2021 Taiwan White Paper
Herbalife Nutrition: Taking Responsibility for Nourishing People and Planet

With the rise of conscious consumerism and investing, companies around the world are increasingly incorporating Environmental, Social, and Governance (ESG) criteria into their business operations. A company’s ESG performance is based on several indicators not related to financial performance, including carbon footprint and level of accountability. These metrics enable businesses to measure the sustainability and societal impact of their operations and evaluate corporate behavior.

As a global nutrition company operating in more than 90 countries, Herbalife Nutrition views ESG criteria as essential to its business strategy and performance. Founded in Los Angeles in 1980, the company has been on a mission to improve the nutritional habits of people around the world with high-quality, science-backed products that help them meet their nutrition and wellness goals. Over the past few years, the company has made significant efforts to strengthen its ESG practices.

Herbalife Nutrition North Asia Vice President Stella Tsai is a corporate champion of ESG. She is a member of the Herbalife Nutrition ESG Steering committee, the lead for the company’s Asia Pacific “Go Green” Task Force, a board director of the semi-governmental Multi-Level Marketing Protection Foundation, and a chair of the Taiwan Direct Selling Association (TDSA) Code of Ethics Committee. Tsai explains that Herbalife Nutrition is a strong voice for industry self-regulation and a code of ethics to achieve the highest possible standards of doing business.

“We have a mission to continuously elevate our ESG index,” she says. “Our ESG strategy will leverage our strengths and global reach in three meaningful ways – expanding access to nutrition, expanding access to economic opportunities, and strengthening environmental stewardship.”

Executing ESG effectively can help ensure a company’s long-term success but promoting it as a business model takes the proactive involvement of both companies and the industry as a whole. Herbalife Nutrition Taiwan General Manager Ceasar Chen notes that the company is an active participant in the TDSA. He says that although most TDSA members are Herbalife Nutrition’s direct competitors, they are all partnering to promote improved regulation of the industry, as well as increased product safety.

To continue to thrive and innovate, as well as to incorporate various perspectives, Herbalife Nutrition emphasizes the importance of inclusion and diversity at the company, particularly at the management level. The company employs people of many different ethnic origins, and women account for more than 50% of the total workforce. In addition, Herbalife Nutrition is committed to ensuring the traceability of ingredients in its products and that its upstream suppliers comply with local laws and regulations.

Through its efforts, Herbalife Nutrition has proven that even minor adjustments can make a substantial impact. The company has significantly lowered its greenhouse gas emissions by reducing the amount of PCR (Post-Consumer Recycled) plastics on product cansisters by 25% and by decreasing its products’ outer packaging.

Chen highlights three of the company’s noteworthy achievements in reducing its carbon footprint in Taiwan.

“Our team won Herbalife Nutrition APAC’s Cost Sustainability Award in 2019 after we started using reusable water bottles made of recycled materials,” he says. “We have also implemented measures to reduce our energy consumption to provide environmental and cost-saving benefits. Our initiative to discontinue plastic bags for our members and encourage them to carry reusable bags has been particularly well-received and resulted in a reduction of 88 tons of plastic in the APAC region alone.”

Herbalife Nutrition’s ESG initiatives also exceed the scope of its products’ life cycles. The Herbalife Nutrition Foundation is dedicated to improving the lives of communities around the world by providing healthy nutrition and nutrition education to children and communities in need. In Taiwan, the foundation’s Casa Herbalife Nutrition Program provides monetary grants to local schools in remote areas. These grants cover education services and Herbalife Nutrition products for the students. When the company launched “Nutrition for Zero Hunger (NFZH)” – a global initiative focused on providing nutritious food, aid, and...
nutrition education to communities around the world – in 2019, the Taiwan team decided to incorporate its objectives into the Casa Herbalife Nutrition Program.

Moving forward, Tsai stresses that Herbalife Nutrition will continue its efforts to make a positive social impact at the local level.

“We not only offer quality nutrition products to help people live a healthier life, but also provide an economic opportunity to people who are interested in being their own boss,” she says.

With over 40 years of global operations, including 26 years in Taiwan, Herbalife Nutrition is now preparing for the next generation of business leaders to take up the reins. These younger employees and distributors prioritize sustainability and recognize the importance of developing long-term, sustainable business strategies. And for Herbalife Nutrition, expanding its positive impact is a genuine move in line with the company’s mission.

“Our Company is built around improving people’s lives. We combine high-quality nutrition products, social support, and the opportunity to build a business and invest in local communities,” says Tsai. “We will ensure that our commitment to nourishing people and the planet is embedded in both our day-to-day activities and our long-term business strategy.”

In celebration of Children’s Day, Humanitarian Award honorees Derek Chan and Joanne Chang, together with their downlines, made a donation of US$2,000 to support a field trip for Casa children.

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Grown from a small enterprise in 1980, Herbalife Nutrition has expanded to become a global leading nutrition and weight management company operating in over 90 countries.

As a global leader in nutrition and weight management, Herbalife Nutrition has established itself as a role model in the industry. The company has been at the forefront of innovation in the field, and its commitment to sustainability and environmental protection is evident in its various initiatives.

In Taiwan, Herbalife Nutrition has been actively involved in community development and social responsibility initiatives, including education, healthcare, and nutrition programs. The company has also made significant contributions to environmental protection and conservation efforts.

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Gilead Sciences, Inc. is a research-based biopharmaceutical company that discovers, develops, and commercializes innovative medicines in areas of unmet medical need. We have pursued – and achieved – breakthroughs once thought impossible in medicine for more than three decades, with the goal of creating a healthier world for all people.

Since our founding in 1987, Gilead has pioneered more than 25 medicines and boasts an expanding portfolio of investigational compounds. We have helped transform and simplify care for people living with HIV, developing the world’s first HIV single-tablet regimen to treat the disease, and the first medicines to prevent infection with the HIV virus. Building on our success in HIV, we applied the same tenacity to the hepatitis C virus (HCV) and hepatitis B virus (HBV). When COVID-19 hit the world, we also leveraged our legacy in antivirals, discovering medicine to fight the pandemic.

While we continue to build on our strength in antiviral medicine and our expertise in immunomodulation, we are expanding into oncology. Through our operating company, Kite Pharma, we are on a path to a potential cure for cancer with our cutting-edge cell therapy program. Our goal is to bring 10+ transformative therapies to patients in the next 10 years. At Gilead, we are focused on what’s next and believe the impossible is simply what hasn’t been achieved yet.

Gilead arrived in Asia in 2011, and Taiwan in 2015, and is regionally headquartered in Hong Kong with a presence in South Korea, Singapore, and Malaysia. Globally, we have operations in more than 35 countries and are headquartered in Foster City, California.
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Research-based biopharmaceutical multinational AstraZeneca, one of the earliest healthcare companies to enter the Taiwan market, has been working to deliver the best in patient care in Taiwan for over 70 years. The company’s dedication to advancing medical science is reflected in its innovation and outstanding performance in R&D. It is also focused on “beyond the pill” solutions, actively improving the patient journey through various collaborations and visionary projects aimed at preventing disease.

AstraZeneca has long focused its efforts on the three main therapeutic areas of oncology, cardiovascular and renal metabolism, and respiratory and immunology. Furthermore, its decision to partner with Oxford University last year in developing a coronavirus vaccine and providing it broadly and equitably on a non-profit basis during the pandemic demonstrates the company’s patient-centered ethos.

Taking the lead in Taiwan’s robust clinical trials ecosystem

Scientific leadership is only possible with continuous R&D and investment. Over the past five years, AstraZeneca has reinvested an average of 25% of its total revenue – approximately US$6 billion per year – in R&D. In Taiwan, the company’s track record in science has also been outstanding. Not only does it lead the industry in the number of clinical trials it carries out in Taiwan, but the speed with which some of those trials are launched is among the highest in the world. In addition, the company’s investment in clinical trials over the past three years has more than doubled, an expansion of its efforts to help Taiwanese patients. AstraZeneca’s innovative drive and its ability to continuously make scientific breakthroughs also helped it become the fifth largest international pharmaceutical firm in Taiwan in 2020.

Taking corporate social responsibility and sustainability to new levels

Starting in 2019, AstraZeneca Taiwan launched the Beyond BioMed Accelerator, a public-private partnership comprising government agencies, industry, hospitals, and academic institutions and aimed at advancing the field of medical science. Some of the accelerator’s major partners include BioHub Taiwan and Amazon Web Services.

Since Beyond BioMed was established, sixteen Taiwanese biomedical innovation startup teams have participated in the program, receiving mentorship and support from internationally renowned institutions in the biomedical industry. The accelerator’s promotion of linkages and matchmaking with foreign biomedical firms has already seen some concrete results. At the same time, it has helped AstraZeneca strengthen its ability to provide future solutions for fulfilling unmet clinical needs. This year, the focus of the Beyond BioMed Accelerator has expanded to include the areas of digital health and biomedicine.

Forming partnerships to improve patient care

AstraZeneca is also promoting disease awareness through various collaborative efforts. Many diseases can actually be discovered and treated early, and the company has thus responded to the call of governments, public health authorities, and the healthcare profession by establishing several disease prevention programs. Initiatives such as the Goal 50 program, the Healthy Lung program, and the Lung Ambition program for increasing lung cancer survival rates are geared toward actively improving the patient journey. They also improve patients’ quality of life, reduce mortality rates, and decrease medical expenses.

Making AstraZeneca a great place to work

Being able to consistently innovate also requires a commitment to inclusion and diversity and fostering a workplace where employees can feel comfortable with speaking their minds. Only if each and every employee is fully invested in AstraZeneca’s mission and core values can they begin to maximize their potential and work toward improving the wellbeing of patients.

To that end, AstraZeneca Taiwan became recognized and certified as a Top Employer in APAC this year. Besides acknowledging the work of its outstanding employees in successfully carrying out AstraZeneca’s spirit of innovation-driven growth, the company also thanks them for working together to create an ideal workplace.

AstraZeneca has long been one of the most prominent pharmaceutical firms in the Taiwan market, and has helped lay the foundation of Taiwan’s medical industry and assisted in the development of Taiwan’s biotech and drug manufacturing industries. Looking ahead, the company plans to continue its active investment in R&D and medical innovation in Taiwan. It will also work toward becoming the best partner in developing Taiwan’s biotech industry as it seeks to honor its commitment to protecting the health of Taiwanese patients.
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Hai Long is determined to become the “Anchor Project,” making Taiwan the “APAC Offshore Wind Export Hub” through Hai Long’s Industrial Relevance Proposal introducing the new technology, service, and talent.
Although a newcomer to the healthcare scene, global pharmaceutical company Viatris, formed in November 2020 through a merger of Upjohn, a legacy division of Pfizer, and Mylan, already has a sizable industry footprint. By combining the two complementary businesses, the merger has accelerated their ability to serve patients and expanded their resources across more than 165 markets. Viatris’ global portfolio comprises more than 1,400 molecules across a comprehensive list of therapeutic areas and includes best-in-class, iconic brand-name products, as well as global key brands, generics, biosimilars, and over-the-counter (OTC) products.

The name Viatris, which is derived from Latin, represents the company’s mission to realize its vision of empowering people worldwide to live healthier at every stage of life through (via) the pursuit of three (tris) paths:

Access – providing high quality, trusted medicines to patients regardless of geography or circumstance;

Leadership – advancing sustainable operations and innovative solutions to improve patient health; and

Partnership – leveraging collective expertise to connect people to products and services.

Brian Chang, general manager of Viatris Taiwan, notes that Viatris’ robust portfolio includes a wide array of products and quality treatment options across more than 10 major therapeutic areas. These include cardiovascular, pain management, urology, central nervous system, oncology, immunology, women’s healthcare, diabetes and metabolism, gastroenterology, respiratory and allergy, dermatology, and OTC products such as glucosamine for joints and bones.

In addition to providing reliable medicines, Chang emphasizes that giving people access to correct information is another crucial step toward helping them live healthier at every stage of life.

“We collaborate with industry, NGOs, and the medical community to promote an improved, sustainable healthcare environment,” he says. “That is why we set up a team with healthcare professionals to conduct over 300 disease awareness events per year in Taiwan.”

One of Viatris’ most notable accomplishments globally is its efforts in combating tuberculosis (TB), which remains one of the ten most common causes of death worldwide. Chang stresses that treating TB is particularly important during the global COVID-19 pandemic. Similar to COVID-19, TB attacks the lungs, which puts patients with TB at greater risk of complications from the coronavirus. Through a collaboration with the non-profit TB Alliance, Viatris has made TB medicine available to public health programs in 150 low- and middle-income countries for a mere US$2 per day.

In Taiwan, Viatris has made donations of the first-line medication of choice in treating anaphylaxis to the Taiwan Development Association for Disaster Medical Teams for emergency use in remote regions. This medication can provide patients experiencing severe allergic reactions with some relief and buy them more time before they arrive at the hospital.

Viatris also plans to accelerate the launch of its biosimilars, a move that Chang notes is imperative to increasing patient access to life-saving drugs and ensuring the sustainability of Taiwan’s National Health Insurance system. Viatris is a leading global provider of biosimilars and has received regulatory approval for biosimilars in more than 85 countries, as well as over 150 marketing authorizations globally. The company has made significant investments in medical studies and analyses to ensure that its biosimilars maintain the same standards of efficacy and safety, and contain the same immunogenicity profiles, as their reference products.

Regardless of Viatris’ impressive portfolio, Chang stresses that its most highly valued asset is its employees.

“Viatris firmly believes that happy employees are the backbone of a successful business, so investing in workplace wellness is one of our main priorities,” he says. “That is why we implemented flexible working arrangements to protect employees in response to the recent pandemic. In addition, as authorities extended school vacations in Taiwan to curb the spread of COVID-19, we responded by providing family-care leave for our coworkers.”

Viatris has established 17 employee clubs for recreational activities such as golfing, camping, yoga, and cooking. These clubs aim to improve employee...
蕭（Viatris）是2020年11月由輝瑞普強（Upjohn）與邁蘭（Mylan）合併後新成立的全球性醫療保健公司，雖是新公司，在業界已極具影響力。藉由結合雙方互補的產品線，暉致能為全球超過165個國家的患者提供更優質的服務。暉致旗下的產品組合涵蓋主要醫療領域的1400多種分子藥物，包括全球知名品牌、學名藥、品牌藥、生物相似藥和指示用藥。

Viatris源自拉丁文，意指「三條路徑」，代表將通過三大途徑來實踐暉致的企業使命：協助全世界的人們在生命的每個階段活得更加健康。此三大途徑包括：

• 藥品可及性—為世界各地患者提供值得信賴的高品質藥物
• 引領—推動永續營運及創新解決方案，改善患者健康
• 合作—善用各方面的專業能力，建立人們與產品及服務的連結

暉致台灣區總經理張博勝說，暉致強大的產品線包括多元的產品種類與高品質的治療選擇，涵蓋十多種治療領域，如心血管、疼痛管理、泌尿系統、腫瘤、免疫、女性健康、糖尿病及新陳代謝、腸胃、呼吸道及過敏、皮膚，以及指示用藥，例如用於關節及骨骼保健的藥品級葡萄糖胺等。

他表示，要協助民眾在人生每階段都生活得更加健康，除了提供可信賴的產品外，提供民眾正確的資訊也是關鍵之一。

「我們與藥業、非政府組織、醫界攜手，一同努力打造更優質且可永續營運的醫療環境，這也是暉致為何與醫療專業人員合作，每年在台灣舉辦三百多場疾病衛教推廣活動的原因。」

防治結核病，是暉致在全球推動的重要任務，此病目前仍是全球十大死因之一。張博勝說，新冠疫情期间，結核病治療尤為重要。結核病與新冠肺炎一樣會攻擊肺部，這讓結核病患者在感染新冠病毒時，更容易引發併發症。暉致與非營利組織「結核病聯盟」合作，供應給150個中低收入國家的公共衛生計畫，每天只需$2美元即可取得治療藥物。

在台灣，暉致也捐贈「台灣災難醫療隊發展協會」治療過敏性休克的第一線藥物，有利偏遠地區急救工作。此藥可幫助有嚴重過敏性休克反應的患者在抵達醫院之前緩解嚴重過敏症狀及爭取搶救時間。

暉致也計畫加速生物相似性藥物的上市。張博勝認為，這能讓更多患者取得救命藥物，使台灣全民健保體系能持續造福更多有需要的民眾。暉致在生物相似性藥領域領先全球，獲得超過85個國家的主管機關核准通過，並於全球150市場取得上市許可。

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暉致的願景：
精進醫療 更臻理想
Taiwan’s industrial parks have long faced waste disposal challenges. The reshoring of many Taiwanese manufacturers in recent years amid the restructuring of global supply chains has added to these challenges. Taiwan’s already limited industrial waste-processing capabilities have been stretched to capacity, as is evident from the increasing cost of disposing of waste. In light of this trend, Taiwan Cube Energy (TCE), the island’s first industrial waste-to-energy (WtE) solutions provider, seeks to address Taiwan’s pressing waste disposal needs.

TCE has invested heavily in the construction and launch of a WtE plant in Taoyuan. Once completed in 2024, it will be the first privately owned facility of its kind in Taiwan and is expected to generate 160 megawatt-hours of electricity per year while incinerating approximately 150,000 tons of industrial waste. TCE’s backers for the project, I Squared Capital, a global infrastructure investor based in the U.S., have been involved in supporting the Taiwan government’s renewable energy goals. Its efforts include the development, construction, and operation of over 400 megawatts of solar capacity in Taiwan.

TCE’s planned WtE facility is in full alignment with Taiwan’s goal of developing its circular economy, one of the key components of the Tsai Administration’s 5+2 Innovative Industry initiative. It also accords with President Tsai’s 2050 target date for net-zero carbon emissions. The plant will help manufacturers resolve their pressing waste output issues while also helping the government achieve its goal of transforming the energy mix, including 0.813 gigawatts of renewable energy produced from bioenergy and waste sources, by 2025.

“We have spoken to many manufacturers and waste collectors who struggle with disposal of their industrial waste,” says TCE Chief Executive Officer John Cheng. “In the past, companies could export their waste overseas to China, Indonesia, the Philippines, and Thailand for recycling or treatment. But since those countries have now banned the import of foreign waste, the amount of industrial waste in Taiwan is increasing and disposal fees are rising.”

HOW IT WORKS

TCE’s WtE method begins with the receipt of industrial waste, which undergoes a process to sort out incombustible materials such as metal, dust, sand, and stone. These are sent to manufacturers to be used as recycled construction materials. The remaining waste is shredded and separated according to their calorific value, converted into solid recovered fuel (SRF), and sent to the TCE power plant in Taoyuan, where it is converted to electricity.

The Taoyuan plant’s design ensures a WtE conversion efficiency of over 25%, compared to the 18-21% associated with traditional incinerators. In order to minimize excess waste from the WtE process, pre-treatment will be used to reduce the amount of bottom ash produced during incineration, with any remaining ash recycled and converted into building materials.

Apart from its environmental benefits, the TCE plant provides a secure energy source for manufacturers.
台灣工業園區長期面臨廢棄物處理無處去的挑戰。在全球供應鏈重組浪潮中，許多台灣製造商在近年鮭魚返鄉，加劇前述挑戰；從廢棄物處置成本節節攀升就可明顯看出，台灣有限的工業廢棄物處理能力已達極限。鑒於此一問題，臺灣立方能源所提供的廢棄物能源化（WtE）服務，可以有效解決廠商迫切的事业廢棄物處理困境。

臺灣立方能源在桃園投資興建的再生能源電廠，預計2024年竣工後，將成為台灣首座由私人投資以廢棄物轉化燃料的再生能源發電廠，預計每年可發電16億度（160 GWh），同時可協助處理約15萬噸事業廢棄物。支持臺灣立方能源此一計畫的全球基礎建設投資業者I Squared Capital總部位於美國，呼應台灣政府的再生能源目標，除本計畫外，亦已在台灣投資開發、興建和運營裝置容量逾4億瓦（400 MW）的太陽能設施。

臺灣立方能源所規劃的再生能源電廠，與台灣發展循環經濟（蔡英文政府推動5+2產業創新計畫的關鍵項目之一）的目標完全一致，也符合蔡總統欲在2050年達成淨零碳排放的目標限。該電廠將協助製造業解決其迫切的廢棄物問題，同時幫助政府達成能源結構轉型目標，包括在2025年前實現來自生質能源和廢棄物來源的再生能源發電量達到8.13億瓦（0.813 GW）。

臺灣立方能源執行長鄭奕強表示：「我們已和多家工廠及廢棄物清運商洽談，了解這些廠家對於廢棄物處理，遭遇過許多困難。以往企業可將廢棄物出口到中國、印尼、菲律賓和泰國等海外地區進行回收或處理。但前述國家現已禁止進口外國廢棄物，因此台灣的工業廢棄物去化面臨很大考驗，處理費用在過去兩、三年時間上漲3倍左右。」「

根據台灣立方能源執行長鄭奕強的說法，台灣立方能源的包裝紙業、塑膠箱業和電子製造業所發出的廢棄物，亦是該電廠的目標客戶。在該電廠的規劃中，除業界廢棄物外，還將配合政府政策，研發新技術來處理家庭垃圾。」

臺灣立方能源執行長鄭奕強指出：「我們為產品合作伙伴，與桃園市長鄭文灿共同合作，以開發桃園的再生能源電廠為目標。」「

臺灣立方能源也承諾桃園市，會優先處理桃園產生事業廢棄物，除了既有客戶外，臺灣立方能源將繼續和台灣各地其他潛在廢棄物產源，協助滿足後者的事業廢棄物處理需求。」
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Robotic-assisted surgery has helped to advance the medical world, offering minimally invasive approaches that involve small incisions and increased precision. Compared to open surgery, such an approach can help accelerate the recovery process, depending on the procedure, and reduce the cost of care for patients and hospitals.

Due to its many benefits, robotic-assisted surgery has been widely embraced in East Asia, and Taiwanese surgeons have played an important role in the adoption and global development of new technologies in the industry. Taiwan’s strengths in this area have made it a natural choice for investment by medical technology multinational Intuitive, a pioneer and global leader in robotic-assisted, minimally invasive surgery.

Founded in 1995, Intuitive has contributed to the field of minimally invasive care through the development and manufacturing of advanced robotic systems, end-to-end learning, and various value-added support services. These products and services help surgeons and hospitals build strong robotic-assisted surgical programs and provide the potential benefits of robotic-assisted surgery to their patients. Intuitive’s da Vinci system is an important choice for many surgeons globally due to its ability to assist surgeons in performing various types of minimally invasive surgeries – including urologic, gynecological, and colorectal surgery – with great precision.

The da Vinci surgical system was one of the first robotic-assisted, minimally invasive surgical systems cleared by the U.S. Food and Drug Administration. Four successive generations of the da Vinci have since been launched. To date, surgeons in 67 countries around the world have used da Vinci technologies to perform more than 8.5 million procedures.

The first da Vinci procedure in Taiwan took place in 2004 and since then more than 50,000 robotic-assisted surgical procedures have been performed on the island, an important contribution to Taiwan’s advanced healthcare system.

Jason Yang, vice president and general manager of Intuitive Taiwan, stresses the da Vinci system’s numerous benefits. With its cutting-edge technology, Yang says, the system can help surgeons reduce patient blood loss, length of stay (LOS), and risk of readmission, which enhances patient wellbeing.

The da Vinci’s unique operating table with isocenter movement creates a virtual pivot point for surgical instruments that can provide an ideal working angle for surgeons and care teams. Yang points out that for surgeons, the system’s ergonomic design – particularly its console at which surgeons can perform procedures while seated, also provides comfort during surgical procedures.

Following the official establishment of its Taiwan office in 2019, Intuitive has expanded its operations on the island through a series of creative efforts. Yang says that one of the company’s first moves was to install the da Vinci system in a truck that then traveled around Taiwan, visiting more than 40 hospitals, two university campuses, and several events – a total of more than 1,200 kilometers in less than a year. Over a thousand medical staff and students were able to test the system in a non-clinical scenario during this campaign, Yang says.

In June 2020, Intuitive signed a memorandum of understanding with Chang Gung Medical Foundation to build a training center that was completed in December. The center aims to synergize the training process for surgeons and establish international standards for robotic-assisted, minimally invasive surgery.

Intuitive’s multi-phase training pathway incorporates hardware, software, experienced trainers, physician educators, and training centers. In addition, surgeons receive online training modules and video instruction, which are accessible throughout their career. Worldwide, more than 55,000 physicians – including 700 Taiwanese surgeons – have received training on the da Vinci surgical system.
Yang says that training will play a particularly important role in Intuitive’s plans to continue expanding its operations in Taiwan.

“We want to increase training, and we also want to hone the skillsets of surgeons who wish to perform robotic surgery,” says Yang. “Lastly, we want to help healthcare providers improve the efficiency of patient flow, beginning from when a patient enters the hospital to when they leave following their surgery.”

Yang emphasizes that patient value is Intuitive’s highest priority in everything it does. “Patient value is at the heart of our company,” he says. “If you ask our employees what they believe in, they always say it is putting the patient first.”

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Mid-year 2021 finds the U.S. and Taiwan light years from one another...and closer than ever. I can explain. The U.S. boasts a resurgent economy: its schools, offices, shops, and airports all back in vigorous operation. Nearly half the population has been vaccinated – and fewer than 50% are masking. There may be nothing approaching political consensus on any topic, yet there is a palpable sense that the country will not – and should not – fully return to pre-2020 lifestyles.

In Taiwan the feeling is that the world has just been flipped on its head. People are rightfully concerned about securing vaccines and have just spent a month in partial “clamp-down” aimed at subduing the first serious pandemic breakout after a year of comfortable routines and generally buoyant times. The initial shock of vulnerability in a re-connecting world has subsided, and residents are responding in a disciplined and unified fashion to new challenges.

At the same time, America and Taiwan are also closer than ever, in recognition that respective essential interests can be furthered by tightening the bilateral relationship, especially in its economic dimension. Bold, prompt action from both sides is needed for the two parties to come together to gain the benefits of free trade and economic integration.

The tendency toward big moves appears clearer from Washington, where the Biden administration is poised to commit trillions of dollars to COVID relief, family and infrastructure initiatives, and ongoing spending in a manner that will re-orient the way the public and private sectors relate. Equally impressive has been continuity with the Trump team regarding conclusions on the nature and extent of the systemic challenge from China, which has shaped a Biden Asia-policy focus on Taiwan as a critical Indo-Pacific actor.

2021年過了一半，美國與台灣間的距離，看似無比遙遠能以光年計算，卻也近到不能再近。請容我說明：美國重振經濟，學校、辦公室、商家與機場，再次恢復蓬勃朝氣。近半數美國民眾已完成疫苗接種，不到一半的民眾仍佩戴口罩。美國人民在各項政治議題上歧見仍深，但顯然都認為美國不能也不宜一口氣重返2020年COVID–19疫情爆發前的生活型態。

對台灣來說，世界徹底翻轉。過去一年，百姓生活幾乎照舊，市況普遍樂觀。而今為圍堵首次COVID–19疫情嚴重擴散，歷經一個月的局部封城，大家擔憂疫苗不足，也情有可原。世界各地重啟交流，台灣對自身抗疫機制弱點浮現，已不像一開始那樣震驚。面對各種新挑戰，民眾展現自律與一致的態度。

同時，美台之間的距離，又極其接近。雙方皆體認到維持密切關係（尤其在經貿方面）對彼此有利。要在自由貿易、經濟整合方面搶得先機，雙方都該勇於及時行動。

華府看來更無懼採取大動作。拜登政府預備在現有支出上，再投入數兆美元經費用於疫情紓困、補助家庭及改善基礎建設，這將為官民互動開創新局。在因應中國構成的系統性挑戰方面，拜登延續了川普立場，且在擬定對亞洲政策時，將台灣視為印太區域要角，同樣令人印象深刻。

儘管與美國相比，台灣政府近年作為可稱穩健，但相信蔡英文政府不會迴避，在必要時刻果決行事。過去數星期，台灣政
While Taiwan has been charting a seemingly steadier course than the U.S. over recent years, the Tsai administration has shown that it too is ready to act decisively. In recent weeks the Taiwan government has instituted a comprehensive and disciplined set of public health and stay-at-home measures and looked to greenlight additional, privately funded vaccine import channels, while the legislature has doubled the cap on COVID relief spending. Beyond the pandemic, and with relevance to one of our top items within the Messages to Washington section of this issue, the Tsai Administration took a courageous step in removing a longstanding point of contention over agricultural trade with the U.S. by addressing import restrictions dubiously framed as food safety requirements.

Into this ferment, the 1,000-plus members of AmCham Taiwan put forward in the following pages their best recommendations to officials in Taipei and Washington. Although the Chamber has been recast from AmCham Taipei to AmCham Taiwan this year – its 70th anniversary – our mission is unchanged: to further improve Taiwan’s excellent business environment and foster closer connection between the two economies.

We are grateful to AmCham’s members and staff for their hard work producing this document – again under challenging conditions. The fact that a record 13 issues from last year’s White Paper were resolved indicates that – far from coasting on a strong macroeconomic performance in 2020 and robust demand for its tech exports – the administration is doubling down to raise government efficiency and spur industrial development in new directions. The 2021 edition repeats some themes from last year – energy supply and regulatory practice, for example – while emphasizing digitalization.

Perhaps the most important addition this year is our larger vision: a Taiwan Commercial Initiative for the two governments to drive together, supported by enthusiastic private sectors on both sides. The ideas broached in the Initiative have bubbled up over the years, but what was missing in the past was the political energy in both capitals needed to spearhead an integrated approach to economic liberalization in the service of workers, companies, and the environment.

An ambitious agenda is not reducible to a formula. But if a bold, creative vision for integration by the two governments is the common denominator, then coordinated, top-down leadership is the numerator. On the Taipei side, we hope our colleagues at the National Development Council (NDC) might lead teams from the appropriate ministries and agencies to identify – and start to close – gaps separating Taiwan from accession to high-standard trade agreements such as the CPTPP. On the Washington side, we would like to see a comprehensive NDC-chaired interagency discussion of the U.S.-Taiwan economic relationship. AmCham Taiwan members and our private-sector partners will be supporting these bilateral initiatives all the way.

Andrew Wylegala
President,
American Chamber of Commerce in Taiwan
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TAIWAN WHITE PAPER

AMERICAN CHAMBER OF COMMERCE IN TAIWAN
The annual Taiwan White Paper is written and published by the American Chamber of Commerce in Taiwan (AmCham). It includes an overall assessment of Taiwan’s business climate, a review of the status of last year’s priority issues, and statements of the current priority issues identified by AmCham’s industry-specific committees. An additional section offers recommendations to the U.S. government.

The primary purposes of the Taiwan White Paper are information and advocacy. The document outlines AmCham’s suggestions to the Taiwan government and public on legislative, regulatory, and enforcement issues that have a major impact on the quality of the business environment. It is also used to inform government officials, elected representatives, and other interested parties in the United States about Taiwan’s business climate.

Although the Taiwan White Paper represents the immediate business interests of AmCham’s approximately 1,000 members, its ultimate goal is to foster the upgrading of Taiwan’s economic conditions to the benefit of both local and multinational businesses. It is also in the interest of the Taiwan public at large, as it encourages the growth of a broad spectrum of high-quality goods and services to improve the quality of life for all Taiwan residents.

The Taiwan White Paper can also be found online, where PDF files may be downloaded from the Advocacy section of the AmCham website at www.amcham.com.tw/.
EXECUTIVE SUMMARY

Facing New and Existing Challenges Head On

- Over the past year, Taiwan has continued to receive well-deserved praise and attention for several reasons. It was one of the only economies globally to experience growth in 2020, has demonstrated good democratic governance, and was able to effectively contain the initial outbreak of COVID-19, freeing it to assist other countries in need with medical supplies and other support.

- At the same time, a series of tough challenges, including Taiwan’s continued exclusion from international organizations such as the World Health Assembly and limited access to COVID-19 vaccines, threatens the admirable progress it has made since last year. Taiwan’s government and chipmakers have also been under heavy pressure to expand manufacturing capacity to help plug a global semiconductor shortage, while China has stepped up coercive military actions against Taiwan. A new semiconductor shortage, while China has stepped up coercive military actions against Taiwan. A new coronavirus outbreak of locally transmitted infections has exacerbated an already difficult situation.

- Yet Taiwan remains undeterred. Its economy is forecast to grow nearly 5% in 2021 and its exports of goods continue to increase. AmCham’s member companies also provided a strong show of confidence in Taiwan’s future economic prospects in the Chamber’s most recent Business Climate Survey. Still, Taiwan will need to work harder to adapt to an evolving world economy and successfully weather the difficult conditions caused by the pandemic.

