



Article Content

Title : Regulations Governing Export and Import Of Strategic High-tech Commodities CH

Amended Date : 2017-10-20

Category : Ministry of Economic Affairs (經濟部)

Chapter I - General Provisions

Article 1 These Regulations are enacted pursuant to the provisions of Paragraph 6 of Article 13 of the Foreign Trade Act.

Article 2 Export and import of strategic high-tech commodities shall be governed by these Regulations. With regard to matters pertaining to the export and import of strategic high-tech commodities not provided for in these Regulations, the provisions of other relevant laws and regulations shall govern.

Article 3 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).
When necessary, the competent authority may appoint a government authority or entrust an other government authority (agency) with management of export and import or other business matters.

Article 4 Deleted.

Article 5 In order to meet the need to control exports and imports of strategic high-tech commodities, the MOEA shall, in conjunction with relevant government authorities (agencies), form a task force with exclusive responsibility to handle the following matters:

1. Making determinations as to suspected exports/imports of strategic high-tech commodities;
2. To verify and investigate the destination and purpose of exports/imports of strategic high-tech commodities.

Chapter II - Import Control

Article 6 In applying for an International Import Certificate, the importer shall file the following documents with the BOFT or the appointed or entrusted government authority (agency):

1. A complete set of International Import Certificate application documents;

2. A statement of intended use of the import commodities concerned;
3. Related transaction documents.
4. Other documents as required in accordance with the applicable regulations.

The formats of the International Import Certificate, the application form and the statement of intended use referred to in the preceding Paragraph shall be prescribed by the BOFT. The International Import Certificate shall be valid for one year.

Article 7 In applying for issuance of a Written Assurance Certificate, the importer shall file the following documents with the BOFT or the appointed or entrusted government authority (agency):

1. The Written Assurance Certificate in triplicate;
2. A statement of the intended use of the import commodities concerned (the local end-user shall be indicated);
3. Related transaction documents.
4. Other documents as required in accordance with the applicable regulations.

The formats of the Written Assurance Certificate referred to in Item 1 of the preceding Paragraph can be furnished by the importer unless otherwise specifically designated by the BOFT, in which case the prescribed formats shall be used.

If the importer is a government authority (agency), the Written Assurance Certificate shall be executed and issued by the competent government authority (agency), with a copy thereof to be sent to the BOFT for its information. However, if the Written Assurance Certificate cannot be executed and issued by the competent government authority (agency) due to special circumstances, it may be applied for through the BOFT.

The Written Assurance Certificate shall be valid for one year. Following the issuance of a Written Assurance Certificate, one copy thereof shall be retained by the certifying authority (agency) for its records, and the other two copies shall be returned to the importer.

Article 8 In the event that the information entered in an International Import Certificate or a Written Assurance Certificate need to be changed, a separate application for a new certificate shall be filed with the original certifying authority (agency).

Article 9 In the event that the commodities covered by an International Import Certificate or a Written Assurance Certificate have not been imported within the valid period of issuance of the International Import Certificate or the Written Assurance Certificate, the importer shall report the case to the original certifying authority (agency) by submitting the original

International Import Certificate or the Written Assurance Certificate together with a statement setting forth the reasons for failure to effect import.

Article 10 Upon importation of the commodities covered by a valid International Import Certificate or a Written Assurance Certificate, unless application for a Delivery Verification Certificate is required, the importer shall submit to the original certifying authority (agency), for its records, a photocopy of the International Import Certificate or the Written Assurance Certificate and the duplicate of the copy used to certify the import of the Import Customs Declaration duly affixed with the customs confirmation stamp within three (3) months after customs clearance and release of said commodities. If the importer had already filled in the numbers and items of an International Import Certificate or a Written Assurance Certificate on the import of the Import Customs Declaration during importation, the importer need not submit the above documents to the original certifying authority (agency).

Article 11 In requesting the customs office to affix its import confirmation stamp on each page of a complete set of the Application for Delivery Verification Certificate, the importer shall, when declaring the commodities at the customs, submit to the customs office a complete set of the Application for Delivery Verification Certificate prepared by the importer together with the original copy and one photocopy of the valid International Import Certificate or the Written Assurance Certificate. After verifying the delivery of the imports concerned, the customs office shall affix its import confirmation stamp on all pages of the Application for Delivery Verification Certificate and return the original International Import Certificate or the Written Assurance Certificate to the importer.

In cases where an application for confirmation of import is filed with the customs office after the commodities have cleared the customs and are imported, the duplicate (the copy used to certify the import) of the Import Customs Declaration shall also be submitted in addition to the documents set forth in the preceding Paragraph.

