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| Title :       | Industrial Explosives Administrative Act <b>Ch</b>  |
| Date :        | 2005.11.30  |
| Legislative : | 1.Promulgated under President Order Hua-Tsung (1)-Yi-Tzu No. 09400192971 on November 30, 2005<br>2.Article 26,44 were amended and promulgated under the President Order Hua-Tsung (1)-Yi-Tzu No. 09800129141 on May 27, 2009  |
| Content :     | <b>Chapter I General</b><br><br><b>Article 1</b><br><br>This Act is established to effectively administrate industrial use explosives, to prevent hazard and preserve public safety.<br><br><b>Article 2</b><br><br>The so-called industrial use explosive materials (named as explosive material in this Act) listed in this Act, are the materials listed in the following paragraphs for mining, exploration, sand and gravel excavation, civil engineering, construction and blasting artifact.<br>1. Explosive products used for blasting works, including on-site bulk blasting agents.<br>2. Initiation products used for priming, initiation, launching, including various types of detonators, safety fuse, detonating cord, primer cap, ignition cap, delay detonators and propellant.<br>3. The raw materials used to manufacture low and high explosives listed in paragraph 1 and 2 in this article.<br>The on-site bulk blasting agents described in paragraph 1 of this article are mixtures of non-explosion materials and chemicals which are mixed on-site through special design equipments and charge into blast hole immediately after mixing and need to be initiated by proper initiation system.<br>The items of industrial explosive described in paragraph 1 of this Article shall be promulgated by Central Governing Agency.<br><br><b>Article 3</b><br><br>The contracting organization described in this act means the organization through which a project is contracted to other governmental or private organization for execution.<br><br><b>Article 4</b><br><br>The governing agencies as referred hereunder shall be Ministry of Economic Affairs at Central Government, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.<br><br><b>Article 5</b><br><br>The jurisdiction of governing agencies are listed as follows:<br>1. Central Governing Agency:<br>a. The establishment, revision, abolishing and interpretation of the explosives administrative regulations.<br>b. The establishment of permission, registration and abolishing of explosive products manufacturing and selling.<br>c. Permission and management of explosives alienation, lending.<br>d. The required procedures according to company law and other regulations related to factory management and assistance.<br>e. The erect of distribution office for explosive sales, import and export of explosives, safe |

- keeping in other magazine, disposal procedures, permission, monitoring and management for the establishment of magazine.
- f. The procedures for the issue of certificate for explosives purchasing quota and transportation.
  - g. The monitoring, inspection and emergency measures for explosives and their manufacturing, sales and usage.
  - h. The registration, issue of certificate and inspection of magazine.
  - i. The qualification, issue of certification and management of explosive manager.
  - j. Other explosive related administrative, management and monitoring regulations.
2. Governing agency at Municipal City under the direct jurisdiction of the Central Government:
- a. The required procedures according to company law and the regulations related to factory management and assistance.
  - b. Jointly on-site inspection for the establishment of magazine.
  - c. The inspection of explosive stolen and lose.
  - d. Emergency handling of hazards caused by explosives.
  - e. The monitoring, inspection and emergency measures for explosives and their manufacturing, sale and usage.
  - f. Other items assigned by central governing agency.

## **Chapter II Manufacturing and sales**

### Article 6

The organizations of explosives manufacturing and sales is limited to the publicly owned company that are approved by Central Governing Agency and company established complied with company law.

### Article 7

To conduct explosive manufacturing, the following documents need to be prepared for the application

of permission to the Central Governing Agency, during its preparation or extending.

- a. Name of company and person.
- b. Administration plan.
- c. Engineering plan.
- d. Finance plan.
- e. Safety and emergency measures plan.
- f. The locations of planned business office and factory.
- g. Name and address of person in charge.
- h. Other items that need to be listed according to the regulations of Central Governing Agency.

### Article 8

Besides the publicly owned company that is approved by Central Governing Agency, companies obtain

the permission to prepare or extend explosive manufacturer should accomplish company registration or change of registration. After the construction of factory and obtain factory registration, the required safety facility need also to be equipped according to requirements listed in Article 13 and inspected by Central Governing Agency before starting manufacturing.

The establishment of explosive factory described above should comply with the factory construction standard ruled by Central Governing Agency.

### Article 9

Explosive manufacturer, after obtaining permission for establishing or extending factory, without obtaining factory registration certificate under no rational reason or stop manufacturing more than one year after the beginning of operation, the Central Governing Agency has the right to abolish its permission.

### Article 10

To conduct explosive sales, the following documents need to be prepared for the application of

permission to the Central Governing Agency, during its preparation or extending.

