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Committee on Import Licensing

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AGREEMENT ON IMPORT LICENSING PROCEDURES

Notification under Articles 7.3¹ and 8.2(b)² of the
Agreement on Import Licensing Procedures

SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Revision

The following communication, dated 6 May 2003, has been received from the Permanent Mission of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

Pursuant to Articles 7.3 and 8.2(b) of the Agreement on Import Licensing Procedures, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has the honour to submit herewith the following two notifications, namely the replies to the Questionnaire on Import Licensing Procedures and the Consolidated List of Chinese Taipei's WTO-ILP Questionnaires and their respective Governing Regulations in 2002.

¹ See document G/LIC/3, Annex, for the Questionnaire.

² Copies of legislation referred to in this notification, as well as Application for import permit/import permit, Application form for rice import quota, Application form for global tariff rate quota, and Premium bidding form for global tariff quota, are available for consultation in the Secretariat (Market Access Division) (in English only).

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I. COMMODITIES SUBJECT TO CONDITIONAL IMPORT, IRON AND STEEL PRODUCTS, OPTICAL DISK MANUFACTURING EQUIPMENT: BOARD OF FOREIGN TRADE, MINISTRY OF ECONOMIC AFFAIRS

Outline of system

1. Import licensing system is regulated by Article 11 of the “Foreign Trade Act” (hereinafter the “FTA”), which provides that commodities can be imported freely into the territory. However, where treaties, trade agreements, national security, culture, hygiene, environmental/ecological protection, or policy require restriction on imports, the Negative List shall apply. The Board of Foreign Trade (hereinafter the “BOFT”) therefore compiles and publishes the “List of Commodities Subject to Import Restriction”. The imposition of such restriction is pursuant to the “Regulations Governing Import of Commodities” as mandated by the FTA. Commodities listed therein fall into two categories: one is subject to import control, i.e. no import is allowed (the BOFT can make an exception and give a special approval for commodities in this category). Commodities in the second category are subject to conditional import, i.e. import is allowed if conditions (which might include the submission of an approval document from a relevant competent authority) set forth in the list are fulfilled. The issuance of an Import Permit by BOFT for the import of commodities in this category is granted upon fulfillment of the said conditions and is so that the Customs Administration may facilitate the clearance by checking only the permits issued by BOFT.

Such commodities as Methyl Bromide, HCFC and Industrial Use Explosives are subject to conditional import in order to be in line with the Montreal Protocol or to maintain social security, etc. The import of “Iron and Steel Products” is subject to import licensing procedures in order to monitor imports and requires issuance of an Import Permit by the BOFT; while import of “Optical Disks Manufacturing Equipment” is subject to measures taken for safeguarding intellectual property rights, and requires an import clearance certificate issued by the BOFT. The Customs Administration needs only to check the Import Permit or import clearance certificate issued by the BOFT, thereby facilitating the customs clearance without the binding of other restrictive regulations.

Purposes and coverage of licensing

2. The commodities which require an Import Permit issued by the BOFT are referenced in the “Consolidated List of Commodities Subject to Import Restriction and Commodities Entrusted to

Customs for Import Examination" (G/LIC/N/1/TPKM/1 and G/LIC/N/1/TPKM/2) (hereinafter the "Consolidated List"). Copies of the Consolidated List and legislation referred to in this notification are available for consultation in the Secretariat.

With the information on the licensing coverage on "Iron and Steel Products", a list of the 471 items of Iron and Steel Products under import surveillance has also been deposited in the WTO Secretariat for reference (G/LIC/N/2/TPKM/1).

The import certification system for "Optical Disk Manufacturing Equipment" covers the following items:

C.C.C. Code 8477.10.90.20-3, 8479.89.99.20-8, and 8480.71.90.10-6.

The import licensing/certification system regarding conditional import, "iron and steel products" and "optical disk manufacturing equipment", under the BOFT is automatic, though the BOFT Import Permit for commodities subject to conditional import required often follows only upon the meeting of such conditions as the approval of other relevant agencies.

3. The system applies to goods originating in and coming from all countries and customs territories, unless otherwise specified in the accession protocol of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu or the agreement on the terms of accession to the WTO.

4. The import permits issued by the BOFT are not designed to restrict the quantity or value of imports; rather they only serve the purpose of confirming to the Customs authorities that the prescribed import conditions have been met. With the assistance of the BOFT to verify the importers' qualifications and the compliance of the imports with the import regulations through the BOFT's Import Permit issuance, the Customs Administration can accelerate the customs clearance. The purpose for the issuance of an Import Clearance Certificate for optical disk manufacturing equipment is to prevent infringements of intellectual property rights. There is no other import procedure for these commodities that can be substituted to in order to avoid the delay encountered from this customs clearance procedure.

5. Although the BOFT licensing/certification system is governed by the "Regulations Governing Import of Commodities" mandated by the FTA and the "Optical Disk Manufacturing Equipment

Import Export Regulations” which are mandated by the Optical Disk Law, repeal of the system does not require legislative action.

Procedures

6. Not applicable.
7. Application for a licence:
 - (a) May be filed on any workday.
 - (b) Will be granted within 2 working hours.
 - (c) Has no limitations as to the period of the year in or for which application may be made.
 - (d) Is considered and effected by either BOFT and its Kaohsiung Office, MOEA United Service Centre (Central Taiwan), Economic Processing Zone Administration or Science-based Industrial Park Administration.
8. None. The reasons for any refusal are given to the applicant in writing. In the event of refusal, by law, the applicant has a right to appeal by following the procedures provided by the law.

Eligibility of importers to apply for licence

9. According to the FTA and the “Regulations Governing Import of Commodities”, only firms registered with the BOFT as importers are permitted to engage in the business of importation. Firms or individuals not registered as importers may import if the imported goods are for the firms' or individuals' own use.

Based on the “Regulations Governing Registration and Administration of Exporters and Importers”, firms engaging in export/import or sale business listed on its business licence are eligible for registration. There is no registration fee required. Although the list of registered importers is not published, the BOFT welcomes any inquiry on it.

Documentational and other requirements for application for licence

10. With the application, an importer is required to supply the documents referred to in the Consolidated List, where the relevant import regulation codes are provided.

11. Upon actual importation, only the Import Permit or import clearance certificate and the documents for customs clearance are required.
12. There is no licensing fee or administrative charge.
13. There is no deposit or advance payment requirement.

Conditions of licensing

14. According to the Regulations Governing Import of Commodities, an Import Permit issued by the BOFT shall be valid for six months from the day of issuance except in very few situations where the quota is administered periodically. If importation cannot be made within the prescribed validity period, the importer may apply to the BOFT for extension of the validity. The import clearance certificate for Optical Disk Manufacturing Equipment has no time-limit.
15. There is no penalty for the non-utilization of a licence.
16. Licences are not transferable between importers.
17. There are no other conditions attached to the issuance of a licence besides those specified in the relevant import regulations.

