct is found. Activity association/professional agency may also file for cancellation of their inspection designation.

**Article 12**

CAA will issue an Ultra-light Vehicle Approval Certificate (referred to as a ULV Approval Certificate, see Attachment 4) after a review of the inspection documents completed by CAA or designated activity association/professional agency.

The ULV Approval Certificate is valid for 3 year for Ultra-light vehicles less than 3 years old and two years for Ultra-light vehicles over 3 years old. CAA may set expiration dates, operation and utilization limitations on the certificate.

CAA designated activity association/professional agency shall file inspection records after every inspection.

**Article 13**

Owners of ultra-light vehicles shall provide the following documents to CAA for inspection renewal 30 days prior to certificate expiration through its activity association.

1. A copy of the last ULV Approval Certificate.
2. The vehicle inspection records done by CAA or designated activity association/professional agency.

If the ultra-light vehicle is modified or damaged requiring airframe/engine replacement/repair or if the vehicle is stolen/missing or recovered vehicles, the owners of such ultra-light vehicles shall provide the following documents for CAA inspection through its activity association:

1. Copy of last ULV Approval Certificate.
2. Vehicle inspections records done by CAA or designated activity association/professional agency.

The CAA or designated activity association/professional agency shall complete the inspection within 30 days of application. The certificate may be renewed after passing the inspection and with proper documentation.

If records are not available, the owner shall follow Article 8 to reapply for vehicle inspection.

#### **Article 14**

When CAA or designated activity association/professional agency perform the inspection, the owner shall be present for questioning and provide necessary assistance during the inspection. They may appoint other individuals if their presence during inspection is not possible.

#### **Article 15**

When changes are made on the ULV Approval Certificate, the owner shall apply with CAA within 15 days for a change of the ULV Approval Certificate through its through its activity association.

When the ULV Approval Certificate is lost or damaged, the owner may apply with CAA for the re-issuance of the ULV Approval Certificate through its activity association.

#### **Article 16**

The owner or operator shall conduct and sign maintenance records in accordance with the vehicle level. Annual or 100 hours maintenance inspections shall be performed, signed and recorded by approved activity association's personnel, and filed for CAA inspection.

#### **Article 17**

No person may operate an ultra-light vehicle without an operating certificate unless:

1. The activity association instructor is in control of the ultra-light vehicle.

2. The Ultra-light vehicle is under direct supervision of the activity association instructor.

The activity association instructor must brief the member on all safety items related to the specific flight activity.

### **Article 18**

Categories of Operating Certificates:

1. Student Certificate
2. General Certificate
3. Instructor Certificate

### **Article 19**

New applicants for Student Certificate (refer the specification to Attachment 5), or applicants applying Student Certificate for operating other vehicle attributed to one new group/category, should submit the following to CAA through his/her cognizant activity association, for applying applicable Student Certificate.

In addition, the owner of a Student Certificate is only allowed to independently operate a vehicle upon the ground that he/she is under endorsement and direct supervision of a qualified instructor.

1. Application Form (attachment 6), coupled with 2 colored, un-hated, 1”x1” size photos. The pictures should be taken within the preceding six months.
2. A medical certificate that meets the requirements of "General Automotive Physical Standard" and is issued by a public hospital, teaching hospital, or a valid CAA Medical Certificate.
3. Evidence documents, including flight logbook which contains flight training history and some other document that endorsed by a qualified instructor, to show the following flight training requirement is met:
  - (1) For fixed wing ultra-light vehicle, helicopter, gyroplanes or powered para-glider, more than 18 hours.
  - (2) For powered parachutes, more than 1 hour flight instruction.
4. Evidence document that showing the applicant has satisfactorily passed written and practical tests that offered by CAA or the designated activity association/professional agency.

### **Article 20**

The activity association shall help a person who applies for a General Certificate submit the following documents to the CAA, and the applicant may not operate the vehicle until the General Certificate is granted :

1. Application form and two pieces of one-inch color photos without a hat taken within the latest six months.



2. A medical certificate, which is still In effect and with equivalent standard to "General Automotive Physical" issued by a public hospital, teaching hospital, or an effective CAA Medical Certificate.
3. Complete the either one of the following logbook with flight training hours:
  - (1) More than 20 hours of flight time on Fixed wing ultra-light vehicle, helicopter, auto-gyro, or powered glider.
  - (2) More than 10 hours of flight time on Powered parachute.
4. The satisfactory results of the written and practical test offered by the CAA or designated activity association/professional agency.

Applicant shall not be restricted by Subparagraph 3 of the above-mentioned Paragraph, if the applicant submits equivalent category documentations of Ultra-light Vehicle total flight time record, or submit official ground training, flight training records, total flight time record for aircraft other than Ultra-light Vehicle, and all of above are recognized by activity association. But flight training time shall not be less than 5 hours, if the applicant applies for different category Ultra-light Vehicle.

#### **Article 21**

The activity association shall help a person who applies for a Instructor Certificate submit the following documents to the CAA, the applicant may not act as an instructor unless the Instructor Certificate is granted.

1. The copy of General Certificate still in effect.
2. Application form and two pieces of one-inch color photos without a hat taken within the latest six months.
3. A medical certificate, which still In effect and with equivalent standard to "General Automotive Physical" issued by a public hospital, teaching hospital, or an effective CAA Medical Certificate.
4. Certified ultra-light vehicle knowledge training consists of CAA regulations, practical test procedures and executing skills.
5. No less than 150 flight hours certified record in same category ultra-light vehicle and no less than 5 hours certified flight training record of same set ultra-light vehicle.
6. No violation record under the ROC Civil Aviation Act, Article 119-1 within the preceding 2 years from the date of application.
7. Completion of certified instructor training by the activity association or a professional agency.
8. After the completion of written and practical tests, the qualified certificate shall be issued by the CAA, the designated activity association or agency

#### **Article 22**

Effective period of Student Certificate is 6 months; both the General Certificate and Instructor Certificate are 2 years.

The operator shall carry a valid certificate with specific type of ultra-light vehicle while engaging the flight operation.

The activity association may help the operator submit the following document to the CAA for changing a new certificate within 90 days of expiration date:

1. A copy of the original Certificate.
2. Practical flight check report form
3. The qualified medical certificate in accordance with Article 19 paragraph 1 subparagraph 2.

The operator shall submit a brief description to the CAA via activity association for re-issuance if the certificate is lost or damaged,

#### **Article 23**

The applicant shall submit the following documents to the CAA via activity association for re-issuance of additional ratings:

1. A copy of the original certificate.
2. Completion of certified training by the activity association or a professional agency..
3. After the completion of written and practical tests, the qualified certificate shall be added by the CAA, the designated activity association or agency

#### **Article 24**

A person in activity association or professional agencies who qualifies either one of the following conditions may execute the examination designated by the CAA:

1. A member of activity association, who is a CAA certified Ultra-light Vehicle examiner.
2. A person from Civil Aviation Training Agency who is a CAA certified Ultra-light Vehicle examiner.

The activity associations or professional agencies shall present test items and its rules of recording approved by the CAA and make the results into list for CAA reference after the execution of the tests.

#### **Article 25**

If he/she have no violation history under the CAA Article 119-1 for the past two years , activity associations or professional agencies shall help operators submit the following documents to the CAA for Certification of Ultra-light vehicle examiner (hereafter refer as Examiner Certificate, refer the specification to attachment 7). He/she then may proceed the examination after the certification:

At least 1000 flight hours or hold a CAA or other equivalent foreign aviation authority issued Private Pilot (or higher) License with at least 500-logged flight hours.

→More than 1000 hours of flight time or the experience of equivalent Private Pilot License from CAA or foreign authority with more than 500hours of proof flight records.

Satisfactory written results from a training seminar covering CAA regulations, practical test procedures and basic techniques.

Certified ultra-light vehicle examiner's knowledge training consists of CAA regulations, practical test procedures and executing skills.

Examiner Certificates are valid for two years. Holders may submit the preceding documents to the CAA via his/her activity association or a professional agency to apply for a new examiner certificate 30 days before the expiration date. The holder shall return the examiner certificate to the CAA if he/she leaves his/ her job. The CAA may revoke the certificate if he/ she cannot return it. The activity association or professional agency may help the holder submit the brief description to the CAA for re-issuance if Examiner Certificate is lost or damaged.

#### **Article 26**

The CAA reserves the right to cancel the certified designation if the activity association or a professional agency no longer meets the qualifications under Article 25-1. The CAA may also reserves the right to terminate the examiner's certificate if any neglect of examination, result falsification or event in violation of Article 119-1 of Civil Aviation Act is found. Activity associations or professional agencies may also abolish or void the examiner certificate. The procedure is the same that the activity association or professional agency report to the CAA for abolishment or cancellation.

#### **Article 27**

Ultra-light Vehicle operators shall manipulate the vehicle under Visual Flight Rules and the following behavior is prohibited:

1. Flight activities outside the predetermined airspace.
2. More than 0.04% of Alcohol content in Blood or exhalation of more than 0.02mg of Alcohol while operating Ultra-light Vehicles.
3. Flight activities from dusk to dawn.

Operators shall avoid traffics or obstacles from collision.

The operator's flight log shall be conserved by the activity association at least two years.

#### **Article 28**

The activity airspace of Ultra-light Vehicle will be determined by the MOTC in coordination with the Ministry of National Defense and then be announced by the CAA. The activity association shall submit one style with two copies of the following documents to the CAA for permission. The activity association shall indicate or set up the landmarks to identify airspace borders for the operator:

1. Planned use of airspace and its coordinates (Using WGS84 system).
2. Planned use of airspace and its altitude.
3. Planned use of airspace and its geographic locations.

If more than one activity associations intend to operate in the same airspace at the same time, these activity associations shall coordinate and mutually agree to follow the general rules of activities, revise the joint operation plan into their activity function guide and submit to CAA for permission.

If the activity association plans to hold a temporary International or national Ultra-light Vehicle Event in an undetermined Ultra-light Vehicle airspace, the application is required for the permission and coordination by MOTC and the Ministry of Defense via CAA three months prior to the opening of the event.

#### **Article 29**

For adequate management of ultra-light vehicle operations, activity associations are required to equip with the mechanism of real-time positioning management system to locate vehicles for airspace safety.

The preceding mechanism must be submitted to the CAA for permission prior to implementation.

#### **Article 30**

Owners of ultra-light vehicles are required to have the following liability insurance coverage:

1. Compensation for the death should not be less than three million New Taiwan Dollars.
2. Compensation for serious injury should not be less than one million five hundred thousand New Taiwan Dollars.
3. Compensation other than the death or serious injury shall be based on actual incident and shall be under one million five hundred thousand New Taiwan Dollars.

#### **Article 31**

Prior to the usage of the activity area, the activity associations shall submit five copies of the following document to the CAA in coordination with Sports Affair Council and other relative authorities for application:

1. Activity proposal: shall include the name of the activity area, location, purpose, functions, facility layout, safety maintenance plan, airspace boundaries and types of ultra-light vehicles.
2. Letter of agreement for the lease of real estate. Land owners need not to provide lease or consent papers.
3. The copies of the cadastral map and land register must be submitted to CAA within 3 month of the proposed date for operation. Maneuvering area shall be highlighted.
4. Environmental Impact Study or Evaluation Reports if necessary for Environmental Assessment

The activity airspace shall follow the regulations of urban planning and rural land usage and attachment 7.

#### **Article 32**

For special activities or competitions, the activity association shall inform the Sports Affair Council within 15 days. If such activities or competitions are held in domestic, the activity association shall submit regulation governing the event and guideline relating to such functions. Appropriate documents shall be submitted to the CAA and the Sport Affair Council for acceptance.

Activity associations that hold any contest fifteen days before it shall inform Sports Affair Council. If the contests are hold in domestic, the activity associations shall present the project and agenda to Sports Affair Council and CAA for reference.

**Article 33**

The activity association or professional agency shall present and submit the standard of charged items to the MOTC via CAA.

**Article 34**

Application fees for license and certificate are regulated in attachment 9.