- a. Name of company and person.
- b. Administration plan.
- c. Structure and Safety facility for the planned sales location.
- d. Finance plan.
- e. Safety and emergency measures plan.
- f. The locations of planned business office and distribution office.
- g. Name and address of person in charge.

To establish sales distribution offices, the explosive seller should also apply for the permission from the Central Governing Agency.

#### Article 11

Explosive seller, after obtaining permission for preparing establishment, without conducting business under no rational reason or stop business for more than one year, the central governing agency has the right to abolish its permission.

Explosives seller, after obtaining permission to establish additional distributing office, without conducting business under no rational reason or stop business for more than one year, the Central Governing Agency has the right to abolish its permission.

#### Article 12

The purchaser of explosives is limited to those who obtain explosive purchase certificate complied with the regulations described in Article 14.

#### Article 13

The explosive manufacturers, seller (including distribution office) shall comply with the following requirements to establish safety facility. After obtaining the approval from the Central Governing Agency, the manufacturing and operation can then be executed. The operation or opening date shall be reported to the Central Governing Agency, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.

1. The explosive factory and sales location (including warehouse and distribution office) shall have on site security guard to secure safety.
2. Setup safety regulations base upon actual condition and acquire approval from the Central Governing Agency.
3. Assign specific department or person to handle personnel evaluation.
4. Establish explosive magazine and guardhouse, and assign designated personnel or personnel shift.
5. To coordinate with related governmental agencies to conduct necessary safety measures.

The facility for the manufacturing and sales of explosive materials shall restrict both employees and visitors to bring or take out explosive materials when enter or leave the facility.

The subparagraph1 in paragraph1 and above paragraph do not apply to on-site bulk blasting agents manufacturers.

#### Article 14

The explosives purchasers, besides explosives manufacturer and seller who posses the permission approved by Central Governing Agency, are limited to companies which conduct mining, exploration,

sand and gravel excavation, civil engineering, construction, blasting manufacturing or tasks that is necessary to use explosives and approved by Central Governing Agency.

Explosive purchasers apply for purchasing quota should fill out application form and then apply for purchasing certificate from Central Governing Agency.

For engineering contractor tend to purchase explosive products, shall fill out the explosive purchase application form and obtain approval from the contracting company before fulfilling application requirements listed above. The contracting company is responsible to monitor the usage of explosive of the contractor.

### **Chapter III Import, Export and Transportation**

#### Article 15

For importing and exporting explosives, application form need to be prepared and apply for approval through Central Governing Agency, in which the type of explosives, quantities, import and export sea port and airport should be clearly listed.

#### Article 16

The transportation of explosive shall fill out application form for every shipment and apply for transportation certificate from Central Governing Agency. The certificate for transportation of explosive within explosive factory, mines or construction sites can be exempted.

#### Article 17

The transportation of explosives shall assign specific vehicle and personnel and follow approved transportation route and schedule. In addition, the following regulations shall also be followed.

1. When transport through municipal area, transportation certificate shall submit to local police department and apply for the lead or traffic control.
2. Transportation tools shall attach (hang) warning sign or flag.
3. Detonators shall not, in any circumstance, be transported with low explosive, explosives or raw materials for manufacturing explosive in the same vehicle.
4. The explosive packaging shall be sturdy, with internal padding for shock resistance.
5. When park or unload explosive shall make sure brake is secured. To park near gas station and flame source is highly restricted.

### **Chapter IV Use, Storage and Handling**

#### Article 18

The use of explosive shall be handle by trained blasting professional personnel and comply with the following regulations.

1. The amount of explosive used should base upon the quantity estimated for daily use. The unused explosives shall be returned to the magazine within 24 hours after removed from the magazine, but stored any other location besides magazine. For special circumstance, it can be exempted after approved by Central Governing Agency.
  2. The handover of explosive shall select proper location outside of magazine.
  3. Explosive products and initiating products shall be stored in separate wooden, paper, plastic or any other non-electric conducted special containers and do not allow any non-explosive products exist in the same container.
  4. The charging and initiating of explosive shall be executed with safe method and apparatus.
  5. A wide-spreading warning and necessary safety security need to be done before initiation.
  6. After initiation, the remained un-initiated explosive shall be disposed through safe measures.
- The above mentioned blasting professional trainee, training courses, training hours, issue of certificate and license, expiration date, reissue, abolishing and other regulations are ruled by Central Governing Agency.

#### Article 19

Explosives shall store in the magazine. The quantity of explosive for daily used can be stored at the safe place in the job site under monitoring by assigned personnel.

#### Article 20

Explosive manufacturer, seller and purchasers shall establish magazine and guardhouse and assign designated personnel or personnel shift except for those who comply with paragraph 21 and obtain permission.

