

Content

Title :	Regulations Governing Permission of Trade Between Taiwan Area and Mainland Area <b>Ch</b>
Date :	2008.12.12
Legislative :	<ol style="list-style-type: none"><li>1. Promulgated on April 26, 1993</li><li>2. Amended on July 4, 1994</li><li>3. Amended on May 5, 1995</li><li>4. Amended on October 2, 1996</li><li>5. Amended on March 14, 2001</li><li>6. Amended on September 12, 2001</li><li>7. Amended on October 31, 2001</li><li>8. Amended on November 8, 2001</li><li>9. Amended on February 13, 2002</li><li>10. Amended on April 16, 2003</li><li>11. Amended on December 12, 2008</li></ol>
Content :	<p><b>Article 1</b> These Regulations are promulgated pursuant to the provision of Paragraph Three, Article 35 of the Statute Governing the Relations Between Peoples of The Taiwan Area and The Mainland Area.</p> <p><b>Article 2</b> Individuals, juristic persons. Organizations or other institutions in Taiwan Area who/which are engaged in trading activities between Taiwan Area and Mainland Area shall comply with the provisions of these Regulations. With regard to the matters not provided for in these Regulations, other relevant laws and regulations shall govern.</p> <p><b>Article 3</b> The government authority in charge of the matters governed by these Regulations shall be the Ministry Economic Affairs (hereinafter referred to as "the competent authority"), with the Board of Foreign Trade under the Ministry of Economic Affairs (hereinafter referred to as "BOFT") being designated as the executive agency under these Regulations.</p> <p><b>Article 4</b> The term "trading activities between Taiwan Area and Mainland Area" as used in this Regulation means the act of exporting or importing goods/articles or intellectual property rights attached to goods/articles between Taiwan Area and Mainland Area, and related matters thereto. The term "goods" referred to in the preceding Paragraph includes those attached thereto: exclusive rights for use of trademarks, patent rights, copyrights, and any other intellectual property rights protected by the laws enacted. Any person who engages in the trading activities as set forth in the first paragraph shall obtain a permit, unless otherwise exempted, in accordance with these Regulations and other relevant laws and regulations.</p> <p><b>Article 5</b> Deletion.</p>

#### Article 6

In order to implement due control or administration of the trading activities between Taiwan Area and Mainland Area, the competent authority may set up appropriate trade monitoring systems.

#### Article 7

Goods/articles originated from Mainland Area, except the following items, are prohibited from importing into Taiwan Area:

1. Items and terms designated and announced by the competent authority may be imported on a general basis.
  2. Antiques, cultural works relating to religions, tribal art-works, works of folk art, works of art, materials for cultural assets maintenance, and commodities for cultural or educational activities in a small quantity.
  3. Sample products for exclusive use in research or development.
  4. Items listed as permissible for import pursuant to the Regulations Governing Permission for Importation of Industrial Technology from Mainland Area.
  5. Animals for use by schools, research institutes and zoos.
  6. Raw materials, parts and components imported by the Duty-Bonded Factories for processing to export, and goods/articles for reconditioning to export.
  7. Raw materials, parts and components imported by the Export Processing Zone or the Science-based Industrial Park for processing to export, and goods/articles for reconditioning to export.
  8. Chinese medicines for medical treatment.
  9. Publications, motion pictures, video programs and broadcasting and television programs as permitted by the Government Information Office of the Executive Yuan.
  10. Articles carried in by incoming passengers not exceeding the amount approved and announced by the Customs of the Ministry of Finance.
  11. Articles carried in by crewmembers of vessels or aircrafts in compliance with the relevant requirements.
  12. Harvested fishery products as compensation for settlement on fishery dispute at sea between Taiwan Area and Mainland area.
  13. Other items permitted through special approval by the competent authority.
- The conditions for importation of the goods/articles as specified in Items 2,3,6 and 13 of the preceding Paragraph shall be announced in public by the BOFT; Whereas the conditions for importation of the goods/articles as specified in Item 7 of the preceding Paragraph shall be announced in public by the administrative office of the Export Processing zone or the Science-based Industrial Park.
- Mainland Area goods other than those as specified in Item 1 of Paragraph One of this Article but belonging to agricultural products subject to a Tariff Quota Regime shall not be declared to customs for shipment or sale to any third territory from any port in Taiwan Area, unless otherwise provided in the following:
1. export transit via marine or air transportation (exclusive of marine-air or air-marine transportation),
  2. export transship from the off-shore shipping center.
- Items of the violation against provisions in the preceding paragraph shall be returned to the last shipping port.