**Article 35**

Should an ultra-light vehicle accident occurs, owners, operators, activity associations and relevant authorities shall maintain and preserve the site for investigation except when rescue and firefighting is necessary. Activity associations shall notify ASC, CAA, and the Sports Affair Council within two hours. Corrective measures shall be enacted within 30 days by the owners, operators, and activity associations and submit improvement program to CAA, and the Sports Affair Council for reference.

Should a suspected ultra-light vehicle incident occur, owners, operators, activity associations and relevant authorities shall maintain and preserve the site for investigation except when rescue and firefighting is necessary. Activity associations shall notify ASC, CAA, and the Sports Affair Council within twenty-four hours.

Corrective measures shall be enacted within 30 days by the owners, operators, and activity associations and submit improvement program to CAA, and the Sports Affair Council for reference.

**Article 36**

The ultra-light vehicle manufacturer shall conduct vehicle production in accordance to design and fabrication standards adopted by CAA per paragraph 4, Article 99-1 of Civil Aviation Act.

**Article 37**

The ultra-light vehicle manufacturer can only conduct flight test activities after the following documents have been approved by CAA:

1. Copy of the factory registration certificate.
2. Flight Test Manual.

The Flight Test Manual shall include the following items:

1. A statement describing assigned responsibilities and delegated authority of the organization.
2. Description of the part fabrication documents and specification controls.

3. A description of the product conformity inspection procedure.
4. An outline of the material review system.
5. Record retention procedures.
6. The utilization plan, coordination and application of flight test activity zone.
7. Application, safety/management procedures for designated air space.
8. Flight Test Plan editing and review procedure.
9. Flight test vehicle temporary registration and inspection procedure.
10. The qualification of inspection and flight test personnel.
11. Notification and handling of flight accidents.

The flight zone shall meet the requirement set by item 2 of article 31.

The manufacturer shall conduct flight tests in accordance with CAA approved flight test procedures and limitation.

#### **Article 38**

The ultra-light vehicle manufacturer shall provide the necessary manuals and documents for owner to apply the vehicle inspection. The manufacturer is responsible to provide continued safety maintenance information.

#### **Article 39**

Activity associations shall submit the following reports and records to CAA every three months:

1. List of all ultra-light vehicles.
2. Member List.
3. Takeoff and landing records.

#### **Article 40**

Civil organization established before the implementation of the rule shall submit the following documents to CAA for permission:

1. Copies of documentation of approval from the relevant Social Administration Authority, License and Organization signs/logo.
2. Copies of legal entity from relevant governmental authority and licenses.
3. Articles of the organization.
4. List of Board of Directors.

5. Member list.
6. Source and documentation of basic equipment.
7. List of specialists.

Activity association approved by CAA shall prepare an activity guide with the following information:

1. Qualification of specialists
2. Basic equipment
3. Application for ultra-light vehicle manufacturing, importation, registration, inspection certification/renewal.
4. Application for issuance of an Ultra-light Vehicle Operating Certificate renewal.
5. Activity zone planning, coordination and operation.
6. Activity airspace boundaries, restrictions of applicable regulations, airspace safety and management.
7. Notification and handling of flight safety-related event

Activity associations shall submit their activity function guide to the CAA and transfer to the Ministry of Transportation and Communications (hereafter referred to as MOTC) in conjunction with the Sports Affair Council before commencing activities.

**Article 41**

Revision of an activity function guide shall be submitted to the CAA for approval before its implementation in accordance with Article 3 and Article 40.

**Article 42**

When consignments are involved in accordance with Ultra-light Vehicle Regulations, Article 6, 9 and 24-1, the consigned party, consigned events and related regulations shall be posted on CAA's and governmental bulletins.

**Article 43**

This regulation becomes effective on its publication date.

## **Regulations Governing Private Aircraft Activities**

Full text promulgated by the MOTC Order No. 0970085028 on April 22, 2008.

There are 14 Articles in the Regulations.

### Article 1

This regulation is enacted in accordance with Paragraph 4 of Article 7-1 of Civil Aviation Act (hereafter referred to as this Act.)

### Article 2

To apply for flight activities of private airplanes or helicopters, applicants shall obtain a letter of agreement from the aircraft home base provider in advance and submit the following documents in duplicate to the Civil Aeronautics Administration (hereafter referred to as CAA) to be transferred to the Ministry of Transportation and Communications (hereafter referred to as MOTC) for approval for preparatory operations.

- 1) Application (Attachment 1)
- 2) Plan of usages of aircraft: including usages, frequency of use, home base location and flight destinations
- 3) Specifications of the aircraft to be used
- 4) Equipment, structure, and training programs for flight and maintenance operations
- 5) Source of pilots and training
- 6) Depending on the status of the applicant, the following documents shall be submitted:
  - A. Individuals: Identification certificate
  - B. Businesses: List of principal shareholders, roster of board directors and supervisors, and business registration certificate
  - C. Other legal persons: Roster of board directors and supervising directors, and legal person registration certificate

Where the application of a civil air transport enterprise for flight activities of private airplanes or helicopters as described in the preceding paragraph is found



to involve one of the following scenarios, CAA may recommend MOTC to restrict the scope of operation or to deny the applicant:

- 1) The airport takeoff and landing quota or time slot is insufficient.
- 2) The airport facilities are insufficient.

#### Article 3

Applicants with approval for preparatory operations for private aircraft activities as described in the previous article shall submit the maintenance plan in duplicate (including maintenance structure, personnel, training programs and maintenance capacity) for CAA approval before bringing in aircrafts.

The aircrafts importing from overseas shall be no more than 10 years of age.

#### Article 4

An applicant with approval to begin preparatory operations for aircraft activities according to Article 2 shall within the specified preparatory period equip itself with aircrafts, enable itself to engage in safe operation in line with related regulations and pass the review of operational standards conducted by CAA, and submit the following documents in duplicate to CAA for MOTC approval. The applicant shall not begin flight activities before receiving permission from CAA. When terminating the activity, file with CAA for MOTC record.

- 1) Aircraft purchase contract or ownership certificate
- 2) Certificate of liability insurance taken
- 3) Inventory of maintenance and repair equipment, hangar and field facilities, or contract authorizing a qualified business concern to be responsible for the aforementioned
- 4) Lists of equipment, organization and personnel for flight and maintenance operations
- 5) List of pilots

When the maximum takeoff weight of a private aircraft exceeds 5,700kg, an additional aviation security program is required.

When a document prescribed in Paragraph 1 is in a foreign language, the applicant shall attach an abridged Chinese version with the document.

#### Article 5

The operator of private aircraft activities shall be the sole owner of the aircraft.

## Article 6

When changing or increasing aircrafts, the operator of private activities shall submit the documents prescribed in Items 1 to 5 of Paragraph 1 of Article 2 to CAA for MOTC approval to begin preparatory operations. The operator shall then conduct the preparatory operations according to provisions in Article 3 and Article 4.

Before changing aircraft home base, the operator of private aircraft activities shall obtain a letter of agreement from the provider of the facilities and apply to CAA for permission.

## Article 7

A private aircraft shall take off from and land in an airport and all aircraft activities shall be applied for according to the following regulations:

- 1) The aircraft owner or agent shall submit the following documents to apply to CAA two working days prior to the expected takeoff time when using a civil airport or 4 workdays before the expected takeoff time when using a civil and military airport:
  - A. Application (Attachment 2)
  - B. Certificate of liability insurance taken
  - C. Passenger list (Attachment 3) – changes of passenger names shall be presented to CAA and the airport before takeoff.
- 2) Inform concerned airports of voluntary cancellation of approved flights in advance.
- 3) Flight permission is valid within 24 hours before and after the expected departure and arrival times indicated in the flight notification (Attachment 4).

The agent referred to in Item 1 of Paragraph 1 shall be restricted to representation for a civil air transport enterprise or a general aviation enterprise running business charters when applying for domestic aviation, or representation for a civil air transport enterprise running international carrier services or a general aviation enterprise operating international business charters when applying for international aviation. An aircraft maintenance service may act as an agent to process applications for aviation for maintenance ferry or test flight purposes.

CAA shall provide the aircraft takeoff and landing quota, time slot and facilities of an airport for public transportation as a priority and shall judge the traffic condition to determine whether to restrict or disapprove a flight application described in Paragraph 1.

## Article 8

An individual or business engaged in private aircraft activities shall register with competent authorities and report to CAA for record within 15 days after the registration when one of the following situations occur:

- 1) Change of address
- 2) Change of name of individual
- 3) Change of name of legal person, representative, board director, and supervisor

#### Article 9

An individual or business engaged in private aircraft activities is required to take liability insurance. The Rules of Compensation for Damage Caused to Passengers and Freight are applicable to the liability insurance amount described in the preceding paragraph.

#### Article 10

An individual or business engaged in private aircraft activities carrying dangerous goods shall be subject to the Regulations Governing the Safe transport of Dangerous Goods by Air.

#### Article 11

An individual or business engaged in private aircraft activities shall not undertake any profitable flight operations or lease aircrafts to others under any circumstances.

#### Article 12

An individual or business engaged in private aircraft activities shall keep passenger lists and cargo manifests for at least 2 years for record.

#### Article 13

CAA shall dispatch personnel to inspect the staff, equipment, flight operations, and activities of individuals or businesses engaged in private aircraft activities. The inspected shall not under any circumstances evade, impede, or refuse inspection. CAA shall notify the inspected to improve within a specified time period any defects found during inspection.

#### Article 14

This Regulation shall become effective on the date of promulgation.

Attachment 1

**Application for Permission for Preparatory Operations for Private Aircraft Activities**

Recipient: Civil Aeronautics Administration,  
 Ministry of Transportation and Communications

Subject: To apply for preparatory operations for

Issuing Date: \_\_\_\_\_

Issuing No.:

1. Name of Business/Individual	Chinese:
	English:
2. Address and Telephone Number of Business/Individual	
3. Aircraft Docking (Address)	
4. Models and Number of Aircrafts to Be Used	
5. Submitted Certificates	(1) Individual identification certificate (2) List of principal shareholders, roster of board directors and supervisors, and business registration certificate (3) Roster of board directors and supervising directors, and legal person registration certificate (4) Plan of usages of aircraft (5) Specifications of aircrafts to be used (6) Equipment, structure, and training programs for flight and maintenance operations (7) Source of pilots and training (8) Letter of agreement from provider of aircraft-docking facilities
6. Remark	

Applicant: \_\_\_\_\_ (Signature)

**Ministry of Transportation and Communications  
Civil Aeronautics Administration**

Application for Private Aircraft Aviation

Recipient: Civil Aeronautics Administration, Ministry of Transportation and Communications	Issuance	Date	
Subject:		Document No.	
Application Referral		Instruction	

The application below has been completed in accordance with the Regulation for Private Aircraft Activities from the Ministry of Transportation and Communications of the Republic of China. The applicant hereby requests for permission for the said aircraft to fly within the regulated air route and vows to abide by all civil aviation laws and related regulations.

Issuing no.:

Applicant: (Signature) \_\_\_\_\_yy \_\_\_\_\_mm \_\_\_\_\_dd

Aircraft	(1)	Nationality mark and registration number	
	(2)	Model	
Owner	(3)	Name	
	(4)	Nationality	
	(5)	Address	
(6)	Pilot name and nationality		
(7)	Flight Type	<input type="checkbox"/> Instrument Flight <input type="checkbox"/> Visual Flight	
(8)	Flight Number		
(9)	Flight Route		
(10)	Arrival time and date		
(11)	Departure time and date and airport		
(12)	Number of passengers (entry, exit or transit)		
Cargo	(13)	Cargo type and total weight (to load, unload or transit)	
Agent	(14)	Name (and name of person in charge)	
	(15)	Address	

(16)Remark	
------------	--

Attachment 3

**Private Aircraft Passenger List**

Date of Flight Application: Aircraft Model and Flight No.: Takeoff from: Pilot:

Aircraft Owner: Nationality mark and Registration No.: Landing at: Copilot:

No.	Name	Nationality	ID or Passport No.	Date of Birth	Gender
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					

The applicant hereby vows to never undertake any operations of civil air transport enterprise and general aviation enterprise with this aircraft or lease this aircraft for profitable gains, and take the legal responsibility for any violation.