Other procedural requirements

18. No. However, if the imported goods are subject to quarantine or inspection, there is a quarantine or inspection procedure apart from import licensing.
19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

II. METHYL BROMIDE: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN HCFC: INDUSTRIAL DEVELOPMENT BUREAU (IDB), MOEA

Outline of system

1. This licensing system is the control measure taken as necessary to be in line with the Montreal Protocol. To import these hazardous materials, an applicant shall first apply for import approval in accordance with the "Operating Regulations Governing the Control of Restricted Methyl Bromide" administered by the COA, or the "Regulations Governing Controlled Substances Pursuant to the Montreal Protocol" administered by the IDB, in order to then obtain the Import Permit from the Board of Foreign Trade (BOFT) of the MOEA that will be used to clear the goods at customs.

Purposes and coverage of licensing

2. The products under this system are subject to non-automatic licensing, and they are:
- (a) Methyl Bromide: C.C.C. 2903.30.90.21-4, 3808.90.92.10-6.
 - (b) HCFC: C.C.C. 2903.49.00.11-4, 2903.49.00.21-2, 2903.49.00.22-1, 2903.49.00.23-0, 2903.49.00.24-9, 2903.49.00.32-9.

The following other goods, which are composed of chemicals controlled under the Montreal Protocol, are also covered by this system: C. C. C. 2903.49.00.90-8, 3824.71.00.00-2, 3824.79.00.00-4, 3824.90.99.31-4.

3. Imports shall be made only from signatories to the Montreal Protocol or from countries or areas which have been approved by promulgation by the Environmental Protection Administration of the Executive Yuan.
4. This system is made in compliance with the provisions of the Montreal Protocol.
5. This system may be abolished without legislative approval.

Procedures

6.I. Information concerning allocating quota are stipulated in the COA and MOEA Gazettes already published and released to the press.

- II.(a) Methyl Bromide: Quota allocation is based on the level of consumption in 1991. An approval issued shall be valid for six months. Application for approval is filed on a six-monthly basis.

- (b) HCFC: The quota is set annually. The domestic quota is calculated by multiplying the base year consumption provided in the Montreal Protocol by a deduction rate. Quota is allocated to firms based on total quota and past performance of firms with priorities given to users.
- III.(a) Methyl Bromide: Within 45 days of the start of each six-month period, an importer shall report his intended import, and submit the documentation showing the importer's imported quantity of Methyl Bromide in the prior period to the COA for reference. An unused quota for the first half of a year may be added to the quota for the second half of the same year, but cannot be carried into the following year.
- (b) HCFC: Importers or users who have obtained quotas may apply for import. Unused quota shall not be re-allocated.
- IV.(a) Methyl Bromide: Upon the date of announcement of the opening of application for quota approval, applications may immediately begin to be filed.
- (b) HCFC: Quotas shall be allocated on a quarterly basis and are to be used in that quarter.
- V. Applications for approval are processed within 7 to 30 days.
- VI. There is no waiting period between the granting of licences and the date of opening of the period of importation.
- VII. Import approval must be granted by the COA or IDB before obtaining the Import Permit from the BOFT; application for import approval is considered and effected by the COA or IDB.
- VIII. The use and the quantity volumes of the goods to be approved for import must conform to the scope provided for in the Montreal Protocol; only then may a special case approval be issued. Quota allocations use past practical merit as a standard.
- IX. These approval issuance procedures adopt import control to limit import quantity. There are no bilateral agreements or export restraint arrangements; no import licence from the exporting country is required.
- X. Quantity is controlled by the importing country and no import licence from the exporting country is required.

XI. No approvals or licences are issued on the condition that goods imported must be re-exported and not sold in the domestic market.

7. Not applicable.

8. None. The reasons for any refusal are given to the applicant in writing. In the event of refusal, by law, the applicant has a right to appeal by following the procedures provided by the law.

Eligibility of importers to apply for licence

9. Not every individual, company or organization has the qualifications to apply for a licence. An applicant must prove that the use and the volumes will conform to the scope provided for in the Montreal Protocol.

Documentational and other requirements for application for licence

10.A. For the approvals issued by the COA, the documents required for an application are:

- (1) A photocopy of the importer's seal impression card (requested if it is the first time they have applied),
- (2) The statistical data and customs import declaration with respect to quantity of restricted methyl bromide imported within two years prior to the imposition of control (requested if it is the first time they have applied); and
- (3) Documented proof of the quantity/volume imported in the previous period.
- (4) An application to import methyl bromide for quarantine or pre-shipment treatment shall separately submit evidentiary documents with respect to such purposes.

B. For approvals issued by the IDB, the documents required for an application are:

- (1) Importer seal impression card.
- (2) A table showing quantity statistics for the applicant's import of controlled chemicals imported within the two years prior to the implementation of import control.
- (3) The import certificate(s) issued previously to the applicant by Customs.
- (4) A photocopy of such Customs-stamped import declaration(s).

11. Upon actual importation, an import permit issued by the BOFT and documents required for customs clearance shall be submitted.

12. No licensing fee or other administrative fee is required.
13. No deposit or advance payment for the application shall be required.

Conditions of licensing

- 14.A. Methyl Bromide: import approval is valid for six months. Every six months application must be made again for import approval. An approval can be extended for another six months if the application for it was filed in the first half of the year.
- B. HCFC: import approval is valid for three months and no extension is allowed.
15. Unused quota shall be deducted from the quota for the next year.
16. Quota can only be assigned between importers having the same eligibility but quota allocated to users is not assignable.
17. There are no additional conditions besides the quantitative limits of the quotas.

Other procedural requirements

18. There are no other administrative procedures apart from the aforesaid requirements.
19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

III. BREEDING LIVESTOCK/POULTRY AND GENETIC RESOURCES: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

("Genetic" for the purposes of this import system refers to the reproductive resources of semen and/or embryos for livestock and poultry breeding and not to genetic engineering resources or purposes).

Outline of system

1. In order to ensure a healthy environment favorable to the livestock raising business, to preserve public health and safety of human beings and animals, and prevent the entrance from foreign countries of infectious diseases and/or exotic pests, imported animals are screened and controlled to ensure that they are suited to be raised in the domestic environment and to prevent sick or improper breeds from being imported, so as to meet the needs of developing a sound animal industry, the Council of Agriculture promulgated the “Guidelines for Screening Applications for the Letter of Approval for the Importation of Breeding Livestock and Poultry and Genetic Resources” according to the “Animal Industry Act”. Importers of breeding animals and genetic resources must first obtain a letter of approval from the Council of Agriculture with which to use for customs clearance.

Purposes and coverage of licensing

2. The applicable commodities consist of all breeding livestock/poultry animals and genetic resources. Based on the Commodity Classification Code for such commodities as specified in the rules, this covers:

0101.11.00.00-5, 0102.10.00.00-5, 0103.10.00.00-4, 0104.20.00.10-9, 0105.11.10.00-9,
0105.12.10.00-8, 0105.19.10.00-1, 0105.92.10.00-1, 0105.99.10.00-4, 0105.93.10.00-0,
0106.00.21.21-3, 0511.10.00.00-0, 0511.99.91.00-4, 0511.99.92.00-3

For all the above-listed code numbers, the letter of approval for importation will not be automatically issued.

3. Except if it is a case of a disease-infected area, the import areas are not restricted other than according to the WTO agreement and the WTO accession agreement.