#### Article 21

For explosive seller and purchasers, the location of storage and use of explosive near others' magazine, the explosives can be stored in others' magazine after obtained the permission from Central Governing Agency.

## Article 22

For establishment or change of magazine, an application need to be filed for the inspection conducted jointly by Central Governing Agency and authorities of Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City and obtain permission.

After the construction of magazine and before its use, the magazine need to be inspected jointly by Central Governing Agency and authorities of Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City and obtain permission. The location, structures, facilities, quantity and height of storage shall comply with the magazine establishment standard.

The establishment term and standard of magazine shall be ruled by Central Governing Agency and Central Building Agency.

## Article 23

Under the circumstances the explosive degrade or unaffordable to be used that need to be disposed, explosive seller or purchaser shall fill out explosive disposal application form and list the type and quantity of explosive, disposal time, location, method and safety measures, then apply for approval.

## Article 24

The explosive purchased through proper application can not be used for other application unless obtained special permission from Central Governing Agency, except under special emergency circumstance.

The left over and unused explosive, after purchased and end of use, can be recovered by supplier at its remaining value or sale to other purchaser after obtain the permission from Central Governing Agency.

## **Chapter V Safety Management**

### Article 25

Explosive manufacturer, seller and purchaser shall assign explosive manager to handle the following tasks.

1. The management of explosive receive, distribute, storage, handling and use.
2. Supervised explosive transportation.
3. Other explosive management tasks.

The qualification of explosive manager include attend, finish and qualified the explosive manager training program organized by Central Governing Agency or other governmental authority and possess

practical working experience. The management of eligibility of trainee, issue of certificate or license, effective duration, change, abolishing and other related regulations shall be ruled by Central Governing Agency.

### Article 26

The person having one of the following conditions shall not be taken as an explosive manager:

1. Person who is ordered the commencement of guardianship or assistantship.
2. Person who is confirmed in the imprisonment for a definite term in foreign aggression, civil convulsions, public danger, homicide, burglary, robbery, invasion or kidnapping etc.
3. Person who is confirmed in the imprisonment for a definite term in violation of weaponry and arms restriction regulation.
4. Person who is diagnosed as having psychological disorder or other mental disease by educational hospital.

If explosive manager is found to violate related explosive administrative regulations, the Central Governing Agency shall command the explosive manufacturer, seller or purchaser to replace the explosive manager.

#### Article 27

The explosive manager, under certain condition, can not perform his duty, the person who is in charge of the assignment need to take the act following the regulations listed below:

1. For explosive manager temporarily leave the post, an appropriate replacement need to be assigned for the duty. For more than four days, the Central Governing Agency needs to be informed. For more than 30 days, an eligible person need to be assigned for the duty of explosive manager and need to inform Central governing Agency.
2. After explosive manager leave the job, the person in charge of the assignment shall assign an appropriate person for the duty and shall assign a eligible person to take the position of explosive manager and inform the Central Governing Agency.

#### Article 28

Smoking, fire source, flammable materials and materials that are easy to catch fire are highly restricted within explosive manufacturing facility, magazine and blasting site, unless other regulations apply.

#### Article 29

On the packing of explosives, the manufacturer and seller shall clearly label, on the outside of the container, type of explosive, date of manufacturing, serial number, weight, quantity, illustration, major ingredients, hazardous warning information and measures, name of manufacturer, address, handling information and sign of burning or explosion. The material safety data sheet and information need to be included in the container, which shall clearly list explosive storage life and safety information; for package explosive, serial number need to be labeled.

#### Article 30

For explosive stolen or lose, the explosive manufacturer, seller or purchaser need to report, within 24hours, to the Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City. For contractor, the contracting company or party needs to be informed immediately.

#### Article 31

When explosive related hazard occurs or may potentially occur, the explosive manufacturer, seller or purchaser shall take necessary emergency or rescue measures and inform Central Governing Agency, Municipal Government at Municipal City under the direct jurisdiction of the Central Government and County and City Government at County and City.

#### Article 32

Explosive manufacturer, seller and purchaser shall prepare logbook to record types of explosive, quantity, time and source of origin that are received and taken out, for inspection purpose. The logbook needed to be kept for at least five years. The quantities records of production, sales, disposal need to report periodically to Central Governing Agency.

### **Chapter VI Monitoring**

#### Article 33

To prevent hazard, the governing agency shall dispatch personnel to inspect the safety facility of the location used by explosive manufacturer and seller, evaluate explosive manager and explosive user. The logbook and related records and figures shall also be checked if it is necessary. The party and related personnel shall not evade, interfere or refuse the inspection. The inspector, when conducting inspection, shall identify himself using proper identification.

