

# Regulations Governing The Permission of Commercial Behavior in Mainland China

## Article 1

These Regulations are established in accordance with paragraph 4 of Article 35 of the Statute Governing Relations between Peoples of the Taiwan Area and the Mainland Area (hereinafter referred to as “Statute”).

## Article 2

Any national, legal entity, organization or other institution in Taiwan Area engaging in commercial behavior which need permission according to government publication in Mainland Area shall be governed by these Regulations.

## Article 3

For the purposes of these Regulations, the “Competent Authority” shall be the Ministry of Economic Affairs.

Where any of the matters specified in these Regulation involve publication, management and examination of approval, formatting and deciding of application form, revocation and abolishment of permitted cases, the competent authority can delegate to relevant authorities to implement such matters.

## Article 4

These Regulations shall not apply to any national, legal entity, organization or other institution in Taiwan Area engaging in the extended commercial behaviors of the approved investment, technical cooperation or trade regulated by paragraph 3 and 4 of Article 35 of Statute.

The applicant applying establishing representative offices in Mainland China should be examined by the competent authority base on country security and economic development. The principles of examination shall be prescribed by competent authority by negotiating with the relevant authorities.

## Article 5

Those who engaging in commercial behavior, which needs permission according to government publication, shall submit an application form enclosed with the following documents to the competent authority:

1. A photocopy of registration certificate of legal person; a photocopy of profit seeking enterprise shall be enclosed if the applicant is a profit seeking enterprise.
2. Project plan with the following details:
  - (1) Category and content of commercial behavior;
  - (2) The place of engaging in commercial behavior;
  - (3) Period of engaging in commercial behavior.

3. Other specific document or information requested by the competent authority

The aforementioned application form shall be prescribed by competent authority.

The applicant mentioned in Paragraph 1 shall file application with the competent authority if transfer commercial behavior to investment, technical cooperation or trade, according to Regulations Governing The approval of Investment or Technical Cooperation in Mainland China and Regulations Governing Permission of Trade Between Twiwan Area and Mainland Area.

## Article 6

After examination, the competent authority will only issue the approval letter to the qualified applicant of the permitted case.

## Article 7

The competent authority can revoke or abolish the permission of the permitted case under any of the following conditions:

1. The information recorded in the application form or enclosed document contain any misrepresentation or falseness;
2. The applied commercial behavior interferes country security or interest.
3. The qualification, chartered business or permitted business which shall be possessed for filing the permission are revoked, abolished ot expelled..

Article 8

These Regulations shall come into force on March 1, 2004.

Publication--List of Allowed and Forbidden Items for Trade in Mainland China

Items	Allowed	Forbidden	Relevant authorities	Remarks
Industry of movie and wireless TV which holding or joining trade events in Mainland China	√		Government Information Office, Executive Yuan	
Engaging in investment and management of highway and city bus	√		Department of Railways and Highways, Ministry of Transportation and Communications	
Engaging in investment and management of railway		√	Department of Railways and Highways, Ministry of Transportation and Communications	
Engaging in investment and management of MRT		√	Department of Railways and Highways, Ministry of Transportation and Communications	
Direct communication between travel agencies in Taiwan and Mainland China	√		Tourism Bureau, Ministry of Transportation and Communications	
Attending seminars and symposiums about financial business	√		Bureau of Monetary Affairs, Ministry of Finance	Financial Holding Companies, Banks, Trust & Investment Companies, Credit Cooperative, Bills Finance Companies, Credit Card Institution

Items	Allowed	Forbidden	Relevant authorities	Remarks
Attending financial-related trainings	√		Bureau of Monetary Affairs, Ministry of Finance	Financial Holding Companies, Banks, Trust & Investment Companies, Credit Cooperative, Bills Finance Companies, Credit Card Institution
Other specific financial-related events allowed by competent authorities	√		Bureau of Monetary Affairs, Ministry of Finance	Financial Holding Companies, Banks, Trust & Investment Companies, Credit Cooperative, Bills Finance Companies, Credit Card Institution
Engaging in insurance solicitation, underwriting, claiming settlement and relevant business	√		Department of Insurance, Ministry of Finance	Insurance companies
Engaging in insurance solicitation and relevant business	√		Department of Insurance, Ministry of Finance	Insurance Agents, Insurance Brokers
Engaging in the business of insurance survey	√		Department of Insurance, Ministry of Finance	Personal Insurance Agency Surveyors and Consultants
Holding or joining conference and activities about insurance business	√		Insurance Bureau, Financial Supervisory Commission, Executive Yuan	Insurance companies, Insurance Agents, Insurance Brokers, Insurance Surveyors
Other specific insurance matters allowed by competent authorities	√		Department of Insurance, Ministry of Finance	Insurance companies, Insurance Agents, Insurance Brokers, Insurance Surveyors
Engaging in any kinds of management and consulting services for all industries	√		Securities and Futures Commission, Ministry of Finance	Securities Firms, Securities Investment Trust Enterprises, Securities Investment Consulting Enterprises,

Items	Allowed	Forbidden	Relevant authorities	Remarks
				Securities Finance Enterprises, Centralized Securities Depository Enterprises, Futures Commission merchants
Holding or joining symposiums or activities about securities and futures business	√		Securities and Futures Commission, Ministry of Finance	Securities Firms, Securities Investment Trust Enterprises, Securities Investment Consulting Enterprises, Securities Finance Enterprises, Centralized Securities Depository Enterprises, Futures Commission merchants
Securities and futures related training hold by relevant associations	√		Securities and Futures Commission, Ministry of Finance	Securities Firms, Securities Investment Trust Enterprises, Securities Investment Consulting Enterprises, Securities Finance Enterprises, Centralized Securities Depository Enterprises, Futures Commission merchants
Employment Services for people in Taiwan area to work in Mainland China area		√	Council of Labor Affairs, Executive Yuan	
Establishing office in Mainland China	√		Investment Commission, Ministry of Economic Affairs	Governing by the "Guidelines for examining the applications of establishing trade offices in Mainland China"