Signature of aircraft owner or agent \_\_\_\_\_

Remark	Any changes to this name list shall be submitted to CAA and the airport.
--------	--

Attachment 4

**Ministry of Transportation and Communications**  
**Civil Aeronautics Administration**  
Notification for Civil Aircraft Aviation Permission

Recipient :

Carbon :

Copy

Recipient

Date:

Approval Record Number: Yunfa No. \_\_\_\_\_

Date of Flight					
Aircraft Model					
Flight No.					
Name of Business or Individual					
Flight Route					
Times of Departure and Arrival					
Agent					
Remark					



## QUESTIONNAIRE 8

### FIREARMS, AMMUNITION, CONTROLLED SWORDS, POLICE WEAPONS; INDUSTRIAL USE EXPLOSIVES:

FIREARMS, AMMUNITION, CONTROLLED SWORDS, POLICE WEAPONS: NATIONAL POLICE ADMINISTRATION, MINISTRY OF INTERIOR

INDUSTRIAL USE EXPLOSIVES: BUREAU OF MINES, MINISTRY OF ECONOMIC AFFAIRS

[Governing Regulations 8-1](#)

# Regulation Governing Permission and Control of Firearms, Ammunition, and Knives

Promulgated by Ministry of the Interior Order of Tai-Nei-Jing No. 09100764163 on October 2, 2002.

Amended and promulgated by Ministry of the Interior Order of Tai-Nei-Jing No. 0930077272 on November 30, 2004.

Amended and promulgated by Ministry of the Interior Order of Tai-Nei-Jing No. 0940100463 on April 22, 2005.

Amended and promulgated by Ministry of the Interior Order of Tai-Nei-Jing No. 0980872017 on November 23, 2009.

Amended and promulgated by Ministry of the Interior Order of Tai-Nei-Jing No. 1000872433 on November 7, 2011.

## Chapter 1 General Provision

Article 1: This Regulation is instituted pursuant to the paragraph 1 of Article 6-1 and the third paragraph of Article 20 of the Firearms, Ammunition, and Knives Control Act (hereinafter referred to as “the Act”).

Article 2: Terms used in this Regulation are defined as follows:

1. Indigenous people: native people who meet one of the requirements set out in Article 2 of the Status Act for Indigenous People.
2. Fishermen: nationals of the Republic of China, who engage in coastal fishing of sea creatures and hold a Fishing Vessel Crew Identification.
3. Self-made shotguns: A self-made shotgun indicates the tool used by aboriginals who make a living by hunting. It is made solely by the

applicant or with other aboriginals with nonprofit purpose in a location approved by a police precinct. The single-shot black powder shall be loaded from the muzzle and fired, by crushing the primer or by other means, to propel the projectiles. The projectiles, such as glasses or pellets, are loaded solids which are smaller than the caliber.

4. Self-made harpoon guns: A self-made harpoon gun is used by aboriginals or fishermen for a living. It is made solely by the applicant or with other fishermen or aboriginals with nonprofit purpose in a location approved by a police precinct. Spears, made of steel, hard plastic, or wood, are propelled by the pulling of rubber bands, instead of explosives.

Article 3: Agencies (institutions), schools, organizations, people or enterprises that intend to procure, use, manufacture, sell, transport, transfer, rent, lend, possess, store or display the firearms and ammunition stated in the first and second subparagraph of paragraph 1 of Article 4 of the Act shall apply for permission to the central competent authority.

The Ministry of the Interior may authorize the National Police Agency (hereinafter referred to as “NPA”) to administer the aforementioned application for permission.

People, organizations, or enterprises shall manufacture, sell, transport, transfer, rent, lend, or possess knives according to the third subparagraph of paragraph 1 of Article 4 of the Act; indigenous people or fishermen who apply to manufacture, transport, or possess self-made shotguns or harpoon guns, or sell, transfer, rent, lend or store self-made shotguns or harpoon guns among indigenous people, shall apply for permission to competent authorities at municipal or county (city) level.

Municipal or county (city) police departments may be authorized to process the aforementioned application for permission.

## **Chapter 2 Permission and Management of Firearms and Ammunitions**

Article 4: Government agencies (institutions) that are entitled to own guns and ammunition may apply for the use, transportation, transfer, rent, lending, possession, storage or display of firearms and ammunition.

The agencies (institutions) of the preceding paragraph, before the procurement, transportation, transfer, rent, lending, possession, storage, or display of firearms and ammunition, shall apply for a permit to the central competent authority by submitting application materials that include a catalogue, model numbers, quantity and purpose. Agencies (institutions) which intend to transfer ownership of firearms and

ammunition should bring their licenses to the original license-issuing police department and apply for change of ownership within seven days from the next day after the permit of transfer is granted.

Article 5: Academic agencies (institutions) may apply for the procurement, use, transportation, transfer, rent, lending, possession, storage, or display of firearms and ammunition for research purposes.

The agencies (institutions) of the preceding paragraph, before the procurement, transportation, transfer, rent, lending, possession, storage, or display of firearms and ammunition, shall apply for a permit to the central competent authority by submitting application materials that include an approval document issued by business supervisory authorities at national level, a catalogue and model numbers, quantity and purpose. Agencies (institutions) which intend to transfer ownership of firearms and ammunition should bring their licenses to the original license-issuing police department and apply for change of ownership within seven days from the next day after the permit of transfer is granted.

Article 6: Schools at all levels may apply for the procurement, use, transportation, transfer, rent, lending, possession, storage, or display of firearms and ammunition for military training purpose.

The schools of the preceding paragraph, before the procurement, transportation, transfer, rent, lending, possession, storage, or display of firearms and ammunition, shall apply for a permit to the central competent authority by submitting application materials that include an approval document issued by business supervisory authorities at national level, a catalogue and model numbers, quantity and purpose. Schools which intend to transfer ownership of firearms and ammunition should bring their licenses to the original license-issuing police department and apply for change of ownership within seven days from the next day after the permit of transfer is granted.

Article 7: Animal conservation agencies (institutions) may apply for the procurement, use, transportation, transfer, rent, lending, possession, storage, or display of tranquilizer guns for animal protection purposes.

The agencies of the preceding paragraph (institutions), before the procurement, transportation, transfer, rent, lending, possession, storage, or display of tranquilizer guns, shall apply for a permit to the central competent authority by submitting application materials that include an approval document issued by business supervisory authorities at national level, a catalogue and model numbers, quantity and purpose.

Agencies (institutions) which intend to transfer ownership of firearms and ammunition should bring their licenses to the original license-issuing police department and apply for change of ownership within seven days from the next day after the permit of transfer is granted.

**Article 8:** People are entitled to procure and use no more than two harpoon guns per person. There shall be no procurement or use of harpoon guns if any of the following situations apply:

1. A person is under the age of twenty.
2. A person was finally convicted and sentenced to a fixed term of imprisonment.
3. The declaration of the person under guardianship or assistance is still valid.

Holders of licensed harpoon guns shall bring the license with them if they take the licensed harpoon guns out of their residences.

If the holder's domicile is changed, an application for modification of the license shall be made to the police stations where the previous domicile and the new domicile are registered within one month from the next day after the date of change. The aforementioned police stations shall forward the application to the municipal or city (county) police departments.

**Article 9:** Dealers who are permitted to import/export firearms and ammunition shall apply to the central competent authority for an approval document, which should then be submitted to customs offices of the Directorate General of Customs of the Ministry of Finance for the application for customs clearance. Should the approval document be lost or damaged, application for reissue is needed.

**Article 10:** Representatives or administrators of agencies (institutions), schools, or holders of firearms and ammunition, shall apply for inspection and issuing of a certificate made by the local police departments where the agencies (institutions), schools, main offices, and the domicile are located within seven days from the next day after the permit for procurement is granted. A list of the firearms and ammunition should be made for future reference.

When the situations stated in the paragraph 1 of Article 5-2 of the Act apply, the representatives, the administrators of agencies (institutions) and schools, or the holders of firearms and ammunition should submit their licenses and apply for buying back or collection of the firearms and ammunition mentioned in the previous paragraph to the municipal or county (city) government where the agencies (institutions), schools, main offices, and the domicile are located within 15 days from the next day after the permits are revoked or cancelled. If no applications for buying back or collection are submitted, the municipal or county (city) governments should confiscate the

aforementioned firearms and ammunition.

For lost firearms and ammunition stated in the paragraph 1 of this Article, the representatives or the administrators of agencies (institutions), schools, or the holders of firearms and ammunition, shall report to and submit their licenses to the police departments where the agencies (institutions), schools, main offices, and the domicile are located.

Article 11: The firearms and ammunition procured by agencies (institutions) and organizations with permission shall be properly stored in iron cabinets set up inside their appropriate places. Firearms and ammunition shall be stored separately but in the same storage place. The iron cabinets must be sturdy enough to prevent theft and fire and shall be installed with ventilation equipment.

Article 12: Schools at all levels that are permitted to procure firearms and ammunition shall set up storage facilities that meet the following standards:

1. The storage rooms should be located in a secure place in the schools or in the military bases requested by the schools.
2. Firearms and ammunition shall be stored separately and shall be guarded around-the-clock.
3. The storage facility shall be, in principle, built of concrete and steel with iron doors, iron windows and locks.
4. Close-circuit cameras and alarms powered both by AC and DC currents should be installed at the storage facility
5. Fire fighting equipment, such as fire sands, water and fire extinguishers shall be installed at the storage facility.
6. Gun storage facilities should be equipped with gun cabinets that have locks.
7. Ammunition storage facilities should have ventilation holes and should be equipped with thermometers and hydrometers.

Article 13: Enterprises engaging in the business of importing/exporting firearms and ammunition, manufacturing major component parts of firearms for export, or manufacturing harpoon guns for domestic and export sales, and maintaining firearms, shall submit an application for approval to the central competent authority. When applications are made by companies, **an original or photocopy of “Preliminary Review Form of Name and Business Type of a Company” approved by the Ministry of Economic Affairs shall be produced along with other application documents. For those who submit photocopies, each copy of the certificate should be affixed with the seals of the company and responsible person.**

Article 14: Enterprises meeting the requirements stated in the previous article may apply for running the business of importing/exporting firearms and

ammunition, manufacturing major component parts of firearms for exports, manufacturing of harpoon guns for domestic and export sales, or maintaining firearms by submitting the following documents to the central competent authority on a case-by-case basis:

1. An application form.
2. **For export, a purchase order from a foreign firm or any other documents sufficient to evidence the export of such commodities.** Copies of the aforementioned documents in Chinese translation should be provided. **For import, a contract or a proxy appointment form.**
3. Six copies of model numbers and catalogues of firearms and ammunition and a list of products and quantities.
4. **An original or photocopy of the company or factory registration certificate.** For those who submit photocopies, each copy of the certificate should be affixed with the seals of the company, factory and responsible person.

Major component parts of firearms and ammunition are allowed to export after inspection of the police departments where the companies or factories are located. **The companies or factories shall submit an export declaration transcript to the police departments for review and record within twenty days from the next day after the date of export.**

Harpoon guns, imported or domestically manufactured, can only be displayed and sold by registered sporting goods stores, fishing tackle stores and snorkeling equipment stores after receiving a certificate of inspection from local police departments where the companies or the factories are located.

**Article 15:** Indigenous people may apply for the manufacturing, transportation, or possession of self-made shotguns and harpoon guns for hunting and ceremonial purposes.

Fishermen who engage in coastal fishing for sea creatures may apply for the manufacturing, transportation, or possession of self-made harpoon guns.

Indigenous people or fishermen are not permitted to manufacture, transport or possess self-made shotguns or harpoon guns if any of the situations stated in **the paragraph 1 of Article 8** applies. **Those who meet the circumstance under the paragraph 4 of Article 20 of the Act shall be exempted.**

**Article 16:** Indigenous people or fishermen who apply for the manufacturing, transportation, or possession of self-made shotguns or harpoon guns shall submit written application to the police stations where their domicile is registered. The aforementioned police stations shall forward the application to the competent authorities of municipal or city (county) governments. The competent authority shall finish the review

process of the application within fifteen days from the next day after receiving applications. Applicants shall complete the manufacturing of or possess the aforementioned self-made shotguns or harpoon guns within one month from the next day after the approval date and apply for having them examined, mark-engraving, licensing and registration at the police station of municipality or county (city) where the domicile is registered. The permission will expire beyond the aforementioned period of time if no registration has been made.

