

Content

Title :	Regulations Governing Export of Commodities Ch
Date :	2010.07.08
Legislative :	<ol style="list-style-type: none">1.Promulgated on July 19, 19932.Amendment on October 22, 19933.Amendment on August 29, 19944.Amendment on March 22, 19955.Amendment on August 9, 19956.Amendment on July 2, 19977.Amendment on July 13, 19988.Amendment on September 15, 19999.Amendment on July 12, 200010.Amendment on December 11, 200211.Amendment on July 2, 200312.Amendment on August 4, 200413.Amendment on April 6, 200514.Amendment on March 5, 200715.Amendment on July 8, 2010
Content :	<p>Chapter I General Provisions</p> <p>Article 1 These Regulations are enacted pursuant to Article 2 of the Foreign Trade Act (hereafter referred to as the Act).</p> <p>Article 2 Regarding these regulations of the competent authority of the Ministry of Economic Affairs (MOEA), such affairs shall be implemented by the Bureau of Foreign Trade, MOEA (hereafter referred to as BOFT). However, supervision of commodities which contain written material or inspection of authorized copyright documentation attached to goods shall be implemented by the Intellectual Property Office, MOEA (hereafter referred to as TIPO).</p> <p>Article 3 The term "licensing" as used herein means issuance of export permits by the BOFT or any organization authorized by it. The term "exemption of licensing" as used herein means exemption of an export permit.</p> <p>Article 4 The term "a firm" as used herein means an exporter/importer duly registered with the BOFT under the "Regulations Governing Registration of Exporters and Importers".</p> <p>Chapter II Export Regulations</p> <p>Article 5 Regarding the following commodities, which are restricted for export under this Act, the BOFT shall compile a restricted export commodities table according to the export regulations and commodity name list as hereby announced:</p> <ol style="list-style-type: none">1. Commodities to be exported to specific countries or areas as specified in Article 5 of the Act.

2. Commodities for which necessary measures need to be taken to restrict export thereof in accordance with Article 6 of the Act.
3. Commodities which are restricted in accordance with Paragraph One, Article 11 of the Act.
4. Strategic High-Tech Commodities as set forth in Article 13 of the Act.
5. Exportation of endangered species of wild fauna and flora, and products thereof in accordance with Article 13-1 of the Act.
6. Commodities for which export quotas are required in accordance with Article 16 of the Act.

For export of commodities listed in the table referred to in the preceding paragraph, not including those subject to the regulations of other laws or proclaimed by the BOFT as being exempt from licensing, applications for licensing shall be filed in accordance with the regulations prescribed in the said table. Those commodities not in conformity with export regulations and not given special approval by the BOFT shall not be permitted for export.

Article 6

Where a firm, government agency, government operated enterprise and public or private school exports commodities not listed in the table of commodities under restricted export, licensing shall be exempted.

Article 7

Where a person, other than a firm, a government agency, a government operated enterprise, and a public or private school, who is not a professional exporter, exports commodities subject to Article 10 of the Act,

he/she shall apply for import licensing; however, subject to any of the following circumstances, export licensing shall be exempted:

1. Export commodities, whether transported via air or surface, not listed in the table of commodities under restricted export, so long as the FOB price is less than US\$20,000 or its equivalent.
2. Articles for own use by vessels berthing in Republic of China seaports or aircraft stopping-over at Republic of China airports, within the limits of the classification, quantity, and value stipulated by Customs.
3. Supplies for own use by fishing vessels operating from offshore bases, for which written approval is obtained from the government authority in charge of fishery.
4. Articles for official use sent to Republic of China embassies, consulates, or other organizations stationed in foreign countries.
5. Fuel for use by vessels berthing in Republic of China seaports or aircraft stopping-over at Republic of China airports.
6. Articles for exhibition to be exported by the China External Trade Development Association and/or the Taiwan Textile Federation.
7. Articles for humanitarian relief.
8. Other commodities approved by the BOFT.