ACCELERATING DIGITAL TRANSFORMATION

- A surprising amount of the operations of business and government in Taiwan is still conducted manually or on paper, rather than digitally, putting Taiwan out of sync with international trends. In addition, many businesses in Taiwan were ill prepared to institute remote work arrangements or maintain smooth continuity of operations when the pandemic hit. Taiwan’s shortcomings in this area are concerning and could ultimately reduce its competitiveness on the world stage.

- AmCham appreciates certain steps taken by the government to improve the digital business environment, particularly in light of the recent COVID-19 outbreak. One example is the Financial Supervisory Commission’s decision to allow, temporarily, virtual options for purchasing insurance products and filing claims.

- We look forward to the government’s pending establishment of a Ministry of Digital Development. If organized correctly, this body could help to overcome tensions between digital and traditional industries and improve the regulatory framework for developing Taiwan’s digital economy.

- Taiwan must continue its path toward digitalization, drawing on the resources, creativity, and respective strengths of government, industry, and society.

BOLSTERING SUPPLY CHAINS

- Taiwan’s supply chains are strong, but they are not invulnerable. If action is not taken to make them more resilient, they could easily be impacted by geopolitical tensions, global crises like the pandemic, and cyberattacks.

- Ensuring that Taiwan’s supply chains remain safe, secure, and reliable requires cross-border collaboration and public-private partnerships. The government should also do more to encourage the involvement of Taiwanese companies in useful events like the SelectUSA summit in Washington, D.C. that can better prepare them for operating in foreign markets. Taiwan’s inclusion in bilateral or plurilateral agreements would greatly benefit domestic tech industries and their global partners.

ENERGY CONCERNS

- Recent power supply disruptions caused by a sudden increase in remote work, drought-induced hydropower shortages, and high summer temperatures have once again raised questions about Taiwan’s long-term energy sufficiency.

- To sustain the flow of investment from multinational tech companies and the reshoring of manufacturing operations from China, Taiwan needs absolute certainty that energy supply will be adequate in the coming years as the government moves forward on its plans to transform the energy mix by 2025.

- The government must work harder to increase gas-fired, wind, and solar capacity in Taiwan. It can accomplish this by simplifying the permitting and approval process, promoting grid-scale energy storage, and liberalizing Taiwan’s energy market. It should also find ways to improve power transmission and distribution and grid stability in order to prevent
台灣在過去一年獲得許多来自國際社會的讚揚與關注。在 2020 年中，台灣成為全球少數仍持續成長的經濟體，展現良好的民主治理，其控制 COVID-19 疫情的成果更讓台灣得以慷慨捐贈醫療資源給需要的國家。

在此同時，台灣正面臨一系列嚴峻的挑戰，包括長期被拒於世界衛生大會 (WHA) 等國際組織外、有限的 COVID-19 疫苗供給量，都讓台灣可能無法持續這一來年的優異表現。此外，政府與晶片製造商肩負巨大壓力以舒緩全球晶片短缺，且同時面對來自對岸的軍事威脅。今 (2021) 年出現一波本土疫情擴散後，使既有挑戰更為嚴峻。

這些挑戰仍無法撼動台灣。2021 年經濟成長率預測增長近 5%，出口表現也穩定增加。美國商會一月發布的「2021 商業景氣調查」中顯現出會員公司對台灣未來經濟表現的高度信心。不過，台灣仍需努力適應不斷變動的全球經濟，並儘速渡過疫情造成之嚴峻挑戰。
加速數位轉型

■ 在政府及企業運作中仍有相當大比率的作業以人工與紙本進行，使得台灣無法與國際發展趨勢同步，面對 COVID-19 疫情衝擊，許多台灣企業並未準備好迎接遠距工作。台灣在數位轉型的準備不足令人擔憂，最終可能減損台灣在世界舞台上的競爭力。

■ 美國商會讚揚政府在面對 COVID-19 疫情期間強化數位商業發展的作為，特別是金融監督管理委員會（FSC）暫時開放線上投保與理賠。

■ 我們期待政府即將成立的數位發展部（MODD），若能妥善運作，新機關可以克服數位與傳統產業間的緊張關係，並改善台灣數位經濟的法規架構。

■ 台灣必須結合來自政府、產業與社會的創意與資源，持續推動數位化發展。

強化供應鏈

■ 台灣的產業供應鏈相當強勁，但並非固若金湯。倘若若未採取行動強化供應鏈的韌性，其將可能容易受到來自地緣政治、或大流行病、駭客攻擊等全球危機衝擊。

■ 台灣需要跨界合作與公私協力的夥伴關係，以確保安全、可靠的供應鏈。政府應採取激勵措施，鼓勵更多台灣企業參與包括於華盛頓特區舉辦的「選擇美國投資高峰會（SelectUSA Investment Summit）」等類型活動，從而幫助台灣企業在海外市場運作。對台灣而言，能夠加入雙邊或多邊協議，亦能對於國內科技業及其全球夥伴帶來相當助益。

能源議題

■ 近期遠距工作工作增加、缺水造成的水力發電供給不足與提前到來的炎熱天氣，造成短暫供電問題，再次凸顯台灣長期能源自給自足的議題。

■ 為維持跨國科技業來台以及台商回流投資，在 2025 年再生能源政策上，台灣需要百分之百確保未來能有充足的能源供給。

■ 台灣政府需加倍努力提升新的燃氣、太陽能與風能等再生能源發展。透過簡化申請與認證流程和推動新的能源政策，以促進電網規模能源儲存技術與電力市場自由化，將有助於達成目標。此外，政府應強化電力的彈性調度與分配系統，以避免產業中斷或駭客攻擊。

打造雙語化的台灣

■ 台灣政府推動的《2030 雙語國家化政策》相當具備企圖心，同時也是值得努力的方向。商會支持這項政策，並建議政府採取行動增加政策執行效率。

■ 首要任務為採用新的英語教學模式，重視理解與溝通能力，而非傳統上強調的單字與文法教學。更多的英語多媒體素材將有助於補足過去理解與溝通能力教學上的不足。

■ 科技將成為英語教學的重要面向，尤其 COVID-19 疫情促使全球學校採用線上教學。台灣應向美國等國家學習，參考如何在英語教育上應用科技與數位工具。

■ 台灣應促進與英語系國家學校、大學等教育機構的合作，包括提供雙聯學位學程或將海外學校線上演講納入台灣學位課程。

■ 商會透過鼓勵會員公司提升其職員的英語能力及提供更多英文服務，扮演推動台灣雙語化之重要角色。商會更鼓勵會員公司台灣員工參與商會公開活動，以提升英語溝通技巧。

拓展影響力

■ 台灣雖已持續吸引全球供應鏈移轉並得到更多國際能見度，目前仍缺乏與國際建立強而有力連結的機制：放眼世界的主權基金（SWF）。

■ 擁有全球 500 大公司（Fortune 500）股份的主權基金將幫助台灣建立與全球重要產業領袖之連結，進而影響產業的投資與策略佈局。

■ 主權基金有助於增加外匯存底收入，目前中央銀行運用外匯存底的保守方式已無法滿足台灣當前面对嚴峻的風險，例如人口老化與突如其來的全球事件。

■ 放眼世界的主權基金將有助於解決上述問題並提升台灣全球能見度，一種兩得。

特別致謝

■ 感謝台灣政府用真誠與接納的態度與商會緊密合作，「完全解決」了 13 項 2020 年白皮書議題，其中，更有 23 項議題被歸類為「有具體進展。」

■ 解決議題項目來自以下委員會：資產管理委員會、銀行委員會、資本市場委員會、化粧品委員會、化學品製造商委員會、能源委員會、智慧財產權與授權委員會、基礎建設與工程設計委員會、私募基金委員會與科技委員會。

■ 在台灣嚴謹的法規環境下，商會珍視台灣政府與商會委員會的建設性合作，以及為解決委員會建言所付出的努力。
Since publication of AmCham’s 2020 Taiwan White Paper last June, Taiwan rightly has continued to receive international praise and attention for a host of good reasons: maintaining one of the world’s very few expanding economies, presenting a model of vibrant democratic governance, and handling the COVID-19 pandemic in an exemplary fashion while generously assisting countries around the world with much-needed medical equipment.

At the same time, Taiwan remains excluded from participation in virtually all international organizations. Despite the vocal support of scores of countries, Taiwan was prevented from attending the World Health Assembly as an observer this May, the fifth consecutive year it has been turned away. Taiwan has also struggled to secure an adequate supply of vaccines to inoculate its population against the novel coronavirus. Taiwan’s needs in this area are becoming ever more urgent as it fights to contain a mid-May outbreak of locally transmitted COVID-19 infections on a densely populated island.

In the wake of a global shortfall in the supply of microchips for cars and electronics products, Taiwan has also come under the spotlight for its prominent role in the global semiconductor supply chain. In response, its chipmakers have been compelled to stretch the capacity of their foundries. Meanwhile, a severe drought has threatened to disrupt the operations of the semiconductor and electronics manufacturers that constitute the backbone of Taiwan’s economy.

If all that were not enough cause for concern, China has continued to intensify its belligerent military posture toward Taiwan, sending record numbers of fighter aircraft into the air defense identification zones around Taiwan proper and its territorial holdings in the South China Sea. This and other “gray-zone” tactics employed by China are considered by many military experts to be an attempt to exhaust Taiwan’s defense forces and psychologically wear down its population.

In the face of these challenges, however, Taiwan remains determined and strong. The International Monetary Fund has forecast that Taiwan’s economy would experience growth in the next 12 months, while another 78% were somewhat or very confident that it would continue to grow over the next three years. Taiwan’s strengths in high-value-added contract manufacturing, particularly in the ICT industry, make it an ideal supply chain partner for tech companies from the U.S. and elsewhere seeking to diversify their production processes away from China. Its exports of everything from electronics to machinery and automobile components continue to climb, while innovative Taiwanese firms that specialize in everything from 5G to smart vehicles look to break into the world ranks of systems providers and branded producers.

Nevertheless, a changing world economy and the pandemic’s ongoing strains on production and logistics are a clear reminder that Taiwan must continue to improve the efficiency, agility, and adaptability of its industries and regulatory regime in order to stay competitive.

**ACCELERATING DIGITAL TRANSFORMATION**

Despite its status as a hub for some of the world’s most advanced technology products and manufacturing processes, too large a portion of the operations of industry and government in Taiwan is still conducted manually or on paper. A noteworthy example is the financial services sector, where hard copies of documents for Know Your Customer (KYC) processes and physical signatures for verification or the execution of contracts are still required in many cases. Such practices are out of sync with international trends. They also present a significant obstacle to one of the Tsai administration’s more recent goals: transforming Taiwan into a regional financial center.

Also deserving attention is the digital preparedness of Taiwan’s industries. When the initial and current outbreaks of COVID-19 occurred in Taiwan, many businesses were caught off guard. They had put little digital infrastructure in place to help ensure the smooth continuity of operations or to quickly institute successful remote or hybrid work arrangements. For those businesses still struggling with this transition, AmCham would be eager to facilitate consultations with our member companies, many of which have developed remote work and contingency plans that could be useful in the case of strict lockdowns or other emergency scenarios.
While the sluggish pace of digitalization in Taiwan has been concerning, AmCham recognizes the Taiwan government’s efforts to correct shortcomings and drive progress in this regard. We particularly applaud the quick response of the Financial Supervisory Commission (FSC) to the current outbreak, introducing temporary measures to allow the sale of life insurance products and the filing of claims through mobile video calls, fax messages, or email. This move aligns with the suggestion made by the Insurance Committee in last year’s White Paper to “increase online insurance health-product types and relax online claims requirements.” The Chamber commends the FSC for its flexibility on this matter and encourages it to take further steps toward developing a better digital environment for Taiwan’s financial system.

The government’s intention to form a Ministry of Digital Development (MODD) to coordinate and expedite the development of Taiwan’s digital economy is a further step in the right direction. If given a clear mandate and staffed with digitally savvy and forward-thinking public servants, the MODD could contribute greatly to jumpstarting the island’s digital transformation. The main challenge will be determining how to resolve tensions that have arisen between digital industries and the more traditional practices of many government agencies and businesses, as well as untangling the web of regulations that hamper digital development.

Beyond the MODD, Taiwan’s government, industry, and society will need to come together to discover more and better ways to foster digitalization. Taiwan’s leaders must be prepared to devote as much effort and resources as possible to begin digitalizing more areas of business and public life. Doing so is imperative if Taiwan wishes to remain attractive as an investment destination.

BOLSTERING SUPPLY CHAINS

Taiwan benefits from having one of the most advanced and comprehensive semiconductor and ICT ecosystems in the world, an asset that makes Taiwan an ideal partner for companies that are now looking to cut back their supply chain dependency on China. Yet while Taiwan’s tech suppliers are strong, they are not invincible – as rising regional geopolitical pressures, the COVID-19 pandemic, and an increase in the volume and sophistication of cyberattacks have clearly demonstrated.

Making supply chains more resilient will take more than just the work of individual companies and governments. It will require cross-border collaboration and public-private partnerships, as well as creative thinking on how to develop supply chains across like-minded economies based on shared values, free from political coercion. Taiwan’s participation in international forums like the U.S.-Pacific Economic Prosperity Partnership Dialogue (EPPD) and the Global Cooperation and Trade Framework (GCTF) is a great way for it to develop cooperative approaches to strengthening global supply chains. Fielding the world’s largest delegation to the virtual SelectUSA Investment Summit in Washington for the third consecutive year is a strong statement from Taiwan’s corporate sector. The government can do more to support second- and third-tier suppliers, some of whom are making their first forays abroad. Making progress toward entering into bilateral or multilateral trade agreements will also prove essential in preventing Taiwan from being left on the sidelines.

ENERGY CONCERNS

The rise in local COVID-19 infections this May led many companies to allow their employees to begin working from home. This shift to remote work, combined with a drought-induced shortage of pumped-storage hydropower and earlier than usual high temperatures, has recently caused peaks in power demand and a couple of temporary disruptions to supply. These incidents have once again raised serious questions regarding Taiwan’s energy sufficiency as the government works to transform the energy mix by 2025.

Increased foreign investment in large data and R&D centers in Taiwan, as well as the continued reshoring of Taiwanese manufacturing operations from China, have certainly been positive developments for Taiwan’s economy. But the tempo of this investment will not be sustainable if power supply disruptions become a common occurrence.

To ensure the continued supply of stable, reliable, affordable, and ever cleaner energy, the government should now redouble its efforts to accelerate the development of new gas-fired, solar, and wind generating capacity. It can accomplish this by simplifying the application and approval process, developing new policies to promote grid-scale energy storage, and liberalizing the Taiwanese energy market. More flexibility in the power transmission and distribution system and better grid stability are also overdue as the recent power outages have highlighted. If these issues are not properly addressed, the consequences for both industrial capacity and cybersecurity could be severe.

MAKING TAIWAN BILINGUAL

AmCham strongly supports the government’s initiative to make Taiwan bilingual by 2030. While this timeline is ambitious, the Chamber believes that significant progress can be made toward bilingualism if the correct steps are taken.
Above all, Taiwan needs to look at the way English will be used in the future. Already, software on personal computers and phones automatically corrects spelling and grammar. Soon typing may become completely obsolete. The focus of today’s English education therefore needs to be on comprehension and oral communication – not on spelling and grammar as has long been the model in Taiwan. To help develop these skills, Taiwan should be more open to English-language multimedia content and encourage its use in teaching and learning.

Technology will play an increasingly important role in how English is taught. The pandemic has already accelerated the use of online learning at all levels, and the U.S. and other countries have gained valuable experience in how to make online learning more effective. Taiwan will never be able to hire enough English teachers to accommodate all its children. Instead, it should incorporate the best examples of online training into its education program.

In addition, Taiwan should form partnerships with foreign educational institutions at all levels to increase the availability of English-language curriculums. It should support educational projects including joint degree programs with the U.S. and other English-speaking jurisdictions. It should also offer online courses from foreign partnering universities as part of its own degree programs. Only by leveraging the capabilities of foreign educational institutions can Taiwan get enough English-language exposure to enhance the learning experience for its students. For its part, AmCham has begun encouraging its members to find ways to improve both the language capability of their staff and the English-language services they provide to the public in Taiwan. Indeed, participating in AmCham events is an ideal way for Taiwanese to develop English communication skills.

EXPANDING INFLUENCE

As Taiwan continues to build on the opportunities brought about by the shift in global supply chains and develop its international profile, it still lacks one of the most powerful tools that could help it build international connectivity: an internationally focused sovereign wealth fund (SWF).

An SWF would be an effective mechanism for extending Taiwan’s international relevance by giving it direct access to members of the global business elite. Through ownership in Fortune 500 companies, Taiwan would have the ear of international industry leaders, bringing up Taiwan’s value for their consideration when they make investment and corporate policy decisions.

Such a fund would also address one of Taiwan’s big challenges going forward by boosting the returns on its foreign reserves. At over US$500 billion, Taiwan’s reserves are among the largest in the world. But they are currently managed in a way that cannot meet Taiwan’s most pressing needs, including its looming pension shortages, the burden of a rapidly aging population, and unforeseen events like another pandemic. The Central Bank has an excessively conservative investment approach. Furthermore, Taiwan runs the risk of being labeled a currency manipulator. SWFs are commonly used to address exactly these types of challenges and for Taiwan, the added benefit of global participation would increase its prosperity and stability.

SPECIAL COMMENDATION

Since 2017, the Taiwan government has made substantial progress in addressing and working through the tough regulatory and industry issues raised annually in AmCham’s Taiwan White Paper. These efforts, initially led by former National Development Council (NDC) Minister Chen Mei-ling and now by her successor, Kung Ming-hsin, have resulted in successively higher numbers of issues being awarded a score of “1” – or solved – by AmCham’s industry committees. This year, the Chamber is pleased to report that another record has been broken. Of the 92 issues presented in the 2020 White Paper, 13 were deemed completely resolved, surpassing the previous record – the 11 issues resolved in both 2017 and 2019. Meanwhile an impressive 23 issues were rated as making satisfactory progress.

Of the newly resolved issues, two were from the Asset Management Committee, two from Banking, and one from Capital Markets, demonstrating a strong willingness by Taiwan’s FSC to work constructively with our members in the financial services sector. In addition, suggestions provided by the Technology, Intellectual Property & Licensing, and Private Equity Committees were adopted by the NDC and the Judicial Yuan. Other resolved issues included those broached by the Energy, Infrastructure & Engineering, Cosmetics, and Chemical Manufacturers Committees.

AmCham appreciates the positive and cordial working relationship it has maintained with the Taiwan government over the years, as well as the government’s receptive attitude toward core items on our advocacy agenda. We look forward to working together to make more breakthroughs on White Paper issues in the years to come.
2021台灣白皮書：總論

迎向既有及全新的挑戰

自去年（2020）年六月商會發布《2020 台灣白皮書》以來，台灣為世界上少數仍持續成長的經濟體，其良好的民主治理模式、加上控制 COVID-19 疫情的成果讓台灣得以慷慨捐贈醫療資源給需要的國家，這些表現都讓台灣獲得許多國際社會的讚揚與關注。

在此同時，台灣仍被拒之於大多數的國際組織門外。即便獲得許多友好和理念相近的國家與友邦支持，台灣已連續五年無法以觀察員身份參與五月的世界衛生大會（WHA）。目前台灣正在努力取得足夠的 COVID-19 疫苗提供民眾接種，對於疫苗的需求，在人口密集的台灣今年五月出現本土社區感染後更顯急迫。

全球電子及車用晶片短缺突顯出台灣在全球半導體供應鏈中的關鍵角色。對此，台灣晶片製造商須提升遠超越平時的產能，以彌補全球晶片短缺。然而，最近嚴重的缺水問題，已威脅到構成台灣經濟骨幹的半導體及電子製造業之運作中斷。

除了上述提到的挑戰，台灣還須面對來自對岸持續擴大的軍事威脅，其透過灰色地帶戰術（gray-zone tactics），派遣破紀錄數量的軍機進入台灣防空識別區和南海周邊，企圖消耗台灣國防能量，並增加台灣民眾心理疲乏感。

即使面對諸多挑戰，台灣仍堅忍不拔。國際貨幣基金（IMF）預測台灣今（2021）年經濟成長率為 4.71%。商會去年 11 月至 12 月進行意見調查，並於今年一月公布的「2021 商業景氣調查」報告顯示，超過 85% 的會員對台灣未來十二個月經濟發展有信心，78% 的會員則對台灣未來三年經濟發展持相同信心。台灣產業的強項在於高附加價值製造業，特別是資訊與通訊科技產業，對來自美國等各國科技業而言，若想要以台灣為基地，台灣是相當理想的合作夥伴。台灣有很多創新產業，從5G到智慧車輛，都有機會打入世界體系與國際大廠合作，可以預期，台灣在電子、機械與自動車組件的出口將持續增加。

儘管如此，多變的全球經濟與疫情對於製造與物流業帶來的影響再再提醒我們，台灣必須持續提升產業的效率、彈性與適應力，以維持產業競爭力。

加速數位轉型

儘管台灣擁有世界上最先進的科技產品與製程，在政府及企業運作中仍有相當大比率的作業以人工與紙本進行。尤其在金融服務業中，在瞭解客戶（KYC）的身份認證與簽約的程序上，還是需要運用實體文件與簽名。這些作法與國際運作方式並不同步，更增加蔡英文政府推動台灣轉型為「區域金融中心」目標的難度。

此外，台灣產業的數位化準備程度，也值得關注。當台灣面對 COVID-19 疫情衝擊時，許多公司、企業並未做好完全準備。他們沒有相應的數位基礎設施，導致無法無法轉換至遠距或複合型的工作模式。商會願意對正面臨數位轉型階段的公司提供協助，參考會員公司的遠距工作以及應變計劃，也建議企業在面對封城或其他緊急狀況時，可以迅速派上用場。

即便對台灣緩步的數位化進程有相當程度擔憂，商會可以接受台灣政府想要解決問題的努力。我們特別讚賞金管會（FSC）迅速提出《壽險業因應新冠肺炎疫情服務操作流程暫行原則》，允許疫情期間業者可以透過視訊、傳真或電子郵件回傳資料。此舉呼應商會去年保險委員會的白皮書建議「增加可為網路投保之醫療型保單類別並開放線上理賠」。商會讚揚金管會在此議題所展現的彈性，並鼓勵主管機關未來能持續打造更完善的數位金融環境。

對於政府為協調與促進台灣數位經濟發展而規劃中的數位發展部（MODD），商會認為此政策將帶來正面影響。如果數位發展部有明確的方向，並結合具備數位知識與前瞻性思考的公務員，將可更有助於台灣的數位轉型。對數位發展部來說，最大的挑戰將來自於如何解決與調和數位產業與採用傳統運作方式的政府和公司間的緊張關係，並鬆綁阻礙數位發展的法規。

除了數位發展部外，台灣政府、產業與社會應共同努力，找出推動數位化更好的方式。數位發展是吸引外資投資台灣的重要條件，公、私部門領導者需要超前部署並投入更多資源。倘若台灣希望持續成為具吸引力投資目的地，上述措施將至關重要。

強化供應鏈

台灣擁有世界上最精良且最具競爭力的半導體與資通訊產業生態圈，這項資產讓台灣成為有意縮減依賴中國供應鏈廠商的理想合作夥伴。雖然台灣的科技業供應商相當強健，但並非所向無敵，仍須面對地緣政治壓力、COVID-19 疫情與數量和技術水準皆提高的網路攻擊。

台灣需要更具韌性的供應鏈，但這不只是單一公司與政府的工作，而需要跨業、公私協力與創意思維，以及基於共同的價值觀和不受政治脅迫的自由，在理念相近的經濟體間發展供應鏈。而透過參與「美台經濟繁榮夥伴對話」（EPPD）與「全球合作暨訓練架構」（GCTF）等合作機制，是台灣強化供應鏈合作機制的絕佳做法。透過
續第三年派出最大代表團參與在華盛頓特區舉辦的線上選
擇美國投資高峰會（SelectUSA Investment Summit），
展現台灣企業與美國強烈的合作意願。政府應提供更多資
源予第一次參與跨足海外的第二、三級供應商。此外，締
結雙邊與多邊貿易協定也非常關鍵，以避免台灣被排除於
國際貿易體系外。

能源議題

今年五月開始出現 COVID-19 本土疫情，讓眾多公司
啟動居家上班機制。遠距上班、因缺水導致的水力發電
供給不足與提前到來的炎熱天氣，這三項因素導致用電需
求達高峰與短暫的供電問題，並再次凸顯，政府能否達成
2025 年再生能源政策中有關能源自給自足目標的問題。

政府需加倍努力提升新的燃氣、太陽能與風能等再生能
源發展。透過簡化申請與認證流程和推動新的能源政策，
以促進電網規模能源儲存技術與電力市場自由化，確保擁
有穩定、可靠、可負擔且為乾淨的能源。近期的供電短
缺事件亦突顯出台灣需要更具彈性的能源調度、分配系統
與更好的電網設備。倘若無法妥善解決上述問題，將對台
灣的整體產業與資訊安全造成嚴重的衝擊。

打造雙語化的台灣

商會大力支持台灣推動的《2030 雙語國家化政策》。此
計畫相當具有企圖心，且商會相信，在完善的規劃下，
雙語政策將獲得顯著進展。

最重要的是，台灣需要思考英語在未來將如何被應用。
目前電腦與手機上的軟體，可以自動翻譯並校對英文文
法，打字功能在未來將可能被淘汰。從此角度思考，當今
的英語教育重點應放在理解與口語溝通，而非台灣長期強
調的單字與文法。為幫助鼓勵這些技能，政府對英語多媒
體素材應抱持更開放的態度並鼓勵其成為教材。

科技在英語教學中扮演的角色將日益重要，COVID-19
疫情的影響更加速各層級線上教學應用，美國及其他國家
已累積許多提升線上教學效率的經驗。在無法聘僱足夠的
英語老師滿足孩童學習需求的情況下，應整合目前優良的
線上教學實例至其英語教育計畫。

此外，台灣應該與國外各層級的教育機構合作，以增加
英語教學的課程，政府應建立更多與美國及英國系國家的
雙聯學位學程，並提供海外教學機構的線上學位課程。惟
與海外教學機構合作，台灣才能建立完善的全英語學習環
境，以加強學生學習體驗的方式。同時，商會已開始鼓勵
會員公司提升其職員的英語能力，強化英語服務，並透過
參與商會活動，促進會員公司台灣員工的英語溝通能力。

拓展影響力

台灣雖已持續吸引全球供應鏈移轉並得到更多國際能見
度，仍缺乏建立國際連結強而有力的機制：放眼世界的主
權基金（SWF）。

主權基金為提升台灣全球連結與關注度的有效機制，更
是能連結台灣與全球產業精英直接連結的關鍵工具。透過
持有全球 500 大公司（Fortune 500）的股份，台灣將獲
得全球重要商務領袖的關注，並且當他們思考投資與企業
政策佈局時，台灣的價值與重要性將成為他們的考量。

主權基金有助於提升外匯存底收入。台灣擁有 5000 億
美元的外匯存底，在世界上名列前茅。然而，目前外匯存
底的運用方式並無法滿足當前迫切在層次的需求，例如人口
老化造成的退休金問題與疫情升溫等不確定因素。中央預
計的投資方式過度保守；台灣被警告為可能遭列為匯率操縱
國。面對以上挑戰，主權基金將有助於解決上述問題，更
能提升全球參與度，讓台灣更加繁榮與穩定。

特別致謝

2017 年起，在嚴謹的法規環境下，每年台灣政府依然
實質解決許多白皮書提出的產業建議。在陳美伶前主委、
蘇明鑫主委的帶領下，國家發展委員會（NDC）在「完全
解決」議題數量上，多次打破紀錄。今年，商會很榮幸地
宣布，《2020 台灣白皮書》的 92 項議題中，有 13 項歸
類為「完全解決」，打破2017年、2019 年的 11 項紀錄，
為歷來首次。其中，更有 23 項議題歸類為「有具體進
展。」

從今年「完全解決」議題項目中發現，金融管理委員會
（FSC）相當重視商會會員意見，在金融服務領域「完全
解決」項目包含：資產管理委員會和銀行委員會各兩項建
議，與資本市場委員會一項建言。此外，科技委員會、智
慧財產權與授權委員會和私募基金委員會的建議，也被國
家發展委員會與司法院採納。其他「完全解決」的議題包
含：能源委員會、基礎建設與工程設計委員會、化學品製
造商委員會與化學品製造商委員會。

美國商會肯定政府多年來對我們提出的議題抱持接納態
度，並感謝過去與台灣政府正面且真誠的互動模式。我們
希冀未來能持續與政府攜手合作，在白皮書議題上取得更
多突破。
Taiwan has proven itself to be a trustworthy partner of the U.S. It has been a dependable supplier of cutting-edge technologies for American companies, provided public health assistance during the recent pandemic, strived to remove trade irritants, and cultivated an inspiring model of vibrant democracy. As the U.S. has come to recognize Taiwan’s contribution to safeguarding global supply chains and maintaining peace and security in the Indo-Pacific, the two sides have drawn even closer over the past several years.

At a time when the international trading order is in flux and American leadership is under serious challenge, the U.S. needs reliable friends around the world as never before. The huge US$12 billion chip-making project in Arizona being carried out by the Taiwan Semiconductor Manufacturing Co. is a concrete sign of what such mutual cooperation can bring.

Now is the time for Washington to move decisively to achieve closer economic integration and free trade with Taiwan. AmCham Taiwan calls on leaders in Washington to begin now to champion a Taiwan Commercial Initiative (TCI) – a coordinated approach comprising six parallel tracks, with the goal of concluding a Bilateral Trade Agreement (BTA).

Collaboration with Taiwan has advanced under the Economic Prosperity Partnership Dialogue (EPPD) and the Global Cooperation and Training Framework (GCTF), while loosened ground rules governing interaction between U.S. government officials and their Taiwan counterparts will facilitate such cooperation. Strong gestures of support for Taiwan during the Trump Administration have been further built upon under the Biden presidency.

Leading members of both houses of Congress from both political parties have been speaking out in favor of progress toward a BTA between Taiwan and the U.S., as well as a place for Taiwan in the World Health Assembly and other key international organizations. Legislation to date has included the Taiwan Travel Act and the Taiwan Allies International Protection and Enhancement (TAIPEI) Act, while the Taiwan International Solidarity Act and the Taiwan Fellowship Act are currently under consideration.

An American business coalition of which AmCham is a founding member has called for early action toward a BTA. For the benefit of American businesses and workers, we urge the Biden administration to bring together the various nascent initiatives and proposals into a coordinated TCI drive for strengthened cooperation with Taiwan along the lines set out below.

Track 1: TIFA – Give an Immediate Signal of Intent to Restart Soon.

There have recently been promising indications that the bilateral Trade & Investment Framework Agreement, or “TIFA talks,” which provide a practical and symbolic foundation for commercial ties, may soon be restarted after a five-year hiatus. The negotiations are conducted by teams led by the Office of the U.S. Trade Representative (USTR) and Taiwan’s Ministry of Economic Affairs (MOEA), and typically cover areas such as IPR protection, pharmaceuticals, medical devices, and agriculture, which are critical U.S. interests.

These talks not only serve to remove impediments to two-way trade and investment, but also help set strategic direction for further cooperation. Their absence has held back progress on other economic initiatives. Among the principal trade irritants in recent years has been Taiwan’s restrictions on the import of U.S. pork products containing traces of a certain feed additive. The issue has been controversial in Taiwan because opponents of relaxing the regulation have portrayed the matter as one of food safety. When the Tsai Administration took the politically courageous step last year of accepting international standards for the additive, it stressed the importance of resolving the issue in order to put the trade relationship with the U.S. back on track.

Yet the topic remains a political hot potato in Taiwan, with a public referendum on the question scheduled to be held August 28. A negative result in that poll would likely represent a major setback in the bilateral trade relationship. As a signal that it recognizes Taiwan’s efforts to ease trade irritants like the pork restrictions, we urge USTR to announce plans by mid-August to resume the TIFA talks, even if for a to-be-determined date and with a virtual format.


The initial round of the EPPD last November showed
that it is an effective way to supplement traditional trade and investment talks with science, technology, and economic security concerns, opening new avenues for the U.S. to collaborate with its technologically advanced, strategically placed partner, Taiwan. Expanding the dialogue to one through which businesses and civil society can make common cause with governments to tackle 21st century challenges would make the process even more relevant. In fact, leveraging the EPPD to encompass public-private approaches would empower all the TCI tracks and better tap Taiwan’s capacities. Excluded from most international forums, Taiwan is particularly reliant on public-private participation.