Holders of licensed self-made shotguns or harpoon guns shall bring the license with them if they take the licensed self-made shotguns out of their residences.

If the holder's domicile is changed, an application for modification of the license shall be made to the police stations where the previous domicile and the new domicile are registered within one month from the next day after the date of change. The aforementioned police stations shall forward the application to the municipal or city (county) police departments.

Article 17: Each Indigenous person may apply for possession of up to two self-made shotguns or harpoon guns and each Indigenous household may apply for up to six self-made shotguns or harpoon guns.

Each fisherman may apply for possession of up to two self-made harpoon guns and each fishing household may apply for up to six self-made harpoon guns.

Article 18: If any of the situations stated in the paragraph 1 of Article 5-2 of the Act is applicable to self-made shotguns and harpoon guns, a holder or an heir shall, within fifteen days after the next day of revocation or cancellation, submit the aforementioned guns along with the licenses for being priced and purchased to the municipal or county (city) government where the domicile is registered. The municipal or county (city) government shall confiscate the aforementioned guns under the circumstance of no holders or heirs.

In case of losing shotguns or harpoon guns, a holder or an heir shall submit the licenses to the police department where the domicile is registered.

Article 19: Application for the sale, transfer, rent, lending, or storage of self-made shotguns or harpoon guns as instruments for making a living among indigenous people or fishermen shall be submitted to the competent authority where the domicile is registered. Permission will be denied if any of the situations stated in the paragraph 1 of Article 8 applies. Those who sell or transfer self-made shotguns or harpoon guns should bring their licenses and apply in person for change of ownership to the police department where the domicile is registered within seven

days after the approval day.

**Article 20:** The licenses of firearms and ammunition under this Regulation shall be granted within one month after the inspection. A new license as re-issued or replaced, the validity term of the license shall mark the date of expiration of the original term.

Where a public department or institution applies for licenses, the letter of application together with the approval document, gun background, and list of employees shall be submitted to the police departments for examination.

Article 10 of the Statute for the Management of Self-Defense Guns shall be applicable to the application fee and expenditure of firearms and ammunition.

### **Chapter 3 Permission and Control of Knives**

**Article 21:** People or organizations may apply for the possession of knives for the purposes of commemoration, decoration, bodybuilding show, or legal leisure activities. The application for the possession of knives shall not be permitted if any of the situations stated in **the paragraph 1 of Article 8** applies.

**Article 22:** People or organizations may apply for permission to possess knives by submitting the following documents to the competent authority of the municipality or county (city) where the domicile is registered:

1. An application.
2. Photocopy of a National Identification Card or a certificate for the registration of an organization.
3. A colored illustration of a knife in six copies with a detailed description of quantity, purpose, shank, blade length and the feature of edge of a knife.
4. **An original or photocopy of the registration certificate of a company or factory.** For those who submit photocopies, each copy of the certificate should be affixed with the seal of the company, factory and responsible person.

The police department at the municipality or county (city) where the domicile is registered shall issue or grant permits after inspecting the knives and make a list of the knives for future reference.



- Article 23: People or organizations who apply for the import and export of knives shall apply for a permit to the competent authority of the municipality or county (city) where the domicile or principal office is registered by submitting a catalogue, model numbers, quantity and purpose. The permit should then be produced in the process of customs clearance administered by customs offices of the Directorate General of Customs under the Ministry of Finance. Should the approval document be lost or damaged, application for reissue is needed. Before the procurement of knives in the country, people or organizations apply for a permit to the competent authorities of the municipality or county (city) where the domicile or principal office is registered by submitting a catalogue, model numbers, quantity and purpose. Holders of knives shall apply for inspection and issuance of approval documents to the police departments of municipality or county (city) where the domicile is registered within seven days from the next day after the possession of knives from import or procurement as stated in the previous two paragraphs.
- Article 24: Holders of licensed knives should bring the license with them if they take the licensed knife out of their residences. In case of losing a knife, holders shall submit their licenses to the police departments where their domiciles are registered.
- Article 25: If the holder's domicile or the principal office of the organization is changed, an application for modification of the license shall be made to the police stations where the previous domicile and the new domicile are registered within one month from the next day after the date of change. The aforementioned police stations shall forward the application to the municipal or city (county) police departments.
- Article 26: If people or organizations have one of the situations stated in the paragraph 1 of Article 5-2 of the Act, their knives shall be priced and purchased, or confiscated in accordance with the paragraph 1 of Article 18.
- Article 27: People or organizations that sell, transfer, rent or lend the knives shall apply for a permit to the competent authority of the municipality or county (city) where the domicile or principal office is registered. No approval shall be granted if any of the situations stated in the paragraph 1 of Article 8 applies. Applicants who intend to sell and transfer ownership of knives should bring their permits and apply in person to the police department of the municipality or county (city) where the domicile or principal office is registered within seven days after the approval day.

**Article 28:** Enterprises engaging in the import and export, or manufacturing, sales of knives shall submit an application for approval to the competent authority of the municipality or county (city) where the **principal office** is registered. When applications are made by companies, **an original or photocopy of “Preliminary Review Form of Name and Business Type of a Company” approved by the Ministry of Economic Affairs should be produced along with other application documents. For those who submit photocopies, each copy of the certificate should be affixed with the seals of the company and responsible person.**

**Article 29:** Enterprises meeting the requirements stated in the preceding article may apply for running the business of import and export or manufacturing and sale of knives by submitting the following documents to the competent authority of the municipality or county (city) where the **principal office** is registered on a case-by-case basis:

1. An application form.
2. **An original or photocopy of the registration certificate of a company or factory.** For those who submit photocopies, each copy of the certificate should be affixed with the seal of the company, factory and responsible person.
3. A colored illustration of a knife in six copies **with a detailed description of quantity, purpose, shank, blade length and the feature of edge of a knife.**
4. For export, a purchase order from a foreign firm **or any other documents sufficient to evidence the export of such commodities.** Copies of the aforementioned documents in Chinese translation should be provided.
5. For supplying knives to citizens or domestic organizations for possession, the enterprises shall present approval documents issued by the competent authority of municipality or county (city) where the domicile or principal office is registered.

For manufacturing knives for export, the finished items shall be subject to the inspection of police departments of the municipality or county (city) where the company or the factory is registered before export. **The companies or factories shall submit an export declaration transcript to the police departments for review and record within twenty days from the next day after the date of export.**

#### **Chapter 4                      Supplementary Provisions**

**Article 30:** The central competent authority shall conduct annual inspection on the firearms, ammunition, and knives with permission and may conduct

random inspections for the purpose of maintaining public order.

**Article 31:** In case of losing or damaging licenses or permits of the firearms, ammunition, and knives permitted in accordance with this Regulation, agencies (institutions), schools, representatives or administrators of organizations, or holders shall apply for re-issuance of licenses to the police departments of municipality or county (city) where the agency (institution), school, principal office or domicile is registered.

**Article 32:** Holders of licensed firearms, ammunition and knives shall submit a written statement of model, quantity, residence and duration to the police departments where their domiciles are registered if they take the licensed firearms, ammunition and knives out of their domiciles for more than fifteen days or take them back to their domiciles.

The aforementioned police departments shall notify the police departments where their residences are located and jointly handle the cases that holders submit inconsistent documents or fail to appear.

**Article 33:** For firearms, ammunition and/or knives purchased or confiscated in accordance with the paragraph 1 of Article 5-2, they must be delivered to the Police Equipment Maintenance Plant for destruction at the expense of National Police Agency from its annual budget.  
In the event of the death of a knife holder, or the dissolution of an organization, or the death of a holder of self-made shotguns, those who apply for continued possession of knives or self-made shotguns shall complete the application within three months from the occurrence of the event.

**Article 34:** The central competent authority is responsible for the issuing and printing of the licenses of firearms and ammunition and the certificate of inspection of harpoon guns. Police departments at the municipal or county (city) level are responsible for the issuing and printing of the licenses of knives.

The licenses for firearms and ammunition shall be valid for two years starting from the first day of January of the first year. Application for renewal is necessary upon the expiration of the previous license, which shall be submitted for destruction.

**Article 35:** The format of documents and application forms shall be determined by the central competent authority.

**Article 36:** This Regulation shall come into effect as of the day of promulgation.



## **Firearms, Ammunition and Knives Control Act**

Promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 3547 on June 27, 1983.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 0421 on January 18, 1985.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 4049 on July 16, 1990.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 8500231810 on September 25, 1996.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 8600250990 on November 24, 1997.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 8900166160 on July 5, 2000.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 9000223470 on November 14, 2001.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 09300206981 on June 2, 2004.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 09400010101 on January 26, 2005.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 09700250551 on November 26, 2008.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 09800134261 on May 27, 2009.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 09900358611 on January 5, 2011.

Amended and promulgated by President's Order of Hua-Tsung-I-I-Tzu No. 10000259731 on November 23, 2011.

Article 1: This Act is enacted to control firearms, ammunition and knives, maintain social order and protect people's lives and properties.

Article 2: Unless a person is permitted to possess or use them by other laws, the control of firearms, ammunition and knives shall be subject to this

Act.

Article 3: The competent authorities for controlling firearms, ammunition and knives are: Ministry of the Interior at the national level, municipal governments at the municipal level, and county (city) governments at the county (city) level.

Article 4: Firearms, ammunition and knives are defined in this Act as follows:

1. Firearms: cannons, shoulder arms, machine guns, submachine guns, carbines, automatic rifles, rifles, traditional carbines, pistols, pen guns, gas guns, tranquilizer guns, shotguns, air guns, harpoon guns and any other firing devices that can shoot metal objects or bullets with lethal force.
2. Ammunition: the material prescribed in the preceding subparagraph and used in the discharge of the aforementioned firearms, or other lethal or destructive bombs and explosives.
3. Knives: samurai swords, stick knives, double knives, brass knuckles, steel (iron) whips, thrusters, daggers (see the attachments), and other lethal knives banned by the national competent authority or not legally used.

The firearms and ammunition stated in subparagraphs 1 and 2 also include their major component parts unless they could not be assembled for use.

The categories of major component parts of firearms and ammunition shall be officially announced by the national competent authority.

Article 5: The firearms and ammunition which are stated in the preceding article may not be manufactured, sold, transported, transferred, rented, lent, possessed, stored, or displayed without the approval of the national competent authority.

Article 5-1: Pistols, air guns, shotguns and other firearms and ammunition for sports shooting may not be manufactured, sold, transported, transferred, rented, lent, possessed, stored, or displayed without the approval of the national competent authority.

Article 5-2: Shall the firearms, ammunition and knives which are permitted according to this Act have one of the following facts, the owner's permit will be revoked or cancelled. The said firearms, ammunition and knives will be purchased by the competent authorities, but those which

were purchased and used by the governmental agencies or used against this Act shall not be purchased.

1. Reasons for the approval are invalid.
2. No need to be used or too damaged to be used.
3. The owner loses his/her status as an indigenous people or a fisherman.
4. The owner evades, hinders or rejects an inspection.
5. The owner was dead.
6. The owner was finally convicted and sentenced to a fixed term of imprisonment.
7. The declaration of the owner under guardianship or assistance is still valid.
8. The organizations possessing firearms, ammunition and knives are dissolved.

Re-applications for possession of knives after the death of an owner and the dissolution of an organization, or for continued possession of self-made shotguns after the death of the owner by a successor can be made. Once approved, the said items will not be purchased by the competent authorities.

The successors of self-made shotguns stated in the preceding paragraph is only limited to one of them. The successor who is a minor or incapacitated person is not entitled to apply for continued possession.

The national competent authority shall draw up annual budgets for purchase in accordance with paragraph 1. The price shall be determined by the national competent authority and implemented by the municipal and county (city) governments.

The purchased firearms, ammunition and knives and the revoked licenses in accordance with paragraph 1 shall be referred to the National Police Agency by the national competent authority and be destroyed. The abovementioned items that can be used shall not be destroyed.