For export of the above licensing-exemption commodities, if they are included on the list prescribed in

Article 5 or 8 hereof, regulations set forth on the list shall be complied with when export application is filed with the customs, unless there are other special regulations applicable.

Article 8

For commodities that are exempt from licensing yet whose export is regulated under other laws or regulations, the BOFT will, to the extent that examination of export commodities can be performed by

Customs, compile and publish a table of export commodities of which examination is assisted by Customs,

and list nomenclatures of and export regulations related to such commodities.

For export of commodities listed in the said table of export commodities of which examination is

assisted
by Customs, export regulations set forth in the said table shall be complied with when applying for export of such commodities.

Article 9

For articles in small quantity sent by parcel post or carried out of this country by passengers for personal use, relevant Customs regulations shall govern, and the provisions in Article 5 and Paragraph

One, Article 7 hereof shall not be applicable.

Chapter III Marking of Trademark

Article 10

Exporters who export any commodities bearing trademarks shall themselves ascertain the ownership of the

said trademarks in order to prevent counterfeiting violations.

The exporters shall declare accurately on the export form the trademark(s) to be used for such commodities. The declaration "without trademark" shall be made when export commodities do not bear any

trademark. However, when Customs determines that the foreign goods or domestic goods, which have been

returned for maintenance, are to be re-exported, then the provisions of this paragraph shall not be applicable.

Article 11

If Customs comes to understand any export commodity bears a trademark that is not in conformity with the

information entered in the export declaration form, Customs shall request the exporter to provide the

legal documents from the owner for the right to use the trademark and that assign or authorize the exporter to use the registered trademark, or any other document capable of verifying that trademark counterfeiting has not been involved, so that the Customs Office can check and release the commodities.

Article 12

The provisions of the preceding two Articles shall apply to the case where a trademark is marked on the

internal or external packages or containers of the export goods.

Article 13

deleted

Article 14

deleted

Chapter IV Export of Commodities with Intellectual Property Rights

Article 15

For export of any specific commodity containing a specific work, the applicant shall submit the relevant

document(s) certifying the copyright involved and shall not infringe upon the copyright. The BOFT or its

appointed agency may inspect the specific commodity if necessary. The term intellectual work as used in

the preceding paragraph shall refer to any of the intellectual works as specified in Article 5 of the Copyright Law.

Article 16

The scope of specific intellectual works, specific commodities and relevant copyright certifications, and

other associated regulations shall be defined and published by the BOFT.

Article 17

To perform the special monitoring of the intellectual works contained in export commodities, the TIPO may accept the application for (copyright) registration to be filed by the copyrighters concerned or their respective agents and may collect a sample-safekeeping fee as set by the TIPO. The sample custody fee set forth in the preceding paragraph shall be collected in accordance with the budget procedures.

Article 18

To meet foreign trade administrative needs, the BOFT may announce in a public notice that certain designated export commodities shall bear the imprint of the Source Identification Code. Before exporting, exporters shall properly declare on export declarations the imprint mark and business code of the Mould Source Identification Code (SID code). Where there is no SID code, the exporter shall declare "No SID Code". This does not apply if the shipment is verified by Customs as "re-exportation".

Article 19

Where needed for the management of trade, the BOFT shall promulgate the stipulated export items that must indicate a chip source identification code. Those commodities already indicating a chip source identification code shall submit written documentation from an agency recognized by the TIPO.

Chapter V Marking of Country of Origin

Article 20

Any commodity for export shall be marked itself or its internal and external package marked with the country of origin in a conspicuous and durable manner. In case such a marking cannot be made in accordance with these regulations owing to the special characteristics of the commodity or the special situation of packaging, the exporter shall apply to the BOFT for an approval.