4. The purpose of issuing a letter of approval for importation is to facilitate the control of animal species or breeds, and to quarantine and track the imported breeding animals and genetic resources. Not included are experimental animals for scientific and research utilization, which may be imported through specially approved experimental projects verified or certified by the related research organizations for the purposes of productive performance tests.

5. The rules are made in accordance with the “Guidelines for Screening Applications for the Letter of Approval for the Importation of Breeding Livestock and Poultry and Genetic Resources”. The abolition of these rules would not require the approval of or passage by the Legislative Yuan.

Procedures

6. There is no restriction regarding import quantity or value.
- 7.(a) Importers may apply for breeding livestock/poultry and genetic resources any time they need to do so. Such application for letter of approval for importation of breeding livestock must be filed with the Bureau of Business Management of the specific municipality or county in which the animal(s) are to be raised, for examination and review. The application document will then be forwarded to the Council of Agriculture for approval and issuance of the letter of approval for importation. Application for the letter of approval for importation of breeding poultry is made with the National Animal Industry Foundation, which first examines the application documents and then forwards them to the Council of Agriculture for issuance of the letter of approval for importation. Application for the letter of approval for importation of genetic resources can be filed with the Council of Agriculture directly for approval. It requires five working days to process the documents at each processing unit. An applicant should obtain the letter of approval for importation within ten working days.
- (b) The application for letter of approval for importation must follow the above-mentioned procedures for examination and verification. It can not be approved immediately upon its submission.
- (c) There is no restriction as to any specific season for importers to apply; they can make their applications whenever they need to do so.
- (d) The Council of Agriculture is the only competent central organization, which governs and issues letters of approval for the importation of breeding livestock and poultry and genetic resources.
8. All applications made in accordance with the regulations stipulated in the “Guidelines for Screening Applications for the Letter of Approval for the Importation of Breeding Livestock and Poultry and Genetic Resources” shall not be denied. For any non-conforming, rejected application, a statement of the reason shall be made to the applicant, who may file a complaint to the Council of Agriculture or make appeal to the higher-level, supervising agency of this Council, in accordance with the Law of Appeals.

Eligibility of Importers to Apply for Licence

9.(a) To import breeding livestock and poultry:

The applicant must be a registered livestock or poultry farm owner, but a trading company can be authorized to handle the application procedures on behalf of a registered farm owner.

(b) To import genetic resources:

Same as above (a) but a registered trader can also apply for a letter of approval on their own behalf.

Documentational and other requirements for application for licence

10. The applicant must obtain the documents required for the application from the competent governments of the particular municipalities or counties and from the Council of Agriculture. The required documents that must be included in the application are: the application form, the applicant's farm registration certificate, and a proforma-invoice from the overseas exporters. For breeding livestock importation, a pedigree certificate is also required.

11. For customs declaration, the applicant shall need to present the letter of approval for importation issued by the Council of Agriculture, along with all the required documents to apply to customs for import. For quarantine requirements, the applicant has to make the quarantine application to the Bureau of Animal and Plant Health Inspection and Quarantine (also known as BAPHIQ) for reservation of retention space at a quarantine station. After this has all been taken care of, the importer can go ahead with the work of importing the animals/genetic resources.

12. No payment or fee shall be collected for the application regarding import permit-issuance and other administrative or management procedures.

13. No deposit or payment shall be incurred in relation to the application for letter of approval for importation issuance.

Conditions of licensing

14. An approval letter shall be valid for six months from the day following its issue, after which it shall become invalid and expired.

15. Applicants who do not import the commodities as specified in the letter of approval for importation shall not be penalized.

16. The letter of approval for importation applies only to the particular applicant and is not transferable.

17. Within the tracing and quarantine period which is altogether six months, to move the imported breeding livestock or poultry to any other location, notice of intent to do so must be filed with the competent governments of the specific municipalities or counties before being allowed to move the animal(s). Should any applicant move such animals without filing or reporting, they shall be denied issuance of any letters of approval for importation for the ensuing two years.

Other procedural requirements

18. Other administrative procedures mainly have to do with the quarantine work, for which application must be made to the BAPHIQ, in accordance with “The Statute for Prevention and Control of Infectious Animal Diseases.”

19. The foreign exchange needed for the import commodities shall be automatically provided by the governing banks in charge of such import business.

IV. RICE IMPORT QUOTA: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

Outline of system

1. The quota is allocated according to the “Regulations of Rice Import Quota Administration” (hereinafter referred to as “the said Regulations”) and is allocated by the Council of Agriculture (COA) or other authorities mandated by (COA).

Purposes and coverage of licensing

2. The products under this system include rice and rice products, their CCC codes are identified as follows: 1006.10.00, 1006.20.00, 1006.30.00, 1006.40.00, 1102.30.10, 1102.30.90, 1103.14.00,

1103.29.10, 1104.19.10, 1104.29.20, 1108.19.10, 1806.90.61, 1806.90.71, 1806.90.92, 1901.90.91, 1902.11.10, 1902.19.10, 1902.20.10, 1902.30.20, 1904.10.20, 1904.20.11, 1904.20.21, 1904.90.10, 2106.90.98.

3. The system applies to products originating in other member countries/territories of the WTO.
4. Certificates of rice import quota, serving as import licences, are issued to control the quantity of imports.
5. The issuance of rice import quota certificates shall be in accordance with the provisions of the above-mentioned Regulations, and is an administrative action pursuant to the said Regulations authorized by the Foreign Trade Act. It would be possible for the government to abolish the system without legislative approval.

Procedures

6. For products under restriction as to the quantity of imports:
 - I. Applications for allocation and other related issues with regard to the implementation of the rice import quota, including the period of allocation, quota volume, applicant qualifications, mark-up, method of allocation, upper and lower limit of allocation, mark-up due date, valid date of the quota etc., shall be announced and published on the bulletin or website of Executive Yuan and the Council of Agriculture. The Central Trust of China mandated by the Council of Agriculture to process quota allocation, will announce notices relevant to application procedures before the acceptance of applications of allocation.
 - II. The size of the quotas is determined in accordance with the concessions made under Chinese Taipei's accession to the WTO. The rice quota is an annual quota.
 - III. Any importer duly registered with the Board of Foreign Trade (under the Ministry of Economic Affairs) and registered as a licenced food dealer with the Council of Agriculture is eligible to apply for allocation.
 - IV. The information on each quota that will be allocated shall be made publicly available twenty-one days in advance of the start of the application period. If the quota is under-subscribed after the

first announcement, the remaining quota shall be announced within fourteen days after the closing of the preceding allocation.

V. Two days after the close of the application period, all the applications received shall be simultaneously seal breaking, examined, and processed for the quota allocation.

VI. After the issuance of the import quota certificates, importing is possible.

VII. Examinations of applications for the issuing of rice import quota certificates are accomplished by just one agency. The certificates are issued by the Central Trust of China mandated by the Council of Agriculture.

VIII. In the event that the quota announced is over-subscribed, it will be allocated on a first-come-first-served basis based on the mailing date. If the mailing date is on the same day, it will be allocated by lot.

IX. Nil.

X. Nil.

XI. Raw glutinous rice (broken rice) imported to process into rice products for re-exportation, as it is not counted into the volume of quota, must be exported and not be sold in the domestic market.

7. Nil.

8. The reason for any refusal of an application will be specified in the announced notices. No application shall be refused if the standard criteria are met and procedures followed by an applicant.

