

Notes of Export Regulations

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Users' Guide

1. The exportation of commodities shall be made in accordance with the Foreign Trade Act, the Enforcement Rules of the Foreign Trade Act, the Regulations Governing Export of Commodities, the List of Commodities Subject to Export Restriction and the List of Commodities Assisted by Customs for Export Examination. For commodities exported to Mainland China, the exportation shall be made in accordance with the “Regulations Governing Permission of Trade between Taiwan Area and Mainland Area”; the exportation of strategic high-tech commodities shall be made in accordance with the Regulations Governing Export and Import of Strategic High-Tech Commodities.
2. According to the Foreign Trade Act, the export regulation adopts the approach that free export is the rule and restriction is the exception. In other words, commodities are generally allowed to be exported freely, and where international treaties, trade agreements, national defense, social security, culture protection, hygiene, environmental or ecology conservation require restriction on export, the Negative List shall apply. For implementation of the Negative List system, the "List of Commodities Subject to export Restriction" and the “List of Commodities Assisted by Customs for Export Examination” are established.
3. For the commodities in the “List of Commodities Subject to Export Restriction”, exports are subject to two kinds of regulations:
 - (1) Commodities subject to export bans:

Commodities cannot be exported unless under some special circumstances the Bureau of Foreign Trade (hereinafter referred as the "BOFT") grants export permits to them.
 - (2) Commodities can only be exported subject to certain conditions. Exporters of these commodities shall comply with the requirements prescribed in the List (e.g., obtaining consent letters issued by the relevant authorities), and cannot export these commodities only after the BOFT issuing the export permits.
4. For the commodities not in the "List of Commodities Subject to Export Restriction", exports are not subject to any export restriction, and no export permits are required. Exporters can apply for customs clearance for these commodities directly. Although these commodities are not subject to export regulation, some of them are subject to the requirements imposed by other laws or decrees

for regulating purposes, such as the requirements for certificates, market licenses, or supervisory approval granted by the relevant competent authorities. Such commodities and the requirements they are subject to for their exportation are compiled into the "List of Commodities Assisted by Customs for Export Examination", and the Customs assist to examine the conformity of these commodities to the listed requirements. Unless these commodities comply with the export requirement set forth in such List, the Customs will not approve the clearance.

5. For the convenience of the public to check the relevant export regulations, the most regulations have been compiled into three numerical digit codes according to the order of the CCC (Commodity Classification of the Republic of China) code. As to the other regulations not suitable to be listed this way, please find the "Other Relevant Export Regulations" on pages 48 to 55.
6. The registered exporting /importing firms exporting the commodities in the "List of Commodities Subject to Export Restriction" shall apply for export permits in accordance with the export regulations contained therein. Except for strategic high-tech commodities, the registered exporting/importing firms exporting the commodities not in the "List of Commodities Subject to Export Restriction" may apply for customs clearance directly without applying for any export permits but shall meet the requirements provided for by the "List of Commodities Assisted by Customs for Export Examination" if the commodities belong thereto.
7. The exportation of strategic high-tech commodities, exported by an exporter, shall be made in accordance with the "Regulations Governing Export and Import of Strategic High-Tech Commodities" to apply for the export Permit of Strategic High-Tech Commodities for dealing with export. If the strategic hi-tech commodities, exported by an exporter, also belong to the "List of commodities subject to Export Restriction" or the "List of Commodities Assisted by Customs for Export Examination", shall be made in accordance with the regulations prescribed in the preceding two lists when applying for export of such commodities, but shall not conform to the regulations of the "List of Commodities Subject to Export Restriction" to apply for general export permit additionally.
8. Exporters (including individuals) who are not registered exporting/ importing firms shall apply to BOFT for export permits when exporting any commodity not in the "List of Commodities Subject to Export Restriction". However when the FOB price of the commodities is equal to US\$20,000 or below, the exportation can be exempt from such licensing requirement; if the commodity belongs to the "List of Commodities Assisted by Customs for Export Examination", its exportation still needs to follow the regulations set out in that list.

Other Relevant Export Regulations

1. Export regulations on wild fauna and flora

(1) Specimens of animal and plant species included in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

A. For exportation of specimens of animal and plant species included in Appendices I, II and III to the CITES or their products, whether removed from the wild or bred in captivity/ artificially propagated, the applicant shall submit the CITES export permit issued by the Bureau of Foreign Trade, Ministry of Economic Affairs (BOFT) to the Customs directly for clearance.

B. Prior to customs clearance, the applicant shall enter first the scientific name and the common (English) name of the species on the Export Declaration to declare clearly the species included in Appendices to the CITES. The Customs will classify the applications as declared as “document checking required (Channel-2)” or “physical examination required (Channel-3)”. The exporter shall bear any legal responsibility for violation of the declaration requirements.

(2) Specimens of animal species not included in Appendices to the CITES but governed by the Wildlife Conservation Law.

A. For exportation of live protected wildlife products of species not included in Appendices to the CITES but governed by the Wildlife Conservation Law (including those captive-raised or bred wildlife that have been announced as governed by the Wildlife Conservation Law), the applicant shall submit the approval document issued by the Council of Agriculture, Executive Yuan (hereinafter referred to as the “COA”) to the Customs directly for clearance in accordance with the Wildlife Conservation Law.

B. Prior to customs clearance, the applicant shall enter first the scientific name and the common (English) name of the species on the Export Declaration to declare clearly that the species governed by the Wildlife Conservation Law. The Customs will classify the applications as declared as “document checking required (Channel-2)” or “physical examination required (Channel-3)”. The exporter shall bear any derived legal responsibility for violation of the declaration requirements.