Article 6: The types of knives listed in subparagraph 3, paragraph 1, Article 4 may not be manufactured, sold, transported, transferred, rent, lent, and possessed without the approval of competent authorities.

Article 6-1 The regulation governing applications, requirements, revocation, inspection and other items of compliance for firearms, ammunition, and knives stated in Article 5 and 6 shall be enacted by the national competent authority.

The regulation governing applications, requirements, revocation, inspection and other items of compliance for firearms, ammunition stated in Article 5-1 shall be enacted by the national competent authority together with the business supervisory authorities.

The violation of the regulation of the preceding paragraph shall be sentenced to a fine up to NT\$50,000. This article is not applicable to the violation of Article 5-1, or to an offender with intent to commit a crime by himself/herself or assisting others to commit a crime by using firearms or ammunition.

**Article 7:** Any person who manufactures, sells, or transports cannons, shoulder arms, machine guns, submachine guns, carbines, automatic rifles, rifles, traditional carbines, pistols, or various types of artillery shells, bombs and explosives without approval **shall be sentenced to life imprisonment, or imprisonment of no less than 7 years as well as a fine of up to NT\$30 million.**

Any person who transfers, rents, or lends firearms and ammunition stated in the preceding paragraph without approval shall be sentenced to life imprisonment, or imprisonment of no less than 5 years as well as a fine of up to NT\$10 million.

An offender with intent to commit a crime by himself/herself or assist others to commit a crime stated in the two preceding paragraphs shall be sentenced to capital punishment or life imprisonment. The offender sentenced to imprisonment shall be fined up to NT\$50 million.

Any person who possesses, stores or displays with intent of selling firearms and ammunition stated in the first paragraph without approval shall be sentenced to imprisonment of no less than 5 years as well as a fine of up to NT\$10 million.

An offender with intent to commit a crime by himself/herself or assist others to commit a crime by holding firearms and ammunition stated in paragraph 1 and possessed by those executing official duties through robbery, forceful taking, theft or other means may have his/her penalty increased by one half.

Any person attempting to commit a crime stated in paragraphs 1 to 3 shall be punished.

**Article 8:** Any person who manufactures, sells, or transports pen guns, gas guns, tranquilizer guns, shotguns, air guns, or any other firing devices that can shoot metal object or bullets with lethal force listed in subparagraph 1, paragraph 1, Article 4 without approval shall be sentenced to life imprisonment, or imprisonment of no less than 5 years as well as a fine of up to NT\$10 million.

Any person who transfers, rents, or lends the firearms stated in the preceding paragraph without approval shall be sentenced to imprisonment of no less than 5 years as well as a fine of up to NT\$10 million.

An offender with intent to commit a crime by himself/herself or assist others to commit a crime stated in the two preceding paragraphs shall be sentenced to life imprisonment, or imprisonment of no less than 7 years as well as a fine of up to NT\$10 million.

Any person who possesses, stores or displays with intent of selling firearms stated in paragraph 1 without approval shall be sentenced to



imprisonment of no less than 3 years, no more than 10 years as well as a fine of up to NT\$7 million.

Any person attempting to commit a crime stated in paragraphs 1 to 3 shall be punished.

If offenses which are related to air guns and stated in paragraphs 1, 2 and 4 are committed and slight, the sentence against the offenders may be reduced.

Article 9: Any person who manufactures, sells, transports, rents, or lends harpoon guns without approval shall be sentenced to imprisonment of up to 1 year, detention, or a fine of up to NT\$500,000.

Any person with intent to commit a crime by himself/herself or assist others to commit a crime stated in the preceding paragraph shall be sentenced to imprisonment of up to 2 years, detention, or a fine of up to NT\$1 million.

Any person who possesses, stores or displays with intent of selling harpoon guns without approval shall be sentenced to imprisonment of up to 6 months, detention, or a fine of up to NT\$500,000.

Any person attempting to commit crimes stated in paragraphs 1 and 2 shall be punished.

Article 10: (deleted)

Article 11: (deleted)

Article 12: Any person who manufactures, sells, or transports bullets without approval shall be sentenced to imprisonment of no less than 1 year, nor more than 7 years as well as a fine of up to NT\$5 million.

Any person who transfers, rents, or lends bullets without approval shall be sentenced to imprisonment of no less than 6 months, no more than 5 years as well as a fine of up to NT\$3 million.

An offender with intent to commit a crime by himself/herself or assist others to commit a crime stated in the two preceding paragraphs shall be sentenced to imprisonment of no less than 3 years, no more than 10 years as well as a fine of up to NT\$7 million.

Any person who possesses, stores or displays with the intent of selling bullets without approval shall be sentenced to imprisonment of up to 5 years as well as a fine of up to NT\$3 million.

Any person attempting to commit a crime stated in paragraphs 1 to 3 shall be punished.

- Article 13: Any person who manufactures, sells, or transports major component parts of firearms and ammunition without approval shall be sentenced to imprisonment of no less than 3 years, no more than 10 years as well as a fine of up to NT\$7 million.
- Any person who transfers, rents, or lends major component parts stated in the preceding paragraph without approval shall be sentenced to imprisonment of no less than 1 year, no more than 7 years as well as a fine of up to NT\$5 million.
- An offender with intent to commit a crime by himself/herself or assist others to commit a crime stated in the two preceding paragraphs shall be sentenced to imprisonment of up to 5 years as well as a fine of up to NT\$10 million.
- Any person who possesses, stores or displays with the intent of selling major component parts stated in paragraph 1 without approval shall be sentenced to imprisonment of no less than 6 months, no more than 5 years as well as a fine of up to NT\$3 million.
- Any person attempting to commit a crime stated in paragraphs 1 to 3 shall be punished.
- Article 14: Any person who manufactures, sells, or transports knives without approval shall be sentenced to imprisonment of up to 3 years as well as a fine of up to NT\$1 million.
- An offender with intent to commit a crime by himself/herself or assist others to commit a crime stated in the preceding paragraph shall be sentenced to imprisonment of no less than 6 months, no more than to 5 years as well as a fine of up to NT\$3 million.
- Any person who possesses, stores or displays with intent of selling knives without approval shall be sentenced to imprisonment of up to 1 year, detention, or a fine of up to NT\$500,000.
- Any person attempting to commit a crime stated in paragraphs 1 and 2 shall be punished.
- Article 15: Any person who carries knives without approval and has one of the following conditions shall be sentenced to imprisonment of up to 2 years:
1. Committing a crime at nighttime.
  2. Committing a crime at stations, docks, airports, public places, or places accessible to the public.
  3. Committing a crime with other gang members.
- Article 16: A civil servant or an elected public official who harbors any person committing offenses stated in Article 7, 8, or 12 shall have his/her sentence increased by one half respectively according to the provisions of the articles.

Article 17: (deleted)

Article 18: Any person who violates this Act and surrenders himself/herself with all firearms, ammunition, and knives shall have his/her punishment reduced or exempted. If the transfer of ownership is made and he/she provides information on the sources of supply or the whereabouts of all firearms, ammunition, and knives leading to the arrest, his/her punishment shall also be reduced or exempted.

Any person who commits offenses stated in the preceding paragraph shall be exempted from penalties if he/she surrenders during the period of announcement made by the national competent authority after the Executive Yuan's approval.

Any person who fails to reports the truth under any of the circumstances stated in the preceding two paragraphs, shall be punishable according to this Act.

An offender who violates this Act and makes a full confession during investigation or trial provides information on the sources of supply or the whereabouts of all firearms, ammunition, and knives leading to the arrest or the prevention of major crimes shall have his/her punishment reduced or exempted. Any person who refuses to confess or provides a false statement shall have the penalty increased by one third.

Article 19: (deleted)

Article 20: Indigenous people who manufacture, transport, or possess self-made shotguns, harpoon guns without approval, or fishermen who manufacture, transport, or possess self-made harpoon guns as tools for making a living without approval shall be sentenced to a fine of no less than NT\$2,000 and no more than NT\$20,000. Other imprisonment punishments stated in this Act shall not be applicable to the said offenders.

The sale, transfer, rental, lending or storing of the aforementioned shotguns or harpoon guns among indigenous people or fishermen as tools for making a living without approval should be sentenced to the same fine and no imprisonment.

The regulation governing applications, requirements, expiration, revocation, inspection and other items of compliances for permits of shotguns and harpoon guns stated in the preceding two paragraphs shall be enacted by the national competent authority.

Indigenous people who committed a crime by simply manufacturing, transporting, possessing, selling, transferring, renting, lending, or storing self-made shotguns and harpoon guns among themselves without approval and were finally sentenced to imprisonment prior to the

implementation of this revised Act on November 14, 2001 can still apply for approval for the aforementioned guns.

The competent authorities shall assist indigenous people and fishermen to apply for permission to possess self-made shotguns and harpoon guns by law.

A person who commits offenses stated in paragraph 1 and 2 shall be exempted from penalties if he/she willingly surrenders his/her self-made shotguns and harpoon guns during the period of announcement made by the national competent authorities after the Executive Yuan's approval.

Article 20-1: A device with fire collision, resembling real gun in exterior, structure, materials is defined as an imitation gun. Any imitation guns which can be altered into guns with lethality shall be officially banned by the national competent authority along with business supervisory authorities.

The import of imitation guns shall be undertaken only after an approval document issued by National Police Agency, Ministry of the Interior is obtained.

Any person who manufactures, sells, transports or transfers banned imitation guns stated in paragraph 1 shall be sentenced to a fine up to NT\$500,000. If the offense is serious, the violator's business may be suspended or ordered to be closed. If the said person's purposes are to export, research and develop guns and have been reported to police authorities, he/she shall be exempt from penalties.

Any person who rents, lends, possesses, stores, or displays the banned imitation guns stated in the first paragraph of this article shall be sentenced to a fine up to NT\$30,000.

Any person who alters imitation guns that can fire metal objects or bullets without lethality shall be sentenced to a fine up to NT\$100,000.

By law, the police may enter the venues for manufacturing, storing or selling imitation guns to inspect officially banned imitation guns, and shall join business supervisory authorities to inspect component parts, finished items, semi-finished items, related books and files, and question the persons concerned.

The inspectors stated in the preceding paragraph shall present their identification when conducting the inspection, and shall not interfere with regular business operation at the venue.

Any person who evades, hinders, or rejects the inspection stated in paragraph 6 or refuses to provide related information shall be sentenced a fine of no less than NT\$200,000 and no more than NT\$500,000, which may be imposed case by case and under the compulsory inspection.

People or organizations who have been possessing imitation guns stated in paragraph 1, should report their possession to the police authorities within 6 months after the official ban comes into effect. Any person who finishes the report to the police within the designated period shall not be punished by law.

The banned imitation guns stated in paragraph 1 shall be confiscated, regardless of whom they belong to. But those imitation guns used for export, research and development and reported to police, or having circumstances stated in the preceding paragraph shall be exempted from confiscation.

Article 21: Any offenses in this Act and if also applicable to other laws or regulations with more severe penalties, the penalties will be subject to the latter laws.

Article 22: Any person who submits a tip on any violations of this Act to the police that contributes to the arrests is eligible for a reward. The rules governing the reward distribution stated in the preceding paragraph shall be enacted by the Executive Yuan.

Article 23 (deleted)

Article 24 (deleted)

Article 25 This Act shall come into effect as of the day of promulgation.

The articles of this Act which were amended on May 12, 2009 and came into effect on November 23, 2009

## **Social Order Maintaining Law**

( Partial Articles )

Amended on November 4, 2011

### 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.

# **The Use of Police Weapons Act**

As promulgated on Jun 26, 2002

## **Article 1**

The police weapons used by personnel to enforce police duties consist of police batons, police swords, police firearms or other instruments approved. Police personnel using police weapons pursuant to the Act shall wear police uniforms or present police badges or police certificates which can be used as identifications, unless under emergency conditions.

The type and specification of the police weapons referred in Paragraph 1 shall be concluded by the Executive Yuan.