Eligibility of importers to apply for licence

9. The eligibility qualifications required of applicants are as follows:

Any enterprise registered as an importer at the Board of Foreign Trade of the Ministry of Economic Affairs and as a licenced food dealer at the Council of Agriculture is eligible to apply for import quota certificates.

Documentational and other requirements for application for licence

10. An applicant for the quota shall submit to the allocating organization the “APPLICATION FORM FOR RICE IMPORT QUOTA” and photocopies of the food dealer registration certificate (or business licence). Where the products for which a quota allocation application is being submitted are processed rice products, the original of a “Reply to Antecedent Review of Import Tariff Codes” issued by the customs must be attached.

A sample application form for rice import quota is attached, and will be submitted to the WTO Secretariat for reference.

11. Upon importation, importers shall submit a Rice Import Quota Certificate, issued by the Central Trust of China mandated by the Council of Agriculture.

12. There is no licensing fee or administrative charge.

13. The applicant shall pay a mark-up based on the import quantity before the regulated due day. According to the accession commitment, the mark-up shall not exceed NT\$ 23.26/kg for rice and NT\$25.59/kg for rice products.

Conditions of licensing

14. The valid period of rice import quota certificates: A Rice Import Quota Certificate is valid from its effective date to 1 September of that year. For a holder of a sales contract who applies for extension of said Certificate (or for extension of a certificate for reallocated quota), validity may be extended to 31 December of that year. Requests for extension must be made to the original allocating agency at least seven days prior to expiry of the certificate, and must have proof of a sales contract.

15. There is no penalty against unused or partially used quota allocation holders.

16. The allocated quota will, within the validity of the Certificate, be transferable and tradable, assigned in whole or in part, to other qualified importers.

17. There are no other conditions attached to the issuance of certificates apart from the aforesaid requirements.

Other procedural requirements

18. There are no other administrative procedures required prior to importation besides the application for allocation and the issuance of the certificates.

19. Foreign exchange shall be automatically provided by an Authorized Foreign Exchange Bank for those goods to be imported.

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

Outline of system

1. Import licensing for the products specified below is regulated by the "Screening Criteria and Procedures Regarding Applications for Written Approval to Import Yellow-fin Tuna", "Notice of Application for Written Approval Licence to Import, Export and Re-export Bluefin Tuna, and Original Statistical Document", "Notice of Application for Written Approval Licence to Import, Export and Re-export Southern Bluefin Tuna", "Notice of Application for Written Approval Licence to Import Swordfish", "Notice of Application for Written Approval Licence to Import Big-eye Tuna", and is administered by the Council of Agriculture, Executive Yuan. Before being allowed to import, importers must obtain written approval from the Fishery Administration, Council of Agriculture, Executive Yuan.

Purposes and coverage of licensing

2. The products under the System include yellow-fin tuna (C.C.C. 0302.32.00.00-7; 0303.42.00.00-4), Bluefin Tuna (C.C.C. Code.0302.39.00.10-8; 0303.49.00.10-5; 0304.10.90.51-0; 0304.20.90.31-3), Southern Bluefin Tuna (C.C.C.0302.39.00.20-6; 0303.49.00.20-3; 0304.10.90.52-9; 0304.20.90.32-2), Swordfish (C.C.C.0302.69.99.50-4; 0303.79.99.80-5; 0304.10.90.60-9; 0304.20.90.40-2), and Big-eye Tuna (C.C.C. 0302.39.00.30-4; 0303.49.00.30-1; 0304.10.90.53-8; 0304.20.90.33-1).

The licensing system is non-automatic.

3. The system applies to goods originating in and coming from all countries and customs territories, unless otherwise specified in the accession protocol of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu or the agreement on its terms of accession to the WTO.
4. The licensing system is intended to protect marine ecology.
5. The System may be abolished without legislative approval.

Procedures

6. Not applicable.
7. Applications for an import approval:
 - (a) May be filed on any workday.
 - (b) Cannot be approved immediately as examination requires ten workdays.
 - (c) Have no limitations as to the period of the year during which they may be submitted and approved.
 - (d) Are considered and effected by one administrative body only.
8. None. The reasons for any refusal are given to the applicant in writing. In the event of refusal, by law, the applicant has a right to appeal by following the procedures provided by the law.

Eligibility of importers to apply for licence

9. The applicant shall be an importer.

Documentational and other requirements for application for licence

10. An application shall be supported by an application form, and accompanied by one photocopy of the applicant's company licence and business licence. Also required are an original copy of the statistical documentation for bluefin tuna and southern bluefin tuna, the certificate of origin for yellowfin tuna and bigeye tuna, the certificate of eligibility for swordfish issued by the government of the flag country of the fishing vessel that harvested the product in the shipment, one photocopy each

of the nationality certificate of the fishing vessel and the fishing vessel licence, and one original and one photocopy of the foreign-issued quotation form.

11. Upon actual importation, an importer is required to submit the import approval issued by the Fisheries Administration.
12. No fee is charged for applications.
13. No deposit or advance payment is required in association with the issuance of an approval.

Conditions of licensing

14. An approval is valid for three months. A new application shall be filed upon expiration.
15. There is no penalty for the non-utilization of an approval.
16. Approval documents are not transferable between importers.
17. If importation is prohibited because of changes in domestic or foreign laws and regulations or it is not feasible, the approval document shall be null and void. Quarantine and other matters concerning the importation shall be governed by other applicable regulations.

Other procedural requirements

18. There are no other administrative procedures, apart from obtaining an approval document prior to importation.
19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

VI. TOBACCO, LIQUOR PRODUCTS, AND UN-DENATURED ETHYL ALCOHOL: DEPARTMENT OF NATIONAL TREASURY, MOF

Outline of system

1. The import licensing system is regulated by “The Tobacco and Alcohol Administration Law”, “Enforcement Rules of The Tobacco and Alcohol Administration Law “ and “Regulations Governing Undenatured Ethyl Alcohol”, and is administered by the Department of National Treasury, MOF (hereinafter the “DNT”). However, licences are issued by the Industrial Development Bureau, Ministry of Economic Affairs (hereinafter the “IDB”) or the Ministry of National Defense (hereinafter the “MND”) if the ethyl alcohol is for military use or for use in industries other than the manufacturing of spirits or pharmaceuticals.

Purposes and coverage of licensing

2. The licensing system covers cigarettes, alcohol, and un-denatured ethyl alcohol, as identified by C.C.C. Code: 2103.90.90, 2203~2208 (with the exception of 2207.20), 2402~2403 (with the exception of 2403.91.00 and 2403.99.10). The system is subject to non-automatic licensing.

3. The system applies to goods originating in or coming from all countries.

4. The system is intended to ensure the sound management of imports pursuant to the above-mentioned laws and regulations.

5. Laws, regulations and application procedures on this import licensing system are available on the DNT web site (www.dnt.gov.tw). (Some cases require another import approval). Repeal of the system would require legislative approval.

Procedures

6. Not applicable.

7. Applications for licences or import approvals:

(a)-(b) Need to be made at least thirty days in advance of importation, and a licence can be issued within 7 to 45 days.

(c) May be submitted on any working day.

