

Content

Title :	Taxation Imposed Measures on Transshipment Engaged by Business Entity in the Export Processing Zone <b>Ch</b>
Date :	2009.12.07
Legislative :	1.Promulgated on December 19, 2001 2.Amended on December 7, 2009
Content :	<p><b>Article 1</b> The measures are prescribed in accordance with provisions in Item 3, Article 14 of Statute for the Establishment and Administration of Export Processing Zone (hereinafter referred as “this Statute”).</p> <p><b>Article 2</b> The business entity is engaged in trans-shipment business and is applicable to provisions in Article 14 of this Statute for taxation. It shall be handled in accordance with the measures except provisions in other laws and decrees.</p> <p><b>Article 3</b> The measures are applicable to headquarters of company established in the Export Processing Zone or branch of foreign company in the Export Processing Zone.</p> <p><b>Article 4</b> The trans-shipment range of business entity is recognized by the provisions in Article 31 of the Enforcement Rules.</p> <p><b>Article 5</b> The business entity engaged in trans-shipment business imports the commodities from abroad and re-sells after processing. It does not reach the level to issue country of origin that indicates one of the following situations: 1.The commodities before and after processing are still the same in the first six numbers of commodity standard classification of the Republic of China. 2.After commodities are processed in the Export Processing Zone, the value for annual average selling price of commodities subtracts annual average purchasing price of commodities, then divided by annual average selling price of commodities and does not reach 35% of the commodities price.</p> <p><b>Article 6</b> Business entity engaged in trans-shipment business imports the commodities from abroad and re-sells after conducting the assembly, warehousing, transportation, loading and unloading, packaging, repair, inspection or test that is regarded as trans-shipment business that does not reach the level to issue certificate of origin.</p> <p><b>Article 7</b> If business entity engaged in trans-shipment business imports the commodities from abroad, re-sells after processing but does not reach the level to issue certificate of origin, then the business entity may prepare the following documents to apply to the Export Processing Zone Administration or Branches (hereinafter referred as “Administration or Branches) for issuing of certificate within two months</p>

after  
the end of fiscal year:  
1.Application.  
2.Operational process of commodities from importation, processing, to sale.  
3.Used material analysis and relevant documents of processed and re-sold commodities.  
When the aforementioned business entity is dissolved or is merged, it should prepare the  
aforementioned  
documents and apply to the Administration or Branches for issuing of certificate within one month  
from  
the dissolving or merging date.

#### Article 8

If business entity is engaged in trans-shipment business, R&D, conductance provider, or technical  
service  
business as well, then the business entity may prepare the following documents to apply to the  
Administration or Branches for issuing of certificate within two months after the end of fiscal year:  
1.Application.  
2.Certification of company registration.  
3.Relevant documents of R&D, conductance provider, or technical service business.  
When the aforementioned business entity is dissolved or is merged, it should prepare the  
aforementioned  
documents and apply to the Administration or Branches for issuing of certificate within one month  
from  
the dissolving or merging date.

#### Article 9

If business entity chooses to be applicable to provisions in Article 14 of this Statute and tax imposed  
at  
10% of trans-shipment income as business income, then the business entity should prepare the  
documents  
of Administration or Branches and apply to the Tax Administration for approval.

#### Article 10

The certificate is issued according to provisions of Article 7 and Article 8, and it proves that the  
commodities of that year did not reach the level to issue certificate of origin or supplementary  
business  
in operating the trans-shipment. Afterwards the commodities or business will still require the  
certificate,  
and it should apply in accordance with provisions of Article 7 and Article 8 separately.

#### Article 11

If business entity concurrently operates the trans-shipment business, and is applied by the provisions  
in  
Article 14 of this Statute with tax imposed at 10% of trans-shipment income as business income,  
then its  
ledgers and evidence of transshipment should be independently set up. Additionally its income, cost,  
and  
gross profit of trans-shipment business should be independently calculated and reasonably shares  
the  
administration fee.  
The aforementioned ledgers and evidence may be checked by the Tax Administration and  
Administration  
or Branches, if necessary.

#### Article 12

The measures shall become effective as of the date of its promulgation.