

Content

Title :	Regulations Governing Procedures for Objections in Trade Disposition Cases <b>Ch</b>
Date :	2020.12.18
Legislative :	1.Promulgated on July 16, 1993 2.Amendment on May 31, 2000 3.Amendment on December 18, 2020
Content :	<p><b>Article 1</b> These Regulations are enacted pursuant to Paragraph 1 of Article 32 of the Foreign Trade Act (hereinafter referred to as the “Act”).</p> <p><b>Article 2</b> The cases of objection referred to in these Regulations are limited to those who refuse to accept the disposition rendered by the Bureau of Foreign Trade (hereinafter referred to as “BOFT”) under Article 27-1, Paragraph 1 of Article 27-2, or Articles 28 through 30 of the Act.</p> <p><b>Article 3</b> Exporters or importers that disagree with the disposition specified in Article 2 may submit a written objection to the BOFT within thirty (30) days from the day following the date of receipt of the written disposition. The name of the objector shall be signed on the written objection, which shall list the following items: 1. Name and residential address of the objector. A case in which the objector is a legal person or an organization with a manager or representative, the name of the organization, place of business, and the name and residential address of the manager or representative shall be provided. 2. The case number of the original disposition 3. Facts and reasons concerning the objection 4. Relevant identification or evidence 5. Date (day, month and year)</p> <p><b>Article 4</b> The BOFT shall establish a Trade Disposition Objection Review Committee (hereinafter referred to as the “Committee”) to review and handle cases of objection from exporters and importers.</p> <p><b>Article 5</b> The Committee shall comprise 11 to 13 members, with neither gender comprising less than one-third of the total number. One member shall serve as the Chair, who is either the Director General or Deputy Director General of the BOFT. The other committee members will be selected and recruited by the Chair from representatives of relevant government bodies, experts, or supervisors in such affairs from the BOFT. The committee members shall serve a term of one year, which is extendable upon expiry.</p> <p><b>Article 6</b> The Committee shall appoint one executive secretary, who shall carry out resolutions of Committee meetings, handle Committee affairs, and allocate personnel according to practical needs, under the direction of the Chair.</p> <p><b>Article 7</b> Regarding cases of objection, procedural reviews shall be carried out first by the Committee. Cases not dismissed under Article 12 will proceed to substantive reviews. In the event of regulation changes, the procedural review at the time of the incident shall be adopted, and new regulations shall be adopted for the substantive review. When adoption of the new procedural review requires additional information, the objector shall be</p>

notified to provide the information within a certain period of time.

#### Article 8

The Committee shall request to the original processing unit to respond in cases of objection that comply with procedures. If necessary, investigations or inspections shall be conducted.

#### Article 9

Committee meetings shall be presided over by the Chair. If the Chair cannot convene or attend the meeting, he/she shall designate one committee member to act as his/her proxy.

#### Article 10

Resolutions from Committee meetings shall only be implemented when over half of all committee members attended the meeting and of those attendees, over half approve of the action. Differing opinions shall be included in the minutes of the meeting for future reference.

In the event that a decision among Committee members is equal, the Chair shall cast the deciding vote.

Any Committee member from the BOFT shall not participate in the resolution if the case was handled by a unit in which the member serves.

#### Article 11

The Committee may notify the objector or representative, proxy, original processing unit, or other personnel from a relevant body, to deliver an explanatory briefing during the meeting, on the committee's authority or upon application from the objector.

Following such an explanation, the Chair shall inform the objector or representative, proxy, original handling unit, or other personnel from the relevant body to leave so that a resolution can be decided after subsequent review.

#### Article 12

Cases of objection shall be dismissed on any of the following grounds:

1. The written objection is not in accordance with Paragraph 2 of Article 3, or not submitted within the time period specified in the notification.
2. Objection is submitted after the deadline for reasons not considered force majeure.
3. The objector is incapacitated.
4. The objection is not within the scope as defined in Article 2.
5. The objection no longer exists.
6. It is a repeat objection to an incident previously withdrawn legally.
7. Other reasons for non-acceptance.

Objections mistakenly filed with bodies without such jurisdiction shall be considered as submitted on the date the non-authority received the written objection.

#### Article 13

Objection cases reviewed by the Committee in which no grounds for objection were found, shall be dismissed; if there are grounds for objection, the original disposition shall be withdrawn or amended within the scope of the objector's statement.

Objection cases in which there are no sufficient grounds for objection, but other reasons deem the original disposition as illegal or inappropriate, the objection shall be deemed as sufficiently justified.

#### Article 14

The BOFT shall make its decision within twenty (20) days from the day following the date of receipt of the written objection, and notify the objector of the decision within 7 days thereafter. When supplementary information is required, the date of determination shall be twenty (20) days from the day following the date of receipt of such supplementary information.

#### Article 15

When a decision is not made within the period specified in Article 14, the objector may file an appeal with the Ministry of Economic Affairs in accordance with the Administrative Appeal Act. Decisions made by the BOFT after the period specified in Article 14 are effective.

#### Article 16

The Committee shall produce an original written decision in accordance with its resolution, send it to senior officials of the government body for a ruling in accordance with their responsibilities, and incorporate the ruling into the original copy for delivery to the objector.

In the event of a discrepancy between the original and original copy, the original copy shall be amended to conform with the original.

Article 17

The delivery of objection documents by personnel or the authority designated by the Committee shall prepare a certification of delivery. For postal deliveries, a postal certification of delivery shall be prepared.

Apart from the provisions in the preceding paragraph, the delivery of objection documents shall be prescribed by the rules and regulations on delivery in the Administrative Procedure Act.

Article 18

Withdrawal of decisions on objections decided by a higher authority and confirmed by Administrative Court ruling shall be analyzed and reviewed by the original processing unit for the improvement and reference of professional services.

Article 19

These Regulations shall enter into force on the day of promulgation.

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