- (d) Are considered and effected by the DNT. However, import approvals are issued by the IDB or the MND if the ethyl alcohol is for military use or for use in industries other than the manufacturing of spirits or pharmaceuticals.

8. None. The reasons for any refusal are given to the applicant in writing. In the event of refusal, by law, the applicant has a right to appeal by following the procedures provided by the law.

Eligibility of importers to apply for licence

9. Pharmaceutical firms, manufacturers and military institutions (including military schools and military hospitals), subject to the administrative rules and verification of correct usage, are eligible to apply for import approvals. Information about registration fees and the list of authorized importers will be disclosed.

Documentational and other requirements for application for licence

- 10.(a) For tobacco alcohol importer licences: applicants are required to submit with their application photocopies of the company licence, their business registration, national identification card of the responsible person, and certification fee.
- (b) For approval to import alcohol for repackaging and in containers holding over 5 liters: applicants are required to fill out an application and with it submit: photocopies of their tobacco alcohol importer licence, national identification card of the responsible person, certificate of origin, alcohol manufacturer's licence, and commission contract to import and/or proof of permission to repackage and sell from the Ministry of Finance.
- (c) For approval to import un-denatured ethyl alcohol:
 - (1) DNT approval: business licence, consumption volume document and proof of self-use.
 - (2) IDB approval: statement of usage and manufacturing permit licence.
 - (3) MND approval: Procurement document; Certification from the relevant MND components.
- 11. Upon actual importation, an importer is required to submit the following documents:
 - (a) For tobacco and alcohol products and un-denatured ethyl alcohol for manufacturing alcoholic beverages: photocopy of the tobacco alcohol importer licence.

- (b) Un-denatured alcohol products to be repackaged and in containers holding over 5 liters: photocopy of the DNT's approval document and a certificate of origin.
- (c) Undenatured ethyl alcohol not for manufacturing alcoholic beverages: Import approval by authorities as in item 10(c).

12. Examination fees (NTD2,000) and certification fees (NTD2, 000) are charged for the tobacco alcohol importer permit licence. There are no other licensing fees or administrative charges for import approval.

13. There is no deposit or advance payment requirement associated with the issuance of licences or import approval.

Conditions of licensing

14. Tobacco alcohol importer licence: duration unlimited; approval to import undenatured ethyl issued by IDB: one year; approvals other than the above-mentioned: six months.

15. There is no penalty for non-utilization of import licences or approvals.

16. Licences and import approvals are non-transferable between importers.

17. There are no other conditions attached to the issuance of licences or approvals.

Other procedural requirements

18. There are no other administrative procedures, apart from import licensing required prior to importation.

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

VII. OIL AND PETROLEUM PRODUCTS: ENERGY COMMISSION, MINISTRY OF ECONOMIC AFFAIRS; SALT: DEPARTMENT OF MINES, MINISTRY OF ECONOMIC AFFAIRS

Outline of system

1. The licensing of imports of oil and petroleum products specified below is regulated by the “Petroleum Administration Law”. The importer is required to submit an approval from the Energy Commission, MOEA to customs for clearance. The licensing of imports of salts is regulated by the Statute of Salt Administration and its By-laws. An importer of salts is required to get an approval from the Department of Mines, MOEA.

Purposes and coverage of licensing

2. The licensing under this system is non-automatic. The oil and petroleum products covered by this system are naphtha, crude oil, gasoline, jet fuel, kerosene, diesel, fuel oil and liquefied petroleum gas. Their C.C.C. codes are as follows: 2707.99.10.00-2, 2710.00.94.00-4, 2709.00.10.00-8, 2709.00.90.00-1, 2710.00.11.00-4, 2710.00.12.00-3, 2710.00.19.00-6, 2710.00.60.00-4, 2710.00.21.00-2, 2710.00.22.00-1, 2710.00.23.00-0, 2710.00.29.00-4, 2710.00.32.00-9, 2710.00.39.00-2, 2710.00.41.00-8, 2710.00.49.00-0, 2711.12.00.00-2, 2711.13.00.00-1, 2711.19.10.00-3, 2711.29.10.00-1, 2901.10.20.00-0, 3606.10.00.00-0.

Salts include crude salt (C.C.C. code 2501.00.10.00-8), pure sodium chloride (C.C.C. code 2501.00.20.00-6) and other kinds of salt (C.C.C. code 2501.00.90.00-1).

3. The system applies to goods originating in and coming from all countries and customs territories, unless otherwise specified in the accession protocol of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, or the agreement on the terms of accession to the WTO.

4. The purposes of the system are to promote the sound development of the oil industry, maintain order in the production and sales in the oil market, ensure the steady supply of oil; to develop the national economy and enhance people’s livelihoods, and at the same time to give equal consideration to environmental protection. With regard to salts, it is also to prevent proprietors from using low price, poor quality salt as table salt earning an improper profit and affecting public health. There is no other method for the import of these substances that can substitute for this current system.

5. The system is managed in accordance with the “Petroleum Administration Law” and “Statute for Salt Administration” and their By-laws. Repeal of the system would require legislative approval. However, the system is scheduled to be phased out as Taiwan Salt Industrial Corporation is to be privatized by 2002.

Procedures

6. Not applicable.

- 7.(a) An application can be submitted on any work day.
- (b) The licence cannot be granted immediately on request. For oil and petroleum products: the screening on the application will be completed within two working days. For salt, the application processing time is about three to five working days.
- (c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.
- (d) Applicants need to approach only one administrative body.

8. An application will not be refused for any reason other than failure to meet the prescribed conditions. The reasons an application is refused are furnished to the applicant. An applicant who is refused can file a complaint with the refusing agency or appeal to its superior agency according to the relevant provisions of the Appeal Law.

Eligibility of importers to apply for licence

9. Please refer to the governing regulations (see response to Question 5), which are available for reference in the Secretariat.

Documentational and other requirements for application for licence

10. There is no standard application form. Details and document requirements related to an application are set forth in the governing regulations (see response to Question 5), which are available for reference in the Secretariat.

11. Upon the arrival of imports, importers are required to submit the import approval.

12. There is no licensing fee or administrative charge.
13. There is no deposit or advance payment requirement associated with the issuance of an approval.

Conditions of licensing

14. The validity of an import approval for oil or petroleum products is 6 months from the date of issuance, but this can be increased or decreased by the agency which manages these import approvals when looking at the needs of the practical conditions. The validity of an import approval for salt is one year, and it can be extended for one month if necessary.
15. There is no penalty for the non-utilization of a licence or a portion of it.
16. Licences are not transferable between importers.
17. There are no conditions attached to the issuance of a licence.

Other procedural requirements

18. For oil and petroleum products, imported products have to pass inspection by Bureau of Standards, Metrology and inspection, MOEA. As for salts, there are no other administrative procedures apart from the above-mentioned licensing system.
19. Foreign exchange is automatically provided by the banking authority for goods to be imported.

VIII. FISHING BOATS: COUNCIL OF AGRICULTURE, EXECUTIVE YUAN; VESSELS: DEPARTMENT OF NAVIGATION & AVIATION, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS (MOTC); CIVIL AIRCRAFT: CIVIL AERONAUTICS ADMINISTRATION, MOTC

Outline of system

1. Fishing boats:

Pursuant to the “Fisheries Law” and “the Guidelines for the Issuance of Fishing Boat Building Permits and Fishing Licences”, importers shall apply for an approval from the Council of Agriculture (COA) through the municipal or county/city government where the proposed port of registry is located.