(3) Specimens of plant species not included in Appendices to the CITES but governed by the Cultural Heritage Preservation Law.

- A. For exportation of specimens of plant species not included in Appendices to the CITES but announced as precious rare species governed by the Cultural Heritage Preservation Law, the applicant shall submit the approval document issued by the COA to the Customs directly for clearance.
- B. Prior to customs clearance, the applicant shall enter first the scientific name and the common (English) name of the plant species on the Export Declaration to declare clearly that the species governed by the Cultural Heritage Preservation Law. The Customs will classify the applications as declared as “document checking required (Channel-2)” or “physical examination required (Channel-3)”. The exporter shall bear any legal responsibility for violation of the declaration requirements.

2. Regulation on applying to the BOFT for the CITES export permit

To export specimens of animal and plant species included in Appendices I, II and III to the CITES or their products, the exporter shall submit the required documents listed below to the BOFT to apply for the CITES export permit:

(1) Animals:

- A. For exportation of specimens of animal species included in Appendix I to the CITES or their products, the exporter shall submit the approval document issued by the COA.
- B. For exportation of specimens of animal species included in Appendix II and III to the CITES or their products, bred in captivity, the exporter shall submit a written declaration of breeding in captivity; for those species included in Appendix II and III to the CITES but not bred in captivity, the exporter shall submit a source certificate. For those governed by the Wildlife Conservation Law, an approval document from the COA is also required.

(2) Plants:

- A. Specimens of plant species included in Appendix I to the CITES or their products
 - (a) Exportation of plants collected in the wild is limited to academic research institutes, colleges, universities, public botanical gardens or museums for the purpose of academic research, international exchange or education. The exporter shall submit a source certificate and a document of approval issued by the authorities responsible for CITES management of importing country.
 - (b) For exportation of artificially propagated *Paphiopedilum* spp. or *Phragmipedium* spp., the exporter shall submit a certificate of artificial propagation issued by the COA. For exporters who themselves do not hold the certificate, they shall submit the required certificate and also authorization documentation issued by the owner of such a certificate.

B. Specimens of plant species included in Appendix II and III to the CITES or their products

(a) For exportation of artificially propagated plant species, the exporter shall submit a written declaration of artificial propagation. However, exporters of cultivated orchids must also submit a copy of the grower's orchid enterprise registration.

(b) For those included in Appendix II and III to the CITES but not artificially propagated, the exporter shall submit a source certificate. For precious, rare species of plants covered by the Cultural Heritage Preservation Law, an approval document from the COA is also required.

(3) In the case of re-export, the exporter shall submit a copy of the CITES export certificate issued by the original exporting country and copies of import certification documents.

3. The animals of which export is prohibited as announced by the Council of Agriculture, Executive Yuan under Animal Protection Law are subject to export control.

4. The exportation of any of the following products shall be made in accordance with the requirements listed below regardless of their CCC codes. Violators shall bear any derived legal responsibility.

(1) Exportation of pesticides announced by the Council of Agriculture, Executive Yuan as prohibited items shall be made in accordance with the regulation of "441".

(2) Exportation of controlled drugs announced by the Executive Yuan as subject to control shall be made in accordance with the regulation of "522".

(3) Exportation of environmental agents announced by the Environmental Protection Administration, Executive Yuan as prohibited items shall be made in accordance with the regulation of "531".

(4) Exportation of hazardous wastes and general industrial wastes designated by the Environmental Protection Administration, Executive Yuan shall be made in accordance with the regulation of "531".

(5) Exportation of toxic chemicals announced by the Environmental Protection Administration, Executive Yuan as subject to control shall be made in accordance with the regulation of "533".

5. The export regulations for recorded optical disks

(1) For the exportation of recorded optical disks which meet the definition in Article 2, paragraph 2, of the Optical Disk Law (see the attached list), such optical disks must be imprinted with source identification codes (SID codes).

(2) For the exportation of products (recorded optical disks) not on the above-mentioned list - that is principally CDs, such as those containing product catalogues, operation manuals or drivers which, as required for sale and trade, need to accompany other products - one optical disk without an SID code is allowed, in principle, for each unit of product, and such optical disks should be declared clearly in the Export Declaration for customs clearance. If the quantity of optical disks without SID code exceeds one per unit, the Customs will not allow exportation until it receives written approval from the Bureau of Foreign Trade.

6. The exportation of used motor cars (heading No. 8703), used motorcycles (heading No. 8711), and used engines (headings Nos. 8407 and 8408) must be made in accordance with the following regulations:

(1) The exporter must register the items to be exported with the Headquarters of the Third Special Police Force, National Police Administration, Ministry of the Interior, or with a police force under its command, to obtain both the documentary and physical verification of the items to be exported as non-stolen vehicles, in accordance with the “Notice of Application for Export Examination of Used Motor Vehicles and Engines.” The exporter must then directly submit the Examination Report (with detailed vehicles and /or engines list) issued by the Third Special Police Force Headquarters or a police force under its command to the Customs for customs clearance.

(2) Prior to customs clearance, the exporter must enter “USED” on the export declaration. The Customs will then classify the application as either “document checking required (Channel 2)” or “physical examination required (Channel 3).” In case the above regulations on declaration are violated, the exporter shall bear legal responsibility.

(3) For the re-export of used motor vehicles and engines that have been imported within 5 years, if the exporter is the same as the prior importer and both the commodities and documents are duly checked by the Customs, the requirements of (1) above are waived.