

法規名稱：MUTUAL ASSISTANCE ADMINISTRATIVE ARRANGEMENT [BETWEEN THE SECURITIES AND EXCHANGE COMMISSION IN TAIPEI AND THE COMMISSION DES OPERATIONS DE BOURSE IN PARIS]
(AD.1994.06.20)

簽訂日期：民國 83 年 06 月 20 日

生效日期：民國 84 年 07 月 13 日

The Commission des Operations de Boure and the Securities and Exchange Commission;

Considering, in light of the increasing international activities in securities, the need for mutual cooperation and consultation in order to facilitate the performance of their functions in the areas mentioned hereinafter;

Considering the importance of ensuring compliance with and enforcement of applicable securities laws and regulations;

Willing therefore to organize the fullest mutual assistance, in order to facilitate the performance of the missions they are entrusted with;

Have reached the following Arrangement:

Article 1: Purpose of the Arrangement

- 1.The purpose of this Arrangement is to set up and implement a system for a mutual assistance between the Authorities designated hereinafter, in order to facilitate the performance of the missions they are entrusted with in the field of securities .
- 2.Each Authority agrees that this Arrangement represents the preferred way of obtaining confidential information. However, it does not prohibit either Authority from taking other measures aiming at the same purpose, to the extent permitted by international law. Before resorting to such other measures the requesting Authority must notify the requested Authority that it intends to resort to such other measures. The requesting Authority shall consult, if so requested by the requested Authority, concerning how such measures may affect the interests of the requested Authority.

Article 2: Definitions

For the purpose of this Arrangement:

1. "Authority" means:

(a) the Commission des opérations de bourse;

(b) the Securities and Exchange Commission;

2. "requested Authority" means the Authority to whom a request under this Arrangement is made;

3. "requesting Authority" means an Authority making a request under this Arrangement;

4. "issuer" means a person who issues or proposes to issue any security;

5. "laws and regulations" means the provisions of the laws and regulations applicable in France and in the territory supervised by the SEC in Taipei;

6. "person" means a natural person, legal entity, partnership or unincorporated association;

7. "securities" means securities, negotiable futures contracts and any financial products within the competence of the Authorities.

Article 3: Scope of Assistance

1. The Authorities contemplate consulting each other, on a periodic basis and whenever necessary, on any matter of common interest, with a view to increase cooperation and protection of investors, so as to secure stability, efficiency and integrity of securities markets, and to ensure the joint development of their respective markets.

The Authorities agree to inform each other on any change in the laws and regulations falling within the scope of this Arrangement.

2. The Authorities endeavour to provide each other the fullest assistance under this Arrangement, in accordance with their respective laws and regulations, in order to comply with requests for assistance in investigation to determine whether there has been any violation of the laws and regulation. For that purpose, the requested Authority will provide access to the information it holds to the requesting Authority; it will deter-

mine the appropriate means so as to obtain all useful information to comply with the request of assistance.

3.Assistance under this Arrangement may be denied:

- (a) where the execution of the request would prejudice the sovereignty, the security, the fundamental economic interests or public policy of France, the requested Authority being the COB, or fundamental economic interests in Taipei, the requested Authority being the SEC;
- (b) where a criminal or quasi-criminal proceeding has already been initiated in France, the requested Authority being the COB, or in Taipei, the requested Authority being the SEC, based upon the same facts and against the same persons;
- (c) where the same persons have already been finally sanctioned on the same charges by the competent authorities of France, the requested Authority being the COB, or in Taipei, the requested Authority being the SEC.

The denial of assistance does not undermine the right of the Authorities to consult each other.

Where the requested Authority does not possess the legal authority to provide the assistance requested, the requested Authority and the requesting Authority will consult on other possible means of dealing with the request.

4.Without prior request for assistance, the Authorities may transmit to each other information they hold and which they may consider useful to the other Authority to fulfill its missions and for the purposes that may be specified in the transmission letter.

Article 4: Requests for Assistance

1.Requests for assistance must be made in writing, in English or in French, and addressed to the requested Authority's contact officer listed in Appendix A.

2.The request for assistance must specify the following:

- (a) a general description of the information sought by the requesting Authority;
- (b) a general description of both the matter which is the subje-

- ct of the request and the purpose for which the information is sought;
- (c) and where the request for assistance is made in connection with a search of a violation of the laws and regulations, the laws or regulations that may have been violated and the persons or entities suspected by the requesting Authority of possessing the information sought, or the places where such information may be obtained, if the requesting Authority is knowledgeable thereof; and
- (d) the desired time period for the reply and, where appropriate, the urgency thereof.
3. In the event of urgency, requests for assistance and replies to such requests may be transmitted by summary or emergency procedures defined by mutual arrangement between the Authorities, provided that they are confirmed in the manner prescribed in paragraphs 1 and 2 of this Article.
4. Under this Arrangement, where a request for assistance is made by the requesting Authority upon request of another authority of France, the requesting Authority being the COB, or in Taipei, the requesting Authority being the SEC, the Authorities shall consult on the follow-up to such request and on the precise content of the information to be provided by the requested Authority.

Article 5: Execution of Requests

Subject to Articles 1, 3, 4, the requested Authority will provide to the requesting Authority the information that it holds or that it will obtain by relevant means determined by the requested Authority, in accordance with the applicable rules in France, the requested Authority being the COB, or in Taipei, the requested Authority being the SEC.