We understand that the American Institute in Taiwan (AIT) is planning a 2021 round of the EPPD. AmCham hopes that the scope will be expanded to include the private sector and that the agenda will include topics such as strengthening supply chain structures and building cutting-edge technologies from 5G to medical supplies—all areas in which AmCham members can make a significant contribution. The Chamber looks forward to making available the expertise of some of our more than 520 member firms, whether in a business advisory function, engaging in parallel B2B activities, or by fostering ventures to commercialize the fruits of EPPD agreements.

**Track 3: U.S.-Taiwan Trade & Investment Platform – Convoked by USDOC and MOEA.**

*Transaction-oriented platforms organized by governments but driven by the private sector can help translate market-access or strategic cooperative agreements into job-and-wealth-creating business.* Such an approach for the U.S. and Taiwan has been suggested by thoughtful Washington trade insiders such as Evan Feigenbaum and Barbara Weisel. It holds promise as a promotional complement to the access- and policy-heavy first and second tracks. Taiwan has consistently been among the world’s largest participants in the SelectUSA Investment Summit and recent announcements by TSMC and Hon Hai (Foxconn) suggest a wave of U.S.-bound direct investment that this track should aim to facilitate with sustained interaction.

As part of such a platform, the U.S. Department of Commerce (USDOC) and Taiwan’s MOEA could invite companies and associations to explore business development issues in areas of mutual promise. These are likely to include semiconductor and e-mobility investment in the U.S., defense industry collaboration, joint development of pandemic mitigation/response solutions, and expanded cooperation to promote third-country infrastructure investment, including green energy projects.

The Infrastructure Finance Framework set up at AIT in late 2020 may offer technical support for the latter work-streams, which also dovetail with Taiwan’s New Southbound Policy. Taiwan should also be engaged within the State Department’s Blue Dot Network to support the global development of quality infrastructure. Other U.S. Trade Promotion Coordinating Council (TPCC) agencies—notably the Small Business Administration and the Development Finance Corporation—might lend technical assistance and help identify business opportunities.

**Track 4: DTA – With a Legal Template for Economic Agreements with Taiwan.**

The U.S. has several tax treaties in the Indo-Pacific but lacks one with top-10 trading partner Taiwan. Double Taxation Agreements (DTAs) prevent redundant taxation of the income of American individuals and businesses working in signatory countries, and vice versa. They help to minimize tax evasion, make it easier for talent to circulate between co-signers, and improve bilateral relations and investment. By enhancing efficiency, they lead to more job creation, which stands to offset revenue lost to the Treasury.

Tracks 1-3 address a swath of sectoral opportunities without requiring Congressional action. Narrow functional agreements such as a DTA may be equally important and are often less complex to negotiate than broad trade agreements. However, they may also require approval by one or more houses of Congress, as would a BTA. In the absence of a formal government-to-government relationship with Taiwan, the State Department’s legal office and other agencies need to engage Congressional leadership to design the legal structure for economic agreements with Taiwan.

As the legal issues are resolved, AmCham looks forward to sharpening the business case for a DTA—and in so doing to help pave the way for a BTA.

**Track 5: Plurilateral Economic Talks – Bring Taiwan into Existing and New Conversations**

To reinforce the four bilateral tracks, Washington should continue to bring Taiwan into discussions with Japan and other similarly minded governments involving digital trade, export controls, cybersecurity, and other issues where Taiwan stands to contribute more as it breaks through its enforced international isolation. As the expansion of the GCTF platform and increased support for Taiwan’s participation in international bodies have shown, Asian and European partners are keen to work with Taiwan given its strong rule of law, transparent governance, and protection of intellectual property rights. Additionally, Washington could play an invaluable role in convening a timely discussion primarily among the private sector actors driving semiconductor technology and supply chain matters. Such interaction may include Japanese, Korean, and Dutch firms, as well as Taiwanese and U.S. companies.
Track 6: BTA – TCI Homestretch Requiring Patience… and Opportunity to “Fast Track.”

The preceding tracks, while important and timely, do not preclude the need for a BTA, as the Chamber and its BTA Coalition partners, including the U.S.-Taiwan Business Council, have advocated. Indeed, a BTA with Taiwan is an American priority interest that should be taken up as soon as feasible as the keystone of the TCI. The U.S. national economic interest case for a BTA – already a strong one when first broached two decades ago – is now compelling, whether considered in macroeconomic, strategic sector/technology terms or from a political, defense-security, and geopolitical viewpoint.

The Biden Administration’s re-emphasis on U.S. alliance architecture and soft power utilization further underscores the value of a BTA with Taiwan. The idea is highly popular on Capitol Hill, standing alone for the high degree of bipartisan support it enjoys in both the House and Senate in an era of general skepticism about trade. Just six months ago, 161 members of Congress wrote to the previous USTR urging him to open negotiations with Taiwan. The letter argued that “As the trade and investment relationship with Taiwan already supports an estimated 373,000 U.S. jobs, working toward a BTA would further enhance…the global competitiveness of U.S. industries while spurring American job creation.” The authors noted that “Taiwan already affords its workers a high standard of labor protection, consistent with ILO conventions, and is a leader in environmental protection in the region.”

A patient, multi-track approach to laying the groundwork for the BTA is needed. AmCham looks forward to expanding the Coalition and making a strong case in the coming year for how a BTA would benefit American business and employment. In parallel, the Biden administration should create an interagency task force to conduct a “gap analysis” aimed at identifying areas where Taiwan’s domestic laws and regulations are inconsistent with recent high-standard trade agreements. At the same time, the BTA is so important and timely that legislative action to expedite it should be considered as well. Language instructing the administration to embark on BTA negotiations with Taiwan may represent the swiftest such approach and we urge members of Congress to consider providing this impetus and direction in the U.S. Ensuring American Global Leadership and Engagement Act (EAGLE) Act of 2021 or other relevant vehicles.

Conclusion

While ambitious in scope, the TCI we have proposed above is feasible given the broad support for its objectives on the U.S. and Taiwan sides and among the private and public sectors. While the tracks reinforce one another, they are neither interdependent nor rigidly sequenced. Indeed, given the potential of a U.S.-initiated BTA to set in motion further economic liberalization both within Taiwan and beyond, its conclusion might constitute more of a starting block than a finish line. AmCham enjoins readers in Washington to help us get started on this proposal today. As one of the most impactful, influential, and diverse business organizations in Taiwan, the Chamber is eager to join a collective effort to push forward this initiative and share its vision with stakeholders in America, Taiwan, and globally.

Addendum

While the six TCI tracks listed above constitute the core items on AmCham’s advocacy agenda for 2021-2022, we provide two additional recommendations that we view as equally important to enhancing the U.S.-Taiwan relationship and ensuring that Taiwan is able to maintain its status as one of the U.S.’ most critical economic partners.

Pass, fund, and expedite initiation of the Taiwan Fellowship Act. AmCham welcomes the reintroduction in this Congress of the Taiwan Fellowship Act. The bipartisan proposal would provide a great opportunity for a rising generation of U.S. government Asia specialists to experience Taiwan’s political and economic strengths and make meaningful, long-lasting connections with their Taiwan counterparts while building core career expertise, including Chinese language skills. It would also encourage knowledge sharing and help to address inefficiencies in both partners’ governing systems. We call on Congress and the Biden administration to make a clear commitment to this program by swiftly enacting and implementing the Taiwan Fellowship Act and preparing to announce and launch the program this year. Doing so would set the stage for the first cohort of fellows to be welcomed to Taiwan in 2022.

Ensure Taiwan’s access to a sufficient supply of vaccines. As AmCham Chairperson CW Chin noted recently in a letter to the COVID-19 coordinators at the U.S. Department of State and the White House, the current outbreak of COVID-19 in Taiwan has threatened to cause serious disruptions to some of its most vital manufacturing operations, including those of its semiconductor producers. Of particular concern is the fact that Taiwan is among the world’s most densely populated locations, increasing the potential for the situation to badly deteriorate. Were the virus to spread out of control, it would likely have a negative impact on U.S. industry and interests. For a number of reasons, Taiwan has had limited success in securing a sufficient and timely supply of vaccines. We urge our friends in Washington to push for Taiwan’s inclusion at the appropriate level in all efforts to direct the U.S.’ surplus supply of vaccines to areas of critical need overseas.
**BY THE NUMBERS**

**GRAPH 1: ECONOMIC GROWTH RATE**

Unit: %

Source: DGBAS

Note: p=preliminary

**GRAPH 2: GROSS DOMESTIC INVESTMENT**

Unit: NTS billion

Source: National Statistics, R.O.C.

Note: p=preliminary

**GRAPH 3: FOREIGN DIRECT INVESTMENT**

Unit: US$ billion

Source: MOEA

**GRAPH 4: TOTAL FOREIGN TRADE**

Unit: US$ billion

Source: MOEA

**GRAPH 5: KEY ECONOMIC INDICATORS**

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross Domestic Product</th>
<th>Per Capita GDP</th>
<th>Unemployment</th>
<th>Inflation (CPI)</th>
<th>Foreign Exchange Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>US$496 bn</td>
<td>US$21,295</td>
<td>4.24%</td>
<td>1.93%</td>
<td>US$403 bn</td>
</tr>
<tr>
<td>2013</td>
<td>US$512 bn</td>
<td>US$21,973</td>
<td>4.18%</td>
<td>0.79%</td>
<td>US$417 bn</td>
</tr>
<tr>
<td>2014</td>
<td>US$531 bn</td>
<td>US$22,874</td>
<td>3.96%</td>
<td>1.20%</td>
<td>US$419 bn</td>
</tr>
<tr>
<td>2015</td>
<td>US$526 bn</td>
<td>US$22,780</td>
<td>3.78%</td>
<td>-0.31%</td>
<td>US$426 bn</td>
</tr>
<tr>
<td>2016</td>
<td>US$531 bn</td>
<td>US$23,091</td>
<td>3.78%</td>
<td>1.39%</td>
<td>US$434 bn</td>
</tr>
<tr>
<td>2017</td>
<td>US$575 bn</td>
<td>US$25,080</td>
<td>3.71%</td>
<td>0.62%</td>
<td>US$457 bn</td>
</tr>
<tr>
<td>2018</td>
<td>US$590 bn</td>
<td>US$25,838</td>
<td>3.71%</td>
<td>1.35%</td>
<td>US$462 bn</td>
</tr>
<tr>
<td>2019</td>
<td>US$612 bn</td>
<td>US$25,941</td>
<td>3.73%</td>
<td>0.56%</td>
<td>US$478 bn</td>
</tr>
<tr>
<td>2020</td>
<td>US$669 bn</td>
<td>US$28,383</td>
<td>3.85%</td>
<td>-0.10%</td>
<td>US$529 bn</td>
</tr>
</tbody>
</table>

Sources: DGBAS, CBC
Contact AmCham to order additional copies of the Taiwan White Paper. The price, including postage and handling, is NT$300 per copy in Taiwan, US$15 to the Americas and Europe, and US$13 within Asia.
The chart below is a status review of all priority issues in the 2020 Taiwan White Paper. The progress of each issue is rated according to the following standards:

1—Solved: Conclusive action has been taken on the issue, with a fair and transparent record of implementation. It is no longer considered a problem.
2—In Good Progress: The issue is currently receiving satisfactory follow-up action from the government.
3—Under Observation: The government has given the issue some initial attention, but it is too early to assess the prospects for resolution.
4—Stalled: No substantial discernible progress has occurred.
5—Dropped: Although not resolved, the issue is no longer a committee priority.

Out of 92 issues raised in the 2020 White Paper, 13 are rated Solved, 23 In Progress, 23 Under Observation, 29 Stalled, and 4 Dropped.

### REVIEW OF 2020 WHITE PAPER ISSUES

<table>
<thead>
<tr>
<th>Committee</th>
<th>2020 White Paper Issues</th>
<th>Rating 2021 WP</th>
<th>Notes on 2021 Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agro-Chemical</strong></td>
<td>1: Update the methodology for calculating the ADI risk cup and divulge the schedule for setting pesticide MRLs.</td>
<td>4 *</td>
<td>Changed to “Update the methodology for calculating the ADI risk cup.”</td>
</tr>
<tr>
<td></td>
<td>2: Rely on international best practice to establish product specification validations.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3: Amend the “Replacement Rules Concerning Pesticides Indication” for the Agro-pesticides Management Act.</td>
<td>3 *</td>
<td></td>
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<tr>
<td></td>
<td>4: Permit the residue-tolerance data for imports for evaluating new uses for domestic pesticides.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5: Implement the new active ingredient test data protection period of 10 years as soon as possible.</td>
<td>4 *</td>
<td></td>
</tr>
<tr>
<td><strong>Asset Management</strong></td>
<td>1: Relax the restriction on onshore fund investments in convertible bonds (CoCos) so as to be aligned with offshore funds’ investment practices.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2: Locate existing laws and regulations governing asset management-related businesses, including privately placed funds and investment instruments.</td>
<td>2 *</td>
<td>Changed to “Permit ESG funds to be launched in Taiwan and adopt a disclosure model.”</td>
</tr>
<tr>
<td></td>
<td>3: Encourage Taiwanese citizens to prepare for their retirement as early as possible through long-term investments.</td>
<td>4 *</td>
<td>Changed to “Expand and improve the members’ choice pilot program for pension reform.”</td>
</tr>
<tr>
<td></td>
<td>4: Allow marketing materials to be reviewed by an independent dedicated department.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Banking</strong></td>
<td>1: Exempt the sales and trading activities of banks and securities firms from affiliate trading restrictions.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2: Relax the loan loss reserve and guarantee reserve requirements for foreign bank branches in Taiwan.</td>
<td>3 *</td>
<td>Changed to “Promote digitalization by adopting more flexible regulations on online corporate banking services, establishing a national data repository, and enabling e-signing and e-submissions.”</td>
</tr>
<tr>
<td></td>
<td>3: Promote digital solutions for corporate banking.</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4: Revise regulations governing financial products and services for high-asset customers.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td><strong>Capital Markets</strong></td>
<td>1: Enhance efficiency on FINI tax-related activities.</td>
<td>2 *</td>
<td>Changed to “Ensure that FINI tax data can be accessed before the end of March.”</td>
</tr>
<tr>
<td></td>
<td>2: Establish e-platforms and a paperless environment.</td>
<td>3 *</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3: Exempt exchange-related convertible bonds from the 50% limit on total net-redeemed-in capital.</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4: Allow FINIS to invest in Exchange-Traded Notes (ETNs).</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Chemical Manufacturers</strong></td>
<td>1: Reline the application and review criteria for withholding CBM under the “Regulations for the Labeling and Hazard Communication of Hazardous Chemicals.”</td>
<td>4 *</td>
<td>Changed to “Address shortcomings in the SDS, labeling, and CBM withholding processes.”</td>
</tr>
<tr>
<td></td>
<td>2: Promulgate the technical guidance and the corresponding measures for Priority Existing Chemical registration as early as possible.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3: Ease the chemical registration and annual reporting process for industry stakeholders.</td>
<td>2 *</td>
<td>Changed to “Improve the efficiency of the Existing Chemical Substance registration system.”</td>
</tr>
<tr>
<td><strong>Chiropractic</strong></td>
<td>Develop and begin implementation of an effective plan to legalize the profession of chiropractic.</td>
<td>4 *</td>
<td>Changed to “Develop and begin implementation of an effective plan to legalize the profession of chiropractic in Taiwan.”</td>
</tr>
<tr>
<td></td>
<td>1: Fund colleges to establish online Safety Assessor (SA) training courses in English and communicate periodically with industry to harmonize product safety assessment rules and standards.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2: Exclude cosmetics importers’ Chinese language label attachment sites from the “cosmetics manufacturing facilities or sites” that should meet GMP requirements.</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3: Align the requirements for the size of English fonts under the labeling regulations with those of major cosmetics importing countries.</td>
<td>4 *</td>
<td>Changed to “Align the size of English fonts in cosmetics labels with those of major cosmetics-importing countries and improve the readability of the Chinese and English fonts.”</td>
</tr>
<tr>
<td></td>
<td>4: Avoid non-transparent or arbitrary review standards for proof of claims for cosmetics products.</td>
<td>3 *</td>
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<td></td>
<td>5: Extend the notification deadline under the two-year grace period to March 8, 2022.</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Cosmetics</strong></td>
<td>1: Establish guidelines to encourage government agencies to promote digital approaches.</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2: Help startups and innovative businesses to flourish in Taiwan by building an environment that favors competition, attracts investment, and nurtures talent.</td>
<td>3</td>
<td>Changed to “Promote the MOE with a mandate to promote a more open, less restrictive digital economy.”</td>
</tr>
<tr>
<td></td>
<td>3: Commit to multi-stakeholder collaboration to support the news ecosystem and defend against digital disinformation.</td>
<td>3 *</td>
<td>Changed to “Continue the commitment to strengthening multi-stakeholder collaboration to combat digital disinformation.”</td>
</tr>
<tr>
<td></td>
<td>4: Consider the differing characteristics among digital-services and e-commerce platforms before imposing regulatory obligations.</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Digital Economy</strong></td>
<td>1: Convene regular meetings to consider issues such as contingency planning, liberalization, deregulation, etc. as part of Taiwan’s long-term energy roadmap.</td>
<td>2 *</td>
<td>Changed to “Expand public-private dialogue to cover issues critical to Taiwan’s energy future.”</td>
</tr>
<tr>
<td></td>
<td>2: Ensure competitive renewable energy prices for the future.</td>
<td>3</td>
<td>Changed to “Promote affordable energy while ensuring grid resilience.”</td>
</tr>
<tr>
<td></td>
<td>3: Streamline the regulatory review of new energy projects.</td>
<td>3 *</td>
<td>Changed to “Streamline the regulatory approval process for new energy projects.”</td>
</tr>
<tr>
<td></td>
<td>4: Establish a sound renewable-energy ecosystem for industrial users.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Energy</strong></td>
<td>1: Clarify what types of high-salary personnel are eligible for more flexible working conditions.</td>
<td>4</td>
<td>Changed to “Adapt more flexible working conditions for high-salary personnel and codify the principle of safe harbor for gig workers into law.”</td>
</tr>
<tr>
<td></td>
<td>2: Consider the factors in the MOL checklist in their totality when determining whether an employment or independent contractor relationship exists.</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3: Revise the requirement for large-size enterprises to hire nurses in order to make the most effective use of nursing personnel in Taiwan.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4: Recognize the value of independent and flexible work arrangements under the digital economy and refrain from applying rigid labor classification or regulations to app-based work.</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

* Changed to: Modified or updated text for better clarity and relevance.
<table>
<thead>
<tr>
<th><strong>Infrastructure &amp; Engineering</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Improve the terms and conditions in model contracts for public projects.</td>
</tr>
<tr>
<td>2. Revise the design consultancy fee guidelines.</td>
</tr>
<tr>
<td>3. Encourage the use of alternative methodologies in public infrastructure projects through a systematic approach.</td>
</tr>
<tr>
<td>4. Revise the Real Estate Appraiser Act to allow legal corporation entities to provide valuation services.</td>
</tr>
<tr>
<td>5. Require banks to charter professional valuation professionals for transactions involving mortgage loans.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Insurance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Provide simple, innovative solutions to protect the Taiwanese people.</td>
</tr>
<tr>
<td>2. Promote sound asset/liability &amp; investment management practices and safeguard industry solvency.</td>
</tr>
<tr>
<td>3. Adopt different management and control policies according to the sales channel and type of company.</td>
</tr>
<tr>
<td>4. Adopt a risk-based approach for regulations and governance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Intellectual Property &amp; Licensing</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adopt effective measures to tackle online piracy.</td>
</tr>
<tr>
<td>2. Suspend the Copyright Act review process until all shortcomings in the proposed draft amendment and existing legal framework are fixed.</td>
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<tr>
<td>3. Introduce court guidelines and reference documents for handling major trade-secret cases and adopt consistent standards for assessing damages.</td>
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<table>
<thead>
<tr>
<th><strong>Medical Devices</strong></th>
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<tbody>
<tr>
<td>1. Enhance clarity on key issues that may be considered obstacles to PMT investment.</td>
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<tr>
<td>2. Explore how prudent investment by public pension funds in alternative assets like private equity could help meet national pension fund obligations.</td>
</tr>
<tr>
<td>3. Establish multiple communication channels to work toward a more predictable and sustainable environment.</td>
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<tr>
<td>4. Accelerate the pre-market approval process.</td>
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<table>
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<tr>
<th><strong>Pharmaceutical</strong></th>
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<tbody>
<tr>
<td>1. Improve patients' access to innovative medicines.</td>
</tr>
<tr>
<td>2. Form a working group between the Taiwan authorities and the Committee to find solutions regarding barriers to patient access to new drugs.</td>
</tr>
<tr>
<td>3. Optimize the pricing mechanism and enhance out-of-pocket accessibility to ensure patients' clinical benefits.</td>
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<thead>
<tr>
<th><strong>Private Equity</strong></th>
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<tbody>
<tr>
<td>1. Establish a dedicated delivery system to work toward a more predictable and sustainable environment.</td>
</tr>
<tr>
<td>2. Reduce regulations governing vaccine advertising and public communication for disease awareness.</td>
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<tr>
<td>3. Increase the awareness, prevention, and treatment of osteoporosis and initiate primary and secondary osteoporosis-prevention programs.</td>
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<thead>
<tr>
<th><strong>Public Health</strong></th>
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<thead>
<tr>
<th><strong>Retail</strong></th>
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<tbody>
<tr>
<td>1. Increase rule-making transparency and reduce the frequency of inconsistent regulatory interpretations.</td>
</tr>
<tr>
<td>2. Prohibit the sale of imported alcoholic beverages for which the original manufacturing lot code has been changed or removed.</td>
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<tr>
<th><strong>Sustainable Development</strong></th>
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<tbody>
<tr>
<td>1. Implement carbon reduction strategies and enforce carbon tax and other related regulations.</td>
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<td>2. Expand the scope of usage of recycled materials.</td>
</tr>
<tr>
<td>3. Better promote the circular economy by encouraging R&amp;D on biodegradable products and enhancing the recycling process.</td>
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<tr>
<td>4. Provide more incentives for private-sector use of high-quality recycled building materials.</td>
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<tr>
<th><strong>Tax</strong></th>
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<tbody>
<tr>
<td>1. Instead of reducing the corporate tax rate, consider providing incentives to encourage firms to invest in new technologies.</td>
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<tr>
<td>2. Allow foreign profit-seeking enterprises without a fixed place of business to file for a tax return in Taiwan to use a presumed 50% contribution rate in calculating their taxable income if certain conditions are met.</td>
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<th><strong>Technology</strong></th>
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<td>1. Review the government's current cybersecurity policy to align it with the latest international standards and practices.</td>
</tr>
<tr>
<td>2. Adopt several important amendments to the Personal Data Protection Act (PDPA).</td>
</tr>
<tr>
<td>3. Designate a single agency to handle power consumption standards and energy efficiency labeling for electronics products.</td>
</tr>
<tr>
<td>4. Introduce court guidelines and reference documents for handling major trade secret cases and adopt consistent standards for assessing damages.</td>
</tr>
</tbody>
</table>
Committee | 2020 White Paper Issues | Rating 2021 WP | Notes on 2021 Status
--- | --- | --- | ---
Telecommunications & Media | 1. Assist telecom operators to develop 5G by providing specific and clear policies and standards. | 4 | Changed to “Promote a healthy and robust environment for 5G development in Taiwan.”
 | 2. Ensure a level playing field for cable TV, IPTV, and OTT service competition in the same market. | 3 | Changed to “Commit to transparency and the involvement of multiple stakeholders in determining how to proceed with the draft OTT Act.”
 | 3. Deregulate the cable TV rate review. | 4 | Changed to “Amend regulations on cable TV to allow it to remain competitive.”
 | 4. Maintain a light-touch regulatory environment for OTT TV services. | 3 | Changed to “Commit to transparency and the involvement of multiple stakeholders in determining how to proceed with the draft OTT Act.”

Tobacco | 1. Adopt reasonable tax policies for tobacco products to prevent illicit products from harming the lawful tobacco product market and causing government revenue losses. | 4 | Changed to “Construct a reasonable tobacco control policy to combat illicit trade.”
 | 2. Consider new types of crimes when revising industry-related laws and actively enforce the law. | 2 | Changed to “Adopt a two-pronged approach – increased inspections and enhanced public awareness – to deal with new types of illicit trade in tobacco products.”

Transportation & Logistics | 1. Expand the existing fiscal incentives for EV (including BEV and PHEV) buyers. | 2 | Changed to “Announce the extension of the commodity tax exemption for BEVs as soon as possible.”
 | 2. Create a user-friendly environment for EV owners. | 3 | Changed to “Create a user-friendly charging environment for EVs.”
 | 3. Expedite new product development in Taiwan by extending the “ATA Carnet” temporary admission qualification criteria to R&D testing equipment. | 3 | Changed to “Relax NCC restrictions on products imported by R&D centers for testing purposes.”
 | 4. Relax regulations to provide more support to “Authorized Traders” certified by Taiwan’s Customs Administration. | 4 | Changed to “Amend regulations on cable TV to allow it to remain competitive.”
 | 5. Reform the Multi-Purpose Taxi (MPT) system to improve the general taxi experience, increase drivers’ earnings, and further the government’s vision of digitizing the transportation sector. | 3 | Changed to “Reform the MPT system to strengthen the taxi industry, improve the general taxi experience, increase driver earnings, and fulfill the government’s digitalization goals.”
 | 6. Optimize cross-border e-commerce customs governance. | 3 | Changed to “Reimagine tourism possibilities in preparation for the post-COVID market.”

Travel & Tourism | 1. Take full advantage of the digital economy to support Taiwan’s tourism industry development. | 4 | Changed to “Reimagine tourism possibilities in preparation for the post-COVID market.”
 | 2. Develop the DMO model to promote a comprehensive, in-depth travel experience in Taiwan. | 2 | Changed to “Return DMOs to their original purpose as a marketing tool for reaching global markets.”
 | 3. Lay the groundwork for post-pandemic recovery in international tourism. | 4 | Changed to “Reimagine tourism possibilities in preparation for the post-COVID market.”
 | 4. Allow greater flexibility in tourism-related standardized contracts. | 4 | Changed to “Reimagine tourism possibilities in preparation for the post-COVID market.”

Note: * indicates the issue has been raised again in 2021 White Paper

The Talent Circulation Alliance (TCA) White Paper was a special addition to AmCham’s 2020 Taiwan White Paper. Its suggestions, which were compiled by multiple cooperating task forces, addressed broad, longstanding issues in Taiwan’s talent market. In contrast to the majority of White Papers, the TCA issues were not discussed with the government in formal meetings convened by the National Development Council.

Online Access

The full 2021 Taiwan White Paper is available in the Advocacy section on the AmCham Taiwan website (www.amcham.com.tw). Individual Committee position papers are also posted in each Committee’s section of the Chamber’s website.
以下為《2020台灣白皮書》優先議題的處理進度，各議題評估標準如下：

1—已解決：政府已針對議題達成結論性的決定並付諸執行，或已有公開、透明的執
行績效。換言之，所提的議題已不再是問題。

2—有具體進展：該議題目前正由政府進行後續追蹤，其進度令人滿意。

3—觀察中：政府相關單位已注意到該議題，但後續發展仍待觀察。

4—擱置中：該議題無實質可見的進度。

5—已刪除：該議題雖尚未解決，但已不再是委員會優先議題。

《2020台灣白皮書》所提出92項議題，其中13項已解決，23項有具體進展，23項
觀察中，29項擱置中，4項已刪除。

<table>
<thead>
<tr>
<th>委員會</th>
<th>2020台灣白皮書議題</th>
<th>進度</th>
<th>2020年白皮書備註</th>
</tr>
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<tbody>
<tr>
<td><strong>農化</strong></td>
<td></td>
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<tr>
<td>一</td>
<td>更新 Adi risk cup 的計算方法</td>
<td>4</td>
<td>今年改為：更新各農藥成分每日可接受攝食量風險杯 (ADI risk cup) 的計算方法</td>
</tr>
<tr>
<td>二</td>
<td>參照國際最佳實務建立產品規格標准</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>三</td>
<td>修改《農藥管理法》中的《農藥標示替代規則》</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>四</td>
<td>允許已標定之種廢棄物量資料於農場內使用方法</td>
<td>4</td>
<td></td>
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<tr>
<td>五</td>
<td>適快速發展的十年有效或分級式農藥保護期</td>
<td>4</td>
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<tr>
<td>一</td>
<td>建議社會開設投資債券基金投訴應急機制，以確保投資者權益</td>
<td>1</td>
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<td>二</td>
<td>為提升資產管理業者的競爭力，建議就資產管理類包括私募基金、投資工具等現行法規</td>
<td>2</td>
<td>今年改為：允許於台灣發行 ESG 基金並採用揭露模式</td>
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<tr>
<td>三</td>
<td>請相關部門延長長期投資績效及投資報償期，以擴大並投資退休準備平台之日常投資方案</td>
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<td>今年改為：豐富並投資退休準備平台之日常投資方案</td>
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<td>放寬外國銀行在台分行預期資產之抵當準則及資產準備金之提列</td>
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<td>四</td>
<td>銀行辦理高資產客戶適用之商品服務</td>
<td>3</td>
<td>今年改為：許可並發展於三月底前投資的資產投資方案</td>
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<td>一</td>
<td>加強外資持股作業之效率</td>
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<td>今年改為：確保業者於三月底前投資的資產投資方案</td>
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<td>建立電子化作業平台及推廣數位化環境</td>
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<td>修訂化學品標榜及通識規則以保留申報申請標準</td>
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<tr>
<td>一</td>
<td>通過國家認可神經學科相關課程</td>
<td>4</td>
<td>今年改為：在台灣發展並開始執行一個齒合合法脊椎神經醫學專業的課程建議</td>
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</tr>
<tr>
<td><strong>數位經濟</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>一</td>
<td>鼓勵數位創新發展，推動數位轉型，加強推動創新事業在台灣發展</td>
<td>2</td>
<td></td>
</tr>
<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>一</td>
<td>為規劃未來的長期能源規劃藍圖，政府應定期召開會議以審議應對策及政策</td>
<td>2</td>
<td></td>
</tr>
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<td><strong>人力資源</strong></td>
<td>一：釐清何種類型之高薪人員得適用較彈性之勞動條件</td>
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<td>三：因應人力激增，為避免人力資源浪費，宜放寬或修正作業單位之一定規模應聘從事勞工健康服務護理人員之規定</td>
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<td><strong>基礎建設與工程設計</strong></td>
<td>一：改善公共工程契約範本條款</td>
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<td>二：修訂設計費節約原則</td>
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<td>四：修訂不動產估價法，允許法人企業從事估價業務</td>
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<td>五：銀行承作一定金額以上之不動產貸款應聘請專業不動產估價師</td>
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<td></td>
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<td><strong>保險</strong></td>
<td>一：以簡易且創新的方式提供台灣民眾保障</td>
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<td>二：推動完備的資產負債管理、投資及風險管理實務作法，精確規劃及管理投資、制訂風險管理策</td>
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<td>三：因醫療人力短缺，為避免人力資源浪費，宜放寬或修正事業單位達一定規模應聘從事勞工健康服務護理人員之規定</td>
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<td><strong>智慧財產權與授權</strong></td>
<td>一：建立多元溝通管道，提高經營環境的穩定性與可預測性</td>
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<td>二：加速上市前審查流程</td>
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<td>三：建立合理的醫械核價機制並提升其可預測性</td>
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<td>四：反對傳統醫藥業者之專利保護</td>
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<td>五：政府成立專案小組負責審查工作小組，以克服障礙並加速提供患者創新藥物</td>
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<td><strong>私募基金</strong></td>
<td>一：進一步釐清可作為阻礙私募基金投資的具體因素</td>
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<td>二：探討公共退休基金審慎投資私募股權等另類資產 (alternative assets) 之方式，以協助達成其基本目標</td>
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<td><strong>醫療器材</strong></td>
<td>一：建立多元溝通管道，提高經營環境的穩定性與可預測性</td>
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<td><strong>醫藥</strong></td>
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* 今年改為：今年改為：禁止販售原產製批號已被變更或移除的進口酒類產品

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**注意**：以上資料為示範用途，實際內容請參考原始文件。
備註：* 

號代表該

2020年議題於《2021台灣白皮書》中再度提出

研究彙整:盧恩廣、藍翊家

更新日期:2021年6月4日

《人才循環大聯盟白皮書》為美國商會《2020年台灣白皮書》新增之特別建議,透過數個工作小組共同撰寫政策建言,呼應台灣人才庫中廣泛且長期存在的問題。相較於大多數白皮書,這些議題並未由國家發展委員會(NDC)召集正式會議與政府展開協商。