Article 21

Commodities for export and manufactured in the Republic of China shall be marked with "Made in Republic of China", "Made in Taiwan, Republic of China", "Made in Taiwan" or the equivalent in a foreign language. Commodities for export mentioned in the preceding paragraph shall not be marked with any name of foreign countries or places or any other expressions that can mislead others to believe that the commodities are made in other countries, except imported parts/components, on which the original marks of the country of origin may be retained, and except commodities in either of the following situations may be marked with other countries as the country of origin:

1. Parts/components supplied to foreign buyers for assembly, on which marks of the country of origin, are to indicate the place where the finished products are to be made, with approval from the BOFT.
2. Containers or packing materials supplied to foreign buyers for their use.

With respect to commodities themselves marked with other countries as origin under the preceding paragraph, their internal or external packages shall still be marked with this country as the country of origin.

Article 22

For the re-export of imported commodities, their original marks of country of origin may be retained thereon, and those re-exports without marks of country of origin when imported, may be re-exported likewise.

Article 22-1

The imported commodities of the preceding article processed in Taiwan for re-export may be marked with “Processed in Taiwan” or the method of processing in Taiwan on the commodities themselves or on internal and external package. But if the commodities only undergo any of the following steps, they shall only be marked with the method of processing in Taiwan:

1. Preservation required for transportation or storage;
2. Classifying, grading and packaging required for marketing or transporting of products;
3. Assembling or mixing that does not result in any major difference in the characteristics of the products;

The commodities marked “Processed in Taiwan” or with the method of processing in Taiwan shall also be marked with the country of origin in a conspicuous and durable manner.

Chapter VI Regulations Governing Licensing

Article 23

Application for export permit to export commodities shall be made in writing or logged electronically with the BOFT.

An exporter shall apply for an export permit in writing by preparing and submitting the following documents:

1. Complete set of export permit application form materials.
2. Any other materials as stipulated by other relevant regulations.

Format of the export permit and the export permit application form shall be designed by the BOFT.

Article 24

An export permit shall be valid for thirty (30) days from the date of licensing unless otherwise stipulated by the BOFT.

No extension of validity of an export permit shall be applied for. If export is not effected within the valid period and re-licensing is applied for, an application for cancellation of the original export permit shall be made.

Article 25

For amendment and cancellation of an export, the exporter shall type and submit an application with the original licensing organization.

An exporter, when applying for cancellation of an export permit under the preceding paragraph, shall turn in all copies thereof.

Article 26

Amendments to export permits shall be made in accordance with the following provisions:

1. If an error is discovered before submission of export application to Customs, applications for cancellation of original permit and re-licensing shall be filed, and no amendment application is allowed.
2. If amendment is required before or after release of commodities by Customs, an amendment application form shall be submitted to the original licensing organization for necessary amendment. However, if the amendment involves nomenclature, quality, classification, unit, or quantity of any commodity, Customs endorsement shall first be obtained before an amendment application is filed. If the commodity concerned is eligible for exemption of inspection or random inspection and Customs has no information for verification, Customs shall endorse the relevant copy of the application of an export permit, unless a special approval is obtained from the BOFT.
3. When applying for amendments, the original export regulations shall be adhered to.
4. The applicant's name on the export permit shall not be amended, unless it has been authorized by the BOFT.

Amendments referred to in the preceding paragraphs can only be made within six months from the date when

the original export permit was issued by the licensing organization, except amendments within three years from the issuing date with the permission of the BOFT.

Article 27
deleted

Article 28
In preparing the export permit application form, amendment application form, and/or cancellation/re-issue application form, all copies of the same application form shall be typed (or written) once in duplicate with no erasures or changes allowed, otherwise they shall be considered null and void, unless there is change of commodity classification number(s) made and stamped by the licensing organization.

Chapter VII Supplemental Provisions

Article 29
Where a commodity to be exported is an item subject to export inspection and the specifications thereof defined by the foreign buyer are below the ROC National Standards applicable to such commodity, the exporting firm may apply to the inspecting body to switch standards for the commodity, provided that the export commodity shall be free from danger in use and shall not cause the consumers to get an impression of being cheated.

Article 30
The BOFT may, based on the requirements of administration of trading activities, publish other rules or regulations governing exportation in accordance with the Act or these Regulations.

Article 31
These Regulations shall come into force from the date of promulgation.