

Content

Title : The Enforcement Rules of the Conclusion of Treaties Act [Ch](#)

Date : 2015.11.20

Legislative : Promulgated under MOFA's Administrative Order No. 10425530050 on November 20, 2015

Content : Article 1

The Enforcement Rules are established in accordance with Article 19 of the Conclusion of Treaties Act (Hereinafter, "the Act").

Article 2

The institutions and organizations authorized by the competent administrative authorities of the central government referred to in Article 2 of the Act mean diplomatic missions established in countries that do not have official diplomatic ties with the Republic of China, or institutions or organizations authorized by law to assist international affairs, except for institutions or organizations that are designated by the Ministry of Foreign Affairs (hereinafter referred to as "MOFA") to assist special cases resulting from diplomatic circumstances.

The international organizations referred to in Article 2 of the Act mean international inter-governmental organizations.

The foreign institutions and organizations authorized by their government referred to in Article 2 of the Act mean organizations or representative institutions that are established in the Republic of China by the central government of foreign countries that do not have official diplomatic ties with the Republic of China, to assist diplomatic, consular, cultural, and commercial affairs of the Republic of China, except for institutions or organizations that are designated by MOFA to assist special cases resulting from diplomatic circumstances.

Article 3

If authorities other than MOFA consider a treaty or agreement to be specialized or technical in content, and that the said authorities considers that it is suitable to be in charge of such matters or should work with MOFA, the said authorities shall request MOFA's approval or submit the request to the Executive Yuan for approval pursuant to the proviso of Article 4, Paragraph 1 of the Act.

If MOFA considers a treaty or agreement to be specialized or technical in content and that it may work with other authorities or allow other authorities to be in charge of such matters, MOFA shall contact the authorities or submit the request to the Executive Yuan for approval.

Article 4

Before an agreement is reached regarding the text of a treaty that involves issues of national economy and national interests, the competent authorities, if necessary, may hold public hearings or liaison meetings to explain and communicate with representatives or stakeholders from industries regarding matters that may lead to disputes, affect industries, or arouse public concern, and gather the opinions given by stakeholders, scholars, and experts; the competent authorities shall report the current progress to the Legislative Yuan.

The competent authorities may appoint relevant central or local competent authorities to hold the public hearings or liaison meetings described in the preceding paragraph.

Article 5

The "pressing time constraint" referred to in Article 7 of the Act means special circumstances related to national security, national interest, and

the welfare of the people in emergency situations, such as establishing diplomatic relations, establishing offices in foreign countries, humanitarian assistance, severe disaster responses at home and abroad, or disease prevention.

The so-called receiving the approval from the Executive Yuan referred to in Article 7 of the Act means the competent authorities may seek the approval in person or via telephone, text message, communication software, or fax. If any submissions to the Executive Yuan for approval pursuant to Article 8 and Article 12 of the Act lack a Chinese version, the competent authorities shall submit Chinese translations.

#### Article 6

When a treaty that involves the national economy and national interests has been signed pursuant to Article 8 of the Act and has been submitted via the Executive Yuan to the Legislative Yuan for deliberations, the competent authorities shall provide the following information:

- (1) Substantial proposals and remedies to the facts that affect the assessment.
- (2) Budget estimation and sources of funding to implement the treaty.

#### Article 7

When the Legislative Yuan submits a reservation clause pursuant to Article 10, Paragraph 1 of the Act, the competent authorities shall raise the matters to be reserved during the deposit of the instruments of ratification, acceptance, approval, and accession of the clause unless the treaty has stipulated otherwise.

The matters to be reserved that are prescribed in the preceding paragraph may be included in the instruments of ratification, acceptance, approval, and accession of the matters, or may be submitted via its attachment.

After receiving the resolution of the Legislative Yuan that is made pursuant to Article 10, Paragraph 2 of the Act, the competent authorities shall appoint another date for renegotiation with the signatory depending on the urgency and the necessity. The competent authorities shall explain the progress of the renegotiation to the Legislative Yuan as soon as possible.

#### Article 8

After a treaty becomes effective, the competent authorities shall send the treaty to the Executive Yuan, which shall submit them to the President for promulgation, and submit the treaty's effective date pursuant to Article 8 and Article 11, Paragraph 1 of the Act.

#### Article 9

The publishing in a proper way referred to in Article 12 of the Act means publication in the gazette or on the Internet.

#### Article 10

When submitting the original copy of a treaty or an agreement to MOFA for filing purpose pursuant to Article 15 of the Act, competent authorities other than MOFA shall submit the Record Form for Treaties or Agreements Filing, editable electronic files of the treaty or agreement, and a copy of its Chinese translation.

#### Article 11

The Enforcement Rules shall become effective on the date of promulgation.