In cases where the import commodities covered by either of the preceding two Paragraphs fall into the category of the commodities selected by lot for exemption from customs inspection, the customs office may confirm the import thereof based on examination of the documents submitted.

Article 12 In applying for a Delivery Verification Certificate, the importer shall file the following documents with the BOFT or the

appointed or entrusted government authority (agency):

1. The full application form for Delivery Verification Certificate duly affixed with the import confirmation stamp of the customs office;
2. One photocopy of the International Import Certificate or the Written Assurance Certificate;
3. Other documents as required in accordance with the applicable regulations.

The formats of the Delivery Verification Certificate and the application form referred to in the preceding Paragraph shall be prescribed by the BOFT.

Article 13 In the event that an International Import Certificate, a Written Assurance Certificate or a Delivery Verification Certificate is lost, the importer may request the original certifying authority (agency) to issue a replacement certificate by submitting a complete set of application materials for a new International Import Certificate, a Written Assurance Certificate or a Delivery Verification Certificate together with a written statement setting forth the cause of loss, the serial number and the date of issuance of the lost International Import Certificate, Written Assurance Certificate or Delivery Verification Certificate.

Article 14 An importer importing strategic high-tech commodities shall effect the importation thereof in accordance with the contents set forth in the International Import Certificate or Written Assurance Certificate, and unless prior permission has been obtained from the original certifying authority (agency), no substitution of the importer nor re-routing of the commodities to a third country or any territory other than the Republic of China may be made before such commodities clear customs and are imported into the Republic of China.

Where the commodities referred to in the preceding Paragraph are transferred to a transferee or sold to a domestic purchaser after being imported, such transfer or sale shall be effected strictly in accordance with the terms and conditions previously made with respect to purchasing and importing such commodities. If the importer needs to change the declaration of original end uses and end users of the International Import Certificate or Written Assurance Certificate, the importer shall obtain permission from the original certifying authority (agency) and submit the approved documents issued by the government of the original exporting country or the original exporter. Moreover, the importer or transferor/seller shall notify, in writing, the buyer or transferee of such terms and conditions and the required time period the related documents should be retained.

Chapter III - Export Control

Article 15 For exportation of strategic high-tech commodities, the exporter shall first apply for an export permit (license) with the BOFT or the appointed or entrusted government authority (agency). This export permit (license) shall be valid for six (6) months, and the exporter may apply for multiple shipments under this export permit (license). However, under either of the following conditions, the period of validity may be granted for two (2) years:

1. Exportation to countries belonging to all the four international export control regimes including the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group.
2. Exportation to a non-restricted area to which the exporter has, during the last six (6) months, regularly exported strategic high-tech commodities to the same country or area and to the same importer for five (5) or more times.

If strategic high-tech commodities are to be exported to the United States or Japan under either of the circumstances listed below, and the exporter has checked that the overseas trader is not named on the international export control list or the overseas trader is not named specifically by the competent authority, the competent authority may not grant an export permit:

1. Where the total value (FOB) of the same commodity subject to export control is less than NTD300,000;
2. Where an exporter, who has implemented the Internal Compliance Program, has been identified by the BOFT (hereafter referred to as ICP Exporter).

Article 15-1 An ICP Exporter who wishes to export strategic high-tech commodities may apply for an export permit (license) that is valid for multiple countries, buyers, consignees and end users. The permit shall be valid for three (3) years. The ICP Exporter should submit the previous year's Internal Review to the BOFT by March 31st of each year. If any of the following circumstances apply to the ICP Exporter, the BOFT will nullify the ICP Exporter *s qualifications and revoke the export permit referred to in Paragraph 1:

1. Violation of the provisions in the preceding paragraph;
2. Internal control procedures fail to comply with the provisions of the ICP, and are not rectified within the prescribed period after notification; or
3. Violation of rules governing export of strategic high-tech commodities.

- Article 16 In applying for an export permit (license) for strategic high-tech commodities, the exporter shall submit the following documents:
1. A complete set of application documents for an export permit (license) for strategic high-tech commodities;
 2. An International Import Certificate, a Certificate of End Uses, or a Written Assurance Certificate issued by the government of the importing country, or a Written Assurance of End Uses provided by the foreign importer or end user. The intended end uses and end users must also be truthfully declared.
 3. Related transaction documents.
 4. Other documents as required in accordance with the applicable regulations.