Import of vessels:

Pursuant to “the Law of Shipping Industry”, “The Governing Rules on Carriers by Ship and Ship Leasing Companies”, “the Regulation of Small Vessels”, importers shall apply for an import approval from the Ministry of Transportation and Communications (MOTC) through the local competent authorities that have jurisdiction over the water territory where the vessels shall sail or where the vessels shall berth.

Import of civil aircraft:

Importers shall apply for an approval from the Civil Aeronautics Administration (CAA), MOTC according to the Regulation of Civil Air Transport Enterprise and the Regulation Governing General Aviation.

Purposes and coverage of licensing

2. The licensing system is non-automatic. The products covered are as follows:

- (a) Fishing boat: C.C.C. Code: 8902.00.10.00-1 and 8902.00.20.00-9.
- (b) Vessel: C.C.C. Code: 8901100000-2, 8901200000-0, 8901300000-8, 8901901000-3, 8901902000-1, 8901903000-9, 8901909000-6, 8903910000-2, 8903920000-1, 8904000000-1, 8905100000-8, 8905902000-7 and 8906009000-0.
- (c) Civil aircraft: C.C.C. Code: 8802.11.00.00-1, 8802.12.00.00-0, 8802.20.00.00-0, 8802.30.00.00-8 and 8802.40.00.00-6.

3. The system applies to goods originating in and coming from all countries and customs territories, unless otherwise specified in the accession protocol of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu or the agreement on the terms of accession to the WTO.

4. The system is to ensure maintaining continuing use of fishery resources, to maintain safe navigable vessels within the territory of domestic waters and proper order within the water territory, and to maintain the order of air transport industry and the flight safety. There are no other methods that can substitute for the current system.

5. Any abolition of the “Fisheries Law” and “the Law of Shipping Industry” would require the Legislative Yuan’s endorsement. Abolition concerning “the Guidelines for the Issuance of Fishing Boat Building Permits and Fishing Licences”, “Operating Rules for Screening Applications to Import Fishing Vessels using New Fishing Methods”, “Administering Approach of Recreational Fishery”, “The Governing Rules on Carriers by Ship and Ship Leasing Companies”, “the Regulation of Small Vessels”, “the Regulation of Civil Air Transport Enterprise” and “the Regulations Governing General Aviation” do not need to be endorsed by the Legislative Yuan.

Procedures

6. Not applicable.

- 7.(a) No time requirement before importation is prescribed for acquisition of an import approval.
- (b) A licence cannot be granted immediately on request. For fishing boats, it takes about two months. For vessels, within about 10 – 15 days. For civil aircraft, about three to four weeks.
- (c) There are no limitations as to the period of the year during which applications for a licence and/or importation may be made.
- (d) Applicants have to approach only one administrative body.

8. None. The reasons for any refusal are given to the applicant in writing. In the event of refusal, by law, the applicant has a right to appeal by following the procedures provided by the law.

Eligibility of importers to apply for licence

9. The import of fishing boats is restricted to applicants from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu. For vessels, the application shall be filed by the owner of the vessels or by the owner's agent. For civil aircraft, all persons and legal entities of the territory are eligible.

Documentational and other requirements for application for licence

10. There are no standard application forms. Details and documentary requirements related to an application are set forth in the governing regulations (see response to Question 5), which are available for reference in the Secretariat.

11. Upon actual importation, an importer is required to submit the import approval issued by the competent authorities.

12. There is no licensing fee or administrative charge.

13. There is no deposit or advance payment requirement associated with the issuance of an approval.

Conditions of licensing

14. An import approval for fishing boats or vessels is valid for six months, and may be extended if necessary. An import approval for civil aircrafts does not specify the validity.

15. There is no penalty for the non-utilization of an approval or a portion of it.

16. Approvals are not transferable between importers.

17. There are no conditions attached to the issuance of an approval.

Other procedural requirements

18. There are no other administrative procedures apart from obtaining an approval document prior to importation.

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

IX. CONTROLLED WEAPONRY, POLICE WEAPONRY, GUNS: NATIONAL POLICE ADMINISTRATION, MINISTRY OF INTERIOR; INDUSTRIAL USE EXPLOSIVES: BUREAU OF MINES, MINISTRY OF ECONOMIC AFFAIRS

Outline of system

1. For upholding the safety and peace of society, the licensing of imports of the products specified below are regulated by the regulations entitled: "Controls of Fire Arms, Ammunition and Weaponry", "The Weaponry Possessed by Individual or Group", "Application of Police Weaponry", "Police Bayonet, Truncheons, and Electric Wand Management Measures", and "Industrial Use Explosive Material Management Code". The regulations on controlled weaponry, police weaponry, and guns are administered by Ministry of Interior, and the regulations on industrial use explosives by the Bureau of Mines of the Ministry of Economic Affairs. For importation of these products, an application must be made with the Ministry of Interior or Bureau of Mines of the Ministry of Economic Affairs for approval. Prior to 1 October 2002, the recipient of an approval of Bureau of Mines, Ministry of Economic Affairs additionally needs to apply for an Import Permit to be issued automatically by the Board of Foreign Trade for customs clearance.

Purposes and coverage of licensing

- 2.(a) Licensing coverage of "Controlled Weaponry; Police Weaponry; Guns" are C.C.C. Code: 3824909921-6, 7326909010-3, 9302000000-7, 9303100000-4, 9303200000-2, 9303300000-0, 9303909000-8, 9304000010-3, 9304000020-1, 9304000090-6, 9305100000-2, 9305210000-9, 9305290000-1, 9305900000-5, 9306100020-7, 9306210000-8, 9306290000-0, 9306300000-7, 9306900000-4, 9307000010-0, 9506990010-1, 9705000020-6.
- (b) Licensing coverage of "Industrial Use Explosive" is C.C.C. Code: 2838.00.00.10-2, 2850.00.90.10-6, 2904.20.00.13-4, 2905.50.90.10-0, 2905.50.90.20-8, 2908.90.00.10-8, 2921.42.00.10-0, 3505.10.90.10-1, 3601.00.10.00-5, 3601.00.20.00-3, 3601.00.90.00-8, 3602.00.10.00-4, 3602.00.90.00-7, 3603.00.10.00-3, 3603.00.20.00-1, 3603.00.30.00-9, 3603.00.40.00-7, 3912.20.00.10-5, 3912.20.00.20-3, 9306.10.00.10-9.

The licensing system is non-automatic.

3. The system applies to goods originating in and coming from all countries and customs territories, unless otherwise specified in the accession protocol of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu or the agreement on the terms of accession to the WTO.
4. The system is for the purpose of upholding the safety and peace of society. Currently, there are no other methods of import that can substitute for this system.
5. The Legislative Yuan must endorse an abolition of the regulations entitled “Controls of Fire Arms, Ammunition and Weaponry”, or of “Application of Police Weaponry”. An abolition of the regulations entitled ” Weaponry Possessed by Individual or Group”, ”Police Bayonet, Truncheons, and Electric Wand Management Measures”, and “Industrial Use Explosive Material Management Code” does not need approval from the Legislative Yuan.