#### Article 8

Any Mainland Area goods as designated by the competent authority under Item 1, Paragraph One of the preceding Article is subject to the following requirements:

1. their import may not endanger the national security,
  2. their import may not have any serious negative impact on related domestic industries, and
- In case of any Mainland Area goods designated in Item 1, Paragraph One of the preceding Article according

to the related goods competent authorities conclude which shall conflict with any of the requirements set forth in the preceding Paragraph on account of changes in the existing circumstances, the competent authority may submit to the Executive Yuan for an approval to cease the import licensing for such goods.

The related goods competent authorities should examine goods/articles of Mainland Area origin as importable items periodically and exporters/importers, industrial/commercial associations, relevant agencies and other organizations may submit their recommended goods/ articles of Mainland Area origin as importable items, of which procedures shall be announced in public by the competent authority.

#### Article 9

Import permits shall be obtained for goods/articles as specified in Item 1 through 7, 12 and 13 of Paragraph One of Article 7 hereof from the BOFT, unless otherwise provided in the following:

1. Goods/articles which are announced in public by competent authority as items subject to import licensing from the licensing bank, or exemption of licensing.

2. Goods/articles whose import subject to licensing requirement as specified in item 1 of Paragraph One of

Article 7, or goods/articles as specified in Item 3, 4, 7 and 13 of the same Paragraph imported by the

Export Processing Zone firms or the Science-based Industrial Park.

Importation of goods/articles as specified in Item 2 of the preceding Paragraph by the export Processing

Zone firms or the Science-based Industrial park firms shall obtain permission from the administrative office of the Export Processing zone or the Science-based Industrial Park.

Import permits shall be obtained for goods/articles as specified in Item 8 through 11 of Paragraph One of

Article 7 hereof from the appropriate authorities (institutions) in compliance with the relevant laws and regulations, or unless otherwise exempted.

#### Article 10

The competent authority promulgate the import conditions, according to as prescribed in Item 1 of Paragraph one of Article 7, which should apply the approval documents, the approval issued may entrust

other government agencies or private body.

#### Article 11

All import documents related to Legitimate importation of Mainland Area goods / articles shall bear the

words "Chinese Mainland" in the column of country of origin. Any mark representing communism propaganda

obviously on such goods/articles or on any packages thereof shall be erased by importers after custom

release, unless otherwise provided in the following:

1. marks on the goods/articles as specified in Item 2 of Paragraph One of Article 7 hereof, or on the packages thereof,

2. marks on the goods/articles as specified in Item 9 of Paragraph One of Article 7 hereof with the approval of the Government Information Office under the Executive Yuan,

3. marks on the articles specified in Item 10 and 12 of Paragraph One of Article 7 hereof, or on the packages thereof.

#### Article 12

All export documents related to exportation to Mainland Area shall bear the word "Chinese Mainland" in

the column of destination.

In case that goods/articles are exported indirectly to Mainland Area for further processing, exporters

shall report such purpose in export documents.

In case that the exporter prescribed in the preceding Paragraph converts his activity to investment in Mainland Area, the exporter shall obtain permission for such investment from the competent authority in

compliance with the Regulation Governing Permission of Investment and Technical Cooperation in

Mainland  
Area.

Article 13

This Regulation shall come into force from the date of promulgation.

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Data Source : Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System