人才循環大聯盟

一：授權行政院副院長辦公室發展並實施「人才循環的國家級政策」
二：擴展學術交流的機會
三：積極活用已身在台灣的外國人才
四：鼓勵新創人才的自由循環
五：提升台灣職場中女性的參與率

一: 人力資源

人力資源

一: 釐清何種類型之高薪人員得適用較彈性之勞動條件 4

今年改為: 就高薪人員採取更彈性勞動條件,並將零工從業人員之《安全港條例》納入法律規定

二: 在決定是否存在勞動關係或獨立自營作業者關係時,綜合考量勞動契約從屬性判斷檢核表 中之因素4

三: 因醫護人力短缺,為避免人力資源浪費,宜放寬或修正事業單位達一定規模應聘從事勞工健康服務護理人員之規定3

四: 正視數位經濟下獨立與彈性工作的價值,避免將僵化的勞動定義或法規套用在由行動 App衍生的工作型態,廣納各方利害關係人的意見,並且在法規中明「安全港」以增進安全與福祉 4

基礎建設與工程設計

一: 改善公共工程契約範本條款 2

二: 修訂設計顧問費用準則 3

三: 透過系統化方式,鼓勵於公共基礎建設工程中使用替代方法 3

四: 修正不動產估價師法,允許法人企業能從事估價服務 1

五: 銀行承作一定金額以上之不動產貸款應聘請專業不動產估價師 5

保險

一: 以簡易且創新的方式提供台灣民眾保障 3

今年改為: 開放更多電子商務銷售管道,推動台灣保險市場現代化與發展

二: 推動完備的資產負債管理、投資及風險管理實務作法,縝密規劃並管理投資、制訂風險管理策略2

今年改為: 允許保險業者於計算整體國外投資限額時,得排除全部外幣傳統型保險產品之國外投資

三: 依据銷售通路以及公司型態採取不同的管理與控制政策 2

今年改為: 還是用法規中明「安全港」以增進安全與福祉 3

四: 採行風險基礎的監理和治理 2

智慧財產權與授權

一: 采取有效措施打擊網路盜版 4

今年改為: 寻求有效打擊網路盜版的措施

二: 在未補正著作權法修正草案及現行法律框架的所有缺失前,暫緩著作權法修法程序 4

今年改為: 在《著作權法》修法審議階段,補正法案的缺失

三: 加速推出法院辦理重大營業秘密案件之方案與工具書,並就評估受損法益採一致標準,確保執法時效與力度1

製藥

一: 政府主管機關與本委員會共同成立工作小組,以克服障礙並加速提供患者創新藥物 2

今年改為: 建立公、私部門合作平台,加速台灣生醫產業發展

二: 改進藥費支出目標制度(DET)並改革藥價差現象,以完善生技製藥之永續經營環境 3

今年改為: 持續試行藥價調整制度(DET),保障病人對創新治療之可近性

私募基金

一: 进一步釐清可能成為阻礙私募基金投資的重要議題 1

今年改為: 探討公共退休基金審慎投資私募股權等另類資產 (alternative assets) 之方式,以協助達成其目標 2

二: 探討公共退休基金審慎投資私募股權等另類資產 (alternative assets) 之方式,以協助達成其目標 2

今年改為: 擴大公共退休基金對另類資產,如私募股權的投資,以幫助國家退休基金達成其最低收益之義務

三: 增加家族辦公室可投資的產品數量,進一步吸引單一家族辦公室和聯合家族辦公室赴台投資 3

今年改為: 將家族辦公室(FO)歸類為專業機構投資人,並建立有助於其有效設立及營運之監管環境

公共衛生

一: 打造台灣成為亞洲的肝病管理卓越中心 2

今年改為: 提升 C 肝篩檢成果、放寬 B 肝治療給付規範,達成世界衛生組織(WHO)2030消滅肝炎目標

二: 強化民眾對疫苗的認知及認識,思考放寬疫苗廣告,讓政府及產業共同積極鼓勵民眾透過疫苗接種預防疾病,提升國內公共衛生並減少政府財務負擔 3

今年改為: 制定終身疫苗接種計劃,以增強台灣預防接種政策的靈活度

三: 強化國人骨鬆防治意識,推動骨質疏鬆篩檢之初級及次級預防政策 4

今年改為: 政府主管機關帶動跨界合作,強化高齡社會的樂活健康,推動脆弱性骨鬆骨折之篩檢及初級預防

零售

一: 刪除特定疾病配方食品查驗登記,應檢附足以證明無人種差異資料的要求 4

今年改為: 允許特殊營養食品(SDF)以配方變更登記取代重新進行新案申請,並刪除特定疾病配方食品(FSMP)檢附無人種差異資料證明的要求

二: 創建專門的膳食補充品監管類別,以增益消費者保護及保健營養食品(膳食補充品)產業經濟4

今年改為: 就《網際網路視聽服務管理法》(OTT)草案的相關進行,致力於透明化程序與多方利害關係人的參與

三: 提高法規制定的透明度,減少不一致的法令見解 3

今年改為: 增加法規制定的透明度及減少法規解釋與相關做法的不一致

四: 禁止販售原產製批號已被變更或移除的進口酒類產品 4

五: 當務之急以《食品安全衛生管理法》及其授權所訂之法規命令,作為食品及其原料使用之中藥材規整方案4

永續發展

一: 政府應制定並施行碳稅相關之法規以落實減碳策略 2

今年改為: 制定「碳費用」及「碳信用」之相關法規,以落實減碳策略

二: 增加再生材料的使用範圍 2

今年改為: 尽快將用再生塑料製成的容器引入台灣食品市場

三: 經由鼓勵研發可生物降解產品(biodegradable products)及改善回收程序,促進循環經濟發展4

今年改為: 利用公共政策評估工具,使法規更加透明和更具說服力

四: 政府應為私營部門提供更多誘因,提倡使用「高品質」再生建築材料 4

今年改為: 為綠色環保產品提供有效的市場購買誘因

稅務

有條件准許在中華民國境內無固定營業場所及營業代理人之外國營利事業,於計算所得額時得推定境內利潤貢獻程度 50%

科技

一: 重新檢視政府現行資安政策,接軌最新國際標準與慣例作法 2

今年改為: 對於政府採購資通訊產品和服務提供明確的資安準則

二: 修訂《個人資料保護法》(PDPA)之相關建議 3

今年改為: 於個人資料保護與資料驅動創新間尋求平衡

三: 建議產品相關能耗規範及能效分級標示由單一機關審核 1

電信及媒體

一: 以具體明確政策協助電信業者發展 5G 4

今年改為: 健全台灣 5G 發展環境

二: 確保有線電視、IPTV 和 OTT 服務在同一市場上的公平競爭 3

今年改為: 就《網際網路視聽服務管理法》(OTT)草案的相關進行,致力於透明化程序與多方利害關係人的參與

三: 解除有線電視費率管制 4

今年改為: 修改衛星與有線電視法規以維持其競爭力

四: 影音串流平台應維持輕度管制的方式管理 3

五: 跨境電子商務關務治理最適化 3

旅遊與觀光

一: 透過數位科技推動台灣觀光產業升級發展 4

今年改為: 重新想像觀光產業的不同可能性,為 COVID-19 後疫情市場做足準備

二: 透過發展 DMO( 目的地營銷管理組織 ) 推廣台灣觀光深度體驗 2

今年改為: 讓旅遊目的地行銷推廣組織(DMO)回歸原始定位,作為將觸角延伸至全球市場的行銷工具

三: 旅遊相關之定型化契約應記載及不得記載事項應有更大彈性 4

今年改為: 重新想像觀光產業的不同可能性,為 COVID-19 後疫情市場做足準備

四: 政府應為私營部門提供更多誘因,提倡使用「高品質」再生建築材料 4
AGRO-CHEMICAL

Over the past year, countries around the world have been greatly impacted by the COVID-19 pandemic. The Committee would like to thank the relevant Taiwan government agencies for defending the health and safety of the people of Taiwan by continuously revising old policies and promoting new ones to guard against the pandemic, making Taiwan a role model for the rest of the world.

At the same time, however, little progress has been achieved regarding the registration of new pesticides and establishment of pesticide residue tolerance levels, preventing Taiwan’s agricultural sector from becoming truly integrated with the rest of the world and severely limiting its access to global trade. The U.S. International Trade Commission, in the second volume of its report Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels, referred to Taiwan’s slow progress in setting maximum residue levels (MRLs) for pesticides. Setting an MRL sometimes takes up to several years, which has steadily decreased Taiwan’s global competitiveness in this area.

Consequently, the Committee last year requested that the Taiwan Food and Drug Administration (TFDA) and the Council of Agriculture’s Bureau of Animal and Plant Health Inspection and Quarantine (BAPHIQ) collaborate to provide industry operators and the general public with a transparent schedule for the relevant registration and review procedures for agro-chemicals. But the progress has been disappointing. Since 2020, only one new pesticide active ingredient has been approved for sale in Taiwan, and only one new pesticide MRL has been announced.

This year, the Committee urges the TFDA and BAPHIQ to provide a clear review process for the registration of local pesticides and the establishment of crop pesticide residue levels. In addition, the agencies should review the specific schedule for each stage of the procedure and announce amendments within a certain period of time after the approval of each application. This approach would facilitate the introduction of low-risk pesticides into Taiwan, and would help boost agricultural output and ensure consumer safety, further bolstering the value and excellent image of Taiwan’s agricultural sector.

Suggestion 1: Update the methodology for calculating the ADI risk cup.

In the glossary for their joint publication Principles and Methods for the Risk Assessment of Chemicals in Food, the Food and Agriculture Organization (FAO) of the United Nations and the World Health Organization (WHO) define theoretical maximum daily intake (TMDI) as a “prediction of the maximum daily intake of, for example, a pesticide residue, assuming that residues are present at the maximum residue levels/limits and average daily consumption of foods per person.”

Instead of using TMDI to calculate the Acceptable Daily Intake (ADI) “risk cup” or acceptable exposure standards for each active ingredient the Committee recommends that the relevant authorities adopt the estimated daily intake (EDI) method in the interest of greater transparency and accuracy as suggested by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR). Whereas TMDI assumes the presence of residues at maximum levels, the FAO/WHO notes that EDI is “derived on the basis of all the known facts at the time of the evaluation.” For example, the process includes an evaluation of the total actual exposure to pesticides as a result of the general public’s actual intake of various foods. It also considers a number of other factors such as the effects on residue levels due to storage, processing, or cooking practices.

According to the JMPR, using the MRL to calculate TMDI can result in grossly overestimating the risk of pesticide exposure, potentially causing unnecessary consumer concern or overstatement of pesticide hazards. We therefore strongly recommend changing the method for calculating the ADI “risk cup” from TMDI to the more realistic EDI approach.

The Committee brought up this issue in the 2020 Taiwan White Paper. In the government response, the relevant authorities noted that each country makes its own determination of proper risk levels rather than necessarily following JMPR guidelines, but they left the door open to consider making the recommended change. We hope that this will be the year that Taiwan accepts the EDI methodology.

Suggestion 2: Make public the schedule for establishing pesticide MRLs.

In its 2020 White Paper, the Committee appealed to the TFDA to confirm a timetable for taking up residual tolerance cases within six months following the COA’s completion of its review of applications for new pesticides. That timeframe had been the practice prior to 2017. We were pleased with the positive written response we received to this suggestion from the TFDA, which estimated a timetable for such cases within six months following the COA’s completion.

The TFDA reiterated its response at a White Paper meeting held last October at the National Development Council. It added that the Ministry of Health and Welfare (MOHW) would announce MRL standards once per quarter on average, a schedule that the MOHW later confirmed.

Over the past year, however, the TFDA has only
announced one revised pesticide residue tolerance standard. The Committee is deeply disappointed by the large discrepancy between the responses to our 2020 White Paper, the statements made during our meetings with the TFDA and MOHW, and the actual situation. Such a disparity has the potential to greatly impact international trade and the rights and interests of domestic farmers seeking the legal use of new high-efficiency, low-risk pesticides. Furthermore, it contravenes national policies on food safety by delaying the market entry of new and safer pesticide products.

We therefore once again urge the TFDA to adhere to the pre-2017 timetable for pesticide review applications of announcing the pesticide residue tolerance within six months after completion of the COA's review, and to maintain on average one announcement per quarter.

**Suggestion 3: Amend the “Replacement Rules Concerning Pesticides Indication” for the Agro-pesticides Management Act.**

*Article 14 of the Act provides that “any use or modification of pesticides indication should be approved by the central administration. After an indication is revised, the original indication should be replaced within six months.”*

However, if the change made to commercially available products does not affect their safe and legal use by farmers, there is no need for the withdrawal of such products from the market to be re-labeled, and they should be allowed to continue to be sold until their expiry date. Examples include change of manufacturer, contracted packaging plant, contracted processing plant, or label design; expansion of product applications; or extension of a product's shelf life. Such changes do not materially affect the original information provided to farmers.

This issue was raised in both the 2019 and 2020 Taiwan White Papers, but so far no progress has been made on revising the policy and no meaningful response was received from the authorities. We urge the COA to fully consider industry needs and accelerate the process of amending the relevant articles of the Agro-pesticides Management Act.

**Suggestion 4: Implement the 10-year protection period for new active-ingredient data.**

The COA in May 2018 amended the Agro-pesticides Management Act and announced that it would extend the new active-ingredient data protection period from 8 to 10 years. However, as the Committee noted in the 2020 Taiwan White Paper, Article 59 of the Act provides that the enforcement date for the 2018 amendments shall be decided by the Executive Yuan. In its response to the Committee, the COA confirmed the government's position that enforcement will commence only upon Taiwan's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). The COA also requested that industry members use their influence to help Taiwan join the CPTPP.

Taiwan's participation in multilateral agreements is beyond the control of industry. Moreover, for the sake of the wellbeing of Taiwan's consumers and farmers, it is important to encourage industry practitioners to continue introducing new safe and effective pesticides and retiring older high-risk pesticides. We call on the authorities to drop the tie-in to the CPTPP and implement the 2018 amendments as soon as possible to extend the data-protection period to 10 years.

**Suggestion 5: Strengthen registration requirements for generic pesticides.**

Research and development for new pesticides can take more than 10 years, and another five to eight years may be required for conducting various safety and efficacy tests before the pesticide can be approved for sale. Generic pesticides, although they contain the same active ingredients and content as the original registered formula – with the only difference being certain additives and formula compositions – are required to undergo registration as well.

However, due to the low threshold for registration, manufacturers of generic pesticides do not need to expend a lot of resources to register or introduce to market products that have not been as strictly evaluated as their name-brand counterparts. Farmers may therefore be able to purchase generic pesticides at low prices, but over the years the price-cutting competition between name-brand and generic pesticide producers has led to oversuse. Media reports have cited higher than usual pesticide residues in crops.

*Article 10, Paragraph 3, Item 1 of the Agro-pesticides Management Act provides that: “After the expiration of the period in the preceding paragraph, when applying for approval of registration with the same active ingredient, formulation, content or the scope of application of the registered agro-pesticide, all or a portion of the data of the field test and toxicological test may be exempted from submission.”* We recommend that the COA strengthen its registration requirements by amending the Act to require that manufacturers of generic pesticides provide proof that their formulas are the same as those of the original manufacturers. If they cannot, the toxicology, safety, and efficacy reports for those products should be reassessed to ensure safe use by farmers, control performance, and enhance environmental sustainability. This approach would also ensure consumer food safety and help the government achieve its goal of reducing the use of pesticides in Taiwan by half within 10 years.

**ASSET MANAGEMENT**

The Committee appreciates the Taiwanese government's dedication in creating a more vibrant asset management
industry in Taiwan and welcomes the policy statement published by the Financial Supervisory Commission (FSC) in December 2020 outlining the FSC's strategies to develop Taiwan's capital markets in the coming years. The relevant policies and proposed regulatory changes set forth in the outline will provide global asset management firms with more confidence to invest in Taiwan's asset management industry and attract more foreign investment and talent to the local capital market.

The Committee would like to express our appreciation for the FSC’s acceptance of our 2020 White Paper suggestion to permit securities investment trust funds to invest in contingent convertible bonds. And since the FSC’s launch in 2013 of its “Plan to Encourage Stronger Business Ties in Taiwan for Offshore Funds,” we have been happy to see more investment in talent development, investor education, and local asset growth being made by offshore asset managers. We consider this to be a remarkable achievement by the FSC.

This year, to further develop Taiwan’s asset management industry, members of the Committee suggest several commercial, legal, and regulatory changes. These suggestions include relaxing certain investment restrictions and encouraging more investments in retirement funds. The Committee looks forward to a continuing collaboration with the FSC to create a resilient and vibrant investment market in Taiwan, bringing greater benefits to both domestic and international investors.

Suggestion 1: Expand and improve the members'-choice pilot program for pension reform.

The FSC approved a member's-choice pilot program for pension reform two years ago, but more needs to be done to ensure that this pilot is more broadly implemented, allowing Taiwanese people to adequately prepare for their retirement.

The pilot program has achieved a number of key goals (both in performance and participation), showing that it can be a feasible alternative to the current government-run program. The Committee would like to express our appreciation for the FSC’s acceptance of our 2020 White Paper suggestion to permit securities investment trust funds to invest in contingent convertible bonds. And since the FSC’s launch in 2013 of its “Plan to Encourage Stronger Business Ties in Taiwan for Offshore Funds,” we have been happy to see more investment in talent development, investor education, and local asset growth being made by offshore asset managers. We consider this to be a remarkable achievement by the FSC.

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Suggestion 2: Permit ESG funds to be launched in Taiwan and adopt a disclosure model.

As the world experiences increasing environmental changes, shortages of certain natural resources, and social pressures, the importance of greater resilience and stricter monitoring in investment portfolios has become ever more compelling. In response, asset managers with Environmental, Social, and Governance (ESG) capabilities have been promoting a variety of sustainable investment frameworks aimed at generating investment returns while addressing these global challenges.

The Committee understands that the FSC is now finalizing policy requirements for the launch of onshore ESG funds and encourages the FSC to build on these minimum requirements to provide credibility to this growing market in Taiwan. The Committee is highly willing to work with the FSC to enhance the necessary standards applicable to ESG-labeled funds in Taiwan.

Instead of requiring asset managers to peg the onshore ESG fund to a third-party ESG index, the Committee suggests that the FSC focus more on the full potential of the ESG strategy and process, supported by transparent disclosure requirements in line with global practice. Whether an onshore fund could be classified as an ESG-labeled fund should be subject to whether an asset manager has embedded ESG

**3. Provide a tax incentive for joining the pilot pension scheme to ensure that it is in the best interest of investors to participate in the program.** Tax incentivization is the cornerstone of members'-choice retirement schemes. To help the government to promote its recently launched “Project for Retirement-Focused Fund Platform,” the Committee proposes that the government grant each investor in either onshore or offshore funds an income-tax deduction of not more than NT$24,000 per year as an incentive for investment in retirement savings. This measure would be comparable to the tax deduction available for life-insurance premiums.

**Suggestions:**
- **Suggestion 1:** Expand and improve the members'-choice pilot program for pension reform.
- **Suggestion 2:** Permit ESG funds to be launched in Taiwan and adopt a disclosure model.
components in the investment process and securities selection for the fund. We also encourage the FSC to require asset management firms to disclose in their offering documents how their investment strategies (e.g., the investment process and securities selection criteria) aim to achieve the sustainable investment objectives. Such a provision would help create a sound regulatory framework to provide credibility to this growing market, better align Taiwan with global best practices, and be more effective than imposing prescriptive investment guidelines on ESG funds.

BANKING

2020 was the most challenging year the world economy has faced in many decades. The novel coronavirus which spread into a global pandemic exacerbated economic conditions and shook financial markets at a time when the global economy was already slowing. Due to effective leadership by the government and health authorities, Taiwan showed its tenacity and resilience in controlling the pandemic. As a result of the exemplary performance, Taiwan’s economy was one of the few in the world to see GDP growth.

To reduce the impact of the uncertain global conditions, the government has taken steps to liberalize Taiwan’s financial sector. For example, the Financial Supervisory Commission (FSC) promulgated “Regulations Governing Banks Conducting Financial Products and Services for High-Asset Customers” to develop wealth management services for such customers. The FSC also deserves credit for adopting policies aimed at upgrading the competitiveness of Taiwan’s financial sector by promoting financial technology (fintech), developing green finance, and boosting corporate governance to strengthen companies’ role in sustainable development.

We look forward to continued liberalization to attract more foreign institutions to participate in the market and bring more business opportunities to Taiwan from neighboring financial hubs.

The Committee particularly wishes to thank the Taiwan financial authorities for paying extra attention to our recommendations in last year’s Taiwan White Paper and taking meaningful follow-up actions. Gratifying progress was made on several issues. For instance, the FSC loosened affiliate trading restrictions on the sales and trading activities of banks and securities firms. It also relaxed the loan loss reserve and guarantee reserve requirements for foreign bank branches in Taiwan.

In this year’s paper, we have focused on four main points that are in line with major FSC objectives. These are 1) digitalization, 2) the relaxation of outsourcing guidelines, 3) the enabling of proceeds from foreign bank branch-issued TWD financial debentures to be used in sustainable finance, and 4) the start of regulatory planning for Taiwan’s sustainability-linked bonds (SLB) scheme.

We believe that all these objectives can be met within the coming year. In view of the FSC’s desire to expand Taiwan’s financial market and increase employment opportunities, the first step in that effort should be to allow more products to be made available to additional types of customers in Taiwan. In this way, Taiwan’s financial industry will become more competitive vis à vis neighboring financial markets such as Hong Kong and Singapore, and the ability to retain talent and develop the Taiwan industry will be enhanced.

Suggestion 1: Promote digitalization by adopting more flexible regulations on online corporate banking services, establishing a national data repository, and enabling e-signing and e-submissions.

1.1. Revise regulations on digitizing corporate banking services. The current online application processes for deposits and credit extensions are mainly open to consumer banking businesses only. As per the “Model Guideline for Processing an Online Deposit Account Opening Application” (the Model Guideline), the online account application for corporate banking is limited to “sole proprietorship” companies, registered under the Business Registration Act and owned by natural persons of ROC nationality over the age of 20.

The “Guidelines for Security Measures of Financial Institutions for Electronic Banking Services” state that new and existing customers may use online services to: 1) apply for personal loans, 2) increase housing or car loans within the amount secured by an existing mortgage, and 3) give consent for financial institutions to check credit information online with the Joint Credit Information Center. However, new corporate customers are unable to apply for corporate loans online and must go through a time-consuming, in-person application process.

In addition, under the Model Guideline the identity verification method that can be used to open a digital account does not accept international certificates or electronic signatures, which creates obstacles for non-residents and multinational corporate customers in opening digital accounts. In addition, the relevant approved certificate technology is limited to hardware devices and cannot be integrated with the current international mainstream certificate or electronic signature technology. As a result, multinational corporate customers have found it difficult to adopt this local solution.

The FSC has assigned the Bankers Association to draft relevant guidelines and management mechanisms for opening digital online corporate accounts and applying for corporate loans. We appreciate the Commission’s efforts. If this issue can be solved, it will help Taiwan stay
abreast of the demand for digital financial services.

1.2. Create a national data repository to streamline financial processes.

Based on current business and Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regulations, banks are required to collect various paper documents when implementing Know Your Customer/Client Due Diligence (KYC/CDD) measures. Certain paper documents are needed for tasks such as validating identities using reliable, independent source materials; witnessing signatures; opening corporate accounts; providing credit-extension services; and other transactions.

We suggest that the National Development Council establish a corporate version of the MyData service (scheduled to go live this year) in order to provide corporate customers with a more efficient customer experience, optimize banks’ client-identity management, and lower operating risk. Such a national data repository would allow corporate customers to download company information such as certified copies of certificates of registration/incorporation; articles of incorporation; lists of responsible persons, directors, supervisors, shareholders, or ultimate beneficial owners; lists of affiliates/groups; tax registrations; income tax payment certificates; financial statements; proof of payment of utility bills, and other relevant information. In addition, through online authorization, corporate customers could also allow government agencies or non-government agencies to access their company information and allow for customized digital services as required by the company.

Banks could use such a corporate version of MyData as a reliable source of information for identity verification when corporate customers open corporate accounts or apply for loans. This would further provide corporate customers with a seamless interface and enable digital identity verification. The replacement of paper documents for corporate account opening and loan applications through such a version of MyData would be a major step forward in enhancing banking efficiency in Taiwan.

1.3. Permit e-signing and e-submissions in the contract execution process. The COVID-19 pandemic has forced changes in the operations and working models of corporate customers, and some existing trends have been accelerated. Among them, remote working and the use of electronic signatures are the two most important changes. To sign and transmit documents, many large multinational corporate customers are using electronic signature platforms that are not restricted by working hours and locations. Many major international financial markets, in response to the needs of customers, have begun to use relevant electronic signature platforms to sign and deliver documents. This new working model is likely to become a mainstream trend in the future. The Committee offers two suggestions to help fulfill the needs of customers and follow the international trend:

- Allow recording-enabled video conferencing applications/tools as one of the approved channels for conducting identity verification and witnessing signatures – applicable for both new and existing customers (including both corporates and individuals).
- Allow financial institutions to adopt an electronic signature platform to sign and transmit documents with customers (including both corporates and individuals), in line with international trends and to support customers' needs and behavior.

Suggestion 2: Relax guidelines and the relevant Q&A for foreign banks to outsource IT systems.

Foreign bank branches or subsidiaries’ IT infrastructure and back-office operations falling within the scope of the banking license or involving client data are generally outsourced to their head offices or regional offices to handle. Due to recent developments in regulators’ supervision of head office operations and in regional office resource-integration planning, foreign bank branches and subsidiaries have an increasing need for different types of outsourcing requiring application for FSC prior approval or post-notification to the FSC.

It is natural for foreign bank branches and subsidiaries to outsource IT systems to their head offices or regional offices. We therefore see the need to further clarify the concept of the “same outsourcing reason” given in the answer to Question 2.2 in the FSC’s Outsourcing Q&A. This approach is beneficial to both financial institutions and regulators because it allows financial institutions to expedite their outsourcing planning schedules while at the same time reducing the regulator’s outsourcing-application workload.

Currently Q2.2 is applicable only where the “the same outsourcing reason” 1) has been approved by the FSC or 2) complies with the 2012 remedial procedures, and 3) the service provider is the same. We wish to propose additional scenarios to be included in the Q2.2 Outsourcing Q&A to allow more flexibility. Here are two examples:

- Scenario 1: System A was previously approved by the FSC for the purpose of anti-money laundering (AML) transaction monitoring for corporate and institutional clients, with the head office as the service provider. One year later, the bank plans to roll out System B for wealth management clients using the same monitoring. As the service provider (the head office previously approved by the FSC) is the same, and the purpose of data-processing activity (AML transaction monitoring) is the same, the concept of “same outsourcing reason” should apply, obviating the need...
for FSC pre-approval.

- **Scenario 2:** System C was previously approved by the FSC for the purpose of PEP (politically exposed person) and sanctions name screening for corporate and institutional clients, with the head office as service provider. One year later, the bank plans to roll out System D, with the same screening, for wealth management clients. As the service provider (the head office previously approved by the FSC) is the same, and the data-processing activity (PEP and sanctions name screening) is the same, the case should not be subject to FSC pre-approval, considering that it is merely extending the client scope from corporate and institutional clients to wealth management clients.

These proposed examples conform to the spirit of Q2.2 of the Outsourcing Q&A since the foreign banks’ regional or head office are the majority service providers and the security control and business continuity plans remain unchanged.

**Suggestion 3: Allow the proceeds of foreign bank branch-issued TWD financial debentures to be used in sustainable finance.**

Sustainable finance is developing quickly in the world, and Taiwan is no exception.

The rapid development of green and transition finance, or sustainable finance in general, has been well noticed in recent years. Taking bond issuance as an example, the aggregate amount of new green, social, sustainability, and sustainability-linked bond offerings has reached US$482.3 billion in 2020, and the supply of these types of bonds is expected to collectively reach US$725.5 billion in 2021 for year-on-year growth of 55%.

In Taiwan, the FSC announced its Green Finance Action Plan 2.0 in August 2020. Initiatives under the updated scheme help better define green finance in Taiwan and bring sustainable investment practices on par with global standards. Specifically, Plan identifies such action items as:

- Encouraging financial institutions to extend credits to sustainable development projects;
- Encouraging financial institutions to invest in sustainable development projects;
- Developing sustainability bonds in reference to the issuance framework and administration mechanism for green bonds; and
- Studying the scope of sustainable finance in reference to international practices.

There is real need for sustainable finance in Taiwan, and it is becoming more and more urgent. At the same time, Taiwan is well positioned for development of this sector. It has a diversified borrower base that is increasingly serious about climate neutrality commitments, as well as an increasing number of local investment and lending institutions answering the call for responsible investment and lending.

However, current regulatory limits on the usage of TWD bond issuance proceeds discourages foreign banks from supporting sustainable finance activities in Taiwan, which in turn hinders development of the sector. Article 4 of the “Regulations Governing Issuance of TWD Bank Debentures by Foreign Bank Branches” provides that “The funds raised from the New Taiwan Dollar bank debentures shall be used for relevant financing of major public construction, offshore wind power (OSW) construction, and other construction of green energy industries in Taiwan as a general rule, and may not be exchanged to foreign currency.”

This clause effectively confines use of TWD bond issuance proceeds to financing major public borrowing or green energy projects, and blocks use of bond-issuance proceeds for lending to borrowers who want to use the money for ESG (Environmental, Social and Governance) or sustainable projects that are not “major” in scope or related to green energy.

This limitation directly affects the funding flexibility for foreign bank branches in Taiwan, and indirectly damps their appetite for supporting non-energy-related green, social, or more general sustainable development projects in Taiwan. If banks want to support those sectors, they need to find TWD funding from other sources, adversely affecting foreign banks’ support for the Green Finance Action Plan 2.0.

Many foreign banks are experienced participants in the global ESG/sustainable finance market. Expanding the scope of use of bond proceeds will help banks bring global best practices to the local market.

Foreign bank branches in Taiwan have fully supported the Taiwan government’s renewable energy policies by providing billions of TWD loans to domestic OSW projects. Given their extensive experience in sustainable finance, these foreign banks would love to be even more active in this market, going beyond green energy to engage in financing all kinds of ESG initiatives.

Accordingly, we suggest expanding Article 4 of the Regulations to include “financing to entities for sustainability-related investment or expenditure.”

To define sustainability, regulators may refer to benchmarks they are familiar with, such as investments or expenditures needed to meet domestic or globally recognized sustainable finance frameworks. For example, under the Taipei Exchange’s sustainability bonds scheme launched in October 2020, the major constituents of sustainability related financing have been well established and made public. As a result, there seems to be little likelihood that the proposed expanded usage of bond proceeds would lead to inconsistent regulatory governance or regulatory arbitrage.

**Suggestion 4: Begin regulatory planning for Taiwan’s sustainability-linked bonds scheme.**

The International Capital Markets Association (ICMA)
defines a sustainability-linked bond (SLB) as “any type of bond instrument for which the financial and/or structural characteristics (i.e., coupon, maturity, repayment amount) can vary depending on whether the issuer achieves predefined Sustainability/Environmental, Social, and Governance (ESG) objectives within a predefined timeline, and which are aligned with the five core components of the Sustainability-Linked Bond Principles (SLBP).”

As this definition highlights, SLBs provide financing to support improved sustainability and/or the ESG objectives of the issuers. However, unlike traditional Use of Proceeds Instruments (such as green bonds, social bonds, and sustainability bonds) where an issuer must commit the proceeds of bond issuance to specific purposes, SLBs do not limit the usage of bond issuance proceeds. Instead, pay-out on the bonds is linked to pre-defined sustainability targets set by the issuers (KPIs), or to the issuer’s ESG ratings, to encourage issuers to disclose the ESG KPIs at a corporate level (rather than project level) and have publicly disclosed targets to work toward.

The unique features of the SLB make it an important financing tool for issuers in Taiwan, and Taiwan is well positioned to develop this debt instrument. The vast majority of bonds issuers in Taiwan are not eligible to issue green bonds, sustainability bonds, or social bonds, due to the nature of their operations. These include companies engaged in fossil-fuel electricity generation, air and marine transportation, petrochemical production, and electronics manufacturing that consumes large volumes of energy. These issuers may wish to enhance their sustainability/ESG-related performance either voluntarily or under pressure from investors, but the traditional sustainable finance market does not allow financing to support those ambitions. As increasing numbers of local institutional investors look to make responsible investments, demand for sustainable bonds will pick up while that for non-sustainable bonds will decline. At some point in the future, the aforementioned issuers may find it more difficult to tap the bond market, presenting them with funding challenges.