## Article 2

Police personnel may use police batons for instruction if they encounter any of the following situations when enforcing police duties:

1. Instructing the traffic;
2. Evacuate the public; and
3. Guarding against accidents

## Article 3

Police personnel may use police batons for deterrence if they encounter any of the following situations when enforcing police duties:

1. Giving assistance in investigating crimes or in executing the duty with force, e.g. reconnaissance, detainment, custody or arrest;
2. Under intimidation during the enforcement of police duties pursuant to laws and regulations; and
3. Any situation referred as in Paragraph 1 of Article 4 hereof, and it is regarded as a proper measure to use batons for deterrence



#### Article 4

Police personnel may use police swords or police firearms for deterrence if they encounter any of the following situations when enforcing police duties:

1. Preventing extraordinary accidents and maintaining social security;
2. Any disturbance which will cause danger to social security;
3. Any offender's resisting arrest or fleeing, or other person(s) giving aid to such offender in resisting arrest or fleeing;
4. Land, buildings, objects, automobiles, vessels, aircrafts guarded by police personnel, or other people's life, body, freedom, property being under hazards or intimidation;
5. Police personnel's life, body, freedom and equipment being under violence or intimidation, or any fact identifying them as under hazardous conditions;
6. Any person in possession of weapons for criminal purpose rejecting to throw away such weapons after police personnel's warning; and
7. Any situation as referred in Paragraph 1, 2 of the preceding article hereof, and police personnel failing to stop such situation unless using police swords or police firearms.

Other weapons approved can be jointly used to the preceding situations where necessary.

#### Article 5

When enforcing police duties as executing a ban or an interrogation, police personnel may order the counterparty to stop or raise hands, where necessary, and may check whether he/she is in possession of weapons for criminal purpose. Police personnel may use police weapons pursuant to the Act if they are resisted and they are perceived to be under assault.

#### Article 6

Police personnel may reasonably use police weapons, based on emergency needs, which should not exceed beyond the imperative level.

#### Article 7

Police personnel shall stop using police weapons in case that the reason, whereby police personnel are allowed to use police weapons, disappears.

#### Article 8

Police personnel using police weapons shall pay attention not to cause injury to others

#### Article 9

Police personnel using police weapons shall pay attention not to cause mortal injury to offender(s).

#### Article 10

Police personnel shall immediately report the event to their chief after using police weapons, unless otherwise using police batons.

#### Article 11

In case that police personnel using police weapons pursuant to the Act and leading the third party's injury, death, or loss of property, the government of the level concerned shall be liable for the medical charge, consolation pension, compensation, or funeral expenses.

In case that police personnel using police weapons in violation of the Act and leading the third party's injury, death, or loss of property, the government of the level concerned shall be liable for the medical charge, consolation pension, compensation, or funeral expenses. Provided that police personnel cause the preceding hurt willfully, the government of the level concerned may make a claim for compensation to the police personnel.

The criteria for the medical charge, consolation pension, compensation, or funeral expenses referred in the first two paragraphs shall be concluded by the Ministry of Interior.

#### Article 12

Police personnel using police weapons pursuant to the Act is a legal behavior.

#### Article 13

The Act shall be applied to other judiciary police and the military police when they are enforcing judiciary, military duties or garrison police duties approved by the Ministry of Interior.

The measures governing the use of police weapons for garrison police will be enacted by the Ministry of Interior.

#### Article 14

Police weapons shall not be made by order, sold or held unless otherwise under the approval of the Ministry of Interior or other police organizations authorized by the MOI, and shall be confiscated if the forgoing provision is violated, except as required by law.

The measures governing the police weapons type, specification, permission conditions, application, investigation, cancel, revocation, abrogation or other provisions, with respect to the preceding approval of the police weapons made by order, sold or held, shall be enacted by the Ministry of Interior.

#### Article 15

The Act will come into force upon promulgation.

## **Regulations Governing the Permission to Manufacture, Sell and Possess Police Weapons**

**(Amended on August 22, 2008)**

**Article 1** These Regulations are duly enacted in accordance with Paragraph 2 of Article 14 of the Statute Governing the Use of Police Weapons.

**Article 2** Police weapons whose manufacturing, selling and possessing may be applied for in accordance with regulations include: batons, handcuffs, electric batons and net guns.

To attain permission for police weapons from the preceding paragraph, the MOI (hereafter the Ministry) may authorize the National Police Agency (hereafter the NPA) or a municipal or county police bureau to give permission. The supplier referred herein shall be a company.

**Article 3** Suppliers applying for manufacturing or selling of batons, handcuffs, electric batons and nets shall enclose the following documents to the Ministry through a municipal or county police bureau for permission:

1. Application
2. CEO information
3. Copy of certificate of company registration
4. Copy of certificate of factory registration shall be enclosed for manufacturers; copy of agency agreement and manufacturer permit shall be enclosed for vendors
5. Product picture and Chinese manual (including model, pictures)
6. Product samples shall be provided for electric batons and net guns.
7. For electric batons, test results from related government agencies shall be attached; for net guns, a kinetic energy report of projectile emission per unit area is required.

To apply for the manufacturing and selling of net guns in accordance with the preceding paragraph, the emission strength shall

not be the cartridge loading type and the emission device shall not have a firing pin similar to a gun.

After passing review, the Ministry will issue a permit to a supplier set forth in paragraph 1. The permit shall not be reproduced for distribution, leased, transferred, mortgaged or lent to others for use.

A supplier shall apply for change of company registration for additional scope of business, and a manufacturer shall change the factory registration for additional scope of business permission within six months from the day after permission is granted. For failure to apply for registration by the deadline, permission shall be canceled.

A supplier completing the preceding registration shall attach a copy of the company registration certificate; In addition to a copy of the company registration certificate, the manufacturer's copy of the factory registration certificate shall be submitted to the Ministry for reference by a municipal or county police bureau.

A manufacturer requesting permission will complete a report for reference. When manufacturing and selling new types of electric batons or net guns, the manufacturer shall first enclose a Chinese manual and product sample; for electric batons, test results from a relevant government agency shall also be attached and for net guns, a kinetic energy report of projectile emission per unit area shall be attached. The above mentioned products together with their enclosures and attachments are submitted to the Ministry for approval via a municipal or county police bureau.

Approval shall be obtained each time from a municipal or county police bureau before manufacturing and selling electric batons or net guns.

**Article 4** A supplier completing the procedure set forth in the previous article shall enclose the following documents to a municipal or county police bureau for approval to export batons and handcuffs:

1. Application (letter of statement)
2. Letter of credit issued by an importing country
3. Export order (with Chinese translation)
4. Product manual in Chinese
5. Copy of company registration certificate
6. Copy of permit

A manufacturer obtaining approval according to the preceding paragraph shall attach an additional copy of factory

registration certificate.

A supplier completing the procedure set forth in the preceding article shall submit required documents in paragraph 1, 2 to the NPA for approval to export electric batons and net guns through a municipal or county police bureau.

A supplier shall enclose copies of export declaration documents after customs clearance and shall report to the NPA for reference through a municipal or county police bureau within seven days.

**Article 5** A supplier completing the procedure set forth in article 3 shall not keep samples of batons, handcuffs, electric batons or net guns numbering more than ten pieces each. A sample of each item may be displayed in a market with the word 'sample' stamped on it and shall be reported to a municipal or county police bureau for control.

When sending samples of batons, handcuffs, electric batons and net guns overseas, a supplier shall apply to a municipal or county police bureau for approval. The number of samples sent shall be less than 2 pieces each time for each country or region.

**Article 6** A supplier completing the procedure set forth in article 3 shall label the name and number of the supplier on all the batons, handcuffs, electric batons and net guns. The supplier shall not make excess production and illegally market.

The preceding supplier shall record the number of police weapons manufactured and clients in detail, and submit a monthly report of manufacture and sales of the prior month to a municipal or county police bureau on the 10th of each month before it is transferred to the NPA for reference.

**Article 7** Agencies, institutes, schools, companies, firms, factories or neighborhood watch organizations which employ security guards, private security patrol guards or civil servants implementing inspections may enclose the following documents to a municipal or county police bureau for permission to purchase batons, handcuffs, electric batons or net guns. If there are branches, each of the said branches shall submit the following documents to a municipal or county police bureau for permission:

1. Application
2. Certificate of an applying unit
3. Chinese product manual of a supplier
4. Service certificates and three pictures of users shall be enclosed for applying to purchase electric batons and net guns.

For jewelry businesses without security guards, CEOs may apply for permission to purchase electric batons and net guns in accordance with the preceding regulations.

Only security guards for delivery are allowed to apply for permission to purchase projection type electric batons set forth in the preceding two paragraphs.

**Article 8** The batons, handcuffs, electric batons or net guns purchased in accordance with the preceding article shall be placed together for safekeeping, recorded and submitted to a municipal or county police bureau for reference. This regulation also applies in the event of a change.

Electric batons and net guns shall not be transferred or lent to others and require a police weapon license issued by a municipal or county police bureau.

A police weapon license shall be renewed once every two years. A holder shall carry it with him/her at all times and shall not transfer or lend it to others. If there is damage, loss or destruction, a holder shall apply for reissuance immediately.

**Article 9** When a supplier completing procedures set forth in article 3 closes or dissolves a business, the NPA will revoke permission and the supplier shall deliver the original permission documents to the NPA for cancellation through a municipal or county police bureau. The electric batons and net guns kept shall be destroyed under the supervision of a municipal or county police bureau.

**Article 10** When an agency, institute, school, company, firm, factory and neighborhood watch organization permitted to purchase batons, handcuffs, electric batons or net guns in accordance with paragraph 1 of article 7 closes or dissolves a business, the police weapon licenses shall be submitted to a municipal or county police bureau for cancellation. The electric batons and net guns purchased shall be destroyed under the supervision of a municipal or county police bureau.

When security guards employed by an agency, institute, school, company, firm, factory, neighborhood watch organization or civil servants performing duties in accordance with the preceding paragraph quit his/her job, he/she shall return the police weapons licenses to a municipal or county police bureau. When there is a successor, police weapon licenses shall be reapplied for in accordance with paragraph 2 of article 8.

Paragraph 1 is applicable to batons, electric batons and net guns which have been shelved as useless.

**Article 11** For applications to manufacture, sell or possess batons, electric batons or net guns; a supplier, jewelry business CEO or company that employs security personnel or civil servants implementing inspections permitted to carry the above items will be denied permission, if he/she has one of the following:

1. A person convicted of sedition or treason after termination of the Mobilization for Suppressing Communist Rebellion.

2. A person convicted of murder, serious injury, robbery, forcible sexual intercourse, kidnapping for ransom, or convicted under the Drug, Organized Crime Prevention, Gun, Ammunition and Knives Control or Money Laundering Prevention Acts.
3. A person identified as a hoodlum or disciplined for a hoodlum disciplinary action.
4. A person sentenced to imprisonment for crime other than offenses set forth in item 1 or 2 without probation or a fine in the past five years.
5. Becoming incapacitated, partially incapacitated or mentally ill.
6. Violation of the Social Order Maintenance Act by taking hallucinatory drugs other than narcotics or anesthetics has been convicted more than two times.

If one of the above offenses is found after permission is granted, the permission may be revoked.

**Article 12** The NPA and municipal or county police bureau may implement inspection of the manufacturing, selling, safekeeping and use of batons, handcuffs, electric batons or net guns of a supplier, agency, institute, school, company, firm, factory or neighborhood watch organization, and may require the provision of related information if necessary.

A unit or staff shall not refuse inspection, interfere or avoid without justifiable reasons.

**Article 13** To manage police weapons examination and identification, the NPA may establish a review committee, and members of the committee shall be selected by the NPA.

**Article 14** For failure to make corrections within the deadline set forth in paragraph 6 and 7 of article 3, article 4 to 6, article 8, article 9, article 10 or 12, permission will be revoked and police weapon licenses will be canceled.

A manufacturer, vendor or CEO whose permission is revoked is not allowed to file an application within five years.

If permission has been revoked or a police weapon license has been canceled, a holder of police weapons shall destroy them under the supervision of a municipal or county police bureau.

**Article 15** The number, specification and safekeeping place and other related information with regards to net guns manufactured, sold or possessed before implementation of these regulations shall be reported to a municipal or county police bureau for control.

