

(Translation)

Enforcement Rules to The Presidential and Vice Presidential Records and Artifacts Act

Promulgated on September 2, 2004

Article 1

These Enforcement Rules are prescribed in accordance with Article 9 of The Presidential and Vice Presidential Records and Artifacts Act ("Act").

Article 2

Management of Presidential records and artifacts and Vice Presidential records and artifacts ("artifacts") as referred to in the Act shall mean the following matters:

1. Collecting and archiving the artifacts.
2. Sorting and cataloging the artifacts.
3. Safeguarding and preserving the artifacts (including providing suitable preservation environments and methods, routine maintenance, repair, and transportation).
4. Study of the artifacts.
5. Exhibition and educational promotion of the artifacts.
6. Drafting emergency response plans.
7. Other matters regarding management and preservation of the artifacts.

Article 3

The government agencies or institutions as referred to in Paragraph 2, Article 4 of the Act shall mean the central and local government agencies and the institutions subordinate thereto, or private organizations or individuals handling public affairs in accordance with the law or under commission.

Article 4

Artifacts with preservation value as referred to in Article 4 of the Act shall be those that can be reserved, maintained or reused, or whose titles can be transferred to others, and that have historical value or signify national developments.

Article 5

Before handing over any artifacts to the competent authority for management, a government agency or institution shall make a list of such artifacts and deliver the list together with the relevant photos, pictures, slides or other files for authentication of the artifacts before handing them over.

The list under the preceding paragraph shall indicate the following particulars:

1. The name and address of the government agency or institution, and the way to contact it.
2. Names, classifications, quantities, attachments, archive numbers, and locations or depositories of the listed artifacts, and attachments thereto.
3. General descriptions of the artifacts, including the maker, materials, texture, shape, dimensions, weight and provenance.
4. Conditions the artifacts are in.
5. Necessary restrictions or instructions on the safekeeping of the artifacts.
6. Other required matters.

#### Article 6

Private individuals or civil organizations intending to deliver their own artifacts ("private artifacts") to the competent authorities for management may make a list of the private artifacts and deliver the list together with the relevant photos, pictures, slides or other files for authentication of the artifacts before handing them over.

The list under the preceding paragraph shall indicate the following particulars:

1. Where the owner or manager is a natural person, his/her name and address, and the way to contact him/her; where the owner or manager is a legal person, its name, representative, office or place of business, and address, and the way to contact it.
2. Names, classifications, quantities, and locations or depositories of the listed artifacts.
3. General descriptions of the artifacts, including the maker, materials, texture, shape, dimensions, weight and provenance.
4. Conditions the artifacts are in.
5. Other required matters.

#### Article 7

Where any artifacts to be handed over by the Office of the President to Academia Historica in accordance with Paragraph 1, Article 5 of the Act are on exhibit, the Office of the President may first deliver a list of such artifacts to the competent authority and then hand over the artifacts within three months of the end of the exhibition.

The preceding paragraph shall apply mutatis mutandis to government agencies or institutions other than the Office of the President.

#### Article 8

Before the deadline for handing over the artifacts set forth in Article 5 of the Act expires, the Office of the President may hand over some of the artifacts on the date(s) agreed on by the Office of the President and the competent authority.

The preceding paragraph shall apply only when the accumulated artifacts to be handed over by the Office of the President before a deadline are numerous, and some of the artifacts have to be handed over in advance so as not to miss the deadline.

The preceding two paragraphs shall apply mutatis mutandis to government agencies or institutions other than the Office of the President.

#### Article 9

Handover of the artifacts by the Office of the President shall be overseen by a representative of the Office of the President and that of the competent authority.

Handover of the artifacts by any government agency or institution other than the Office of the President shall be overseen by a representative of the competent authority and that of such government agency or institution.

#### Article 10

The Office of the President shall make a handover list of the artifacts to be handed over providing the following particulars:

1. Inventory of the artifacts.
2. Name of the government agency to hand over the artifacts, and title and name of the person handling the handover.
3. Name of the government agency to take over the artifacts, and title and name of the person handling the takeover.
4. Name of the government agency, and title and name of the person, to oversee the handover.

5. Names, classifications, quantities, archive numbers, and locations or depositories of the listed artifacts, and attachments thereto.
6. General descriptions of the artifacts, including the maker, materials, texture, shape, dimensions, weight and provenance.
7. Conditions the artifacts are in.
8. The titles to the artifacts, and insurance policies for the artifacts.
9. Necessary restrictions or instructions on the safekeeping of the artifacts.
10. Place and time of handover.
11. Where the artifacts are confidential, classification of confidentiality, term of confidentiality, and the date of sealing.
12. Other required matters.