As stated above, the proceeds of SLBs can be used for the general purposes of the issuers. Hence, SLB instruments, along with transition bonds, may become important future funding channels for companies aiming to create a more sustainable environment for their operations.

Potential changes in the bond financial and/or structural characteristics and the trigger events leading to such a change in SLBs was viewed in the past as a primary hurdle for efficient monitoring of bond payments for regulators, issuers, and investors. However, market developments in recent years have gradually addressed this problem. The underlying concept for SLBs is borrowed from that of structured notes, where investors may receive (i.e., issuers must pay) payments linked to an assessment of the issuers’ performance. Now more and more institutional investors are becoming acquainted with structured payments from their structured-note investments. At the same time, Taiwan regulators and issuers are building up experience with variable or step-up/step-down coupons and/or bonus payments upon maturity being linked to certain “events.”

With the available schemes for green bonds (2017) and sustainability bonds (2020) already in place, and the forthcoming launch of social bonds issuances (expected in 2021), SLBs appear to be the last piece needed to complete Taiwan’s sustainable-bond market roadmap. Together, all these instruments can further develop the key role that debt markets can play in funding and encouraging companies that contribute to sustainability (from an environmental, social, or governance perspective).

Considering Taiwan’s industrial composition, we are convinced that SLBs will play an even more important role than in other markets, and we urge regulators to start planning for this now.

**CAPITAL MARKETS**

The Committee thanks the Taiwan authorities for addressing our suggestions in the 2020 Taiwan White Paper. In particular, we were happy to learn that, starting from April 1, 2021, registration by foreign institutional investors (FINIs) to invest in Taiwan securities and futures may be conducted electronically. We are also grateful for the actions of the National Development Council, Financial Supervisory Commission (FSC), and Central Bank to permit FINIs to invest in Exchange Traded Notes (ETNs) starting from March 31, 2021. We also wish to express our appreciation for the Taiwan authorities’ ambitious efforts in preparing the Capital Market Roadmap as a guidpost for future advances.

The Committee looks forward to working together with the Taiwan authorities to stay abreast of best international practice as well as critical international developments arising from the current economic situation. It is also vital for Taiwan to continue to embrace trends toward an electronic and paperless transaction environment. In this spirit of public-private cooperation, we offer our participation in further efforts contributing to the development of Taiwan’s capital market and provide the following suggestions.

**Suggestion 1: Ensure that FINI tax data can be accessed before the end of March.**

The Committee greatly appreciates the online platform established by the Ministry of Finance (MOF) for custodian banks and tax guarantors to access FINI tax and earnings information. However, the previous year’s tax data is not being recorded on the platform until July of the following year, even in cases where tax payments by non-residents are
reported to tax bureaus within 10 days of payment. This means that for purposes of tax audits performed by FINI tax guarantors and the timely filing of tax refund claims, such guarantors are unable to access the required information. To help alleviate the difficulties caused by these posting delays, we suggest that the MOF segregate non-residents’ tax data from residents’ data for quick storage on the platform so as to ensure that FINIs’ tax data for any given year is posted on the platform and available by the end of March of the following year.

Suggestion 2: Establish an e-platform and paperless environment.

The Committee thanks the Taiwan authorities for their support in digitizing the existing market environment. This effort is one of the most important initiatives undertaken by the Taiwan authorities in recent years and has been especially challenging given the current global pandemic and the consequent need for working remotely and utilizing digital platforms. The eSMART project conducted by the Taiwan Depository & Clearing Corp. (TDCC) is among the key initiatives undertaken to improve the market infrastructure.

This year the Committee wishes to highlight five specific proposals for promoting a digital environment in the financial market and encouraging market players to leverage available technology to improve operational efficiency and create a paperless environment.

2.1 Build e-platforms to facilitate information exchanges on transactions between ETF issuers and custodians. The Exchange Traded Fund (ETF) market has grown significantly over the past few years and new ETFs have continued to be issued in 2021. There are now over 200 ETFs listed on either the Taiwan Stock Exchange or the Taipei Exchange, and the total ETF assets under management (AUM) exceeded NT$1.7 trillion as of December 31, 2020 – five times higher than in 2018. FSC’s Capital Market Roadmap also includes development and promotion of the ETF market. However, back-office operations such as reconciliation of ETF dividend payments between the custodians and ETF issuers continue to be done manually – mostly through telephone calls. Such processing is prone to error; for example, an incorrect income tax withholding rate may be applied to foreign investors, causing such investors to receive a lesser amount than they should. The Committee requests that the Taiwan authorities support automation initiatives to help assure reliable accuracy of information and continuous growth of Taiwan’s ETF market.

2.2 Simplify the process for issuing companies to send e-notices to investors. The Taiwan Company Act does not require (i) that Taiwan companies wishing to use e-notices for shareholder notices obtain consent from all shareholders (only the consent of the receiving shareholders is required) or (ii) that all shareholders be notified by the same method. However, a June 3, 2014 explanation letter issued by the Ministry of Economic Affairs does require listed companies to obtain the consent of all shareholders. This is operationally burdensome and time-consuming for issuing companies. Also, mailing physical notices in Chinese to foreign institutional investors is both inefficient and environmentally unfriendly. Currently foreign institutional investors receive issuing companies’ proxy and corporate action events via the local custodians who retrieve the information from the Market Observation Post System, and then pass on the English or translated announcement to the investors via a pre-agreed method (e.g., SWIFT message or electronic banking system).

Thus, the Committee recommends starting the digital initiative with foreign institutional investors by allowing e-notices to such shareholders with the receiving shareholder’s consent. Foreign institutional investors have custodians in Taiwan who, with due authorization, could give such consent on behalf of the foreign institutional investors to facilitate such notices. The Committee considers this approach as a good start toward adopting e-notices more widely and believes that doing so would be both efficient and timely and in line with the Environmental, Social, and Governance (ESG) criteria that many issuing companies have adopted.

2.3 Relax current regulatory procedures so as to promote the adoption of e-signature platforms. COVID-19 has changed how institutions conduct business in many ways, including how institutions execute contracts and agreements. Due to quarantine requirements, remote working practices, and lockdown measures in other countries, there has been a prevailing trend internationally for the adoption of e-signature platforms. In Taiwan, however, challenges exist due to regulatory approval requirements.

First, international service providers utilizing digital signatures may not have the incentive to apply for regulatory approval in Taiwan. Rather, it is up to financial institutions conducting business globally to initiate adoption of these international platforms. Thus, instead of requesting foreign vendors to apply for a local license, the Committee suggests that Taiwan authorities set standards and then accept all international service providers meeting those standards. The Electronic Signatures Act already provides that under the principles of reciprocity and equivalent security requirements – and with approval from the competent authority – certificates issued by foreign certification service providers may be accepted. This provides the Taiwan authority with the flexibility to recognize international service providers it deems qualified and does not require the providers to
submit individual applications. Second, e-signature platforms often involve offsite cloud storage which may, under the current regulatory framework, require Taiwan financial institutions wishing to use such a platform to obtain outsourcing approval. The Committee recommends exempting Taiwan financial institutions from the cloud storage outsourcing approval requirement in the context of using electronic platforms to enter into contracts with foreign institutional counterparties.

2.4 Allow e-transfers of tax payments. FINIs’ withholding tax on depositary receipt (DR) re-issuance, securities lending fees, etc. is still paid by check. The Committee urges the Taiwan authorities to devise a means for the tax payment to be made to a collecting bank by wire transfer to reduce the amount of inefficient manual work in the withholding process.

2.5 Allow dividend tax statements to be sent to shareholders electronically. Currently, issuing companies send hard-copy tax statements to shareholders regarding dividend payments. This is both inefficient and costly. FINIs would prefer to receive e-statements to avoid redundant processing and to help protect the environment by reducing paper wastage. The Committee urges the Taiwan authorities to permit issuers or their company registrars to send e-tax statements to shareholders who request that service.

Suggestion 3: Revise the Draft Outsourcing Rules for the Securities Industry to meet the nature and needs of the industry.

The Taiwan Stock Exchange has produced draft “Regulations Governing Internal Operating Procedures for the Outsourcing of Securities Institution Operations” (Draft Outsourcing Rules). Unfortunately, such Draft Outsourcing Rules are closely based on the “Regulations Governing Internal Operating Systems and Procedures for the Outsourcing of Financial Institutions Operations (Bank Outsourcing Rules) and do not take into account the fundamental differences between the securities and banking industries. For example, because banking products such as deposits, loans, and credit cards are diversified with long tenors and are offered primarily to domestic retail customers, the Bank Outsourcing Rules focus on personal data protection and set strict requirements for banks to follow in order to better protect customers’ interests. In the securities industry, only the brokerage and underwriting businesses face retail customers, which makes the outsourcing operational risk for securities houses lower than for banks. We therefore recommend adoption of a risk-based approach for managing outsourcing within the securities industry and recommend the following revisions be made to the Draft Outsourcing Rules before adoption.

3.1 Limit the scope of application based on the actual risk level. Given that the scale and number of personnel in the securities industry is much smaller than the banking industry, the Committee believes that the Taiwan authorities should adopt a different supervision model for securities businesses – one based on actual risk levels either via a simplified overall supervision model or by expressly excluding the following from the application of the Draft Outsourcing Rules:

- Outsourcing of activities to a centrally global group or financial holding company processing platform in accordance with internal policies and control standards;
- Outsourcing related to serving FINI customers. FINIs are global customers whose trades are received via global execution platforms, and the trade results flow back to the global platform after the execution. Such data transmissions should be outside the scope of the Draft Outsourcing Rules;
- Outsourcing of information system development and maintenance. After the vendor delivers a customized program to the securities firm, the user testing and program release will be performed by the securities firm itself, with system maintenance supported afterward by the vendor onsite. The customer database will not be accessible by the vendor throughout the process, so the risk of information leakage is low;
- Outsourcing of services where any personal information is anonymized so as to eliminate the risk of personal information leakage;
- Outsourcing to validated external cloud service providers such as Google Cloud, Azure, and AWS where the Taiwan Securities Association has conducted such validation of the information security controls to ensure the safety and reliance of the public cloud infrastructure offered by the cloud service provider; and private cloud infrastructure is not applicable to outsourcing rule as well; and
- Outsourcing of activities that are of a general nature such as those related to general affairs management or those related to the purchase of online access to database management systems with reference to Questions 5 and 9 of the Q&As for the Outsourcing Rules for Banks as well as Question 3 of the Q&A for the outsourcing rules for insurance companies. Such exclusions would not diminish the intended purpose of regulating outsourcing and would significantly reduce the compliance burden on securities houses using outsourced service providers.

3.2 Enlarge the scope of permitted outsourcing to enhance operational flexibility in the securities business. The Committee recommends the following specific revisions
be made to the Draft Outsourcing Rules to expand the services permitted to be outsourced:

- Add “collection of debts” to paragraph 1, Article 2 of the Draft Rules as subparagraph 4, with reference to subparagraph 12, paragraph 1, Article 3 of the Bank Outsourcing Rules, and

- Add “the identification and verification of customers’ identities” to paragraph 1, Article 2 of the Outsourcing Rules as subparagraph 5 in accordance with Article 5 of the “Template for Guidelines Governing Anti-Money Laundering and Countering Terrorism Financing of Securities Firms,” which provides that “where permitted by applicable laws and regulations, a securities firm may rely on a third party to perform the identification and verification of the identities of customers, agents, and beneficial owners or the purpose and intended nature of the business relationship; the securities firm relying on the third party shall bear the ultimate responsibility for the confirmation of customers’ identities.”

Suggestion 4: Further improve the efficiency of the investment environment for FINIs.

The Committee recommends the following to improve the environment for FINI investors.

4.1 Abolish the pre-delivery/pre-funding requirement on FINI’s securities trading in so-called “warning stocks.”

The Taiwan authorities have a system for designating certain stocks as warning stocks, thus triggering a requirement that all investors trading in those stocks pre-deliver/pre-fund so as to protect the market. Although this requirement applies to all investors, the burden falls more heavily on FINI investors because FINIs’ assets are kept with a custodian bank, which transfers the funds for pre-delivery/pre-funding to the execution broker. The process takes additional time when compared to local investors. Thus, the Committee urges the authorities to abolish the pre-delivery/pre-funding requirement for FINI trading of warning stocks.

4.2 Adopt a reasonable procedure for FINIs holding illiquid or delisted securities to exit the Taiwan securities market.

Currently many issuing companies, for various reasons, do not have a custody account at the TDCC for the abandonment of shares by shareholders. As a result, FINIs holding illiquid or delisted shares are often unable to abandon such shares to facilitate account closure. This causes operational issues and creates a reconciliation problem. As Taiwan is a scripless market, the Committee believes that all issuing companies should be required to maintain a TDCC account, among other things, to enable shareholders to abandon their shares. The Committee also suggests that the Taiwan authorities remove the requirement for FINIs holding delisted shares for over one year after delisting to apply for and obtain Ministry of Economic Affairs approval under the Statute for Investment by Foreign Nationals (FIA Approval). The FIA Approval regime was created in 1954 for purposes of encouraging foreign direct investment (FDI) in non-listed Taiwan companies. The relevant delisted shares would all have been originally purchased on exchange via the FINI regime and have no relationship to promoting FDI. Thus, requiring FIA approval to continue holding delisted shares creates market inefficiencies, costs, and inconvenience for FINIs and serves no real policy purpose. Rather, investors should simply be permitted to hold such shares under their FINI status.

4.3 Abolish the tenor limit for securities borrowing and lending (SBL).

The tenor of SBL transactions should be decided commercially by the borrower and lender, not by regulation. Current regulations setting a six-month tenor limit result in additional unnecessary processing costs because the contract tenor agreed upon by the lender and borrower often exceeds six months, which requires the parties to roll over trades upon expiry of the regulatory tenor limit. Thus, the Committee proposes elimination of such regulatory tenor limits.

CHEMICAL MANUFACTURERS

The Chemical Manufacturers Committee greatly appreciates the efforts of government agencies to engage in two-way communication with industrial stakeholders, conduct effective inter-agency cooperation through the National Chemical Substance Management Board, and pursue efforts to improve Taiwan’s chemical management as part of meeting the 2030 target for achieving the United Nations Sustainable Development Goals.

The Committee hopes that the Environmental Protection Administration (EPA) will specify the extension due date for the Existing Chemical Substance Standard Registration (ECSSR) requirement as a response to the COVID-19 pandemic, as well as introduce various dossier preparation schemes and data acceptance principles.

With respect to the content and template for Safety Data Sheets (SDS) and product labels, along with the withholding of confidential business information (CBI) on SDS, the Committee urges the Ministry of Labor (MOL) to establish reasonable review criteria, adopt a global approach, and set up a mentoring program.

Suggestion 1: Improve the efficiency of the Existing Chemical Substance registration system.

1.1 Confirm the deadline for ECSSR registration. The chemical industry has been waiting to learn the progress of proposed amendments to the Regulations of New and Existing Chemical Substances Registration. It is still
unclear to industrial stakeholders whether the deadline will be extended for more than a year, as the information was announced in several public seminars but without any written confirmation. Considering that registrants in the high-tonnage band (more than 100 metric tons per year) are encountering difficulties acquiring letters of credit from consortia under the EU’s REACH (Registration, Evaluation, Authorization and Restriction) regulation or other data owners abroad while the original registration deadline is rapidly approaching, the Committee urges the MOL to promulgate the amendment by the end of the year, extending the ECSSR deadline by more than a year, or at the very least officially confirm its intention to enact such an amendment in a written document.

1.2 Announce the training schedule and specify the priority of the substances. The Committee appreciates the EPA’s holding of several workshops and training sessions to build up industrial stakeholders’ competence in preparing registration dossiers and engaging in data searching in the public domain. The chemical industry is looking forward to similar training opportunities for additional substances. To facilitate the registration progress, the Committee suggests that the EPA establish an annual training schedule and announce the priority of the substances to be assessed, so that industry members can re-allocate their internal resources and focus more on substances for which public data is lacking. Adopting these measures would ease the anxiety of small and medium enterprises in Taiwan.

1.3 Build industry competence in hazard and exposure assessment. Hazard and exposure assessment reports are required for ECSSR levels 2 and above. Currently the EPA accepts dossiers without the assessment report and requests registrants to provide the report afterwards, but the pertinent technical guidance and reference have been available in draft form only, with no further progress or update since 2016. As most industrial stakeholders were not even aware of the draft, they had no choice but to turn for support to consulting companies, despite the considerable burden and expense. The Committee urges the EPA to publish the technical guidance as soon as possible – and to take into consideration the lack of expertise among many industrial stakeholders in conducting reliable hazard and exposure assessments. To help build up this competence, we urge the EPA to offer workshops and training or counseling programs so that the goal of implementing world-class chemical source management in Taiwan can be achieved.

1.4 Align the CMR classification for 106 priority existing chemicals. The Committee is aware of cases where registrants selectively ignored the International Agency for Research on Cancer (IARC) classification for carcinogenic, mutagenic, or toxic for reproduction (CMR) substances, instead referring to other existing data in the public domain. Seeking to avoid upgrading the registration level, they deliberately adopted a less severe GHS (Globally Harmonized System) classification. Such activity will negatively impact Taiwan’s chemical management and health risk assessment program. The Committee therefore urges the EPA to enforce a consistent standard on CMR classification.

1.5 Exempt on-site isolated intermediates. The Committee urges the EPA to consider providing exemptions for on-site isolated intermediates. Other jurisdictions have regulatory frameworks specifying that on-site isolated intermediates be treated similarly to non-isolated intermediates and that they be subject to fewer data requirements and/or lower registration fees. For example, the EU’s REACH stipulates that on-site isolated intermediates are exempt from the standard registration process and from certain data requirements as long as manufacturers provide confirmation that the on-site isolated intermediate is used under controlled conditions.

Suggestion 2: Address shortcomings in the SDS, labeling, and CBI withholding processes.

2.1 Establish reasonable review criteria for SDS and labels. Due to misinterpretations of the “Regulations for the Labeling and Hazard Communication of Hazardous Chemicals,” many downstream users recently requested chemical companies to prepare their SDS exactly in accordance with the “Content and Template for Safety Data Sheet” in the Regulation’s appendix. The Committee believes that instead of obsession with the terms and headings for SDS preparation and labeling, it is more important to adhere to the spirit of the GHS Purple Book by providing downstream users with hazardous chemical information and safety and protection measures. The Committee urges MOL to provide a clarification to prevent unreasonable requests from labor inspectors or downstream users.

2.2 Follow global procedures for CBI withholding and refine the review criteria. The EU, Taiwan, and Korea are the only jurisdictions requiring an additional application to qualify for confidential business information (CBI) withholding in SDS and labeling. In accordance with the rules for GHS classification, “cannot be classified” is acceptable in the EU when there is no thorough data, while in Taiwan it is mandatory to prove the lack of a health hazard in each case. In Korea, GHS classification results and SDS documents are sufficient. Further, the Korean system allows for minimized dossier preparation and quicker review period for R&D samples. The Committee urges the MOL to adopt the EU and Korean practices to ensure that the CBI withholding process in
Taiwan is not excessively burdensome.

2.3 Establish standardized review criteria, a specified review period, and a mentoring program for CBI withholding applications. Since the implementation of CBI withholding came into effect, CBI applicants have encountered inconsistent review standards, including contradictory comments on the same application dossier or failure to provide all review comments at one time. The absence of a limitation on the length of the review period has caused them to last for an average of 3-6 months, which presents an obstacle for the development of time-sensitive R&D products. The Committee urges MOL to reinforce the training of CBI reviewers with an emphasis on standardized review criteria and to establish a clear review period by regulation. We urge MOL to follow EPA’s practice regarding ECSSR requirements by holding workshops for the applicants, setting up a helpdesk to give a timely response to applicants’ questions, and preparing Q&A reference documents to facilitate the application process.

CHIROPRACTIC

Suggestion: Develop and begin implementation of an effective plan to legalize the profession of chiropractic in Taiwan.

More than a decade has passed since the above suggestion first appeared in an AmCham White Paper, making the uncertain legal status in Taiwan of chiropractic doctors the oldest unresolved White Paper issue.

The issue should not be so difficult to solve. The World Health Organization has long acknowledged chiropractic as a valuable form of alternative medicine, and more than 100 countries have found ways to incorporate chiropractic into their healthcare systems. Taiwan is one of only a handful of major jurisdictions where that objective has so far been impossible to achieve.

The core obstacle has been the opposition of the medical establishment, which in Taiwan continues to be quite politically influential. Nevertheless, through the active involvement of the National Development Council and some productive discussions with the Ministry of Health and Welfare (MOHW), progress appeared to be occurring a few years ago toward working out a path forward for recognition of chiropractic. Then progress was stalled last year due to the arrival of COVID-19. Understandably, the Ministry needed to put all other issues aside to concentrate on fighting the pandemic. This year that priority continues. Although the Taiwan government’s handling of the coronavirus has been among the most effective in the world, the vaccination program has just begun and the battle continues.

As soon as feasible, however, attention should again be directed to the incongruous status of chiropractic in this society. Until a reasonable solution can be devised, the foreign-trained, foreign-licensed chiropractic doctors practicing in Taiwan have had to exist in a state of limbo, remaining so low-profile that they may not even operate websites. It is an assault on the dignity of professionals who have typically gone through the equivalent of five years of post-graduate medical education and training in Taiwan.

Further, the nebulous status also leaves chiropractic doctors vulnerable to harassment by ill-wishers who complain to local health authorities that chiropractors are practicing medicine without a license. Although such charges are likely to be dismissed upon review, chiropractors are left in a state of constant insecurity.

Even more importantly, the current situation has limited the availability of chiropractic care in Taiwan, depriving the local public of access to a valuable form of healthcare appreciated by countless patients the world over. Chiropractic offers relief to patients suffering from low-back pain, neck pain, headaches, and other neuromusculoskeletal ailments. The U.S. alone has more than 70,000 licensed chiropractors.

Chiropractic treatment involves neither surgery nor medication, and so represents a highly cost-effective approach that could relieve some of the financial burden on Taiwan’s National Health Insurance program as Taiwan becomes a super-aged society.

It is long past time for Taiwan to catch up with most of the rest of the world in adding chiropractic to the fully recognized healthcare options available to the public. Once public health conditions permit, the chiropractic-doctor members of AmCham Taiwan urge the authorities to finally come up with a practical plan to provide legal recognition to their profession.

COSMETICS

2020 was a very challenging year. The COVID-19 pandemic severely impacted the global economy and took millions of lives. The Committee would like to express its appreciation for the superior leadership shown by the Taiwan Food and Drug Administration (TFDA) and other government agencies during this time. We are also very grateful for the TFDA’s continued attention to the cosmetic industry’s issues, as well as its communication and engagement with the industry to work toward resolving those issues.

Cosmetics is one of the few industries that has continued to grow and give consumers a better life over the past several years. According to an October 2020 report from the Ministry of Economic Affairs (MOEA), the average annual growth rate of the cosmetics business in Taiwan is 3.2%, higher than that of the retail sector as a whole. Although it was unavoidable that cosmetics would be impacted by the
pandemic, the industry has been back on a growth track since last July, indicating that cosmetics has strong business potential and contributes greatly to Taiwan’s economy and consumers. Yet the industry has never compromised on maintaining product quality and safety; it continues to maintain high standards for consumer protection.

The Committee recognizes the good progress the government has made on our 2020 White Paper issues. One big milestone was the TFDA’s establishment of an online English-language training program for Safety Assessors (SA). The Committee appreciates the TFDA’s adoption of our recommendation to provide assistance to foreign SAs, and believe that this move will help foreign SAs become qualified in Taiwan. Lastly, we urge the TFDA to take a more transparent, open-minded, and science-based approach to regulating cosmetics and to adopting emerging trade models. Doing so would make Taiwan the best market to invest in, free of any technical barriers to trade.

Suggestion 1: Align the size of English fonts in cosmetics labels with those of major cosmetics-importing countries and improve the readability of the Chinese and English fonts.

New cosmetics labeling regulations mainly targeted at supplying better information to consumers take effect on July 1 this year. As these will be the first regulations to include font size requirements for the English text of a product’s ingredient list, Committee members have raised concerns regarding the proposed implementation. Initially, the TFDA said that both the height and width of the Chinese and English fonts on a label would be required to be at least 1.2 mm, with a capital “O” and small “o” used to gauge compliance. In a January 2020 clarification responding to industry comments, TFDA stated that it would refer to the height of the English font as the critical factor when determining whether the 1.2-mm font size requirement has been satisfied.

In either case, however, such requirements and the announced basis for determining compliance overlook the legislative examples in many major importing countries and make it difficult for Taiwan to harmonize with the laws and regulations of leading trading partners. They also ignore the fact that Chinese and English fonts have different structures, which impact readability.

U.S. regulations regarding the font size on ingredients for cosmetics labels focus on “font height.” But in the EU, Canada, and ASEAN, regulators have abandoned the rigid designation of font sizes and instead require only that the fonts be “clear, readable and not easy to erase.” In Hong Kong, regulations on mixed Chinese-English labeling on packaged food provide separate standards for the English and Chinese texts, so as to make the label more legible.

The Committee believes that the font size on cosmetics labels should not be regulated or restricted by height and/or width. Instead, the key point should be the overall clarity and readability of the labels at the time of purchase or use by the consumers. If font size is to be regulated, the different structures of Chinese and English fonts should be taken into consideration and their requirements should be different, especially with regard to smaller product packages.

Suggestion 2: Avoid non-transparent or arbitrary review standards for proof of claims for cosmetics products.

Under Article 3 of the “Regulations Governing Criteria for the Labeling, Promotion, and Advertisement of Cosmetic Products with Deception, Exaggeration, or Reference to Medical Efficacy” (the Criteria), one of the situations defined as constituting a “false or exaggerated claim” is when “the content description has no evidence, or the evidence is insufficient to support such description.” In addition, according to Appendix II of the Criteria, the data supporting the claim must be “objective and fair.”

In the Criteria, a claim that a product is anti-bacterial is one for which objective and fair supporting data is required. In 2017 the TFDA published the “Limits and Regulations on Anti-bacterial Agents Used in Cosmetics” (the Regulations), listing ingredients with anti-bacterial properties and the percentage of such ingredients allowed in cosmetics products regulated by the TFDA. We urge the TFDA to permit the claim that certain cosmetics products are anti-bacterial as long as one or more of the ingredients listed in the Regulations is included in the products’ formulas and the concentration of such ingredients meets the standards set out in the Regulations.

The Criteria also require such data for claims that a product is anti-acne. However, when industry has provided in-vitro acne bacillus test results to substantiate such claims, they were rejected by health authorities on the grounds that the results could not prove the efficacy of the products in question on the human body. If in-vitro acne bacillus test results do not constitute “objective and fair” data, the Committee is unclear as to what would.

We urge the TFDA to follow international best practices in evaluating product claims for cosmetics and accept widely adopted tests as supporting data. Doing so would allow cosmetics companies to provide accurate information about their products without being subjected to the vague requirement to provide “objective and fair” data to back up such information.

Suggestion 3: Relax regulations on the production and sale of customized cosmetics.

Providing consumers with the ability to customize their cosmetics products by choosing ingredients according to their skin conditions or preferences is a widely established
trend in the cosmetics industry. It allows companies to create unique products that may be more effective than off-the-shelf products. A popular method of doing this is to have trained and certified staff blend and repackage the product on-site at retail stores.

The U.S. Food and Drug Administration provides industry guidelines and a GMP checklist for inspection of customized products, which has allowed many brands to offer such products to U.S. consumers. In the EU, Cosmetics Europe (CE), France’s FEBEA, and the German Cosmetic, Toiletry, Perfumery and Detergent Association (IKW) have provided voluntary guidelines for their members to follow regarding customized cosmetics. In addition, South Korea’s new cosmetics laws allow companies to sell personalized cosmetics after obtaining a specific license. The customization is conducted by certified personnel. In Japan, personalized cosmetics can be made and sold in stores, as long as the premises passes a government audit and the company has obtained a manufacturing license.

Ensuring product safety and quality is the responsibility of the manufacturer. Therefore, first and foremost, customized products should pass a safety assessment and comply with the same local regulatory requirements as with traditional finished and packaged cosmetic products, including labeling, product notification, and registration. In addition, the products should have certain physical-chemical characteristics – for example regarding water activity, alcohol percentage, and the pH of the formula – that prevent the proliferation of microorganisms. The facilities and layout of the customization counter should be designed to allow a reasonable workflow and necessary measures to avoid contamination. In the meantime, an SOP including hygiene protocol should be developed and strictly followed by the qualified staff at each step.

We urge the TFDA to relax relevant regulations and remove barriers to this new business model, so that Taiwanese consumers can enjoy access to this popular trend and to encourage further growth of the cosmetics industry in Taiwan. The Committee would be pleased to engage in dialogue with and provide more detailed information to the TFDA on this topic.

**Suggestion 4: Clarify rules regarding the refilling of cosmetics product containers.**

Reusing containers is an important means of reducing waste and protecting the environment. Refilling cosmetics bottles is one way in which containers can be reused. Consumers bring their empty cosmetics products to the store, which refills them from a bulk-sized container. Allowing such services would save the Taiwan government some money in waste disposal costs.

As with customized cosmetics, refilling is allowed in many major markets, including the U.S., EU, and South Korea. In addition, the ASEAN Cosmetic Association is in the process of drafting guidelines for refilling products in-store.

Under Taiwan’s GMP requirements, “packaging operations” are defined as “the process in which a semi-finished product becomes a finished one through all packaging steps such as filling, sub-packing and labeling.” The TFDA has also stated that “those cosmetic manufacturing sites where only cosmetic packaging operations are performed are exempt from factory registration.” We therefore ask that the TFDA clarify whether refilling is acceptable under relevant regulations if the stores engaging in such activity comply with GMP standards.

**DIGITAL ECONOMY**

Since the Committee’s inception in 2019, members have called for the establishment of a high-level authority to “provide planning and guidance” to spur further advances in a society that has long embraced the digital economy. In 2020, the Committee continued to track progress on the matter while also suggesting interim measures to ease the transition. Last year the Committee extended advance congratulations to the Taiwan government on its decision to establish a Ministry of Digital Development (MODD) to promote and develop Taiwan’s digital industry.

The Committee observes that in the absence of an MODD, Taiwan has continued to experience high-profile tensions between digital and traditional industries, including those involving car-hailing platform Uber and conventional taxi services, homestay APP Airbnb and hotels, and fintech companies and physical banks and other financial institutions. Those tensions have stemmed from a misunderstanding of how the digital economy works, rigid bureaucracy and digital-averse policy-making, local industry protectionism, and slow acceptance of digital transformation – all compounded by the lack of a dedicated authority to support digital development. The Committee hopes that the MODD will not only provide its unwavering support behind the promotion and inclusion of new digital products and services into the fabric of society today, but also be able to revisit past decisions and inconsistencies by other agencies that may have delayed, if not damaged, Taiwan’s digital advancement.

The Committee also hopes that, in line with the spirit of the MODD, the government will offer guidelines to encourage government agencies to promote digital approaches, and to commit to a multi-stakeholder collaboration to support the news ecosystem and defend against digital disinformation.

**Suggestion 1: Provide the MODD with a mandate to promote a more open, less restrictive digital economy.**
The Committee applauds the government’s progress toward establishing the MODD. The proposal for the new ministry is designed to achieve the goals of coordinating Taiwan’s digital development, better managing the digital economy, creating reasonable market competition, and allowing digitalization to flourish.

We also recognize that there are many challenges ahead for the new ministry in terms of aligning everyone involved in embracing and promoting digitalization. In recent years, tensions have arisen between innovative digital development and the more traditional thinking and practices of industry and government. One prominent example is the government’s misclassification of gig workers who partner with online delivery platforms as employees, rather than the more appropriate category of independent contractors. To chart the way forward, we would like to propose some priority areas for the new ministry to consider once it is established. We view these suggestions as fundamental to providing a welcome environment for digital innovation and development.

**1.1 Review regulations concerning digital development and related businesses.** The establishment of the MODD presents a great opportunity to undertake a comprehensive review of Taiwan’s legal framework for digital development and internet services. A constructive and tech-friendly framework for everyone involved in the digital economy ecosystem would encourage businesses of all sizes to invest in innovation and explore new areas of digital transformation with the aim of improving community welfare.