Whenever an ICP Exporter applies for a three-year (3) valid export permit (license), if the foreign importer or end user is the same company as the ICP exporter, or is the controlling company, or is the subsidiary company of the ICP exporter, a Written Assurance of End Uses can be issued by the head office or controlling company, and the ICP exporter is exempt from submitting the related transaction documents in the preceding item 3.

The exporter shall apply for an export permit (license) within the validity period of the International Import Certificate, Certificate of End Uses, or Written Assurance Certificate. If no validity period is indicated in the Certificate, application shall be made within one (1) year from the date of issuance of said Certificate.

- Article 17 Where strategic high-tech commodities imported from abroad are to be re-exported, and if a prior approval for such re-export must be obtained from the government of the original exporting country in accordance with the regulations of that exporting country, the re-exporter shall, in addition to complying with the preceding Article, also submit the document issued by the government of the original exporting country approving the intended re-export.

If the strategic high-tech commodities for re-export in accordance with the preceding Paragraph are to be re-exported in its country of origin, the re-exporter shall also provide the serial number of the International Import Certificate issued by the Republic of China prior to the import of such commodities or any other documents sufficient to evidence the import of such commodities.

When an ICP Exporter applies for an export permit (license) that is valid for 3 years, he/she does not need to submit documentation approving intended re-export issued by the

government of the original exporting country or import documents. However, the exporter should save the documents for later inspection by the BOFT.

Article 18 If the strategic permit high-tech commodities are to be exported to a non-restricted area under any of the circumstances listed below, the exporter shall submit documents as specified by Items 1, 3 and 4 of Paragraph 1 of Article 16 hereof, and other sufficiently supporting documents when applying for an export (license):

1. Where the total value of the same commodity subject to export control is less than NTD150,000;
2. Where commodities are temporarily exported for exhibition, maintenance service, testing and/or replacement of defective or unacceptable items, and will be re-imported;
3. Where the importer and end user of export commodities is a government agency, university or academic institution;
4. Where the original commodities are returned to the exporter of origin; or
5. Where special approval for the export of commodities has been authorized by the BOFT.

For those commodities referred to in Item 2 of the preceding Paragraph, the exporter shall submit to the government authority (agency) that had originally approved the export those documents verifying the re-import of the commodities to close the case within the time limit specified in the original approval.

In the event that the commodities exported for exhibition, as referred to in Item 2 of Paragraph 1, are sold during the period of exhibition, the exporter shall still submit supplemental documents as required under the preceding two Articles; however, such commodities shall not be transported to any restricted area(s).

Article 19 Exports of strategic high-tech commodities shall be effected by exporters in accordance with the originally approved contents of the respective export permits (licenses).

The contents of the export permit may be modified by submitting related documents before the expiration date. The name of the applicant may not be changed unless it has been approved.

The expiration date of the export permit may not be extended.

When clearing the commodities covered by the Paragraph 1 through the customs, the exporter shall upon completion of verification and within one (1) month, after the export of such commodities, proceed to close the export case with the original certifying authority (agency). In case the export was effected in several shipments, the exporter shall proceed to close the export case with the original certifying authority (agency) within one (1) month after the last shipment. However, licenses applied for

electronically are not subject to restrictions.

The format for a strategic high-tech commodities export permit (license) shall be determined by the BOFT.

Article 20 In the event that certain specifically designated strategic high-tech commodities should be transited or be transshipped via a commercial port of the Republic of China en-route to certain restricted areas, the owner of such commodities or a person authorized by such owner shall obtain permission in advance by applying to the BOFT or the appointed or entrusted government authority (agency), accompanied by a Permission Certificate issued by the government of the exporting country and a Written Assurance of end uses issued by the importing country. For shipping specifically designated strategic high-tech commodities which are stored in bonded warehouses, logistics centers and free trade ports of the Republic of China to certain restricted areas, the owner of such commodities or a person authorized by such owner shall apply to the BOFT for a permit, accompanied by a Permission Certificate issued by the government of the exporting country and a Written Assurance of end uses issued by the importing country. After the permit is obtained, the owner or person authorized by the owner may proceed to remove the commodities from the warehouse.

Chapter IV - Supplementary Provisions

Article 21 Exporters/importers exporting/importing strategic high-tech commodities shall retain the relevant documents or material for a period of five (5) years. The certifying authority (agency) or the task force formed under Article 5 hereof may, as needed for the proper control of exports/imports, require exporters/importers to provide their respective documents or material on exportation/importation and the eventual movement of such strategic high-tech commodities, and the exporters/importers shall not refuse to comply.

Article 22 These Regulations shall come into force from the date of promulgation.