

列管軍品技術文書圖表輸出管理辦法法規條文英譯對照表

法 規 名 稱	
中 文	英 文
列管軍品技術文書圖表輸出管理辦法	Regulations Governing Export of Regulated Military Materials or Techniques Documents or Diagrams

法 規 沿 革	
中 文	英 文
中華民國一百零九年九月一日國防部國規委會字第 1090185294 號令訂定發布全文 15 條；並自國防產業發展條例第 8 條施行之日施行	Full text of 15 articles promulgated by Ministry of National Defense per Order No. Guo-Gui-Wei-Hui-Zi-1090185294 dated September 1, 2020; in effect on the date Article 8 of the Defense Industry Development Act is in effect

法 規 條 文	
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<p>第 1 條 本辦法依國防產業發展條例（以下簡稱本條例）第八條第三項規定訂定之。</p> <p>第 2 條 列管軍品或其研發、產製、維修相關技術、文書圖表之輸出，依本辦法之規定；本辦法未規定者，適用其他有關法令規定。</p> <p>第 3 條 國防部依本條例第八條第一項規定輸出核准之受理申請、審查、評估、證明書核發、核銷及查核等事項，得委任所屬機關辦理。</p> <p>本辦法規定事項，涉及其他機關職權者，由國防部會商有關機關辦</p>	<p>Article 1</p> <p>These Regulations are enacted pursuant to Paragraph 3, Article 8 of the Defense Industry Development Act (referred to as the “Act” hereinafter).</p> <p>Article 2</p> <p>The export of regulated military materials or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials shall be governed by these Regulations; matters not provided for in these Regulations shall be governed by other applicable</p>