However, there has historically been a lack of consistency in how the laws and regulations in Taiwan are interpreted and enforced. Regulations promulgated by different agencies are sometimes incompatible with or negatively impact one another. Some deviate from international best practices and models that have proven to be effective for digital transformation.

This has inevitably caused confusion regarding the liabilities of service providers and has made businesses less willing to build or provide innovative products and services for the Taiwan market. The Committee therefore recommends that the new ministry, in coordination with other government agencies, review and assess the creation, interpretation, and enforcement of existing regulations concerning the development of the digital economy in order to foster and strengthen Taiwan’s future development.

**1.2 Develop national data strategies.** Such strategies can contribute to unleashing the potential of data to help the economy and society, while effectively protecting privacy and intellectual property and providing security against data theft or abuse. The central role of data in digitalization requires a high-level and strategic policy perspective that can balance multiple objectives. Some policies addressing data issues already exist in Taiwan, including those related to open government data, personal data protection, and cybersecurity, among others.

Building on this foundation, we suggest that the newly established MODD develop consolidated data strategies as part of a comprehensive, coherent, and internationally interoperable data approach while addressing the many issues regarding data governance, such as cross-border data flow and the proliferation of AI. The Committee is keen to build a direct and meaningful dialogue mechanism with the MODD and related authorities to support this approach with the aim of bringing Taiwan’s economy to the next level digitally.

**1.3 Act as coordinator, rather than regulator.** The nature of services provided by emerging businesses in the digital economy is often broad and can encompass multiple existing sectors. This is particularly true for businesses (usually digital platforms) that focus primarily on the digitalization of a traditional industry. These companies therefore sometimes find it difficult to determine which government body is considered the competent authority for their industry.

In the past, a number of online platforms were required to register, obtain licenses, and be regulated as the very industry their services aim to digitalize. This created confusion and hindered potential growth as the operations and compliance requirements for platforms and traditional licensed businesses are often very different. There is simply no one-size-fits-all solution.

We are not suggesting that the MODD become a designated regulator. Instead, we recommend that it take on the role of coordinator, especially when no authority can be identified for emerging businesses. With the assistance of the MODD, we trust that digital transformation can move in a positive direction.

**Suggestion 2: Continue the commitment to strengthening multi-stakeholder collaboration to combat digital disinformation.**

The Committee is encouraged by the Taiwan government’s recognition of the ongoing efforts made by web-based businesses in leading the fight against disinformation. During meetings held by the National Development Council to discuss our 2020 White Paper issues, the National Communications Commission (NCC) acknowledged member companies’ great accomplishments in offering and implementing solutions to disinformation and other critical issues in Taiwan, such as public health. These efforts, which involve promoting digital literacy, enhancing verification skills, and sharing digital tools to curb disinformation, have been carried out in partnership with third-party organizations in Taiwan. The NCC’s positive reinforcement echoes similar
sentiments shared publicly by Taiwan’s government leaders. While it may not have been obvious then, it is clear now that organically formed multi-stakeholder collaborations between members of civil society, online platforms, and government are an attainable, realistic, and effective way to combat digital disinformation while maintaining protection of free speech. In this way, Taiwan has been able to consistently maintain its status as one of the most democratic countries in the world. With these fundamentals, Taiwan is on its way to becoming a regional and global champion in finding solutions to the spread of disinformation.

To add to the current momentum and think ahead about methods to address new ways in which disinformation is disseminated, trust must be sustained. This includes trust that online platforms will commit to improving best practices to produce safe and reliable products and services; trust that civil society will continue to monitor and raise awareness of issues; and trust that government or government proxies will not resort to coercive policy measures and overreach that violates democratic principles of free speech.

Industry leaders are in the best position to determine realistic practices and partnerships that ensure trust and safety on digital platforms. Such practices encompass essential concepts such as supporting a healthy news ecosystem, delivering trustworthy and helpful information to users, and fighting piracy and illegal content – all of which are necessary for digital platforms to serve society in a responsible and useful way.

Anticipating the restructuring of the current government landscape through the upcoming establishment of the MODD and other departmental changes at the NCC, the Committee firmly stands by the partnerships created by multiple stakeholders and asks that those efforts not be interrupted by government reorganization or unjustified regulatory action. The government should continue to allow non-partisan fact-checkers, free of the influence or control of the government or its resources, to report on the accuracy of statements by public figures and prominent institutions, as well as public interest claims. The Committee requests that ongoing partnerships and relationships with Taiwan’s civil society be respected and that proposed policies that could impact these partnerships be thoroughly discussed with industry.

**ENERGY**

Since publication of the 2020 Taiwan White Paper, the government has continued to make solid progress in delivering on its ambitious energy transition plan to achieve a targeted energy mix of 50% natural gas, 30% coal, and 20% renewables by 2025. Furthermore, it has done so while maintaining price-competitive and reliable electricity supplies. In addition, the Committee greatly welcomes the significantly enhanced dialogue it has engaged in with the Bureau of Energy (BOE) over the past 12 months on these vitally important issues.

The rapid expansion of the use of imported Liquified Natural Gas (LNG) is critical if the government’s targets for moving to lower carbon emissions and more sustainable electricity generation are to be met. Awarding the contract for development of new combined-cycle gas turbine plants at Taichung and Hsinta was an important step, although many challenges remain in completing what will be one of the largest and most complex gas-to-power projects in the world. Ensuring adequate capacity and resilience in the LNG import infrastructure is vital if Taiwan is to secure full benefits from its major investment in combined-cycle gas turbine technology. Progress in this area in 2020 was significantly slower than anticipated, both because of delays in approving environmental permits and the frequent need for multiple rounds of bidding due to inadequate budgetary provision. It will be important for both the public and private sectors to significantly accelerate the LNG projects over the next two years.

Progress on renewables has been encouraging, with a number of major new wind and solar projects initiated and some important steps taken in developing a vibrant and competitive market. The Committee especially welcomed the announcement by the Ministry of Economic Affairs in December 2020 of new “Regulations for the Management of Power Users Above a Certain Contract Capacity.” We were pleased to see that in finalizing the new regulations the government responded positively to proposals from large users, as well as the suggestions made in the Energy section of the 2020 White Paper.

Yet the government did not achieve its target for new renewable capacity in 2020. One reason for the slower-than-hoped-for expansion of onshore solar – despite the availability of large tracts of underused land and ideal residential roof space, especially in southern Taiwan – is the complex set of regulatory and political obstacles. Even so, a growing partnership between the government and industry has enabled important progress, including execution by the Taiwan Semiconductor Manufacturing Co. (TSMC) of its first large-scale ground-mounted solar power purchase agreement (PPA) with Vena Energy and its signing of the world’s largest corporate power purchase agreement (CPPA) with Ørsted. Both deals were made possible through government-sponsored tendering and by close cross-department coordination within the government.

The Committee believes that the government is on the correct path with its energy transition and looks forward to continuing close cooperation with the BOE to accelerate the pace of transition so that grid stability and competitive pricing are maintained as coal and nuclear capacity is...
reduced between now and 2025. The Committee sees a case for allowing additional Independent Power Producers (IPP) into the Taiwan electricity market to boost competition and accelerate the development of additional capacity. In doing so, it is vital for the government to set the right balance between allowing market forces to drive the development of additional capacity and encouraging new technologies, while also ensuring that the market delivers solutions that meet Taiwan’s strategic energy needs. The government will also soon need to move ahead on decommissioning the existing nuclear power plants and identifying the optimum storage and disposal routes for Taiwan’s nuclear waste.

The Committee believes that the Government should initiate a debate – both domestically and with regional partners – about developing the technologies that will be required in the long term to decarbonize energy supplies while maintaining affordable and reliable electricity. Taiwan’s power grid is an isolated network, and the long-term energy roadmap should thus acknowledge the importance of grid resiliency. Furthermore, the government should develop a clearer plan to address this issue, for example through assessing the applicability in Taiwan of grid-scale energy storage systems and carbon capture, use, and storage (CCUS) technologies.

For the sake of healthy investment in the energy sector, it is essential that the government continue to support a stable policy environment and provide the maximum possible transparency about its medium- to long-term plans. An important next step is to set out energy plans for the decade beyond 2025, including whether to retain the energy mix planned for 2025 or take further steps to transition away from coal.

More strategically, the Committee notes Taiwan’s current target of reducing carbon emissions to 50% of 2005 levels by 2050. Other countries in the region have set out significantly more aggressive plans to reduce carbon emissions to net zero by 2050 or 2060 in order to mitigate the risk posed by climate change. The Committee believes that Taiwan is well placed to contribute to the global movement towards zero carbon emissions and that the world has much to learn from Taiwan’s experience, innovative research and development, and expertise in this area. But other countries will follow Taiwan’s lead only if the government can take ever bolder steps toward a greener and more sustainable energy mix.

Suggestion 1: Expand public-private dialogue to cover issues critical to Taiwan’s energy future.

The BOE has done an excellent job over the last 12 months in expanding the depth and breadth of engagement with users, developers, investors, and constructors across the energy sector. This engagement has been mutually beneficial, and the Committee looks forward to further developing the quality of these interactions in the future. The most important element of this engagement is discussion of Taiwan’s Energy Road Map to 2025 and beyond. We suggest that engagement in 2021-22 focus on the following areas:

- **Power Development Plan:** Given the critical nature of the power sector, Taiwan’s Power Development Plan should include back-up plans or alternatives to cover potential shortfall scenarios, such as delays in on-shore solar due to insufficient land, delays in offshore wind power development, and delays in major gas-fired power plants or associated infrastructure, such as LNG receiving terminals and pipelines. The government should also seek to minimize re-baselining of the plan and ensure adequate rigor in assessing progress on meeting targets. Finally, the time period covered by the plan should extend to beyond 2030 (or at least for a rolling period of 10 years) and be made public at least once a year.

- **Progress of electricity market liberalization:** With green electricity supply having been almost fully liberalized, similar steps are now to be taken for gray electricity (energy produced from polluting sources). The Committee believes that this liberalization will create enormous investment and job opportunities across the value chain. We therefore suggest that the relevant government stakeholders continue to engage with the Committee on progress, issues, and challenges. Doing so would allow industry to assess future business opportunities and encourage future investment.

- **Decarbonization:** The Committee welcomes future dialogue with the BOE on the development of plans to achieve the current greenhouse gas-reduction target and to prepare for even more ambitious targets in future. In particular, we would welcome early dialogue on the applicability in Taiwan of relevant technologies such as energy storage, carbon capture, and new energy sources such as hydrogen. Through such dialogue, industry can provide support to government toward achieving its long-term greenhouse gas-reduction goals while ensuring reliable and competitively priced energy.

Suggestion 2: Promote affordable energy while ensuring grid resilience.

To maintain Taiwan’s economic competitiveness, one of the paramount objectives of the government’s energy policy should be to continue ensuring that exporting industries are able to acquire affordable, reliable, and increasingly carbon-free energy. Energy prices in Taiwan remain relatively inexpensive compared to other countries in the region, and it is essential that this situation continue as Taiwan transitions to greener and more sustainable electricity generation over
the coming decade and beyond. The Committee believes that a more open and competitive environment will help ensure that market forces continue to keep prices affordable for consumers.

In that vein, the Committee suggests that the government ensure sufficient flexibility as it seeks to encourage the growth of a competitive renewable energy supply chain in Taiwan. Local content requirements, if applied in a rigid or unrealistic way, risk driving up renewable energy costs and stifling investment and the development of new capacity. Another approach might be to expedite splitting up the Taiwan Power Company grid to create a common carrier operated under fair market regulations.

The Committee also believes that growing corporate demand for renewable energy and establishment of a green energy market will reduce the reliance of renewable energy development on government subsidies. The Committee suggests that the government consider promoting designated solar energy development zones, similar to those adopted for offshore wind, to encourage faster buildout of solar power capacity in Taiwan.

**Suggestion 3: Streamline the regulatory approval process for new energy projects.**

To reach its 2025 target for transforming Taiwan’s energy mix, the government will need to accelerate the development of new generating capacity based on LNG and renewables. This development must be implemented in full compliance with environmental and other regulations. However, as encountered by several energy projects, regulatory reviews are not conducted in the most efficient and effective manner. The Establishment Permit, Work Permit, and Electricity Enterprise License (EEL) are key government approvals and good examples of where, as demonstrated in existing offshore wind projects, unanticipated delays can impede progress and even jeopardize the whole project. In mature renewable energy markets, it typically takes 10-14 days to obtain an EEL, a vital step for triggering revenue streams. In Taiwan, however, at least six months is often needed, in part due to the number of government agencies involved.

Given the growing urgency to accelerate the development of LNG and renewables, we recommend that the government, in close consultation with industry, undertake an urgent review of the regulatory procedures related to new energy development targets. The aim should be simplifying and expediting the process and making it more transparent, while retaining proper environmental controls. Wherever possible, the requirement for multiple regulatory reviews should be removed for nationally important projects, especially where these are conducted sequentially rather than in parallel, in favor of a single, time-limited regulatory process that brings together all stakeholders and information.

**HUMAN RESOURCES**

In the Committee’s 2020 White Paper, we raised the following four proposals:

1. **Allow employers to apply directly for a release from restrictions on working conditions for employees with monthly salaries of NT$150,000, even if such employees are not deemed “supervisory or administrative personnel” according to Article 50-1 of the Enforcement Rules of the Labor Standards Act;**

2. **Consider the factors on the Ministry of Labor’s (MOL) checklist for determining whether an employment or contractor relationship exists in their totality;**

3. **Re-evaluate the requirement for large-sized enterprises to hire nurses as it does not accurately reflect the current labor environment; and**

4. **Recognize the value of independent and flexible work arrangements under the digital economy.**

We deeply appreciate the National Development Council’s (NDC) positive responses to the above-mentioned proposals, particularly its agreement to consider removing the “supervisory or administrative employee” prerequisite for applying for more flexible working conditions. In addition, the MOL agreed to conduct a thorough evaluation of its checklist in the future.

This year, we offer the following suggestions.

**Suggestion 1: Adopt more flexible working conditions for high-salary personnel and codify the principle of safe harbor for gig workers into law.**

**1.1 Create a high-salary personnel sandbox to test flexible working conditions.**

On May 23, 2019, the MOL issued a ruling stating that employers may apply for release from restrictions on working hours, regular leave, rest days, and night and holiday work by female employees in the case of supervisory or administrative employees with monthly salaries of NT$150,000 or higher. However, workers with salaries of NT$150,000 or higher and who are tasked with supervisory or administrative duties are normally deemed mandated managers, not employees, and there is therefore no need for an employer to apply for such a release for them. This issue was previously raised by the HR committee, and we urged the competent authority to continue to give attention to this issue and remove the “supervisory or administrative employee” prerequisite in due course.

In addition, the COVID-19 pandemic has given rise to new working conditions globally. Many companies, especially those in digital and knowledge-based industries, no longer require their employees to provide services in a fixed workplace. Remote work has been widely adopted. As current laws and regulations may not be suitable
for certain new business models, including those with less obvious supervisor-subordinate relationships, we suggest that the competent authority consider adopting a “sandbox” approach that would allow employers to experiment with more flexible working conditions that may be outside the applicable laws and regulations. Such a sandbox would allow for the development of practices specific to the unique features of each business. The competent authority could then evaluate the outcome of each sandbox experiment and decide whether to amend the relevant laws and regulations.

1.2 Implement a safe harbor provision to allow companies to provide more and better benefits to gig workers.

Online platforms and companies in Taiwan have found that each additional benefit they offer to independent contractors to improve the safety and quality of their work become, in the eyes of labor auditors and the courts, further evidence of a supervisor-subordinate employment relationship.

We urge the MOL to consider the inclusion of a safe harbor clause in its “Directions for Classifying an Employment Agreement” and checklist for determining the type of employment relationship. In making its decision, the MOL may refer to the Helping Gig Economy Workers Act of 2020, introduced in the U.S. House of Representatives last May. The proposed bill seeks to allow digital marketplace companies to provide certain benefits to workers during the COVID-19 pandemic without such actions establishing workers as employees.

We propose that the following text be used for such a clause: “Any non-mandatory measures adopted by enterprises to enhance the safety, protection, and benefits of service providers shall not be deemed characteristics of an employment relationship.”

A safe harbor clause would ultimately allow enterprises to do more for independent contractors and would benefit relevant stakeholders, creating a win-win regulatory environment for all.

Suggestion 2: Count disabled people hired through third-party service providers in calculating the total number of disabled employees at a company.

Article 38 of the People with Disabilities Rights Protection Act (PDRPA) provides that a private business organization whose total number of employees is no less than 67 shall employ people with disabilities who are capable of working, and the number of employees with disabilities shall be no less than 1% of the total staff and no less than 1 person.

However, headcount openings at major multinationals have increasingly been managed by headquarters under a global strategy. Local subsidiaries usually can thus no longer independently make decisions regarding full-time headcounts.

Furthermore, in order to strengthen and streamline operations, a recent trend at multinationals is to outsource most non-core operations at local subsidiaries (e.g., catering, housekeeping, security, reception, office services, toll-free phone number operation, shipping, promotion, warehousing, IT maintenance, and fleets) to professional service providers, which offer training and career development opportunities for their employees.

This new business model provides a unique opportunity for disabled people, especially as the concept of “social enterprise” has gained in popularity. Third-party service providers that hire disabled people provide them with good training and a friendly working environment. Such enterprises can partner with multinationals to achieve the goal of offering more job opportunities to disabled people.

Considering the changing business environment in Taiwan, the Committee recommends amending the PDRPA to count disabled workers employed by professional service providers and outsourced by companies in the total number of disabled employees hired by a company. Such a revision would not only ensure more full-time job opportunities for disabled people, but would also provide an incentive for multinationals in Taiwan to hire more disabled workers through social enterprises.

Suggestion 3: Amend the temporary status quo injunction under the Labor Incidents Act to ensure the stability of the Taiwan labor market.

Article 49 of the Labor Incidents Act allows for an employee to file an injunction for temporary reinstatement and payment of wages if a court recognizes that the employee has a chance of prevailing in a labor dispute and said temporary reinstatement presents no major difficulties for the employer. In addition, Article 487 of the Civil Code provides that in the event that an employer delays accepting services from an employee, such as may be the case in a labor dispute, the employee may demand remuneration without being bound to perform those services. The application of these two articles would prevent the employer from requesting the return of wages for services actually performed by the employee during the temporary reinstatement period, even if the employer later wins the lawsuit and provides proof of wrongdoing by the employee.

However, the Labor Incidents Act explicitly states that it was enacted to supersede the Code of Civil Procedure and the Compulsory Enforcement Act for procedural matters in connection with labor disputes. The Labor Incidents Act is categorized as procedural law, and as such cannot create or expand any substantive rights and obligations in an employment relationship, which is governed by the Civil Code, Labor Standards Act, and other relevant regulations. Neither the Civil Code nor the Labor Standards Act obligate an employer to accept services provided by an employee,
which is a fact that has been recognized and confirmed in prior Supreme Court decisions.

Given the above, the Labor Incidents Act should not entitle an employee to file a motion of provisional injunction for interim reinstatement against the employer’s will. We therefore suggest that Article 49 be amended to require the employer’s consent for the grant of temporary reinstatement with pay or to provide employers with the option of paying wages to such employees without accepting their service. Employers should be consulted before a decision on which temporary solution is appropriate. The amended version of the article would read as follows:

**Article 49**

I. If the court recognizes that the case for confirming the existence of an employment relationship, as initiated by the worker, has a chance to prevail, and that the employer has no major difficulties in continuously employing the worker, the court may order a temporary status quo injunction based on the worker’s motion for interim reinstatement with wages if the employer agrees or for payment of wages without continuous employment. The type of injunction shall be decided after consulting the employer.

II. If the court of first instance delivers a judgment recognizing the existence of an employment relationship, the court shall make a disposition in favor of the worker’s motion as presented in the preceding paragraph.

III. The court shall exempt the motions, as described in the preceding two paragraphs, from the requirement of a security.

IV. If the court revokes a ruling, as mentioned in paragraph 1 and paragraph 2, due to the worker receiving a binding and losing judgment, the court may, on the employer’s motion, order the worker to return the paid wages within the scope of revocation, and the accrued interest since the date of receiving the wages. However, this provision does not apply if the worker has provided labor services pursuant to the ruling, as described in paragraph 1 and paragraph 2, and if the employer has expressed no objection to the worker’s provision of service.

V. The ruling ordering the return of paid wages, may be appealed, and the execution of the ruling stays, pending such appeal.

The proposed amendment provides the following protections to both employers and employees:

- It gives the employer the right to decide whether to accept the services provided by the worker, without affecting the worker’s right to continue receiving wages under the temporary status quo injunction.
- It provides the employer with the right to claim the return of wages after prevailing in a labor dispute. Namely, it allows employers – during litigation proceedings for reasons related to confidentiality, information security, or personnel considerations – to refuse the services of employees entitled to receive remuneration in accordance with Article 487 of the Civil Code.
- It allows the employer to decide on a case-by-case basis whether to temporarily reinstate employees during a labor dispute or merely to pay them wages. The amendment provides flexibility for the employer while protecting the interests of the employee.

**INFRASTRUCTURE & ENGINEERING**

Rather than putting forth numerous new suggestions this year, the Committee would like to extend our cooperation to the government to assist in fully implementing the recommendations made in previous White Papers. We encourage the government to engage in a consultative manner with our member companies and/or go through third-party market professionals to consider the merits of implementing the previous suggestions.

In addition, the Committee wishes to thank the Public Construction Commission (PCC) for holding an open dialogue with industry on Article 227 of the Civil Code, which was introduced into the model contract terms and conditions last year. As highlighted in our 2020 White Paper, 11 of the 12 types of model contracts now include new language under the “Rights and Liability” clause to exempt injurious performance from the normal liability limits. This change was made by adding a reference to Article 227, paragraph 2 of the Civil Code. This carve-out language did not reflect a fair and balanced contractual approach or the typical practice in the international market. Discussions with the PCC resulted in removal of the new language – an example of the government working with our member companies to arrive at a mutual agreeable solution. The new language of one type of model contract has been removed now, and we hope the other 10 could be followed up.

With regard to other past suggestions, the Committee strongly believes that their adoption would improve the capability and expand the capacity of the Taiwan supply chain, introduce greater innovation in the engineering and construction industry, and result in the completion of more projects according to the planned schedule and the safety, quality and cost requirements. Given the plethora of current or planned public and private mega-projects, the demand for qualified engineering & construction (E&C) firms is
Past Suggestions

A summary of the key suggestions from the past is set out below, grouped by theme with the year in which the suggestions were raised in past White Papers shown in parentheses. Rather than restating the merits of each suggestion in this year’s document, we invite the government and other interested parties to review past White Papers available on the AmCham website – to refresh themselves about the details. Some of these suggestions have been partially implemented (for example, Nos. 4 and 6), while No. 7 is undergoing a trial, but not in sufficient fashion to gain the true benefit.

1. Attract more foreign companies to participate in the government procurement market (2016).
3. Improve the terms and conditions in model contracts (2020).
8. Revise the design consultancy fee guidelines (2020).

2021

Suggestion 1: Issue tender documents for major or key projects in both Chinese and English.

In keeping with the government’s aim to create a “Bilingual Nation” by 2030, we recommend that the government require all Procurement Entities to issue tender documents for projects of major importance in both Chinese and English. Improving Taiwan’s ability to conduct business in English is one way to enhance Taiwan’s competitiveness. However, many of the tender documents are issued only in Chinese. Requiring the process to be conducted in both English and Chinese would underscore the government’s commitment to making the country bilingual and send a strong message to both the local and international communities. Currently international bidders have to spend time to translate the Procurement tender documents. Then the bidder must translate their proposal into Chinese and have certain documents certified as true originals by the Taipei Economic and Cultural Representative Office in the bidder’s home country. This process takes a significant amount of time and effort, and often the tendering period is short and extensions to the required return date are not easily granted.

Tendering in Chinese thus does not encourage participation by international E&C firms in government procurements.

The Committee also wishes to restate its request that any proposed changes to laws, Government Procurement Agreement rules or implementation guidelines, government procurement conditions, or the Committee’s White Paper suggestions be subject to the 60-day notice and comment period so the Committee may provide feedback on the suitability of the proposed change – and in the case of White Paper issues to ensure that the change is likely to meet the full intent of the Committee’s suggestion. The Committee asks the authorities to implement a fairer and more transparent communications channel.
INSURANCE

Extending business to overseas markets and meeting international standards and practices have become core aspects of Taiwanese insurance companies’ sustainable development in the face of the challenges of globalization. Consumers, especially the younger generation, are pushing the insurance industry to embrace innovation. The Taiwan authorities, in turn, need to strike a balance between embracing that innovation and maintaining sound regulatory supervision.

In this year’s paper, the Committee continues to focus on providing simple and innovative solutions through e-commerce to encourage an increased stress on protection insurance. The paper proposes introducing more efficient sales and claims processes, making better use of data, promoting sound asset and liability matching principles, strengthening the industry’s financial stability, and adopting a risk-based supervisory approach, reducing frequent regulatory changes while allowing flexibility of foreign insurers in ESG (Environmental, Social and Governance) and TCFD (Task Force on Climate-related Financial Disclosures) reporting. Initiatives undertaken by the Insurance Bureau (IB) have enabled Taiwan to lead the region in ICS 2.0 and IFRS 17 implementation.

While the banking industry has moved ahead in paperless and digital solutions, the insurance industry has been lagging behind. Inefficiency, especially regarding outdated sales and claims processes, is the main problem. The processes are cumbersome and do not meet the expectations of customers in the digital age. We can do much better in these areas, delivering a more satisfactory customer experience by leveraging data from the new eID, reducing the amount of mundane paperwork, and moving towards a greener operating environment. To strengthen the industry’s financial stability, it is also important to ensure that assets match liabilities in the original currency.

When setting up new rules to supervise the insurance industry, the authorities and the industry need to work together to closely follow international market practices and avoid any significant deviations from them. Setting a clear enforcement date would enable industry to be better prepared operationally and reduce paper wastage.

Strong engagement between industry and government is critical to achieving these goals. As an industry, we are committed to working closely with the IB and the Financial Supervisory Commission (FSC), and we appreciate the clear desire of the IB and the FSC to reciprocate. To make progress, it is important to set out priorities that we can all embrace, and then define short-term objectives to work toward together. The Committee is thankful to the government, especially the IB, FSC and the National Development Council (NDC) through the quarterly White Paper follow-up meetings, for its continuing commitment to work with us to realize the value of Insurtech, make the insurance industry’s services more effective and competitive, and help the Taiwan industry leapfrog toward globalization.

Suggestion 1: Provide more opportunities for e-commerce to help modernize and develop Taiwan’s insurance market.

1.1 Allow more types of protection insurance to be sold online and reduce the constraints on e-commerce insurance sales. Online insurance provides fast and convenient protection to the public. It has all the constituents to be an instant hit with today’s young tech-savvy generation, which favors doing everything with a few clicks online. Although COVID-19 in 2020 led to a surge in e-commerce and accelerated digital transformation, the Taiwan online life insurance market has grown relatively slowly since the e-commerce channel opened in 2014.

The slow pace is attributable to several factors. First, only limited types of life insurance products with limited sum assured (coverage) can be sold online. Some short-term health products – such as one-year dread disease, surgery, cancer, and hospital income insurance – are suitable protection products for online sales to meet customer’s unmet needs. Second, the sum assured limit and financial underwriting threshold of e-commerce are affected when an insurance company receives a major penalty, whether or not the penalty is related to e-commerce sales breaches. We recommend that more short-term protection products be allowed for sale online and that the sum assured limit and financial underwriting thresholds be affected only when an e-commerce sales breach occurs.

1.2 Permit data-sharing in line with the new eID policy. Global trends to strengthen personal data protection may prevent insurance companies from accessing policyholders’ personal data without directly contacting them to obtain their express consent, even if there is justifiable cause. Stringent restrictions on personal data sharing may sometimes prevent insurance companies from providing certain valuable services or acting for the benefit of the policyholder. For example, it may be impossible to mail notices of insurance benefits to a policyholder’s most recent address if it is different from the one given on the policy application form.

The Committee recommends that the Taiwan authorities consider relaxing relevant constraints and implementing a cross-industry data-sharing mechanism to facilitate the provision of insurance-related services to policyholders. The new eID policy promoted by the Ministry of the Interior (MOI) could be a good example of such a mechanism, balancing the provision of commercially viable large-scale e-services with customers’ need for...
1.3 Allow more insurance services to be fulfilled online.

The trend toward digitalization by enterprises and governments worldwide in response to the need for convenient and high-efficiency services has been driving growth in e-commerce, especially after the emergence of COVID-19. We therefore urge the Taiwan authorities to amend relevant insurance regulations related to online services for both life and non-life insurance products, with the aim of allowing the insurance industry to provide more e-services to consumers for a more convenient and efficient customer experience in the following areas:

A. Insurance application process.

- A mechanism exists for consumers to approach insurers via online enrollment platforms, and there is a mobile enrollment mechanism by which licensed insurance agents can assist consumers in applying for insurance products via mobile devices connected to the insurer’s IT system. As a data security measure, digital consent is permitted to be given online using a one-time password (OTP), enabling consumers to complete the personal identification process prior to using the online enrollment platform at the insurer’s website. We suggest that this method be extended to mobile enrollment, where written consent with a wet signature provided beforehand by the policyholder would no longer be required.

- Currently, online enrollment is limited to only certain types of life insurance products and there are still some barriers to the online sale of non-life insurance products, which inhibits the development of digital services. As long as a proper regulatory regime is in place, we suggest extending the scope of insurance products permitted to be sold online and allowing a digital version of consent to be used to replace hard copy consent for the mobile enrollment process, especially after the eID system has been launched in Taiwan.

B. Endorsement process.

For the sake of consistency in the overall service flow, we suggest providing a mechanism for endorsement via the online platform for consumers to update/amend/modify their policies digitally, without a hard copy endorsement with wet signature.

C. Claims process.

There is no provision requiring claims to be filed in a hard copy form with wet signature. However, current regulations explicitly permit claims to be filed online only for death insurance. For travel inconvenience insurance, the insurer is allowed to pay indemnification to the insured after receiving a LINE notification from the insured of the insurable incident without the need for a hard copy of the claim form with wet signature. Again for the sake of consistency, we suggest revising the regulatory scheme to enable consumers to file claims online for other types of insurance as well. The result would provide added consumer convenience and a faster payment process.

In addition, insurers could include fraud risk controls in their online claims processes to protect this function from abuse. The changes suggested above are consistent with what is permitted in numerous other jurisdictions, including the U.S., the EU, and Australia.

Suggestion 2: Permit insurers to exclude foreign investments backing foreign-currency-denominated traditional insurance products when calculating the limit on total foreign investment.

Promoting sound asset/liability and investment and risk management practices is crucial to ensuring the soundness of the insurance industry as a whole by enabling well-thought-out and carefully managed investment and risk-management strategies. Insurers in Taiwan should have the same access to, and benefits from, more advanced regulations regarding investment, hedging, and risk management capabilities as are available in other modern insurance markets. We hope to see more progress toward this end in the coming year.

Compared with TWD-denominated traditional products, foreign-currency-denominated products are more ALM (asset-liability management)-friendly to life insurance companies because of the lack of foreign exchange risk and much wider range of investment options with decent quality and sufficient liquidity for matching insurers’ liabilities. Nevertheless, insurers’ capacity to offer foreign-currency-denominated traditional insurance products is severely constrained by current regulations limiting total foreign investments. We believe the removal of this constraint could substantially enhance the ALM adequacy of life insurance companies.

Another positive impact of such removal would be the encouragement of product innovation in the life-insurance
industry. When introducing creative, new foreign-currency-denominated products to the market, this removal would allow insurance companies to participate in mature, diverse, and liquid foreign-capital markets without worrying about the foreign investment cap.

**Suggestion 3: Adopt risk-based supervisory rules for differentiated sales channels.**

Different sales channels pose different levels of risk for insurance companies. Requiring insurance companies to set up equally strong internal control mechanisms for all sales channels is impractical. In fact, applying stringent internal controls to less risky sales increases insurance company compliance cost, obstructs the sound development of the business, and causes inconvenience for customers in securing timely insurance protection.

Take the telemarketing channel, for example. Telemarketers do not collect premiums from customers or indeed have any personal connection with customers. Post-sale services are provided by the insurance companies. Therefore, regulations aimed at preventing premium embezzlement by mapping a customer’s address, email address, telephone number, and IP address against the telemarketing representative’s identity are superfluous when the risk is so low.

In addition, the average ticket size of telemarketing sales is small compared to VUL (variable universal life insurance) or annuity product sales. In the case of a telemarketing sale, it may be unnecessary to check whether the customer took out any loans in the previous three months, a procedure that customers may find onerous. Regulations originally designed for bancassurance or face-to-face sales by agents can be somewhat relaxed given the low inherent risk in the telemarketing channel.