Procedures

6. Neither quantitative nor price limits are imposed on the importation of these products.
7. Application for a written approval:
 - (a) May be filed on any workday,
 - (b) No licence can be granted immediately as evaluation of application requires 7 working days.
 - (c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.
 - (d) For import of ”Controlled Weaponry; Police Weaponry; Guns” “Controlled Weaponry “, an importer must approach the Ministry of Interior for approval; for import of ”Industrial Use Explosives”, an importer must approach the Bureau of Mines of the Ministry of Economic Affairs for approval, then proceed to the Board of Foreign Trade to obtain an Import Permit automatically.
8. None. The reasons for any refusal shall be given to the applicant in writing. In the event of refusal, the applicant has the right to file a complaint with the refusing agency or appeal to the agency superior to the refusing agency according to the Law of Administration Appeal.

Eligibility of importers to apply for licence

- 9.(a) To import “Controlled Weaponry”, and “Guns”, an applicant shall have a valid company licence Issued by the Ministry of Economic Affairs and a business operation registration (which specifies import of the said products as whole or part of the company's business operation) issued by the governing authority where the company is situated; to import “Police Weaponry”, an applicant has to be committed by Military agency or police organization.
- (b) To import Industrial Use Explosives, the importer must undergo governmental approval for the manufacture, processing, sale and/or use of explosives.

Documentational and other requirements for application for licence

- 10.(a) For “Controlled Weaponry”, and “Guns”: documents, accompanied by a statement prepared by an attorney representing the importer vouching for and proving the claim of specific veracity of said documents, that specify the intended quantity, purpose and usage of these imported commodities. For “Police Weaponry”: a proof of procurement document upon which is specified the quantity (quantities) of each item to be purchased and which is issued by the military police organization; a product description document(s); and instruction or operating manuals.
- (b) For “Industrial Use Explosives”: a letter of application stating the name, quantity of the goods, country of origin, method of transportation and the name of the port of arrival.

11. For the import of ”Controlled Weaponry; Police Weaponry; Guns”, upon actual importation, an importer is required to submit the import approval issued by the Ministry of Interior. For import of ”Industrial Use Explosives”, upon actual importation, an importer is required to submit the Import Permit issued by the Board of Foreign Trade.

12. There is no licensing fee or administrative charge.

13. There is no deposit or advance payment requirement associated with the issuance of an approval.

Conditions of licensing

14. Approval documents from the Ministry of Interior and from the Bureau of Mines of the Ministry of Economic Affairs as well as the Import Permit of Board of Foreign Trade are valid for six months. The original issuing authority upon justifiable reason can extend the validity of the import approval documents.

15. There is no penalty for the non-utilization of an approval or a portion of it.

16. Approval documents are not transferable between importers.

17. There are no conditions attached to the issuance of an approval.

Other procedural requirements

18. Apart from obtaining, prior to importation, the above described approval document or Import Permit; there are no other administrative procedures.

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

X. TARIFF QUOTA: DEPARTMENT OF CUSTOMS ADMINISTRATION, MINISTRY OF FINANCE

Outline of system

1. The "Tariff Quota" is regulated by the "Implementation Rules of Tariff Quota". "Tariff Quota" as referred to in the said Rules means a certain assessed quantity for the importation of some specific goods. A lower tariff rate is applied for imported goods within the quota. The normal tariff rate applies on imported goods in excess of the quota volume (out quota). The tariff quota is allocated through the Ministry of Finance which delegates the authority for these responsibilities to the pertaining body or entrusts it to some other organ. The Ministry of Finance delegates the Central Trust of China to allocate the Tariff Quota for agricultural products, and the advance distribution of the Tariff Quota for small vehicles is entrusted to the Board of Foreign Trade of the Ministry of Economic Affairs.

Purposes and coverage of licensing

2. Agricultural and Industrial Products Subject to a Tariff Rate Quota Regime:
 - (a) Agricultural Products: Chicken, pork belly, animal offal (including pork offal, poultry offal, deer velvet), fresh pears (excluding European pears), bananas, red bean, liquid milk, peanuts, garlic bulbs, dried shiitake, dried day lily, young coconut, betel nuts, pineapples, mangoes, shaddocks, persimmons, dried longans and longan pulp, sugar (private sector), mackerel, carangid, and sardine (herrings).
 - (b) Industrial Products: Small vehicles and chassis.
3. The tariff quota regime only applies to goods originating in WTO member countries/territories.
4. Tariff quota certificates are like an import permit in that the purpose is to control or manage the import quantity or volume.
5. The issuance of tariff quota certificates is implemented according to the provisions of the above-mentioned Rules and, it being according to the Customs Law an administrative action, therefore cancellation of the issuance of tariff quota certificates does not require the approval of the Legislative Yuan.

Procedures

6. The products subject to restrictions on quantity or value: The quota allocation system uses a principle of annual criteria. The quota volume is set annually and in accordance with the concessions made under Chinese Taipei's accession to the WTO.
7. The products not subject to restrictions on quantity or the products imported from certain countries not subject to restrictions on quantity:
 - (a) The method of advance distribution enables the tariff quota certificates to be issued within a shorter period of time. For those importers who will use a tariff quota certificate with the in-quota rate through the method of advance distribution but at the time of importation haven't yet obtained the certificate to be able to present it at customs before the expiry of the certificate, Article 16 of the said Rules allows them to apply for advance clearance of the goods at customs by making a deposit equivalent to the out-quota rate being calculated by customs.

- (b) After the authorities finish processing the applications, make the allocations, and announce the recipients, then the recipient importers receive their tariff quota certificates.
- (c) Allocation decisions are made annually based on annual criteria. Importers shall apply for allocation and import of such products within a specific period of time in that certain year.
- (d) They need approach only one administrative body.

8. The application procedures for tariff quotas are open and transparent. Reasons for rejections are clearly posted and recorded in the public, announced tariff-quota application notices.

Eligibility of importers to apply for licence

9. Applicants need to have the following qualifications:
- (a) For agricultural products: An applicant shall be an importer/exporter who is duly registered with the Board of Foreign Trade of the Ministry of Economic Affairs.
 - (b) For industrial products: For small vehicles, an importer/exporter being either a corporate entity or an individual, who is duly registered with the Board of Foreign Trade of the Ministry of Economic Affairs.

Documentational and other requirements for application for licence

10. A sample application form is attached.
11. Upon actual importation, an importer is required to submit the certificate of tariff quota.
12. Applications for agricultural products for Tariff Quota allocation are conducted in the order received. Applicants are required to pay NT1, 000 when they apply for quota allocation. The amount of NT1, 000 is also charged if there is transference of a quota.
13. For the agricultural products, which have been allocated advance distribution, the authorities will collect either a performance bond or premium (or both) at the time of the issuance of the certification of tariff quota. A performance bond will be returned to the holder after the holder imports its total allocation before its certificates expire. A premium being charged to obtain the right to import goods is non-refundable.

