

法規名稱：EXCHANGE OF LETTERS BETWEEN FINANCIAL SUPERVISORY COMMISSION,  
CHINESE TAIPEI AND THE NETHERLANDS AUTHORITY FOR THE FINANCIAL MARKET

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Financial Supervisory Commission  
attn. Mr. Daung-Yen LU  
Acting Chairman

Date 7 June , 2006  
Our reference JZ-HJHa-05040394  
Phone (020) 552 18 42  
E-mail Peter.van.Duijvenvoorde@afm.nl  
Concerning Exchange of information between the FSC and the  
AFM

Dear Mr. Daung-Yen Lu,

Reference is made to our earlier contacts in which we expressed the opinion that further cooperation on the exchange of information between the Netherlands Authority for the Financial Markets (AFM) and the Financial Supervisory Commission (FSC) is of great value. Therefore in this letter the AFM will describe its intention to realize above mentioned cooperation within the Dutch legal framework.

#### 1.General

The AFM is responsible for the supervision of securities markets as well as the conduct of business (including consumer information and advice) of all financial services providers in the market domain (banks, investment funds, insurance companies, and securities firms). The AFM's mandate is to ensure the proper functioning of the securities markets, to protect the position of investors and to increase the transparency of the securities markets.

In the Decree of Delegation 1995 Supervision of Securities Transactions Act (Decree of Delegation) the Dutch Minister of Finance delegates the supervision of the prudential securities rules to the Nederlandsche Bank N.V. (DNB) and the supervision of the securities rules of conduct to the AFM. Consequently the AFM itself is responsible for exercising its powers, such as granting licenses, reviewing stock exchange regulations and investigating incidences of insider trading.

In addition to the Act on the Supervision of the Securities Trade 1995 (Act 1995) the AFM is also responsible for the Major Holdings in Listed Companies Disclosure Act 1996; the

purpose of this Act is to increase the transparency of markets. The allocation of powers and responsibilities under Wmz 1996 is also comparable to that of the Act 1995.

Pursuant to Article 2 of Organic Act Governing the Establishment of the Financial Supervisory Commission, Executive Yuan, the FSC is in charge of the development, supervision, administration, and examination of the financial market and financial service industries. The financial market here includes the banking market, bills market, securities market, futures and derivatives market, insurance market, and clearance system; the financial service industries includes financial holding companies, financial restructuring fund, Central Deposit Insurance Corporation, the banking industry, securities industry, futures industry, insurance industry, electronic financial transactions, and other financial service industries

## 2. Information exchange by the FSC to the AFM

According to the Act 1995 information which has been received from the FSC will not be made public and will be treated as confidential. The AFM will not use information supplied pursuant to the Act 1995 in a manner other or for longer than, or to disclose the same in a manner or to persons other than is necessary for the purpose of performing its duties or implementing the Act 1995.

The AFM took notice of the requirements of the applicable laws in Taiwan (Securities and Exchange Law, Futures Trading Law, and Computer-Processed Personal Data Protection Law) and declares that non-public information and documents received by the AFM from the FSC will be non-public and confidential and that the information obtained from will be used exclusively to enforce the securities regulations in the Netherlands.

The AFM will ask the FSC's prior consent before disclosing or transferring confidential information obtained from the FSC to other authorities or third parties. In the following cases where disclosure is necessary under the law of the Netherlands, the AFM will apply the procedures as described below:

- For the purpose of performing its duties as mentioned in the Act 1995, the AFM will file a report with the criminal prosecutor in the event the AFM is of the opinion that there is a violation of the provisions of the Act 1995. Before filing this report the AFM will notify the FSC;
- According to the Act 1995, the staff of the AFM may be forced, under the Codes of Criminal and of Civil Procedure,

to make a statement to a court as a witness or expert.  
Whenever this concerns information sent by the FSC, the AFM  
will notify the FSC.

### 3. Requests for information from the FSC

If a request for information is made in writing and specifies  
the following:

- a general description of the matter which is the subject of  
the request and the purpose for which the information is  
sought as well as the reasons why this information will be  
of assistance;
- a description of the specific information which is  
requested;
- in case the request is a result of investigations of  
violations of any laws or regulations, a short description  
of the relevant provisions that may have been violated, and,  
if known, a list of persons or entities which may be in  
possession of the information and the place where the  
information may be available the AFM will provide the  
fullest assistance within the competence of the AFM.

With respect to the conditions as mentioned above, the AFM  
declares that the exchange of information between the FSC and  
the AFM can be established.

Upon receipt of your letter indicating that the foregoing  
conditions are agreeable to the FSC, we will consider that  
this letter and your reply thereto constitute an exchange of  
letters between the FSC and the AFM on this subject.