To achieve effective supervision, we recommend a risk-based approach to setting regulations on internal controls. Insurance companies can take mitigating action based on their own assessment of the risks they face, while the regulator conducts risk-based supervision and inspection.

**Suggestion 4: Reduce the burden of frequent regulatory changes on stakeholders.**

The insurance industry is among the most heavily regulated sectors in Taiwan, and is also subject to frequent changes of laws and regulations. Any minor change in a law or regulation may require all insurance companies to significantly alter or even completely overhaul their product design, policy terms and conditions, product flyers and brochures, IT systems, and other customary practices. Frequent changes not only cause undue administrative burdens on insurance companies but also lead to excessive paperwork, unnecessary costs, and wasteful use of resources.

In view of the above, the Committee urges the Taiwan authorities to place equal emphasis on efficiency and effectiveness in implementing new or amended regulations. For example, fixed enforcement dates could be set for all laws or regulations enacted or amended during the same designated period – such as January 1 and July 1 for those promulgated during the previous six-month periods. Streamlining the implementation process for new laws and regulations would alleviate much of the burden of regulatory changes on the insurance industry.

**Suggestion 5: Show flexibility regarding ESG reporting requirements for foreign insurers.**

The concept of Corporate Social Responsibility (CSR) was first introduced to Taiwan three decades ago. Now major companies in Taiwan annually publish CSR reports with regulators’ encouragement to communicate their accountability to the public regarding economic, social, and environmental matters. Over the past decade, institutional investors have increasingly adopted a holistic perspective that embraces sustainability metrics and other factors in helping guide their buy and wait strategies. The result is what is known as ESG (Environment, Sustainability, Governance) investing.

In contrast to CSR, ESG is purely driven by economic sustainability and derived from investor needs. Noticing this trend, the U.S. Securities and Exchange Commission (SEC) has sought to provide better reference for the investment market by creating unified guidelines for listed companies in preparing their ESG reports. Fortunately, the FSC is aware of this global trend and has set out its own ESG investing initiative in the form of the “Corporate Governance 3.0 - Sustainable Development Roadmap.” In the long run, the FSC expects to see annual ESG reports that cover both sustainable environmental and economic information, replacing the existing CSR report.

For its part in paving the way toward that goal, the IB is preparing guidelines for the Task Force on Climate-related Financial Disclosures and drafting amendments to the “Corporate Governance Best Practice Principles for Insurance Enterprises.” We strongly believe that these initiatives will enhance governance in the insurance sector. However, no shares of foreign life insurers licensed in Taiwan are traded in the Taiwan securities markets, as the public offering obligation is waived for them. Rather, their Ultimate Holding Companies (UHCs) are listed and traded in offshore securities markets, and those UHCs publish global ESG reports covering all their business operations around the world. Such global ESG strategies are applicable to all business operations in each country where they operate (including Taiwan).

Taking these elements into account, we recommend that the authorities either 1) waive the ESG report-publishing
obligation for all foreign life insurers in this market, or 2) allow such insurers to utilize their UHC’s ESG report to meet this obligation.

**INTELLECTUAL PROPERTY & LICENSING**

Intellectual property rights (IPR) protection has played a crucial role in maintaining Taiwan’s competitive position in the global economy. It is vital to continue the Taiwan government’s efforts to ensure a comprehensive and healthy legal environment that provides sufficient protection to rights-owners.

Some encouraging developments related to Taiwan’s IPR protection have occurred in the past year. For example, prosecutors indicted some defendants for copyright infringement through online piracy, and the Taiwan Intellectual Property Office (TIPO) diligently worked with the Taipei Association of Advertising Agencies and Taiwan Intellectual Property Alliance to cut off payment flows to pirate websites. In terms of trade secrets protection, the Judicial Yuan also strengthened court guidelines and reference documents for handling major trade secret cases. An amendment to the Trade Secrets Act was also enacted, enabling prosecutors to issue investigation confidentiality protective orders, which prevent the further disclosure of trade secrets during the investigation process. The Committee applauds all these efforts from the Taiwan government to protect IPR.

However, the Committee believes that further steps to provide adequate protection for intellectual property would greatly benefit Taiwan’s stakeholders. We saw little or no improvement on the issues brought up in last year’s White Paper - issues that remain of great concern. Offshore online copyright infringement continues to damage the market, and Taiwan still lacks effective enforcement measures either administratively or judicially for offshore online piracy. The recent draft amendment to the Copyright Act does not include any solutions for current piracy issues, and instead may even weaken the available protection for rights-owners. Further, a consistent method for calculating damages in trade-secrets cases is still lacking. In all these areas, the government needs to make a determined effort to work with industry to find viable solutions.

Below, the Committee presents suggestions for each of this year’s issues. We recognize that many countries face similar situations, and that the challenges are growing as trade in counterfeit and pirated goods increasingly moves in the direction of online purchases and small-scale shipments. The Committee hopes that the following suggestions will help facilitate increased cooperation between AmCham Taiwan members and the Taiwan authorities, enabling each side to benefit from the other’s expertise. We commend the continued efforts to make Taiwan one of the most efficient IPR enforcement systems in the Asian region.

**Suggestion 1: Expand cross-agency cooperation to protect IPR in the pharmaceutical industry.**

The issue of counterfeit drugs, which has plagued Taiwan for decades, severely damages the legal rights of trademark owners. In the digital era, this issue has entered a new stage. Distributors actively advertise, import, and sell counterfeit drugs via social media and other digital platforms. These activities not only violate pharmaceutical companies’ IPR, such as patents, trademarks, and trade secrets, but also put the health of Taiwanese consumers at risk.

The Committee is grateful to the Customs Administration for its continuous efforts to protect Taiwan’s border and to defend legal drugs from the intrusion of counterfeits. However, the Customs Administration lacks the authority to combat counterfeit drugs through other channels, such as online sales. Full protection requires cooperation and coordination among the Customs Administration, TIPO, and the Taiwan Food and Drug Administration (TFDA).

We were pleased to see TIPO’s commitment in its “2021-2023 IPR Action Plan” to raise public awareness of the importance of respecting IPR, and its pledge to utilize “all kinds of media and digital platforms to publish promotional material and advertisements” in furthering that cause. Therefore, the Committee suggests that TIPO set aside a section on its website to help the public distinguish trade-secret-protected pharmaceutical products from counterfeits.

In addition, the Committee hopes that TIPO will increase its coordination with TFDA on counterfeit drug issues. Pharmaceutical companies have tried to get permission from TFDA to educate the public on how to identify legal products through their trademarks. But TFDA has viewed this action as violating Article 24 of the Pharmaceutical Affairs Act, even though the trademark owners had no intention to advertise the medical efficacy of the medicaments. Such restrictions not only exceed the actual goal of Article 24, endangering the public’s health, but also bar private companies from protecting their own trademarks from being pirated and their value diluted. We urge TIPO to discuss this matter with TFDA and to appropriately ease the limitations on such educational advertisements.

**Suggestion 2: Relax the timing for filing divisional applications and increase the number of office actions during examinations.**

The patent prosecution process in Taiwan includes two stages: preliminary examination and re-examination. The Patent Act provides for divisional applications to be filed during the following periods: (i) any time before a decision of re-examination is rendered, or (ii) within three months after
receipt of an allowance decision either at the first examination stage or the re-examination stage. Current draft amendments to the Patent Act (the Draft Amendments) remove the re-examination stage and preclude the filing of a divisional application during review by the Review Board. That is, the applicant is allowed to file a divisional application (i) any time before a decision of examination is rendered, or (ii) within three months after receipt of an allowance decision at the examination stage. If the application is rejected, there is no opportunity to file a divisional application.

The proposed Amendments reduce the opportunity to file a divisional application and increase the burden on applicants in terms of the cost of prosecution and the difficulty involved in managing a patent family. The Committee suggests revising the Draft Amendments to enable applicants to file a divisional application when an application is still under review by the Review Board, within a certain time period after receipt of an allowance decision from the Review Board, or even before asserting civil infringement claims.

On the other hand, under current patent practice, if the examiner intends to reject the application at the preliminary examination, the examiner will issue a preliminary office action stating the reasons for rejection, so that the applicant has a chance to make amendments and submit a response. After reviewing the response, the examiner will issue a decision rejecting or allowing the application. Given the above, in most cases the applicant will have at least one chance to make a response before receiving a decision. During re-examination, the applicant will have further opportunity to communicate with the new examiner and make amendments and submit a response.

The Draft Amendments abandon the above-mentioned re-examination process. Instead, an applicant contesting the rejection decision needs to file a petition with the Board to review the case. Although there would still be a chance to submit post-filing data during Board review, reconsideration through another examination will be allowed only when amendments are submitted – and amendments are relatively constrained at the Board review stage. Therefore, applicants for pharmaceutical or biotechnical patents may be compelled to make decisions on amendments before obtaining experimental data, which will make it difficult for applicants to prepare a filing strategy in Taiwan. To make up for that deficiency, the Committee suggests adding the phrase “more than one office action can be issued before issuance of a decision” to Article 45 of the Draft Amendments, so that applicants can have a better chance to protect their technology through the patent system.

Suggestion 3: Find a way to effectively combat online piracy.

Overseas-based pirate websites and infringing APPs continued to run rampant in 2020. An adequate legal framework and effective government action to fix the problem are still lacking, leaving the legitimate interests of copyright holders in jeopardy.

Foreign-based websites and infringing APP developers illegally provide a huge amount of copyrighted content for streaming or downloading, or for free or paid streaming-ripping services targeting users in Taiwan. Due to the lack of jurisdiction or failure to identify domestic defendants, the Taiwan government has not adopted any concrete and effective measure to cope with the situation. Although the government deserves credit for enactment of Article 87.1(8) of the Copyright Act, this provision may be of limited usefulness as it requires providing evidence that the alleged offender “received benefit,” a difficult hurdle.

Nevertheless, at least 40 countries and territories have already implemented effective ways of dealing with foreign-based copyright infringement, through either administrative or judicial solutions. We urge the authorities to study those examples to see whether any would be appropriate models for Taiwan.

Although many of the infringing online services are located outside of Taiwan, a significant amount of such illegal activity occurs within Taiwan and should be subject to effective law-enforcement action.

While we understand that there are certain obstacles to reducing online piracy, including the difficulty of determining the actual owner or operator of the pirated websites, Taiwan needs to address the fact that it is falling behind the rest of the world on this issue. The Committee urges the government to use every available measure to tackle online piracy as soon as possible. Taiwan needs to fix the deficiencies in the current legal framework that leave rights-holders with no effective redress – either administrative or judicial – when confronted with online piracy from overseas.

Suggestion 4: Remedy serious shortcomings in the proposed Copyright Act during the legislative review process.

A Copyright Act has been approved by the Executive Yuan and was sent to the Legislative Yuan for review in April this year. The bill adopts most parts of the unsatisfactory Copyright Act that was submitted to the Legislative Yuan in the previous session last year. Examples of the shortcomings continued from the previous bill include unreasonable expansion of fair use of copyrighted material, weakened criminal sanctions against optical disc piracy, failure to extend the copyright protection term to conform with the global norm, and failure to provide a solution to the problem of foreign-based online piracy.

The current Copyright Act would constitute an unacceptable step backward for copyright protection. The Committee therefore suggests the following means to remedy the deficiencies in the draft amendments:
• Maintain the current three-step test principles for application to all types of fair use.
• Ensure that penal provisions are at least as high as those set out in the current Copyright Act and apply the criminal penalties against optical disc piracy to copyright offences involving digital storage media.
• Extend the copyright protection term to at least 70 years in conformity with the international trend.
• Provide an effective mechanism to address the problem of foreign-based online piracy and a framework to ensure adequate remedy and effective enforcement against online piracy.

We firmly urge the legislature to make these important changes during its review of the Copyright Act rather than pass a law that the international community will regard as a step backward in IPR protection.

MEDICAL DEVICES

Due to Taiwan’s rapidly aging population and evolving disease types, it is vital for the public’s health and wellbeing to accelerate medical innovations and shorten the time to market for new and improved devices. The Committee would like to thank the Taiwan Food and Drug Administration (TFDA) for offering manufacturers expedited measures for document preparation during the period of COVID-19. Member companies have also been developing and launching innovative devices to protect the health of the people of Taiwan. While post-market monitoring has become more stringent under the new Medical Device Act, we look forward to close communication and cooperation with the regulators to help make continued progress towards streamlining the pre-market approval process.

The Committee also appreciates the willingness of the Ministry of Health and Welfare (MOHW) and its National Health Insurance Administration (NHIA) to listen to stakeholders’ feedback and modify policy directions accordingly. We urge the government to show flexibility in the treatment of different kinds of medical devices, in particular to maintain room for advanced technology so that the Taiwanese people can continue to enjoy the benefits of research and development. Our Committee members will keep on providing high-quality products to meet patient needs and enable Taiwan physicians stay at the forefront of the international medical community.

Suggestion 1: Accept MDSAP audit reports as qualified substitutes for EIRs in QSD simplified regulatory pathway submissions.

Submission of an Establishment Investigation Report (EIR) issued by the U.S. FDA is a requirement under Taiwan’s simplified Quality System Documentation (QSD) regulatory pathway for auditing manufacturing sites located in the U.S. In 2016, the U.S. FDA issued a letter recognizing the Medical Device Single Audit Program (MDSAP) audit report as equivalent to an EIR for this purpose. The Committee urges TFDA to similarly accept MDSAP audit reports as an equivalent substitute for an EIR, enabling American manufacturers to have access to the same simplified regulatory pathway to QSD as European and Japanese manufacturers.

Suggestion 2: Maintain the simplified pre-clinical test substitution pathway while seeking pre-market technical dossier exchange agreements with other countries.

Passage of the Medical Devices Act has brought changes in regulatory procedures. Although the government has announced a simplified pathway allowing holders of certificates of market approval from countries that have signed a Memorandum of Understanding with Taiwan on Pre-market Review Technical Collaboration to be exempt from pre-clinical test reports by the TFDA’s Medical Device and Cosmetics Division, to date no country has signed such an MOU with Taiwan. Once such agreements are in place, Taiwan will be able to engage in the exchange of pre-market technical dossiers with the relevant countries.

In the meantime, it should be recognized that the European Medical Device Regulation (MDR), which took effect in May 2021, is even more stringent than the previous Medical Device Directive (MDD) and ensures more rigorous evaluation of safety and efficacy. For its part, U.S. FDA approval has always been highly regarded internationally. When a product has been approved by both the U.S. and European regulatory review bodies, that should provide convincing verification of its safety and functionality. As a result, the time and human resources needed for review in Taiwan could be greatly reduced. The Committee therefore recommends providing industry with a reasonable grace period by maintaining the current simplified pathway until Taiwan has been able to sign MOUs with other countries.

Suggestion 3: Regulate medical device manufacturers according to the identity of the design holder (the legal manufacturer).

In line with the growing trend of supply chain globalization, quality management systems nowadays cover multiple design and manufacturing facilities for simultaneous auditing, as opposed to independent auditing of a single manufacturing facility. The Committee suggests that TFDA’s Quality, Monitoring, and Management Division establish an auditing program that reviews manufacturers based on who is the design holder, also known as the legal manufacturer. Consideration could be given to including multiple manufacturing sites under a single market-approval license for a device. The resulting supply chain flexibility and agility...
would help ensure a stable supply of medical devices and smooth customs clearance to the ultimate benefit of Taiwan’s healthcare providers. The Committee suggests that TFDA’s Medical Device and Cosmetic Division establish a license management program to manage all physical facilities under a given legal manufacturer. Establishment of this management scheme would bring Taiwan’s regulatory environment more in line with that of the international community, including the U.S. FDA.

**Suggestion 4: Expedite patient access to new technologies through more efficient NHI review processes.**

4.1 **Assign a temporary procedure code during the review of a new NHI procedure.** Some new procedure applications go through a Health Technology Assessment (HTA). In those cases, NHIA will announce a temporary self-pay code for the new procedure during the NHIA reviewing period. But most new procedure applications do not undergo an HTA. In those cases, during the review period the medical device company needs to arrange for each individual hospital to submit a new patient-self-pay procedure application at the county or city health bureau level. Because the process is so time-consuming and involves voluminous paperwork, it poses a barrier for new procedures to enter the Taiwan market. To protect patients’ right to have access to new-technology medical treatments, we suggest that NHIA assign a temporary procedure code for all new-procedure applications while they are under NHIA review, regardless of whether there is an HTA. The healthcare providers could charge patients a full self-payment fee for early access.

4.2 **Shorten the time to market for new-function medical devices by loosening the criteria for accepting applications.**

Given the ever-changing nature of medical devices, there have been situations where procedure codes corresponding to new-function medical devices cannot be found. At the same time, the review process for applying for new procedure codes is quite lengthy because of the time needed to collect the required information, hold discussions, and reach the final decision. It is important for patients to be able to receive early access to new-function medical devices to aid in their treatment, as well as for health providers to accumulate local clinical experience. We suggest that NHIA broaden the current practice of assigning temporary codes. They should be made available not only for devices that already have corresponding procedure codes, but also for those that provide other data, such as ICD-10-PCS codes (an international system of medical classification used for procedural coding) or data from smaller-scale clinical trials. The aim is to encourage manufacturers to continuously introduce new medical technologies and new medical devices into Taiwan and increase patient accessibility to new-function medical devices.

**Suggestion 5: Improve the pricing mechanism for new-function medical devices.**

5.1 **Revise the formula for calculating reimbursement pricing for functional improvement devices.**

For medical devices with improved functionality in the new-function category, reimbursement prices are calculated using a formula based on the existing reimbursement price, with another 15% added on for each of seven factors deemed to have been achieved. We recommend that NHIA increase the add-on percentage to 25% for each criterion that is met. We also propose adding four more factors: (1) easier and smoother clinical operation; (2) more advantageous infection control; (3) more practical clinical results from hospitals; and (4) use of smart healthcare to benefit treatment.

In current practice, NHIA will usually accept just one or two criteria, which means the price of a proposed new device will only have a 15-30% markup on the existing reference product. In our experience, that level is generally insufficient to reflect product value and cost. A higher mark-up per factor, plus acceptance of the proposed four additional criteria, would more effectively reflect the value of advanced technology and encourage industry to continuously bring innovative medical devices to Taiwan.

5.2 **Use Real-World Evidence methods to evaluate new-function medical devices.**

NHIA’s current practice for classifying and pricing new-function medical devices is to use published clinical papers as reference, evaluating the strength of the evidence based on the grade of recommendation given to the device. Under the current pricing mechanism, only journal papers giving a high grade of recommendation can be recognized as solid evidence to obtain a high price for an innovative new medical device. But these kinds of journal papers are not easy to get published, especially for innovative products.

For drug pricing, using clinical papers as a main reference in determining pricing is reasonable. There are many ways to design and conduct a randomized clinical study. The outcomes can be demonstrated through efficacy or safety data. But for medical devices, it is not easy to conduct a clinical study that separates patients into two distinct groups, such as one group that receives a traditional stent and the other a drug-eluting stent by random assignment. Therefore, level 1 – a grade of “A” evidence – is difficult to obtain.

Moreover, a new generation of the device with functional
improvements may be introduced every few years. Clinical studies frequently cannot keep up with that rapid pace of development. A system known as Real-World Evidence (RWE) is used in medical device regulatory decisions to assess safety and efficiency. It relies on collecting comprehensive practical data from multiple sources, including clinical trials and healthcare studies conducted by certified laboratories and institutes. We recommend that NHIA utilize RWE to support coverage and pricing decisions when evaluating new-function medical devices. The U.S. Food and Drug Administration already utilizes RWE to support its regulatory decision-making for medical devices, as does its Australian counterpart. RWE can encompass all kinds of evidence in addition to published journal papers, including manufacturers’ clinical papers to prove the safety and efficacy of the new product, as evidence to consider in determining whether to approve the license.

PHARMACEUTICAL

Taiwan’s successful containment of the COVID-19 pandemic has underscored its outstanding public health infrastructure and positioned it as a regional healthcare leader. We were pleased to see that the government responded to our 2020 White Paper suggestions by beginning to shift from a cost-control mindset to one of value creation. For instance, funding for new indications was increased in the 2021 National Health Insurance Administration (NHIA) global budget, and in several media interviews Minister of Health and Welfare Chen Shih-chung stressed the importance for Taiwan of investing more in health.

Taiwan has world-class ICT infrastructure and capabilities, a high-quality healthcare system and talent, comprehensive health data collected and maintained by the NHIA, and robust and transparent regulations. These advantages provide Taiwan with the potential to excel in many healthcare areas in the Asia-Pacific. But for Taiwan’s healthcare ecosystem to continue advancing, it must take bold steps and adopt a more forward-looking approach.

Biopharmaceutical companies can help burnish Taiwan’s reputation on the global stage by becoming reliable partners for the Taiwan government. The Committee suggests the following solutions in hope of establishing strong partnerships with the government and making Taiwan’s healthcare ecosystem more sustainable.

Suggestion 1: Establish a platform for biomedical collaboration between the Taiwan authorities and industry.

In recent years, member companies have invested significant resources into collaboration with Taiwanese public- and private-sector partners on biotech innovation, talent development, precision medicine, digital health, public health, anti-pandemic collaboration, and other areas.

These projects have produced concrete results, but each was launched individually by various member companies and cooperating government agencies. We believe Taiwan could accelerate the development of its biomedical ecosystem by establishing a cross-agency platform to facilitate dialogue, identify opportunities, discuss challenges, and maximize the synergy between public and private resources. Such public-private collaboration would demonstrate Taiwan’s determination to be a pioneer in the region and attract more investment from multinational companies.

Recommendations:

- Establish a cross-sector, public-private taskforce, convened by Deputy Minister-level officials, preferably from the Ministry of Health and Welfare (MOHW), and joined by senior officials from the National Development Council (NDC), MOHW, Ministry of Science and Technology (MOST), and Ministry of Economic Affairs (MOEA). This taskforce would serve as an accelerator to enable Taiwan to achieve its national goal of developing biomedical industry under the Six Core Stratrcic Industries plan. It would provide a platform for more coordinated collaboration on areas such as R&D, healthcare system optimization, harmonization of regulations, talent cultivation, data sharing, and smart/digital health development.

- Launch the platform in Q3 2021. We suggest starting by focusing on two public-private partnerships: one on anti-pandemic digital applications with the Centers for Disease Control (CDC), and the other to discuss pharmaceutical reimbursement policies, such as horizon scanning, with the NHIA.

Suggestion 2: Set bold goals for increasing the level of current health expenditure, embrace horizon scanning in budget planning, and improve MEA practices.

The Committee appreciates the Taiwan government’s moves to increase the new drug and new indication budget and introduce a horizon-scanning approach. However, unstable and incremental funding for biopharmaceutical products has led to inadequate reimbursement for new drugs and new indications, resulting in a high rate of unmet clinical needs. In addition, lengthy reimbursement timelines and “100% claw back” and “class cap” provisions in Managed Entry Agreements (MEAs) negatively affect healthcare companies. Ultimately, these measures impact patient access to innovative medicines and Taiwan’s global competitiveness in clinical research and development, the cornerstone of its biopharma ecosystem.
2.1 Use international standards as a benchmark for future biopharmaceutical investment.

Public funding in health is a matter of national economic priority. In terms of national health investment, Taiwan’s scorecard is lagging compared to those of its regional neighbors. According to a 2020 report from the World Health Organization (WHO), Taiwan’s current health expenditure (CHE) accounts for only 6.1% of GDP, less than that of most developed OECD countries, including Japan’s 11% and South Korea’s 7.6%. While the world’s investment in health has continued to grow, Taiwan’s CHE to GDP ratio has stagnated, growing only 3.3% since 2010, much less than Korea’s 28.8% and Japan’s 19.6%.

The Committee urges the Taiwan authorities to take concrete steps toward catching up with the world on health investment and strengthening Taiwan’s health reserves to ensure a stable, sufficient new drug and new indication budget. In so doing, Taiwan will set the stage for building up a biomedical research and development ecosystem, making it a key strategic driver of the Taiwanese economy.

Recommendations:
- Engage industry stakeholders in the horizon-scanning process for planning the new drug/new indication budget.
- Use international standards as a benchmark for future biopharmaceutical investment.
- Recommend that the MOHW, allocate sufficient funding for a multi-year increase in the new drug and new indication budget using horizon scanning as a technique for determining potential new pharmaceutical developments.
- Communicate with industry in devising the methodology for planning the new-drug budget so that the voices of industry stakeholders are heard before decisions are made. Invite industry representatives to join the Pharmaceutical Benefit and Reimbursement Scheme (PBRS) New Drug Planning working group to reach a consensus before the horizon-scanning technique is fully implemented.

2.2 Engage industry stakeholders in the horizon-scanning process for planning the new drug/new indication budget.

The Committee is pleased that the government has adopted horizon scanning as a prospective tool for budget planning. Since such an approach can accelerate patient access to new, innovative treatments, all of our member companies are willing to work together with the government to help with its implementation. Still, we are concerned about a lack of clarity as to how horizon scanning would actually be utilized. We thus offer the following recommendations to ensure that a future horizon-scanning approach allows for predictability, flexibility, and transparency.

Recommendations:
- Be sure to include safeguards to prevent business secrets from being revealed in the horizon-scanning process. After all, the purpose of the process is to improve patient access to new medicines without disclosing pharmaceutical companies' confidential information.
- Communicate with industry in devising the methodology for planning the new-drug budget so that the voices of industry stakeholders are heard before decisions are made. Invite industry representatives to join the Pharmaceutical Benefit and Reimbursement Scheme (PBRS) New Drug Planning working group to reach a consensus before the horizon-scanning technique is fully implemented.

2.3 Establish a mechanism to ensure the continuous improvement of MEA practices.

The Committee applauds NHIA not only for announcing draft MEA implementation principles to industry groups in September 2020, but also for committing to review the execution of MEAs using a mechanism to ensure continuous improvement.

Under the current scheme, the presence of various options under the MEA umbrella such as class budget caps, product MEAs, and Price-Volume Agreements (PVA) has impacted the operations of member companies and may not be conducive to the introduction of innovative medicines on the Taiwan market. It is therefore time to improve current MEA practices.

First, when setting the budget cap, NHIA should refer to objective data such as the eligible patient population or year-on-year forecasts to prevent manufacturers from bearing all the risks associated with deviation from the clinical practices and prescriptions stipulated in MEAs.

Second, the agreements should be flexible enough to leave room for different terms based on product and disease characteristics. The Committee recommends that MEAs be terminated automatically once the use and financial impact of the medication have stabilized to a certain degree.

Further, the Committee urges NHIA to provide drug manufacturers with sufficient flexibility and room for negotiation before an MEA is signed. In addition, the agreement should fully reflect the opinions of manufacturers, demonstrating basic equitable treatment, predictability, and mutuality.
**Recommendations:**
- Establish the promised rolling review mechanism with industry to continuously improve MEA practices.
- For existing MEAs, reexamine the budget threshold mechanism and align it with clinical treatment situations. Apply the implementation principles announced last September (i.e., decrease the 100% clawback provision or increase hard cap numbers based on evidence and forecasts provided by companies) and create a tiered rebate structure. Termination of agreements should occur when the use and financial impact of the medications have stabilized.
- For new MEAs or those to be renewed, put in place a face-to-face negotiation mechanism, allow for amendment of and additions to terms in the standard agreement, and ground such terms in objective evidence such as eligible patient population.
- Refrain from any regulatory changes without first seeking consensus with the industry. Upon the termination of PVAs and MEAs, price cuts and agreement extensions should not be compulsory.
- Grant VAT refunds for MEA and PVA rebate payments to reflect the nature of the transaction and improve the sustainability of business operations in Taiwan. Currently, the authority only issues receipts rather than invoices for MEA and PVA rebate payments.

**Suggestion 3: Continue the DET pilot program to ensure patient access to innovative treatments.**

Reform of the NHI system’s payment policy should be geared toward NHI sustainability and the development of Taiwan’s biopharmaceutical industry. To that end, government and industry should work together to improve and optimize the Drug Expenditure Target (DET) system by continuing the DET pilot program until there is consensus on the methodology and allocation among all stakeholders.

In the meantime, the government should consider both increasing the budget allocation for medical services and reducing discounts. In this way, hospitals will not need to compensate for the loss of value in medical service payments by seeking to profit from drug-price gaps. We suggest a modest approach to formulating price-adjustment measures that recognizes the value of innovative medicine in improving patients’ lives.

**Recommendations:**
- Maintain DET as a pilot program: Gather input from industry representatives before making any changes to the current DET scheme so as to minimize the impact of such changes and provide a more sustainable path forward for the NHL. As is done with PVAs, we urge NHIA to deduct MEA rebates from the excess drug expenditure amount to reflect actual drug expenditures.
- Grant single-sourced products under Category 3A a minimum 10% reasonable-zone (R-zone) in setting price adjustments. This would ensure patient access to single-sourced medicines before generics or biosimilars are launched in Taiwan. Doing so would also align Taiwan with other developed countries where the review of drug prices is triggered by the market entry of the first generic product.
- Consider predictability and stability in making DET price adjustments for biopharma products.: Avoid making drastic price cuts that heavily impact industry or implementing an additional mechanism that would result in a one-time large cut to the price of both patented and off-patent products. Such an approach would encourage continued investment by the industry in Taiwan and the introduction of innovative new medicines for Taiwanese patients.

**Suggestion 4: Uphold patient safety by strengthening patient access to authentic medicine and accurate information on medications.**

Counterfeit drugs and illegal generics remain an issue for unreimbursed trademarked medicines that fulfill unmet medical needs. Distributors actively advertise, import, and sell such drugs, which are not approved by the TFDA, via social media. The situation not only puts patients at risk but also infringes on the intellectual property rights of multinational pharmaceutical companies, creating barriers to the launch of innovative authentic medicines in Taiwan.

Since online advertising of these illegal products is ubiquitous and hard to regulate and given that such commercial activities have grown in scale in recent years, we urge the government to partner with industry to tackle this issue.

**Recommendations:**
- Establish a communication channel for legitimate drug manufacturers to address misinformation and IPR infringement taking place on online platforms. Such a channel would equip the public with the knowledge and tools to differentiate between authentic and counterfeit drugs. The channel should be exempt from the provisions of the Pharmaceutical Affairs Act related to the advertisement of medicaments so as to allow pharmaceutical companies to provide the public with correct drug information and uphold drug safety.
- Promote cross-agency cooperation to combat the importation and sale of counterfeit drugs. Such cooperation would involve the Taiwan Intellectual Property Office (TIPO), National Police Agency, Customs Administration, and TFDA.
• Fulfill the unmet critical medical needs of patients by improving patient access to innovative medicines that have been impacted by counterfeit drugs and illegal generics.

PRIVATE EQUITY

The PE Committee greatly appreciates the time and effort that the Taiwan authorities have dedicated to the suggestions made in the 2020 White Paper. We understand the challenge involved, as the government needs to look into and reconcile the interests of all industries and stakeholders.

Last year, we recommended providing more clarity on key issues related to the draft amendment to the Business Mergers and Acquisitions Act (M&A Act) that could have a negative impact on the investment activities of PE funds. Although the text of the amendment has not been finalized, we understand that some potentially negative articles of the draft M&A Act were removed in the most recent draft, for which we thank the government.

We were also pleased to note that the labor and public service pension funds are being permitted to invest in alternative assets, including private equity funds and to learn from media reports that the National Development Council (NDC) will likely be assigned to serve as the competent authority for the PE industry. We hope to see confirmation of that role in the near future.

In 2021, the PE Committee continues to suggest that the authorities take steps to facilitate the formation and operation of both single-family and multi-family offices, (i) by treating the activities of such offices as falling outside the scope of securities recommendation and/or securities management for which securities investment consulting and securities investment trust licenses are required, and (ii) allowing such offices to be treated as professional institutional investors so as to facilitate efficient management and the investment of family wealth in Taiwan.

Further, the Committee believes that the COVID-19 challenge presents a great opportunity for Taiwan (already proven to a certain extent) to enhance its role in Asia. We therefore suggest promoting Taiwan to become an Asia asset management center to facilitate regional asset management activities.

Below, the PE Committee elaborates on the above and other suggestions for 2021 in the spirit of continuing the positive trends evident over the past year:

**Suggestion 1: Provide greater flexibility in connection with the approval process for foreign direct investment (FDI) and adopt a more proactive government role in promoting FDI from PE and M&A investors.**

Most FDI into Taiwan falls within the scope of the Statute for Investment by Foreign Nationals and requires approval from the Investment Commission of the Ministry of Economic Affairs (MOEA). But this Foreign Investment Approval (FIA) process, which was originally designed for operating investments, does not readily accommodate some common features of private equity or M&A investing.