Conditions of licensing

14. The valid period of certificate of tariff quota:
- (a) Agricultural products imported under an advance tariff quota allocation: The quota is allocated on a yearly basis, and certificates are valid for products arriving on or before 1 September of that year; these certificates can be extended if necessary.
 - (b) Industrial products:

For small vehicles, certificates are valid for products arriving on or before 31 December of that year, and there is no extension.

15. There is no penalty for the non-utilization, in part or in whole, of an approval.

16. For agricultural products allocated under an advance tariff quota allocation, the quota distributed can be transferred in part or in whole within the valid period of the certificates but certificates for small vehicles are non-transferable.

To transfer a quota, both obligee and transferee shall together fill out an application form for tariff quota and apply to the original authority which allocated the quota for transference of the quota and of the performance bond. The application for transference shall be accompanied by the following documents:

- (a) The original tariff quota certificates.
- (b) The tariff quota transference agreement, signed by both said parties.
- (c) The transference of the performance bond agreement, signed by both said parties.

17. There are no conditions attached to the issuance of an approval.

Other procedural requirements

18. There are no other administrative procedures, apart from obtaining an approval document prior to importation.

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported.

ANNEX

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of promulgation/ amendment	Contact point
1. Commodities subject to conditional import (iron and steel products), optical disk manufacturing equipment	Board of Foreign Trade, Ministry of Economic Affairs	1. Foreign Trade Act 2. Enforcement Rules of the Foreign Trade Act 3. Regulations Governing Import of Commodities 4. Regulations Governing Registration and Administration of Exporters and Importers 5. Optical Disk Law 6. Optical Disk Manufacturing Implement Importation and Exportation Regulations	202/06/12 Amended 2000/08/30 Amended 2000/08/09 Amended 2001/06/20 Amended 2001/11/14 Promulgated 2002/01/30 Amended	tonyan@trade.gov.tw
2. Methyl bromide	Council of Agriculture, Executive Yuan	1. Operating Regulations Governing the Control of Restricted Methyl Bromide 2. Notifying Import and Export Restrictions on the Chemicals subject to Control under Montreal Protocol	1997/11/27 Announced 195/01/13 Amended	vincent@mail.coa.gov.tw
HCFC	Industrial Development Bureau, Ministry of Economic Affairs	3. Regulations Governing Controlled Substances Pursuant to the Montreal Protocol	1995/12/21 Amended	8443@moeaidb.gov.tw 7455@moeaidb.gov.tw eric@moeaidb.gov.tw
3. Breeding livestock and poultry and genetic resources	Council of Agriculture, Executive Yuan	1. Guidelines for Screening Application for Letter of Approval for the Importation of Breeding Livestock and Poultry and Genetic Resources	2002/07/24 Amended	vincent@mail.coa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of promulgation/ amendment	Contact point
4. Rice import quota	Council of Agriculture, Executive Yuan	1. Food Administration Act (Partial Particles) 2. Regulations of Rice Imports Quota Administration	2001/11/07 Amended 2001/12/31 Promulgated	vincent@mail.coa.gov.tw
5. Yellow-fin tuna, bluefin tuna, southern bluefin tuna, swordfish, big-eye tuna	Fishery Administration, Council of Agriculture, Executive Yuan	1. Screening Criteria and Procedures Regarding Applications for Written Approval to Import Yellow-fin Tuna 2. Notice of Application for Written Approval Licence to Import, Export and Re-export Bluefin Tuna and Original Statistical Document 3. Notice of Application for Written Approval Licence to Import, Export and Re-export Southern Bluefin Tuna 4. Notice of Application for Written Approval Licence to Import Swordfish 5. Notice of Application for Written Approval Licence to Import Big-eye Tuna	2002/02/17 Amended 2000/07/25 Announced 2000/03/30 Announced 2001/09/12 Announced 2002/03/15 Announced	chienson@msl.f.a.gov.tw
6. Tobacco, liquor products and undenatured ethyl alcohol	Department of National Treasury, Ministry of Finance	1. The Tobacco and Alcohol Administration Law 2. Enforcement Rules of the Tobacco and Alcohol Administration Law 3. Regulations Governing Undenatured Ethyl Alcohol	2000/04/19 Promulgated 2000/12/30 Promulgated 2000/12/30 Promulgated	chunghui@mail.dnt.gov.tw

G/LIC/N/1/
TPKM/3/Re
v.1

G/LIC/N/3/
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Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of promulgation/ amendment	Contact point
7. Oil and petroleum products	Energy Commission, Ministry of Economic Affairs	1. Petroleum Administration Law	2001/10/11 Promulgated	slchen@moeaec.gov.tw
Salt	Department of Mines, Ministry of Economic Affairs	2. Statute for Salt Administration 3. Bylaw of the Statute for Salt Administration 4. Announcement of the Standards and Procedures of Approving the Application for the Import of Salt and Issuing Permission Document	1981/11/16 Amended 1990/08/15 Amended 1996/05/14 Amended	ttsai@moea.gov.tw
8. Fishing boats	Fishery Administration, Council of Agriculture, Executive Yuan	1. Fisheries Law 2. Enforcement Rules of the Fisheries Law 3. The Regulation for Fishing Vessel Building Permit and Fishery Licence Issue 4. Operating Rules for Screening Applications to Import Fishing Vessels using New Fishing Methods 5. Administering Approach of Recreational Fishery	1991/02/01 Amended 2000/01/31 Amended 2001/09/28 Amended 1999/11/08 Amended 2001/07/31 Amended	chienson@msl.fa.gov.tw

Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of promulgation/ amendment	Contact point
Vessel	Department of Navigation and Aviation, Ministry of Transportation and Communications	6. The Shipping Industries Law (Partial Articles) 7. Regulations of Small Vessels (Partial Articles) 8. The Governing Rules on Carriers by Ship and Ship Leasing Companies (Partial Articles)	2002/01/30 Amended 1996/09/24 Amended 1996/07/17 Amended	yc_wang@motc.gov.tw
Civil aircraft	Civil Aeronautics Administration, Ministry of Transportation and Communications	9. Regulation of Civil Air Transport Enterprise 10. Regulation Governing General Aviation	2002/04/02 Amended 2002/04/02 Amended	clcheng@mail.caa.gov.tw
9. Controlled weaponry, guns	National Police Administration, Ministry of Interior	1. The Weaponry Possessed by Individual or Group 2. Control of Firearms, Ammunition and Weaponry	1997/03/24 Promulgated 2001/11/14 Promulgated	s531239@npa.gov.tw
Police weaponry	National Police Administration, Ministry of Interior	3. Social Order Maintaining Law (Partial Articles) 4. Application of Weaponry 5. Police Bayonet, Truncheons and Electric Wand Management Measures	1991/06/29 Promulgated 1985/01/18 Promulgated 2000/03/20 Promulgated	yug@npa.gov.tw
Industrial use explosives	Bureau of Mines, Ministry of Economic Affairs	6. Industrial Use Explosive Material Management Code	2001/10/31 Amended	shunn@mine.gov.tw

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Subject(s) of Questionnaire	Licensing Authority	Governing Regulations	Date of promulgation/ amendment	Contact point
10. Tariff quota	Department of Customs Administration, Ministry of Finance	1. The Implementation Rules of Tariff Quota	2001/11/29 Promulgated	hmhuang@mail.mof.gov.tw