<p>理。</p> <p>第 4 條 依本條例第八條第一項規定申請列管軍品或其研發、產製、維修相關技術、文書圖表之輸出，應以下列目的為限：</p> <ul style="list-style-type: none"> 一、銷售、技術移轉。 二、參加競賽、展示。 三、軍備交流、國際合作。 四、其他經國防部認可者。 <p>第 5 條 申請輸出列管軍品或其研發、產製、維修相關技術、文書圖表，應填具輸出申請書，並檢附下列文件、資料，向國防部提出：</p> <ul style="list-style-type: none"> 一、前條輸出目的之說明及輸出計畫。 二、進口國政府核發之國際進口證明書或最終用途證明書或保證文件，或外國進口人或最終使用人出具之最終用途保證書，並據實申報用途及最終使用人。 三、進口人或最終使用人基本資料、資產、營運或其他風險評估文件、資料。 四、無侵害我國或他國依法保護之智慧財產權切結書。 五、其他依國防部規定應檢附之文件、資料。 <p>申請人應於前項第二款規定國際進口證明書、最終用途證明書或保證文件有效期限屆滿六個月前申請輸出。但未記載有效期限者，得自所載核發日或出</p>	<p>laws and regulations.</p> <p>Article 3</p> <p>The Ministry of National Defense may delegate a subordinate agency to handle the acceptance, review, and evaluation of applications for export approval, as well as issue of certificate, case closing and inspection that are under the charge of the Ministry of National Defense pursuant to Paragraph 1, Article 8 of the Act.</p> <p>Where matters specified in these Regulations involve the authority of other agencies, the Ministry of National Defense shall handle such matters in consultation with related agencies.</p> <p>Article 4</p> <p>The purpose of exporting regulated military materials or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials applied for in accordance with Paragraph 1, Article 8 of the Act shall be restricted to the following:</p> <ul style="list-style-type: none"> 1. Sales or technology transfer. 2. Participating in competition or exhibition. 3. Armaments exchange or international cooperation. 4. Other purposes approved by the Ministry of National Defense. <p>Article 5</p>
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<p>具保證書日期起一年內提出申請。</p> <p>第一項輸出申請書、文件、資料未備齊或不合規定，其情形可補正者，國防部得限期補正。</p> <p>第一項輸出申請書、輸出目的及計畫之格式，由國防部定之。</p> <p>第 6 條 前條第一項輸出申請書，應記載下列事項：</p> <p>一、申請人之姓名、名稱、負責人及 代理人之姓名、國民身分證統一編號、聯絡電話及地址，並 為 簽章。</p> <p>二、申請輸出列管軍品、技術、文書 圖表之識別資料，包括輸出品 項名稱、數量、單位、型式、 型 號、資訊載具等項目。</p> <p>三、輸出之用途、目的地、進口人及 最終使用人。</p> <p>四、申請日期。</p> <p>五、其他申請輸出之應記載事項。 前項各款事項經核准後，不得擅自變更。</p> <p>第 7 條 申請輸出列管軍品或其研發、產製、維修相關技術、文書圖表，由國防部審查、評估後，核發核准輸出證明書。但一等列管軍品輸出之評估，國防</p>	<p>To apply for approval to export regulated military materials or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials, the applicant shall submit an export application along with the following documents and data to the Ministry of National Defense:</p> <ol style="list-style-type: none"> 1. A description of export purpose under the preceding paragraph and an export plan; 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 be truthfully declared; 3. The basic data, assets, and operations of the importer or end user or other risk assessment documents or data; 4. An affidavit undertaking that the applicant is free of any act that infringes on intellectual property rights protected by the laws of this country or other countries; and 5. Other documents and data as required by Ministry of National Defense.
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<p>部應與經濟部及科技部共同為之。</p> <p>國防部為辦理前項審查、評估，得邀請學者、專家或相關機關、產業公會代表召開會議審議。</p> <p>第一項所定核准輸出證明書之有效期限為六個月，不得展延。</p> <p>第一項核准輸出證明書之格式，由國防部定之。</p> <p>第 8 條 申請輸出列管軍品或其研發、產製、維修相關技術、文書圖表，有下列情形之一者，得不予核准。</p> <p>一、不符合第四條所定輸出目的。</p> <p>二、申請人未依第五條備齊輸出申請書、文件、資料或不合規定而</p> <p>不能補正，或經限期補正，屆期</p> <p>不補正或補正不完備。</p> <p>三、申請人提供之文件有偽造、變造</p> <p>或其他虛偽情事，或申請輸出未據實申報。</p> <p>四、交易對象屬經濟部公告之戰略性高科技貨品出口實體管理名單。</p> <p>五、有危害國家安全、軍事安全之虞。</p> <p>六、其他經評估有不予核准輸出之必要。</p> <p>為審查、評估前項情形，國防部得囑託駐外機構協助查證。</p> <p>第 9 條 核准輸出之列管軍品或其研</p>	<p>An applicant shall apply for export approval at least six (6) months before the International</p> <p>Import Certificate, Certificate of End Uses, or Written Assurance Certificate provided in Subparagraph 2 of the preceding paragraph expires. If the certificate does not indicate validity period, the application shall be made within one (1) year from the date the certificate is issued.</p> <p>Where the export application, documents or data under Paragraph 1 hereof are incomplete or do not meet the requirements but the deficiency is rectifiable, the Ministry of National Defense may instruct the applicant to make rectification within a designated period of time.</p> <p>The formats of the export application, export purpose and export plan under Paragraph 1 hereof shall be prescribed by the Ministry of National Defense.</p> <p>Article 6</p> <p>The export application under Paragraph 1 of the preceding article shall contain the following information:</p> <p>1. Name and title of applicant; name, National ID No., contact telephone number and address of responsible person and agent, and their signatures (seals);</p>
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<p>發、產製、維修相關技術、文書圖表，屬貿易法第十三條第三項公告之戰略性高科技貨品者，並應依該法規定經許可後，始得輸出。</p> <p>第 10 條 申請人應於核准輸出之列管軍品或其研發、產製、維修相關技術、文書圖表出口放行之翌日起一個月內，檢附出口證明文件向國防部辦理核銷；其以分批方式輸出者，應於最後一批出口放行後一個月內辦理核銷。</p> <p>第 11 條 列管軍品或其研發、產製、維修相關技術、文書圖表經核准輸出後，有下列情形之一者，國防部得廢止其核准輸出證明書：</p> <p>一、未依核准輸出證明書之核准內容輸出。</p> <p>二、擅自變更進口人或最終使用者，或轉往第三國家、地區。</p> <p>三、其他違反本辦法或其他法令所定之輸出規定。</p> <p>第 12 條 未經核准輸出列管軍品或其研發、產製、維修相關技術、文書圖表或有前條第一款之情形者，國防部得依本條例第八條第二項規定限制其三年內不得申請列管軍品廠商資格級別認證，屬本條例第四條第四項規定之合格廠商者，並得廢止其列管軍品廠商資格級別認證合格證明。</p> <p>第 13 條 國防部核發核准輸出證明書後，仍得就核准輸出之品項實施查核。</p> <p>第 14 條 申請人輸出核准之列管軍品或其研發、產製、維修相關技術、文書</p>	<ol style="list-style-type: none"> 2. Identification data of the regulated military material, or technique, document or diagram applied for export, including name, quantity, unit, type, model number, and data carrier of the export item; 3. Export purpose, destination, importer and end user; 4. Date of application; and 5. Other information required on the export application. <p>The information under the subparagraphs of the preceding paragraph may not be arbitrarily altered once approved.</p> <p>Article 7</p> <p>For applications for approval to export regulated military materials or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials, the Ministry of National Defense will issue an export approval certificate after conducting review and evaluation. However the evaluation of level-1 military materials shall be conducted by the Ministry of National Defense together with the Ministry of Economic Affairs and the Ministry of Science and Technology.</p> <p>For conducting review and evaluation mentioned in the preceding paragraph, the Ministry of National Defense may invite scholars, experts or representatives of</p>
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圖表後，應將有關文件、資料保存十年。