The provision of Article 12 is applicable to inspection of the safekeeping and use of net guns set forth in the previous paragraph.



**Article 16** The format of the letter or form as referred to in these regulations shall be determined by the NPA. These regulations are effective as of the date of promulgation.

## **Industrial explosives Administrative Act**

Promulgated under President Order Hua-Tsung (1)-Yi-Tzu No. 09400192971 on November 30, 2005

Article 26,44 were amended and promulgated under the President Order Hua-Tsung (1)-Yi-Tzu No. 09800129141 on May 27, 2009

### **Chapter 1 General**

#### **Article 1**

This Act is established to effectively administrate industrial use explosives, to prevent hazard and preserve public safety.

#### **Article 2**

The so-called industrial use explosive materials (named as explosive material in this Act) listed in this Act, are the materials listed in the following paragraphs for mining, exploration, sand and gravel excavation, civil engineering, construction and blasting artifact.

1. Explosive products used for blasting works, including on-site bulk blasting agents.
2. Initiation products used for priming, initiation, launching, including various types of detonators, safety fuse, detonating cord, primer cap, ignition cap, delay detonators and propellant.
3. The raw materials used to manufacture low and high explosives listed in paragraph 1 and 2 in this article.

The on-site bulk blasting agents described in paragraph 1 of this article are mixtures of non-explosion materials and chemicals which are mixed on-site through special design equipments and charge into blast hole immediately after mixing and need to be initiated by proper initiation system.

The items of industrial explosive described in paragraph 1 of this Article shall be promulgated by Central Governing Agency.

#### **Article 3**

The contracting organization described in this act means the organization through which a project is contracted to other governmental or private organization

for execution.

#### Article 4

The governing agencies as referred hereunder shall be Ministry of Economic Affairs at Central Government, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.

#### Article 5

The jurisdiction of governing agencies are listed as follows:

##### 1. Central Governing Agency:

- a. The establishment, revision, abolishing and interpretation of the explosives administrative regulations.
- b. The establishment of permission, registration and abolishing of explosive products manufacturing and selling.
- c. Permission and management of explosives alienation, lending.
- d. The required procedures according to company law and other regulations related to factory management and assistance.
- e. The erect of distribution office for explosive sales, import and export of explosives, safe keeping in other magazine, disposal procedures, permission, monitoring and management for the establishment of magazine.
- f. The procedures for the issue of certificate for explosives purchasing quota and transportation.
- g. The monitoring, inspection and emergency measures for explosives and their manufacturing, sales and usage.
- h. The registration, issue of certificate and inspection of magazine.
- i. The qualification, issue of certification and management of explosive manager.
- j. Other explosive related administrative, management and monitoring regulations.

##### 2. Governing agency at Municipal City under the direct jurisdiction of the Central Government:

- a. The required procedures according to company law and the regulations related to factory management and assistance.
- b. Jointly on-site inspection for the establishment of magazine.
- c. The inspection of explosive stolen and lose.

- d. Emergency handling of hazards caused by explosives.
- e. The monitoring, inspection and emergency measures for explosives and their manufacturing, sale and usage.
- f. Other items assigned by central governing agency.

## Chapter two Manufacturing and sales

### Article 6

The organizations of explosives manufacturing and sales is limited to the publicly owned company that are approved by Central Governing Agency and company established complied with company law.

### Article 7

To conduct explosive manufacturing, the following documents need to be prepared for the application of permission to the Central Governing Agency, during its preparation or extending.

- a. Name of company and person.
- b. Administration plan.
- c. Engineering plan.
- d. Finance plan.
- e. Safety and emergency measures plan.
- f. The locations of planned business office and factory.
- g. Name and address of person in charge.
- h. Other items that need to be listed according to the regulations of Central Governing Agency.

### Article 8

Besides the publicly owned company that is approved by Central Governing Agency, companies obtain the permission to prepare or extend explosive manufacturer should accomplish company registration or change of registration. After the construction of factory and obtain factory registration, the

required safety facility need also to be equipped according to requirements listed in Article 13 and inspected by Central Governing Agency before starting manufacturing.

The establishment of explosive factory described above should comply with the factory construction standard ruled by Central Governing Agency.

#### Article 9

Explosive manufacturer, after obtaining permission for establishing or extending factory, without obtaining factory registration certificate under no rational reason or stop manufacturing more than one year after the beginning of operation, the Central Governing Agency has the right to abolish its permission.

#### Article 10

To conduct explosive sales, the following documents need to be prepared for the application of permission to the Central Governing Agency, during its preparation or extending.

- a. Name of company and person.
- b. Administration plan.
- c. Structure and Safety facility for the planned sales location.
- d. Finance plan.
- e. Safety and emergency measures plan.
- f. The locations of planned business office and distribution office.
- g. Name and address of person in charge.

To establish sales distribution offices, the explosive seller should also apply for the permission from the Central Governing Agency.

#### Article 11

Explosive seller, after obtaining permission for preparing establishment, without conducting business under no rational reason or stop business for more than one year, the central governing agency has the right to abolish its permission.

Explosives seller, after obtaining permission to establish additional distributing office, without conducting business under no rational reason or stop business for more than one year, the Central Governing Agency has the right to abolish its permission.

#### Article 12

The purchaser of explosives is limited to those who obtain explosive purchase certificate complied with the regulations described in Article 14.

#### Article 13

The explosive manufacturers, seller (including distribution office) shall comply with the following requirements to establish safety facility. After obtaining the approval from the Central Governing Agency, the manufacturing and operation can then be executed. The operation or opening date shall be reported to the Central Governing Agency, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.

1. The explosive factory and sales location (including warehouse and distribution office) shall have on site security guard to secure safety.
2. Setup safety regulations base upon actual condition and acquire approval from the Central Governing Agency.
3. Assign specific department or person to handle personnel evaluation.
4. Establish explosive magazine and guardhouse, and assign designated personnel or personnel shift.
5. To coordinate with related governmental agencies to conduct necessary safety measures.

The facility for the manufacturing and sales of explosive materials shall restrict both employees and visitors to bring or take out explosive materials when enter or leave the facility.

The subparagraph1 in paragraph1 and above paragraph do not apply to on-site bulk blasting agents manufacturers.

#### Article 14

**The explosives purchasers, besides explosives manufacturer and seller who posses the permission approved by Central Governing Agency, are limited to companies which conduct mining, exploration, sand and gravel excavation, civil engineering, construction, blasting manufacturing or tasks that is necessary to use explosives and approved by Central Governing Agency.**

Explosive purchasers apply for purchasing quota should fill out application form and then apply for purchasing certificate from Central Governing Agency.

For engineering contractor tend to purchase explosive products, shall fill out the explosive purchase application form and obtain approval from the contracting company before fulfilling application requirements listed above. The contracting company is responsible to monitor the usage of explosive of

the contractor.

## Chapter 3 Import, Export and Transportation

### Article 15

For importing and exporting explosives, application form need to be prepared and apply for approval through Central Governing Agency, in which the type of explosives, quantities, import and export sea port and airport should be clearly listed.

### Article 16

The transportation of explosive shall fill out application form for every shipment and apply for transportation certificate from Central Governing Agency. The certificate for transportation of explosive within explosive factory, mines or construction sites can be exempted.

### Article 17

The transportation of explosives shall assign specific vehicle and personnel and follow approved transportation route and schedule. In addition, the following regulations shall also be followed.

1. When transport through municipal area, transportation certificate shall submit to local police department and apply for the lead or traffic control.
2. Transportation tools shall attach (hang) warning sign or flag.
3. Detonators shall not, in any circumstance, be transported with low explosive, explosives or raw materials for manufacturing explosive in the same vehicle.
4. The explosive packaging shall be sturdy, with internal padding for shock resistance.
5. When park or unload explosive shall make sure brake is secured. To park near gas station and flame source is highly restricted.

## Chapter 4 Use, Storage and Handling

### Article 18

The use of explosive shall be handle by trained blasting professional personnel and comply with the following regulations.

1. The amount of explosive used should base upon the quantity estimated for daily use. The unused explosives shall be returned to the magazine within 24 hours after removed from the magazine, but stored any other location besides magazine. For special circumstance, it can be exempted after approved by

Central Governing Agency.

2. The handover of explosive shall select proper location outside of magazine.
3. Explosive products and initiating products shall be stored in separate wooden, paper, plastic or any other non-electric conducted special containers and do not allow any non-explosive products exist in the same container.
4. The charging and initiating of explosive shall be executed with safe method and apparatus.
5. A wide-spreading warning and necessary safety security need to be done before initiation.
6. After initiation, the remained un-initiated explosive shall be disposed through safe measures.

**The above mentioned blasting professional trainee, training courses, training hours, issue of certificate and license, expiration date, reissue, abolishing and other regulations are ruled by Central Governing Agency.**

Article 19

Explosives shall store in the magazine. The quantity of explosive for daily used can be stored at the safe place in the job site under monitoring by assigned personnel.

Article 20

Explosive manufacturer, seller and purchasers shall establish magazine and guardhouse and assign designated personnel or personnel shift except for those who comply with paragraph 21 and obtain permission.

Article 21

For explosive seller and purchasers, the location of storage and use of explosive near others' magazine, the explosives can be stored in others' magazine after obtained the permission from Central Governing Agency.

Article 22

For establishment or change of magazine, an application need to be filed for the inspection conducted jointly by Central Governing Agency and authorities of Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City and obtain permission.

After the construction of magazine and before its use, the magazine need to be inspected jointly by Central Governing Agency and authorities of Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City and obtain permission.



The location, structures, facilities, quantity and height of storage shall comply with the magazine establishment standard.

The establishment term and standard of magazine shall be ruled by Central Governing Agency and Central Building Agency.

#### Article 23

Under the circumstances the explosive degrade or unaffordable to be used that need to be disposed, explosive seller or purchaser shall fill out explosive disposal application form and list the type and quantity of explosive, disposal time, location, method and safety measures, then apply for approval.

#### Article 24

The explosive purchased through proper application can not be used for other application unless obtained special permission from Central Governing Agency, except under special emergency circumstance.

The left over and unused explosive, after purchased and end of use, can be recovered by supplier at its remaining value or sale to other purchaser after obtain the permission from Central Governing Agency.

## Chapter 5 Safety Management

#### Article 25

Explosive manufacturer, seller and purchaser shall assign explosive manager to handle the following tasks.

1. The management of explosive receive, distribute, storage, handling and use.
2. Supervised explosive transportation.
3. Other explosive management tasks.

The qualification of explosive manager include attend, finish and qualified the explosive manager training program organized by Central Governing Agency or other governmental authority and possess practical working experience. The management of eligibility of trainee, issue of certificate or license, effective duration, change, abolishing and other related regulations shall be ruled by Central Governing Agency.

#### Article 26

The person having one of the following conditions shall not be taken as an explosive manager:

1. Person who is ordered the commencement of guardianship or assistantship.
2. 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.

3. Person who is confirmed in the imprisonment for a definite term in violation of weaponry and arms restriction regulation.
  4. Person who is diagnosed as having psychological disorder or other mental disease by educational hospital.
- If explosive manager is found to violate related explosive administrative regulations, the Central Governing Agency shall command the explosive manufacturer, seller or purchaser to replace the explosive manager.

#### Article 27

The explosive manager, under certain condition, can not perform his duty, the person who is in charge of the assignment need to take the act following the regulations listed below:

1. For explosive manager temporarily leave the post, an appropriate replacement need to be assigned for the duty. For more than four days, the Central Governing Agency needs to be informed. For more than 30 days, an eligible person need to be assigned for the duty of explosive manager and need to inform Central governing Agency.
2. After explosive manager leave the job, the person in charge of the assignment shall assign an appropriate person for the duty and shall assign a eligible person to take the position of explosive manager and inform the Central Governing Agency.

#### Article 28

Smoking, fire source, flammable materials and materials that are easy to catch fire are highly restricted within explosive manufacturing facility, magazine and blasting site, unless other regulations apply.