Article 6: Permissible Use of Confidential information

1. The requesting Authority shall use the confidential information furnished solely for purposes stated in the request, with a view to ensuring compliance with or enforcement of the provisions of the laws and regulations specified in the request, and

for the needs of a criminal, administrative or professional proceeding dealing with the violation of the provisions specified in the request.

2. The confidential information provided without prior request for assistance to an Authority shall not be used for any purpose other than those stated in the transmission letter or other than the needs of a subsequent criminal proceeding. The Authority which has received the information will inform the other Authority prior to the use of the information furnished for the needs of an administrative or disciplinary proceeding.
3. However, if the requesting Authority wishes to use the confidential information provided for any purpose other than those stated in paragraphs 1 and 2, but remaining within the scope of this Arrangement, including the transmission of this information to other competent authorities in the field of securities, it must first ask permission to the requested Authority. If the requested Authority agrees to the use of the information for purposes other than those stated in paragraphs 1 and 2, it may subject the utilisation of the information to certain conditions. The requested Authority may refuse such use of the information; in that case, the Authorities will consult each other pursuant to Article 8 concerning the reasons for the refusal and the circumstances under which use of the information might otherwise be allowed.

Article 7: Confidentiality of Requests

1. Each Authority shall keep confidential, to the extent permitted by law, requests or communications of information, made for the purpose of determining whether there has been any violation of laws and regulations, the contents of such requests, and any other matters arising during the implementation of this Arrangement, including consultations between the Authorities.
2. In all cases, the requesting Authority shall keep confidential, to the extent permitted by law, any information received pursuant to this Arrangement to the same extent as such information would be kept confidential in France, when the COB has f-

urnished the information or in Taipei when the SEC has furnished the information.

Article 8: Implementation of this Arrangement

- 1.The Authorities will keep the operation of this Arrangement under continuous review and will consult a view to improving its operation and resolving any matters which may arise.
- 2.The Authorities may agree such further arrangements of a practical nature as may be necessary to facilitate the implementation of this Arrangement.
- 3.In any case of dispute over the interpretation of this Arrangement, the Authorities will consult with a view to reaching a mutually agreed upon interpretation.
- 4.Further to consultations held pursuant to this Article, the authorities may agree on amendments to be made to this Arrangement, as may be necessary.

Article 9: Entry into Force

Each Authority shall inform the other authority of the adoption of the domestic measures that may be necessary to implement the provisions of this Arrangement. This Arrangement shall immediately enter into force upon such exchange of letters of notification by the Authorities.

Article 10: Termination

This Arrangement will remain in effect unless terminated by any Authority upon 30 days written notice. Where the requested Authority give such notice, this Arrangement will continue to have effect with respect to all requests for assistance which are made before the effective date of notification.

IN WITNESS WHEREOF the Undersigned have signed this Arrangement.
DONE is PARIS, in quadriplicate, this 20th day of June 1994, two in English, two in French, each text being equally authoritative

FOR THE COMMISSION DES

OPERATIONS DE BOURSE

[Singed]

Jean SAINT-GEOURS

FOR THE SECURITIES AND

EXCHANGE COMMISSION

[Singed]

Linin DAY



President

Chairman

R'ef.:FP624/LH

No COB: 4945

Mr. Gordon S. CHEN

Chairman

SECURITIES AND EXCHANGE COMMISSION

MINISTRY OF FINANCE

12th Floor, 3 Nai-Hai Road

TAIPEI, TATWAN

REPUBLIQUE DE CHINE

Paris, le 13 juillet 1995

Dear Mr. Chen:

The Commission des operations de bourse (COB) hereby confirms the following understandings, regarding the Arrangement signed on June 20, 1994 between the COB and the Securitis and Exchange Commission:

1) paragraph 1 of Article 2 is amended to read as follows:

1- "Authority" means:

- a) the Commission dos operations de bourse in Paris;
- b) the Securities and Exchange Commission in Taipei.

2) paragraph 3 (a) of Article 3 is read as follows:

- a) where the execution of the request would prejudice the public interest in the jurisdictin of the requested Authority.

In accordance with Article 9 of the Arrangement, the Arrangement will enter into force on the day of this exchagne of letters.

Sincerely yours

[Signed]

Jean SAINT-GEOURS

Mr. Jean SAINT-GEOURS

Chairman

COMMISSION DES OPERATIONS DE BOURSE

39-43 quai Andr'e Citroen

75739 PARIS CEDEX 15

Paris, 13 July 1995

Dear Mr. Saint-Geours:

The Securities and Exchange Commission (SEC) hereby confirms the following understandings, regarding the Arrangement signed on June 20, 1994 between the Commission des operations de bourse (C-OB) and the SEC:

1) paragraph 1 of Article 2 is amended to read as follows:

1- "Authority" means:

- a) the Commission des operations de bourse in Paris;
- b) the Securities and Exchange Commission in Taipei.

2) paragraph 3 (a) of Article 3 is read as follows:

- a) where the execution of the request would prejudice the public interest in the jurisdiction of the requested Authority.

In accordance with Article 9 of the Arrangement, the Arrangement will enter into force on the day of this exchange of letters.

Sincerely yours

[Signed]

Gordon S. CHEN