國防部為管理需要，得要求申請人提供其輸出品項及其日後流向之有關文件、資料，申請人不得拒絕。

第 15 條 本辦法自本條例第八條施行之日施行。

relevant agencies or trade associations to attend the review or evaluation meeting.

The export approval certificate under Paragraph 1 hereof shall be valid for six (6) months and its validity period may not be extended.

The format of export approval certificate in Paragraph 1 hereof shall be prescribed by the Ministry of National Defense.

Article 8

An application for approval to export regulated military materials or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials may be rejected, provided it has any of the following situations:

1. The purpose of export does not conform to any of the purposes set out in Article 4.
2. The export application, documents, and data required according to Article 5 are incomplete or do not meet the requirements and the deficiency is not rectifiable, or the deficiency is not rectified within the designated period of time or the rectification is incomplete.
3. The documents provided by the applicant are found to be forged, altered or otherwise false, or information in the export application

	<p>is not truthfully declared.</p> <p>4. The counterparty to the transaction is on the strategic high-tech commodities export entity list published by the Ministry of Economic Affairs.</p> <p>5. The export poses concern for endangering national security or military security.</p> <p>6. Other situations that deem the rejection of export application necessary following evaluation.</p> <p>For the purpose of reviewing or evaluating any of the situations in the preceding paragraph, the Ministry of National Defense may entrust a ROC representative office abroad to assist in verification.</p> <p>Article 9</p> <p>Where a regulated military material or technique, document or diagram related to R&D, production, manufacture or maintenance of such a material that has been approved for export pursuant to these Regulations is a strategic high-tech goods published in accordance with Paragraph 3, Article 13 of the Foreign Trade Act, its export application must also be approved in accordance with the Foreign Trade Act before it may be exported.</p> <p>Article 10</p> <p>An applicant shall, within one (1) month</p>
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starting from the next day following the release of a regulated military material, or technique, document or diagram related to R&D, production, manufacture or maintenance of such a material that has been approved for export, prepare export documents and proceed to close the case with the Ministry of National Defense. In case the export took place in several shipments, the applicant shall proceed to close the case within one (1) month after the last shipment.

Article 11

Where a regulated military material or technique, document or diagram related to R&D, production, manufacture or maintenance of such a material is found to have any of the following circumstances after it has been approved for export, the Ministry of National Defense may rescind its export approval certificate:

1. The export content differs from that indicated in the export approval certificate.
2. The exporter arbitrarily changes the importer or end user, or transfers the export to a third country or region.
3. The export violates other provisions of these Regulations or other laws and regulations.

Article 12

	<p>Where a person or entity exports regulated military materials, or techniques, documents or diagrams related to R&D, production, manufacture or maintenance of such materials without approval or has a situation provided in Subparagraph 1 of the preceding article, the Ministry of National Defense may restrict the person or entity from applying for level certification of regulated military material supplier within three (3) years; where the person or entity is a qualified supplier provided in Paragraph 4, Article 4 of the Act, the Ministry of National Defense may also abolish his/her or its qualified certificate for level certification of regulated military material supplier.</p> <p>Article 13</p> <p>The Ministry of National Defense may conduct inspection of the items approved for export after it has issued an export approval certificate therefor.</p> <p>Article 14</p> <p>An applicant shall retain relevant documents and data for ten (10) years after exporting the approved regulated military material, or technique, document or diagram related to R&D, production, manufacture or maintenance of such a material.</p> <p>For administration needs, the Ministry of National Defense may request an</p>
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	<p>applicant to provide documents and data on the export item and its subsequent movement, to which the applicant may not refuse.</p> <p>Article 15</p> <p>These Regulations shall be in effect from the date Article 8 of the Act is in effect.</p>
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