#### Article 34

To prevent hazard and secure public safety, when there is potential hazard or hazard occurred, the governing agency may direct explosive manufacturer, seller or purchasers to take following emergency measures:

1. To entirely or partially stop the use of the facilities or magazine.
2. To prohibit or restrict the manufacturing, vending, storage, transportation or use of explosive.
3. To change explosives storage location.

## **Chapter VII Penalty Articles**

### Article 35

With one of the following situations and result in public danger, shall be sentenced to termed imprisonment of more than 1 year and under 7 years; result in death, shall be sentenced to termed imprisonment of more than 7 years or life imprisonment; result in serious injury, shall be sentenced to termed imprisonment of more than 3 years and under 7 years.

1. Violate paragraph 1 in Article 8, fail to apply for inspection and obtain permission but start manufacturing explosive products.
2. Violate Article 23, dispose explosive product without permission.

### Article 36

With one of the following situations, violator is subject to fine of more than NT\$200,000 and under NT\$1,000,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period.

1. Violate paragraph 1 in Article 8, fail to apply for inspection and obtain permission but start manufacturing explosive products.
2. Violate paragraph 2 in Article 10, establish distribution office without permission.
3. Violate Article 12, explosive vender sale explosive to party without purchasing permit.
4. Violate paragraph 1 paragraph 2 in Article 13, fail to apply for inspection and obtain permission but start manufacturing or sale explosive products, fail to inform the operation or opening date to the Governing Agency or fail to restrict both employees and visitors to bring or take out explosive materials when enter or leave the facility.
5. Violate Article 23, dispose explosive product without permission.
6. Violate Article 24, transfer or lending explosive products without permission, the left over and unused explosive, after purchased and end of use, be recovered by supplier at it remained value or sale to other purchaser without permission.
7. Violate Article 34, without conduct emergency measures direct by Governing Agency.

### Article 37

With one of the following situations, violator is subject to fine of more than NT\$60,000 and under NT\$300,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period or improvement.

1. Violate one of the conditions listed in Article 17, fail to transport explosives using assigned vehicle and personnel and fail to follow approved transportation route and schedule.
2. Violate one of the conditions listed in Article 18 or the use of explosive by personnel without professional blasting training.
3. Storage, temporarily storage or assign monitoring personnel without comply with the regulation described in Article 19.
4. The establishment of magazine and guardhouse and assign designated personnel or personnel shift without comply with the regulation described in Article 20.
5. Violate paragraph 1 or paragraph 2 in Article 22, establish or change magazine without apply for inspection and obtain permission or use of magazine without obtaining registration permit.
6. Violate Article 28, smoking, using fire source or bringing flammable materials and materials that are easy to catch fire into the explosive manufacturing facility, magazine or job-site
7. Violate Article 31, fail to take necessary emergency or rescue measures and inform Governing Agency, when explosive related hazard occurs or may potentially occur.

### Article 38

With one of the following situations, violator is subject to fine of more than NT\$10,000 and under

NT\$50,000, and will be asked to improve within given period; without improvement after given period, violator shall be fined for every given period of improvement.

1. Violate Article 21, store explosives in others' magazine without obtaining permission.
2. Fail to assign explosive manager to handle the following tasks described in paragraph 1 Article 25.
3. Fail to comply with the execution to replace explosive manager by Governing Agency in accordance with paragraph 2 in Article 26.
4. Violate Article 27 regarding to the assign of appropriate explosive managing person, assign temporarily explosive manager, assign replacement of explosive manager or report to the Governing Agency for permission.
5. Fail to comply with Article 29 about explosive packing regulations or mixing packing with other materials.
6. Violate Article 30, fail to report explosive stolen or lose within 24 hours period.
7. Fail to prepare explosive logbook and record, preserve records, report production, sales, disposed quantity to the Governing Agency periodically in accordance to Article 32.
8. Violate paragraph 2 Article 33, evade, interfere or refuse the inspection executed by Governing Agency.

### **Chapter VIII Bylaw**

#### Article 39

For explosive used by military department, its manufacturing, purchasing, importing, transportation and storage not ruled by this ACT.

#### Article 40

The explosive manufacturer, and seller registered before the implementation of this Act shall apply required permissions to Central Governing Agency within given period after the implementation of this Act; without application of permission shall comply with the related regulations listed in this Act.

#### Article 41

The Central Governing Agency shall establish format of various document, tables and logbook described in this Act.

#### Article 42

The management regulation of Newly developed technology for explosive manufacturing, use and equipments shall be ruled by Central Governing Agency.

#### Article 43

The Enforcement Regulation for the Act shall be established by governing agency.

#### Article 44

The Act shall be implemented from the date of promulgation.

The articles of the Act amended on May 5, 2009 shall be implemented from November 23, 2009.