#### Article 29

On the packing of explosives, the manufacturer and seller shall clearly label, on the outside of the container, type of explosive, date of manufacturing, serial number, weight, quantity, illustration, major ingredients, hazardous warning information and measures, name of manufacturer, address, handling information and sign of burning or explosion. The material safety data sheet and information need to be included in the container, which shall clearly list explosive storage life and safety information; for package explosive, serial number need to be labeled.

#### Article 30

For explosive stolen or lose, the explosive manufacturer, seller or purchaser need to report, within 24hours, to the Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City. For contractor, the contracting company or party needs to be informed immediately.

#### Article 31

When explosive related hazard occurs or may potentially occur, the explosive manufacturer, seller or purchaser shall take necessary emergency or rescue measures and inform Central Governing Agency, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.

#### Article 32

Explosive manufacturer, seller and purchaser shall prepare logbook to record types of explosive, quantity, time and source of origin that are received and taken out, for inspection purpose. The logbook needed to be kept for at least five years. The quantities records of production, sales, disposal need to report periodically to Central Governing Agency.

### Chapter 6 Monitoring

#### Article 33

To prevent hazard, the governing agency shall dispatch personnel to inspect the safety facility of the location used by explosive manufacturer and seller, evaluate explosive manager and explosive user. The logbook and related records and figures shall also be checked if it is necessary.

The party and related personnel shall not evade, interfere or refuse the inspection.

The inspector, when conducting inspection, shall identify himself using proper identification.

#### Article 34

To prevent hazard and secure public safety, when there is potential hazard or hazard occurred, the governing agency may direct explosive manufacturer, seller or purchasers to take following emergency measures:

1. To entirely or partially stop the use of the facilities or magazine.
2. To prohibit or restrict the manufacturing, vending, storage, transportation or use of explosive.
3. To change explosives storage location.

### Chapter 7 Penalty Articles

#### Article 35

With one of the following situations and result in public danger, shall be sentenced to termed imprisonment of more than 1 year and under 7 years; result in death, shall be sentenced to termed imprisonment of more than 7 years or life imprisonment; result in serious injury, shall be sentenced to termed imprisonment of more than 3 years and under 7 years.

1. Violate paragraph 1 in Article 8, fail to apply for inspection and obtain permission but start manufacturing explosive products.
2. Violate Article 23, dispose explosive product without permission.

#### Article 36

With one of the following situations, violator is subject to fine of more than NT\$200,000 and under NT\$1,000,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period.

1. Violate paragraph 1 in Article 8, fail to apply for inspection and obtain permission but start manufacturing explosive products.
2. Violate paragraph 2 in Article 10, establish distribution office without permission.
3. Violate Article 12, explosive vender sale explosive to party without purchasing permit.
4. Violate paragraph 1 paragraph 2 in Article 13, fail to apply for inspection and obtain permission but start manufacturing or sale explosive products, fail to inform the operation or opening date to the Governing Agency or fail to restrict both employees and visitors to bring or take out explosive materials when enter or leave the facility.
5. Violate Article 23, dispose explosive product without permission.
6. Violate Article 24, transfer or lending explosive products without permission, the left over and unused explosive, after purchased and end of use, be recovered by supplier at it remained value or sale to other purchaser without permission.
7. Violate Article 34, without conduct emergency measures direct by Governing Agency.

#### Article 37

With one of the following situations, violator is subject to fine of more than NT\$60,000 and under NT\$300,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period or improvement.

1. Violate one of the conditions listed in Article 17, fail to transport explosives using assigned vehicle and personnel and fail to follow approved transportation route and schedule.
2. Violate one of the conditions listed in Article 18 or the use of explosive by personnel without professional blasting training.
3. Storage, temporarily storage or assign monitoring personnel without comply with the regulation described in Article 19.
4. The establishment of magazine and guardhouse and assign designated personnel or personnel shift without comply with the regulation described in Article 20.
5. Violate paragraph 1 or paragraph 2 in Article 22, establish or change magazine without apply for inspection and obtain permission or use of magazine without obtaining registration permit.
6. Violate Article 28, smoking, using fire source or bringing flammable materials and materials that are easy to catch fire into the explosive manufacturing facility, magazine or job-site
7. Violate Article 31, fail to take necessary emergency or rescue measures and inform Governing Agency, when explosive related hazard occurs or may potentially occur.

#### Article 38

With one of the following situations, violator is subject to fine of more than NT\$10,000 and under NT\$50,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period of improvement.

1. Violate Article 21, store explosives in others' magazine without obtaining permission.
2. Fail to assign explosive manager to handle the following tasks described in paragraph 1 Article 25.
3. Fail to comply with the execution to replace explosive manager by Governing Agency in accordance with paragraph 2 in Article 26.
4. Violate Article 27 regarding to the assign of appropriate explosive managing person, assign temporarily explosive manager, assign replacement of explosive manager or report to the Governing Agency for permission.
5. Fail to comply with Article 29 about explosive packing regulations or mixing packing with other materials.
6. Violate Article 30, fail to report explosive stolen or lose within 24 hours period.
7. Fail to prepare explosive logbook and record, preserve records, report production, sales, disposed quantity to the Governing Agency periodically in accordance to Article 32.
8. Violate paragraph 2 Article 33, evade, interfere or refuse the inspection executed by Governing Agency.

## Chapter 8 Bylaw

#### Article 39

For explosive used by military department, its manufacturing, purchasing, importing, transportation and storage not ruled by this ACT.

#### Article 40

The explosive manufacturer, and seller registered before the implementation of this Act shall apply required permissions to Central Governing Agency within given period after the implementation of this Act; without application of permission shall comply with the related regulations listed in this Act.

#### Article 41

The Central Governing Agency shall establish format of various document, tables and logbook described in this Act.

#### Article 42

The management regulation of Newly developed technology for explosive manufacturing, use and equipments shall be ruled by Central Governing Agency.

Article 43

The Enforcement Regulation for the Act shall be established by governing agency.

Article 44

The Act shall be implemented from the date of promulgation.

The articles of the Act amended on May 5, 2009 shall be implemented from November 23, 2009.

## QUESTIONNAIRE 9

**TARIFF QUOTA:** DEPARTMENT OF CUSTOMS ADMINISTRATION, MINISTRY OF FINANCE  
[Governing Regulations 9-1](#)

# The Regulations of Tariff Quota

Amended on September 27, 2011

## Article 1

The Regulations are enacted pursuant to the provisions of Paragraph 2, Article 5 of the Customs Act ( hereinafter referred to as "the Act" ) .

## Article 2

"Tariff Rate Quota" referred to in the Regulations 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.

## Article 5

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 after consultation with the related authorities concerned and shall be published in the official journal of the government. Under the method of allocation in advance, the announcement should be made public 60 days in advance of the start of the application period, but the period of notice that has been agreed in other international treaties will be applied in accordance with the agreements in those treaties.

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.

In the case where tariff rate quota are increased in accordance with Article 71 of the Customs Act, the ways of allocation, eligibility of application for allocation, the collection of performance bond or premium, the period of notice and other related issues about the implementation of tariff quota shall be published by the Ministry of Finance after consultation with the related authorities concerned.

## Article 6

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 58 of the Act, 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 Regulations 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 the enterprise registration/ the number of the identification card for an individual, 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 Regulations, and shall collect the performance bond or premium whilst issuing the certificate of tariff quota.

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.

On receiving an application for transference of quota referred to in the preceding paragraph, the original authority may separately re-issue TRQ certificates for the transferred quota, and the remainder of the quota which the imported or transferred quota are deducted from the quota written on the original tariff quota certificate. The validity of the certificate shall be the same as the date written on the original tariff quota certificate.

## Article 11-1

Both obligee and transferee may apply to the original authority which allocated the quota for return of the performance bond referred to in the preceding paragraph after the importation of the entire goods or the amount of the goods after transference, within the valid period of the tariff quota certificate.

The performance bond shall belong to the national treasury instead of refunding if neither the obligee nor the transferee apply for refund within 5 years or do not import the goods entirely within the valid period of the tariff quota certificate.

The un-imported goods of the obligee and transferee which are less than a certain proportion of the quota written on the tariff quota certificate shall be regarded as imported entirely. The aforementioned proportion shall be included in the announcement made by the Ministry of Finance in accordance with the provision of Article 5.

## 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 to the final date in the year before the expiration of the valid period, accompanied by the transaction contract and the original certification of the tariff quota.

Under the method of allocation in advance, if the method of installment distribution is used, the quota allocated in each installment must be imported entirely before the expiration of the tariff quota certificate in the given period, and no extension may be applied for. Such importers as import rice and rice products may apply for extension to the final date in the such year in accordance with the preceding paragraph.

### Article 13-1

Under the method of allocation in advance, due to natural disasters, force majeure events or other subject matter, as a result of transport disruption or port closure, a quota quantity can not be imported entirely before the expiration of the tariff quota certificate, an importer can apply to the Ministry of Finance for extension attached with relevant concrete documents within ten days after the cause of the matter was eliminated, and the extension period applicable to the imported quota is limited on the period, that the port closure and transport disruption affect the normal operation of transportation.

## 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 those such extension of period were approved in accordance with the preceding 2 articles.

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 18 of the Act.

## 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 bounded house under Article 58 of the Act and "the Regulations Governing the Establishment and Management of Bonded Warehouse".

## Article 18

The implementation of the tariff rate quota increase according to Article 71 of the Act, with the exception of Paragraph 1, Article 5, shall be implemented in accordance with the Regulations of Tariff Quota.

The implementation of the tariff rate quota adopted according to Article 72 of the Act, shall be implemented in accordance with the Regulations of Tariff Quota.

## Article 19

These Regulations 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 TARIFF QUOTA

Bank of Taiwan

<b>(1) Applicant</b> (Name in English and Chinese, Business Registration No., Address, Telephone No. and Facsimile No.):	<b>(3) Source of Origin:</b> WTO Member	
<b>(2) Seals of the Applicant</b> (including both company & person in charge):	<b>(4) Documentations Attached</b> 1. Copy of qualification documentation (please check applicable boxes) <input type="checkbox"/> Copy of Registration Card or Certificate for Exporter/Importer <input type="checkbox"/> Copy of Business Registered Certificate  2. Original Receipt of Post Office Fund-Transfer for Service Charge	
<b>(5) Quantity:</b>  <div style="text-align: center;">MTS</div> (Quantity of Deer Velvet:    KGS)	<b>(6) Quota Variety/Product (check one box only)</b> <input type="checkbox"/> E. Deer Velvet <input type="checkbox"/> F. Fresh Pears <input type="checkbox"/> G. Bananas	<b>(7) Lot of Quota Allocation</b>
<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;"><b>to</b></p> <p><b>Bank of Taiwan</b></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.

<b>Do not fill in the right blank</b>	<b>Evaluation Result</b>	<input type="checkbox"/> <b>Unqualified</b>	<input type="checkbox"/> <b>Qualified</b>
		<input type="checkbox"/> 1. Unqualified date of sending <input type="checkbox"/> 6. Apply for more than one product <input type="checkbox"/> 2. Unqualified in applicant's qualification <input type="checkbox"/> 7. Repeated application <input type="checkbox"/> 3. Incomplete Documentations <input type="checkbox"/> 8. Application not sent through post office <input type="checkbox"/> 4. Service Charge not paid <input type="checkbox"/> 9. Application not sent to stipulated address <input type="checkbox"/> 5. Unqualified quantity <input type="checkbox"/> 10. Others	
<b>Allocation Result</b>          			

## PREMIUM BIDDING FORM FOR TARIFF QUOTA

We, the Bidder, 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 BOT'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 bidder shall assume full legal responsibilities.**

To

**Bank of Taiwan, Department of Precious Metals**

Bidder : \_\_\_\_\_ Seal: \_\_\_\_\_

Representative : \_\_\_\_\_ Seal: \_\_\_\_\_

Address, telephone no. and facsimile no. is the same as Certificate for Exporter/Importer registered in Board of Foreign Trade.

Date of Opening Bid

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The Deposit will be paid by bank's check. Details are as follows :		
Bidder : ____ bid for _ MT of <u>product</u> pay Deposit NT\$ _____		
1.Kind of Check:	3.Issuing Bank:	
2.Paying Bank :	4.Check No. :	