#### Article 11

Handover of artifacts by government agencies or institutions other than the Office of the President shall be governed *mutatis mutandis* by Article 10 and comply with the following provisions:

1. The artifacts shall be delivered to the place designated by the competent authority.
2. The handover list shall also indicate the method of transportation of the artifacts.

#### Article 12

The handover list under Articles 10 and 11 shall be made in the following copies and used for the following purposes:

1. Regarding the artifacts to be handed over by the Office of the President, the handover list shall be made in triplicate. After the persons handling the handover, those handling the takeover, and those overseeing the handover check the artifacts against the handover list, they shall sign the list in triplicate with two of the triplicates kept by the competent authority and one copy mailed to the Office of President.
2. Regarding the artifacts to be handed over by a government agency or institution other than the Office of the President, the handover list shall be made in quadruplicate. After the persons handling the handover, those handling the takeover, and those overseeing the handover check the artifacts against the handover list, they shall sign the list in quadruplicate with two of the quadruplicates kept by the competent authority, one copy mailed to the agency or institution, and one copy filed with the Office of President.

### Article 13

The periodical production and publication of the catalogs of artifacts under Article 6 of the Act require the competent authority to produce and publish such catalogs within one half year of receipt of the artifacts.

The catalogs under the preceding paragraph shall contain the following particulars:

1. Names and archive numbers of the artifacts.
2. Main contents of the artifacts.
3. Dates of receipt of the artifacts.
4. Locations or depositories of the artifacts.
5. Other required matters.

### Article 14

To request the competent authority's approval for utilization of the artifacts, a written application containing the following particulars shall be filed:

1. Where the applicant is a natural person, his/her name, gender, date of birth, ID number, and domicile or mailing address, and the way to contact him/her; where the applicant is a government agency or institution, its name and the number of its official request letter; where the applicant is a domestic legal person or organization, its name, registration certificate number, and office or place of business; and where the applicant is a foreign citizen, his/her nationality and passport number.
2. Where the applicant has a statutory agent or representative, the name, gender, date of birth, and mailing address of the statutory agent or representative.
3. Names of the artifacts requested.
4. Purpose of utilizing the artifacts.
5. Where the originals of any artifacts are requested, the reasons for making such request.
6. Date of application.

### Article 15

Where an application is filed incorrectly or the required documents are not attached, and corrections can be made, the competent authority shall demand that the applicant make the corrections within seven days; where corrections are not possible, or the corrections are not made within the time limit, the competent authority may reject the application and give its reasons.

## Article 16

The competent authority shall notify the applicant in writing of its decision on the applicant's application under Paragraph 2, Article 7 of the Act within 15 days of receipt of the application. Nevertheless, if necessary, the time limit may be extended for not more than 15 days.

If the competent authority decides to reject an application, it shall give reasons in the notice of decision to the applicant.

## Article 17

Rejection of an application shall be considered necessary for protecting public interests or a third party's legitimate interests pursuant to Paragraph 3, Article 7 of the Act when the competent authority finds at its discretion that approval of such application is likely to cause damage to the state or social or legal order, or infringement of any third party's rights or interests.

If some of the artifacts covered by a utilization application are subject to the prohibition under Paragraph 3, Article 7 of the Act, only the artifacts that are covered in the application but not subject to the prohibition can be provided for utilization.

Only replicas of artifacts are available for utilization. If the applicant requires the originals, the reasons must be given when the application is filed.

Where an artifact shall not be copied or reproduced, or reproduction of an artifact is likely to infringe a third party's intellectual property rights, the artifact shall be available for reviewing only.

## Article 18

No artifacts shall be utilized in any of the following ways:

1. Using a method not specified in the approval decision.
2. Annotating, altering, replacing, extracting, making remarks in, disassembling, or smearing any artifacts.
3. Otherwise destroying any artifacts, or altering the contents, instruments or equipment of any artifacts.

The competent authority may suspend the rights of the violators of the preceding paragraphs to use the artifacts, and have them investigated by judicial investigative agencies if the violators are found criminally responsible.

## Article 19

No artifacts may be shipped overseas except for international cultural exchanges or other special reasons.

#### Article 20

The former Presidents and former Vice Presidents under Article 8 of the Act refer to the persons who were once the head or the deputy head of the state after the promulgation of the Constitution.

#### Article 21

These Enforcement Rules shall come into force from the date of promulgation.