Yours sincerely,  
Netherlands Authority for the Financial Markets

Arthur Docters van Leeuwen  
Chairman of the Executive Board

Paul Koster  
Member of the Board

Date	June 7, 2006
Our reference	
Phone	(886) 2-8968-0890
E-mail	andrea.lee@fscey.gov.tw
Concerning	Exchange of information with the AFM

Dear Mr. Arthur Docters van Leeuwen:  
I acknowledge receipt of your letter of June 7, 2006, concerning

the exchange of information between our two authorities.

Reference is made to our earlier contacts in which we expressed the opinion that further cooperation on the exchange of information between the Financial Supervisory Commission (FSC) and the Netherlands Authority for the Financial Markets (AFM) is of great value. Therefore in this letter the FSC will describe its intention to realize above mentioned cooperation within the legal framework in Taiwan.

#### 1. General

Pursuant to Article 2 of the Organic Act Governing the Establishment of the Financial Supervisory Commission, Executive Yuan, the FSC is in charge of the development, supervision, administration, and examination of the financial market and financial service industries. The financial market here includes the banking market, bills market, securities market, futures and derivatives market, insurance market, and clearance system; the financial service industries includes financial holding companies, financial restructuring fund, Central Deposit Insurance Corporation, the banking industry, securities industry, futures industry, insurance industry, electronic financial transactions, and other financial service industries.

Under the Securities and Exchange Law and Futures Trading Law, the FSC is the competent authority of both securities and futures markets.

The AFM is responsible for the supervision of securities markets as well as the conduct of business (including consumer information and advice) of all financial services providers in the market domain (banks, investment funds, insurance companies, and securities firms). The AFM's mandate is to ensure the proper functioning of the securities markets, to protect the position of investors and to increase the transparency of the securities markets.

In the Decree of Delegation 1995 Supervision of Securities Transactions Act (Decree of Delegation) the Dutch Minister of Finance delegates the supervision of the prudential securities rules to the Nederlandsche Bank N.V. (DNB) and the supervision of the securities rules of conduct to the AFM. Consequently the AFM itself is responsible for exercising its powers, such as granting licenses, reviewing stock exchange regulations and investigating incidences of insider trading.

In addition to the Act on the Supervision of Securities Trade

1995 (Act 1995) the AFM is also responsible for the Major Holdings in Listed Companies Disclosure Act 1996; the purpose of this Act is to increase the transparency of markets. The allocation of powers and responsibilities under Wmz 1996 is also comparable to that of the Act 1995.

## 2. Information exchange by the AFM to the FSC

The information which has been received from the AFM will not be made public and will be treated as confidential. The FSC will not use information supplied in a manner other or for longer than, or to disclose the same in a manner or to persons other than is necessary for the purpose of performing its duties.

The FSC took notice of the requirements of the AFM's relevant applicable law (the Act on the Supervision of Securities Trade 1995, the Major Holdings in Listed Companies Disclosure Act 1996) and declares that non-public information and documents received by the FSC from the AFM will be non-public and confidential and that the information obtained from the AFM will be used exclusively to enforce the securities regulations in Taiwan.

The FSC will ask the AFM's prior consent before disclosing or transferring confidential information obtained from the AFM to other authorities or third parties. In the following cases where disclosure is necessary under the laws in Taiwan, the FSC will apply the procedures as described below:

- For the purpose of performing its duties pursuant to the Securities and Exchange Law and the Futures Trading Law, the FSC will file a report with the criminal prosecutor in the event the FSC is of the opinion that there is a violation of the provisions of the Securities and Exchange Law and the Futures Trading Law. Before filing this report the FSC will notify the AFM;
- According to the Code of Criminal Procedure and the Code of Civil Procedure in Taiwan, the staff of the FSC may be forced to make a statement to a court as a witness or an expert or to submit relevant documents. Whenever this concerns information sent by the AFM, the FSC will notify the AFM.
- Pursuant to the Constitution and the Exercise of the Legislative Yuan's Authority and Duties Law in Taiwan, the FSC may be requested by the Control Yuan and the Legislative Yuan to submit original orders issued by the FSC and all relevant documents for their perusal. Whenever this concerns information sent by the AFM, the FSC will notify the AFM.

### 3. Requests for information from the AFM

If a request for information is made in writing and specifies the following:

- a general description of the matter which is the subject of the request and the purpose for which the information is sought as well as the reasons why this information will be of assistance;
- a description of the specific information which is requested;
- in case the request is a result of investigations of violations of any laws or regulations, a short description of the relevant provisions that may have been violated, and, if known, a list of persons or entities which may be in possession of the information and the place where the information may be available the FSC will provide the fullest assistance within the competence of the FSC.

With respect to the conditions as mentioned above, the FSC declares that the exchange of information between the AFM and the FSC can be established.

This letter, together with your letter of June 7, 2006, referred to above, constitute an exchange of letters between the AFM and the FSC on this subject.

Yours sincerely,

Daung-Yen LU  
Acting Chairman  
Financial Supervisory Commission  
Taiwan