For example, when structuring M&A or private equity transactions, it is common for the ultimate sponsor to structure and obtain regulatory approvals and then create the legal vehicles to carry out the transactions. However, the FIA process does not facilitate this process because it requires the foreign entity investing into Taiwan to exist and apply for the FIA in its own name. The Committee recommends amendment of the “Required Documents and Guidance Notes for Investment Application by Overseas Chinese and Foreign Nationals” (the Guidelines) to permit the sponsor of a new corporation to act as the FIA applicant and then to report the formation of the new corporation and submit documents such as the Certificate of Incorporation after incorporation.

Similarly, item 13.1 of the Guidelines allows investment in the shares of a Taiwan target company by issuing shares of an existing foreign company to the existing shareholders of the Taiwan company in exchange for their shares in the target company but does not allow such a share exchange in the context of a newly incorporated company. Thus, the Committee suggests that the Guidelines be amended to allow the promoter or parent of a company to be newly incorporated to be the FIA applicant so that the transaction model under item 13.1 of the Guidelines can apply.

In addition, we urge the government to be even more proactive than in the past in promoting FDI. We would like to see the MOEA Investment Commission expand its official contact window to receive inquiries from foreign investors regarding all types of direct investment and application issues. The expanded window would demonstrate the government’s determination to attract both traditional FDI as well as private equity and M&A investment.

**Suggestion 2: Expand permitted investment by public pension funds in alternative assets like private equity to help meet national pension fund minimum return obligations.**

We learned from the government’s response to the 2020 White Paper that the labor pension funds have been permitted to invest in alternative assets, including private equity funds, as long as 1) the amount of investment in any single fund does not exceed 5% of the NAV (net asset value) of the labor pension fund and also does not exceed 10% of the units in the relevant PE fund, and 2) there is an exit period for such investment of seven years. In addition, according to the government response, investment by the Public Service Pension Fund in PE funds is permitted up to 0.6% of the
NAV of the Public Service Pension Fund with an exit period that has been extended from five to 12 years. A seven-year exit period is quite short by international standards and the Committee suggests 1) extending such period for labor pension funds to at least 12 years in alignment with the Public Service Pension Fund standard and current PE market practice, and 2) generally expanding both permitted and actual allocations to private equity.

The data is clear that greater allocation to PE by government funds in Taiwan would be consistent with what occurs in other regional and global markets and could drive solid investment returns. Under current internal guidelines and/or regulations related to investment by government funds in offshore mutual funds (including PE funds), investments in offshore funds that invest more than 10% of their assets under management in China is prohibited.

Given that most global PE funds allocate a significant percentage of their investment to the Chinese market, the Committee recommends that such 10% limit be increased or eliminated for PE funds.

**Suggestion 3: Categorize family offices (FOs) as professional institutional investors and create a regulatory environment that facilitates their efficient formation and operation.**

The Committee appreciates the consistent attention that Taiwan’s regulatory authorities have given to encouraging the development of FOs in Taiwan, including both single-family offices (SFOs) and multi-family offices (MFOs).

Currently Taiwan FOs are treated as general investors for purposes of the types of products and services that can be marketed to them via onshore intermediaries or private-placement safe harbors. However, such offices represent significant family wealth and typically are staffed by experienced investment professionals. We therefore recommend that such offices be categorized as professional institutional investors to facilitate access to a broader range of products and services via intermediaries in Taiwan and private-placement safe harbors.

Also, the current regulatory environment does not facilitate the creation or operation of FO activities within a single entity and imposes unnecessary and burdensome licensing requirements for certain FO activities. Thus, we suggest establishing specific regulations or directions to define the permitted scope of activities of FOs so as to provide them with greater clarity in terms of their legal status and the applicable regulatory process. Specifically, FOs should not be required to be licensed as securities investment trust enterprises or securities investment consulting enterprises in order to carry out their activities and should have a sufficiently broad scope of permitted activities, including activities related to Environmental, Social, and Governance (ESG) funds, venture capital, private equity, and investments related to infrastructure, art, and real estate.

By way of comparison, under the Investment Adviser Act of 1940 in the U.S., an FO that meets certain criteria (such as providing investment advice on securities only to qualified family members or offices) can be exempted from requiring an advisory license. In Singapore as well, an SFO meeting set criteria may be exempted from licensing requirements. Even a non-qualified FO can apply to the Monetary Authority of Singapore for an exemption on a case-by-case basis. Elsewhere, Hong Kong has used its Limited Partner Funds (LPF) structure to retain and seek to attract family offices that might otherwise set up in traditional offshore domiciles such as the Cayman Islands. For such LPFs, there are no restrictions on investment strategy, amount of capital, or number of investors, and the regulatory agency, the Securities and Futures Commission, does not ask for investor information. Moreover, the Commission regulates the conduct of the manager, not the product itself.

**Suggestion 4: Promote Taiwan to become an Asia asset-management and project finance center.**

The PE Committee suggests that the authorities facilitate and encourage foreign asset management companies to establish their operating hub or base in Taiwan (including but not limited to management of alternative and private equity funds and family funds). For example, we recommend relaxing or removing restrictions on support by onshore SICEs and SITEs for the non-Taiwan activities of their affiliates by means of staff sharing and in-sourcing, as well as providing incentives such as tax benefits or residency qualifications. The advantages of building Taiwan into an Asia asset management center include:

- Enhanced ability to attract and retain financial professionals;
- The development of supporting infrastructure for cross-border transactions, including legal, accounting, consulting, leverage financing, and other corporate services. In particular, the growing participation of Taiwanese banks in leveraging financing in cooperation with leading PE firms has been profitable for the banks, which have been struggling to find good domestic risk-reward lending opportunities.

**PUBLIC HEALTH**

The COVID-19 pandemic has proven that investing in public health is a critical policy issue for governments worldwide. While Taiwan has led the world in pandemic management, it is now time for Taiwan’s leaders to make public health a priority as a way to accelerate its economic development and improve its international competitiveness. The Committee recommends that the authorities adopt a
preventive approach and take bold steps to center public health as a top national policy area with continued impact well beyond the pandemic.

**Suggestion 1: Improve HCV screening efforts and relax HBV reimbursement guidelines to reach the WHO’s goal of viral hepatitis elimination by 2030.**

The latest Taiwan Cancer Registry report indicates that liver cancer remains the second-leading cancer in Taiwan in terms of mortality, taking more than 7,800 lives annually. The key risk factors for liver cancer are the Hepatitis B virus (HBV) and Hepatitis C virus (HCV).

The Taiwan government has taken many important actions to achieve its ambitious goal of eliminating HCV incidence in Taiwan by 2025 – five years earlier than the World Health Organization (WHO) target date of 2030. The measures include approval in 2017 for direct-acting antiviral (DAA) treatments. Since then, more than 100,000 HCV patients have been treated with DAs. To enhance HBV-infected patients’ access to treatment, the National Health Insurance Administration (NHIA) in March 2021 expanded the HBV reimbursement criteria for certain special populations. In addition, the central government not only relaxed HBV and HCV screening criteria, but has also worked with local governments to enhance patient education programs regarding the importance of screening.

While these steps are admirable, several issues must still be addressed. Screening is a critical component of the effort to eliminate HCV in Taiwan. We appreciate the government’s relaxation of screening criteria in October 2020, which has led to a seven- to eight-fold increase in the number of people screened. However, some hurdles remain. For example, no national database tracking the progress of the elimination effort yet exists. The Health Promotion Administration (HPA) under the Ministry of Health and Welfare (MOHW) does maintain a database of HCV screening results, but physicians complain that the process for submitting data to apply for reimbursement is too complicated. If these doctors become frustrated with the difficulty of using the database, they might be less willing to encourage screening, which could result in less access to screening and treatment for eligible patients.

Since no definitive cure for HBV yet exists, oral antiviral drugs are the most appropriate treatment option for managing the disease. However, strict reimbursement guidelines deter some patients from completing treatment with these drugs. Such policies put patients at risk of reactivation and progression of the disease.

**Recommendations:**
- **Develop a national HCV roadmap to track the progress of screening and treatment, with timely updates on the current status.** In addition, MOHW should provide sufficient resources, simplify the screening reimbursement process, and integrate the HPA and NHIA databases for HCV screening and treatment by Q2 2021 in order to support the central and local governments in achieving their annual screening and treatment goals.
- **Develop an HBV reimbursement policy roadmap by Q3 2021.** The roadmap should be based on science and real-world data and should set a clear policy direction of continual relaxation of reimbursement criteria for HBV treatment. It should also seek to make reimbursement available for all HBV patients who require it and provide them with more comprehensive and stable care. Doing so would help the government achieve the WHO’s goal of eliminating HBV by 2030.
- **Continue private-public partnerships to meet the WHO’s firm target of reducing new hepatitis infections by 90%, HBV patients treated by 80%, and deaths by 65% before 2030.** Seek support from liver-health experts and initiate actions to reach these targets ahead of the deadline and improve Taiwan’s overall public health.
- **Consider expanding the current HPV vaccination program to cover a broader cohort.** Given HPV’s association with both cervical and other cancers, the government should also proactively develop a comprehensive HPV prevention strategy. This step would help sustain Taiwan’s role as a leader in the global health community and contribute to meeting the WHO’s goal of eliminating cervical cancer by 2030.

**Suggestion 2: Develop a life-course immunization plan to strengthen Taiwan’s vaccine resilience.**

The pandemic has highlighted the need to strengthen Taiwan’s vaccine policy, as well as to substantially increase funding for – and boost public confidence in – vaccines. Such measures have become an international prerequisite for national and economic security. The Committee recommends the following steps to ensure Taiwan’s vaccine preparedness during this era of great public health challenges.

**Recommendations:**
1. **Increase vaccine funding to cover life-course immunization and explore multiple payment mechanisms to ensure sustainable financing.** Viewing it as a national priority, the government should expand the protection afforded by its comprehensive pediatric National Immunization Program (NIP) to also cover life-course vaccinations. Such an investment would take into consideration both the benefit to the population it protects and the efficient deployment of the NHIs health resources with a preventive approach.
Ensuring sufficient funding is a fundamental step in developing a successful life-course vaccination program. Currently, funding for Taiwan’s National Vaccine Fund (NVF) comes primarily from the national treasury and the health and welfare surcharge on tobacco consumption. However, the NVF is facing a financial challenge. According to the Strategic Plan prepared by the Centers for Disease Control (CDC), treasury funds should account for 60% of the NVF total, but the actual average over the past five years was only 30-40%. In addition, large fluctuations in revenue from the tobacco surcharge over the past several years have made it an unstable source of funding for the NVF. To fulfill the recommendations proposed by the Advisory Committee on Immunization Practices (ACIP), Taiwan’s health authorities would need to secure at least an additional NT$1.03 billion for the NVF. This amount would cover the remaining NIP of pneumococcal vaccines for patients over the age of 65 and rotavirus vaccines for children.

The Committee recommends that the government immediately increase the amount of treasury funds for the NVF and begin amending legislation to ensure sufficient financing from the tobacco surcharge. Moreover, the government should explore and allow multiple payment mechanisms for vaccines. A subsidy program proposed by the National Health Research Institutes in 2020 could be a short-term solution. In addition, the authorities should consolidate resources and accelerate vaccination programs, which would have a positive effect on savings for the NHL.

2. Relax restrictions on vaccine advertising to raise public awareness.

Vaccination is one of the most effective ways to prevent diseases and reduce medical expenses resulting from infectious ailments. Yet the Pharmaceutical Affairs Act (PAA) currently prohibits the advertisement of prescription drugs and vaccines, resulting in insufficient public education regarding vaccine characteristics and the diseases they help prevent. Such restrictions undermine the effectiveness of and public confidence in vaccines as a disease prevention method.

We commend the Taiwan Food and Drug Administration (TFDA) for its immediate action in reviewing patient education materials on vaccines, following its discussion with the Committee at meetings convened by the National Development Council (NDC) last year. This effort has helped industry partners avoid violating the relevant provisions of the PAP.

Moving forward, industry partners are willing to share responsibility with the government on increasing citizen’s awareness of and confidence in vaccines. The Committee recommends that the government establish a national platform through which industry can provide educational materials on vaccines. Materials posted on the platform could also serve as a standard for local health bureaus to follow.

Further, the Committee continues to urge the government to loosen restrictions on the advertisement of vaccine products so as to enable citizens to acquire accurate vaccine information effectively and in a timely manner. If more citizens are willing to pay out-of-pocket to get vaccinated, the corresponding decrease in preventable diseases would relieve some financial pressure on the government.

3. Introduce a digital vaccine passport system and integrate vaccine records into the NIIS.

Digital vaccine passports powered by blockchain or cloud computing would allow health authorities to gain more insights about the vaccination rate and demographics of targeted populations. Such passports would help control infectious diseases and boost confidence in vaccines. They would also provide Taiwanese citizens with easy access to their vaccination history and help them comply with government recommendations regarding vaccines.

To achieve this goal, the Committee recommends that the CDC begin by integrating self-paid vaccination records into the National Immunization Information System (NIIS) and then include publicly funded records once such funding is available. Doing so would allow the government to better monitor and contain infectious diseases that can be prevented with vaccines.

Suggestion 3: Increase osteoporosis screening and primary prevention of osteoporotic fractures.

In 2020, Taiwan for the first time experienced negative population growth. Taiwan is projected to become a super-aged society by 2025. The rapid aging of the population will have wide-ranging effects, including declining labor productivity and international competitiveness. Taiwan should strive to ensure the health of its aging population so as not to overwhelm its healthcare and long-term care systems.

A recent study indicated that one-third of women and one-fifth of men over the age of 50 in Taiwan have developed osteoporosis. In addition, during the first-ever community-based bone mineral density (BMD) screening program jointly initiated in 2019 by the Taiwan Osteoporosis Association, Changhua County Public Health Bureau, and industry stakeholders, 54% of participants were diagnosed with osteoporosis. To date, this public-private partnership has screened nearly 4,000 people over the age of 65.

Early diagnosis and treatment of osteoporosis can reduce the risk of fragility fractures by 50%, yet only 3% of medical institutions in Taiwan are equipped with BMD testing equipment. According to available statistical data, only 25% of patients have had their BMD tested, and only 33% have received treatment for osteoporosis. Consequently, Taiwan
has the highest incidence of hip fractures in Asia, with nearly 20,000 cases reported annually. Among these, up to 80% of patients become disabled and 20% pass away within a year. The estimated long-term care cost per disabled patient is NT$6 million. If not properly addressed, the negative economic impact to society will be immense.

**Recommendations:**

1. **Include osteoporosis screening and primary prevention of osteoporotic fractures in Taiwan’s national health promotion policy for the elderly.**
   - Conduct inter-ministerial research on how to reform the healthcare system to better promote healthy aging. The focus of this research should be on how to move the current healthcare approach of “break and fix” (receiving treatment only after becoming ill or injured) toward a “predict and prevent” model.
   - Comprehensively evaluate the benefits of early diagnosis and preventive intervention to the national healthcare system and labor economy. Facilitate inter-ministerial budget planning for the NHI and long-term care systems to ensure operational sustainability through prevention and reduction in treatment of diseases.

2. **Spearhead public-private partnerships to expand osteoporosis screening efforts.**
The Committee recommends that government and local health authorities replicate the aforementioned Changhua County public-private partnership and coordinate with industry to promote disease education related to osteoporosis and fracture prevention, and develop a plan to increase the available supply of BMD screening equipment.

3. **Consider providing NHI reimbursement for osteoporosis screening and primary prevention of osteoporotic fractures.**
   - BMD screening for patients without fractures is not currently covered by NHI reimbursement, creating diagnostic and treatment barriers for such patients. It has also made medical institutions less willing to invest in installing osteoporosis screening equipment. The committee recommends that HPA prioritize the inclusion of osteoporosis screening in its preventive healthcare services for citizens over the age of 65. That would in turn stimulate demand for and broaden the availability of BMD testing equipment in medical institutions.
   - The Committee recommends that the government refer to the example set by other advanced countries, including Australia, Canada, Japan, the United Kingdom, and South Korea, in devising a reimbursement scheme for the primary prevention of osteoporotic fractures. Effectively covering such needs would put Taiwan in a much better position to manage its transition to a super-aged society. It would also help sustain Taiwan’s long-term socioeconomic development by making for a healthier and more productive workforce.

**RETAIL**

The Retail Committee appreciates the government’s stated aim to minimize regulatory limitations that hamper Taiwan’s business environment. Our members view this goal as essential for advancing Taiwan’s economy.

The Committee therefore urges the authorities to enhance rulemaking transparency on a variety of fronts, including issues regarding dietary supplements, special dietary foods (SDF), and foods for special medical purposes (FSMP), as well as the management of Chinese medical herbs and the integrity of imported alcoholic beverages.

International best practices provide sound solutions for all these issue areas for Taiwan to study and potentially adopt. Following those examples will allow Taiwan to align its market with the global community and enable retailers to provide safe, innovative, and high-quality products for Taiwan’s citizens to enjoy. We urge the government to implement regulations and standards based on sound science and international best practices to avoid contradictory or inconsistent interpretations of the law.

The Committee looks forward to fruitful discussions with the authorities in the coming year as we work together to tackle these issues and reach a positive conclusion for both the government and industry.

**Suggestion 1: Permit SDF-formula amendment instead of re-registration and remove the requirement to prove the ethnic compatibility of FSMPs.**

Under current SDF-related regulations, a product must be re-registered if any ingredients or additives are changed, even though such changes require only a minor adjustment to the formula to maintain the same product profile. In the case of FSMPs, new clinical studies may even be required to complete re-registration. In line with international best practice, we recommend that the regulations be revised to give manufacturers the option of amending the product formulas by applying for a change of registration details instead of going through re-registration. This revision could significantly shorten the regulatory lead-time involved – from the 320 days required for re-registration to 60 days for a revision of registration details.

FSMPs are food products meant to fulfill the nutritional needs of patients with specific conditions, not to provide treatment for those conditions. Yet under Taiwan’s current regulations governing FSMPs, manufacturers are required
to demonstrate the ethnic compatibility of their products, despite the absence of scientific evidence to support this requirement. Our understanding is that no other country requires demonstration of the ethnic compatibility of FSMPs. We therefore recommend removal of this unique-to-Taiwan regulation and instead permit acceptance of the results of foreign clinical studies of FSMPs.

When the Committee raised this issue in last year’s White Paper, the response was that the government planned to continue to collect information regarding ethnic compatibility and would make a decision on whether to remove the requirement at a later time. We hope to see concrete progress made on this suggestion this year.

Suggestion 2: Revamp TFDA’s existing product claim framework.

In 2018, the Taiwan Food and Drug Administration (TFDA) issued the “Procedure for Proposing Product Claims Under the Regulations Governing the Criteria for Determining Whether the Labeling, Promotion, or Advertisement of Foods and Food Products is False, Misleading, or Implies Medical Efficacy” (Example Sentences of the Physiological Function of Specific Food Ingredients) – the Procedure for short. One of the aims was to enable the food industry to better promote functional foods (products offering health benefits that extend beyond their nutritional value) and to satisfy consumers’ need to understand the effects and benefits of such products.

The private sector took advantage of this new framework, submitting ample requests for new product claims to be allowed on labels. But now, three years after promulgation of the Procedure, only one claim (equal to less than 5% of the total submissions) has passed TFDA’s rigorous review process. Importantly, no claims belonging to the “Specific Food Ingredients” category have been approved – a matter of particular concern to the dietary supplements industry as a Food Ingredients category have been approved – a matter of particular concern to the dietary supplements industry as a whole. While the Committee respects the authority’s desire for prudence in this matter and agrees that the “Health Food” label and its related privileges should be protected, we note that dietary supplements are categorized as foods rather than “Health Food.” We urge the TFDA to consider claims applicable to (1) Specific Food Ingredients and (2) the physiological effects of products, in accordance with Article 4, Clause 3 of “Regulations Governing the Criteria for Determining Whether the Labeling, Promotion, or Advertisement of Foods and Food Products is False, Misleading, or Implies Medical Efficacy” (the Regulations).

“Specific Food Ingredients” are widely used by Taiwanese consumers, yet to date very few legitimate claims have been attached to them in this market. Omega-3 fatty acids and polyphenols in tea are examples of such ingredients that have not received TFDA approval for specific health claims.

The Committee requests that TFDA expedite and clarify its review process by developing a more transparent, efficient, and effective mechanism for the substantiation of claims. We suggest the following procedural adjustments:

- Disclose the claims review criteria used by the Food Advertisement and Label Consultative Committee (FALCC), which is identified as the key decision-making unit under the Regulations.
- Confirm to the submitting company that FALCC has received its claim application and specify which FALCC members have been assigned to review the submission, so as to facilitate communication in case further details or scientific substantiation are needed.
- Set up a face-to-face meeting to allow the applicant to provide supporting evidence in the event that a claim submission is incomplete or FALCC has further questions. This step will reduce unnecessary misunderstandings.
- Adopt a mechanism for administrative remedy, based on Articles 92 and 102 of the Administrative Procedure Act, to provide applicants an opportunity to state their opinions regarding TFDA decisions on product claims. As of now, such decisions are final, and applicants are unable to make appeals.

Suggestion 3: Increase rulemaking transparency and reduce inconsistencies in regulatory interpretations and related practices.

To better attract foreign direct investment, it is essential for the Taiwan government to ensure the predictability of its regulatory environment. Rulemaking transparency and consistency of enforcement are the main ways to achieve that goal.

Although the Committee has made similar recommendations in past White Papers, and some notable progress has occurred, we continue to find examples of regulatory inconsistencies and lack of transparency.

- Ensure the consistency and relevance of border food-inspection practices. Some improvement has been seen in what was generally the most serious issue in the past – the inconsistent interpretation of the rules by different inspectors. This year, however, the biggest problem has been a slightly different issue: the tendency for new border inspectors to deviate, without forewarning, from what had been established inspection practices.

For example, regarding the review of Chinese-
language labels and food packaging, new inspectors have been requesting information that is not directly related to food safety, but rather codes intended for internal traceability or identification purposes. The additional communication has extended the importation procedures by up to two to three working days. We understand that the TFDA has the power to request any documents it deems necessary for food inspection, but we urge it to train inspectors to focus on matters actually pertaining to food safety.

- **Continue efforts to create a more reasonable food safety regulatory regime.** Although the “Regulations on Nutrition Claims for Pre-packaged Food Products” clearly define nutritional claims as descriptive wording used to show the amount of nutrients in pre-packaged food products, TFDA somehow still considers the listing of the number of “grams [of a nutrient] per serving” on a food package as a form of “nutrition claim,” even if the information is identical to what is shown in the nutritional table.

Over the past year, our member companies have devoted countless hours, manpower, and money to revise packaging to comply with such confounding demands. However, we note that the packaging of several local products continues to indicate protein value without any issue. As this matter has already been communicated to the TFDA multiple times in meetings convened by the National Development Council (NDC), we sincerely hope that a solution allowing accurate nutritional information to be shown on product packaging artwork is put in place without further delay.

- **Continue efforts to make FAQs regarding the TFDA’s interpretations of food-related regulations transparent to the public and codified when required by law.** We are pleased that TFDA pledged in 2020-2021 meetings at the NDC to review FAQs or interpretations of food-related regulations that may be inconsistent with or exceed the scope of the relevant regulations, and that any changes to the FAQs that could impact the industry would be made through a public release process. We look forward to seeing notable progress on this issue in 2021.

**Suggestion 4: Prohibit the sale of imported alcoholic beverages for which the original manufacturing lot code has been changed or removed.**

The Committee continues to seek possible solutions to this longstanding issue impacting food hygiene and safety – a subject that is more urgent than ever in view of the current global health crisis posed by COVID-19. The crux of the issue is that Article 32 of the Tobacco and Alcohol Administration Act (TAAA) explicitly stipulates that packaged alcoholic products for sale must bear a lot code – a number indicating the quantity of a certain product manufactured at a specified time on a specific production line. Article 3 of the Consumer Protection Act underscores the government’s responsibility to enforce such labeling legislation.

Lot codes are vital for protecting consumer interests and safety by ensuring that alcoholic products in the market can be traced and recalled in case any issue arises. Some parallel importers have been removing the original lot codes and replacing them with their own serial numbers, which do not contain the information needed for tracing. Yet the Ministry of Finance (MOF), the competent authority for regulating alcohol sales, has never adequately enforced the law requiring lot codes by conducting inspections and imposing administrative fines on violators.

The MOF has offered various explanations for the inaction. One is an argument raised by the parallel importers: that a crackdown on the removal of lot codes would constitute a violation of the Fair Trade Act by interfering with business competition. The dubious nature of that argument aside, the MOF is not the authority administering the Fair Trade Act and cannot avoid its obligation to enforce the law in protection of consumer interests.

Another fallacy is questioning whether international practice requires the use of lot codes. In fact, quite a number of countries require such labeling. According to information collected by the MOF from foreign trade offices in Taipei, the UK, France, the European Union, Canada, and Italy all require alcoholic products to bear lot codes. In addition, Directive 2011/91/EU expressly orders all European alcohol businesses to display the lot code from the original manufacturer on their products.

In some countries that do not currently forbid the scratching off of lot codes, discussions have been underway about amending the law. In addition, Japan’s Ministry of Economy, Trade and Industry has explicitly stated that a lot code number is significant information for recalling problematic food products, and that imported alcoholic products with scratched-off codes could erode consumer trust. The fact that some countries do not forbid the scratching off of lot codes no way justifies the practice or Taiwan’s lax enforcement of the law.

Yet another misconception harbored by some officials is that the Certificate of Age and Origin for Scotch Whisky (C&E 94J) issued by UK Customs can serve as a substitute for the lot code. The C&E 94J, however, is merely a form of certification and is not an integral part of the packaging of alcoholic products. It therefore cannot replace lot codes as a tool to protect consumer health and safety by ensuring traceability. Further, cases have occurred of a forged C&E 94J for imported name-brand alcoholic products.

A serious anomaly in the system is the existence of a voluntary reporting system through which importers
can notify the authorities when they receive shipments of alcoholic beverages lacking lot codes. The fact that such reporting is not mandatory and that no penalties are imposed for failure to report missing lot codes renders the system entirely meaningless – and makes any figures cited for the percentage of alcoholic products with scratched-off lot codes completely unreliable.

Nevertheless, the MOF has calculated that just 1.73% of the lot codes for imported whiskey were scratched off in the first half of 2019. That figure may appear low, but even if accurate it equals around 1 million bottles or more without even taking domestically produced whisky products into account.

If a safety incident should occur in the future, how would the MOF inspect, trace, and recall the imported whisky when the original lot codes have been scratched off? If it cannot do so effectively, what explanation will it give the public?

In addition, prohibiting the scratching off of original lot codes would not contradict the spirit of free trade, as some have alleged. Parallel importers could continue to import alcoholic products as long as they keep the original lot codes on the bottles as the law requires.

At a meeting convened by the NDC on May 13, 2019, representatives of the Retail Committee spoke with the MOF in an effort to make progress in resolving the lot code issue. But it appears that the MOF has not yet followed up on the agreed-upon action items, including:

- Contacting the British Office Taipei to obtain a definitive opinion on whether a C&E 94J is sufficient to enable traceability.
- Confirming whether the U.S. and Japan permit the sale of imported alcoholic products with scratched-off lot codes.
- Providing a draft of the “actual enforcement mechanism for Customs authorities to monitor the scratching off of lot codes.” More than two years after the 2019 meeting, the MOF continues to say that it is still researching the matter.

The Committee considers the lot code issue to be so important because of the need for certainty that alcoholic products are traceable and recallable when food or alcohol safety is in doubt. In order to safeguard consumers’ interests, we again ask the MOF to:

- Conduct systematic inspections and quickly and effectively enforce the law when alcoholic products without lot codes are found being imported or sold.
- Establish a robust and effective reporting mechanism to replace the current voluntary reporting procedure.

Suggestion 5: Regulate Chinese medicinal herbs used as foods or food ingredients under the “Act Governing Food Safety and Sanitation” and its implementation rules.

Nowhere in the Pharmaceutical Affairs Act does the legislation authorize a government agency to regulate such matters as material terminology, labeling, formulation, and dosage for plant materials that could be used as foods, food ingredients, or Chinese medicinal herbs. As a result, no legal basis exists for the draft “Positive List and Management Principles of Chinese Medicinal Herbs for Use as Food Ingredients” being proposed by the Ministry of Health and Welfare (MOHW). Moreover, the draft does not meet the Judicial Yuan’s stipulation that regulations must include the “constitutive elements” of penalties for violations.

The basic problem with the draft stems from the arbitrary broadening of its scope to include Chinese medicinal herbs, which are already covered by the Pharmaceutical Affairs Act and do not require any inspection or registration as a pharmaceutical. When this Committee previously raised the question, however, the reply from the authorities indicated that Chinese medicinal herbs should be regarded as pharmaceuticals because they “are used to prepare Chinese medicinal preparations.” This statement has no legal basis, as “Chinese medicinal herbs” clearly do not have the status of pharmaceuticals under the Pharmaceutical Affairs Act. Those materials commonly called “Chinese medicinal herbs” are not “Chinese medicinal preparations” but are simply used in preparing those medicines.

In fact, Article 15-1 of the Act Governing Food Safety and Sanitation has long authorized the government to regulate the manufacturing and processing conditions of materials for food use. That Article is thus already available if MOHW wishes to regulate those materials commonly called “Chinese medicinal herbs” in terms of allowing their use both in food and Chinese medicine preparations. No additional regulation is needed.

MOHW has also cited Article 75, Item 2 of the Guidelines on Drug Registration to explain its position on Chinese medicinal herbs. Using a “guideline” – which ranks much lower than a law in the regulatory hierarchy – to interpret the Pharmaceutical Affairs Act seems improper.

MOHW indicated its intention to provide legal authorization under the Pharmaceutical Affairs Act to regulate “Chinese medicinal herbs” that “may be used as food ingredients” and impose associated restrictions on their use. The proposed regulation presupposes that Chinese medicinal herbs are considered “drugs” under the Pharmaceutical Affairs Act, yet MOHW has repeatedly excluded these materials from registration under the Pharmaceutical Affairs Act, as well as exempting them from requirements governing the packaging and labeling of drugs.

If the draft “Positive List and Management Principles” is put into effect to control Chinese medicinal herbs used as food ingredients, it would be a misuse of the legal system and a departure from constitutional procedures for rulemaking. The content contravenes the principle of proportionality (for
example, no objective scientific basis has ever been presented for restricting these ingredients) as well as the principle of equality (if a producer in the food industry violates the regulations governing the use of Chinese medicinal herbs for food, the case would be based on the Act Governing Food Safety and Sanitation, not regulations under the Pharmaceutical Affairs Act.)

Therefore, the Committee recommends recognition that “Chinese medicinal herbs” are actually food raw materials, discarding the erroneous notion that they should be treated as “drugs” under the Pharmaceutical Affairs Act. We suggest backing any restrictions on the scope of use, dosage, safety assessment, etc. of “Chinese medicinal herbs” with scientific evidence and reserving such restrictions to those herbs that are allowed to be used in “Chinese medicinal preparations.” This distinction will help promote the public’s health and well-being and foster the development of the Taiwan food industry in line with international standards.

SUSTAINABLE DEVELOPMENT GOALS

The Committee thanks the Taiwanese government for its continued focus on SDG White Paper issues, and we look forward to seeing those efforts bear fruit in the near future.

Given the emergence of electric vehicles and the importance of Taiwan’s retail and electronics industries, the Committee would like to focus on addressing their recycling needs. We also encourage the government to include both “carbon fees” and “carbon credits” in implementing carbon-reduction strategies and in making regulations more transparent and persuasive by utilizing public policy assessment tools. Such efforts would boost the government’s circular economy plan, part of the “5+2 Innovative Industries” program, for the world to witness.

Suggestion 1: Implement carbon-reduction strategies that include both “carbon fees” and “carbon credits.”

We recommend that the Taiwanese government put a price/value on carbon emissions to incentivize businesses and consumers to adopt more energy-efficient practices and reduce their carbon emissions. Imposition of a “carbon fee” can be a critical tool to accelerate the deployment of low-carbon technologies, products, services, and infrastructure, as well as to promote the green energy market. At the same time, we also recommend that the government offer “carbon credits” to companies that are engaged in providing solutions to challenging environmental issues, such as the recycling of EV batteries, solar panels, and certain industrial waste from strategically important industries. To develop such a policy, it can look to useful models already employed in the EU, South Korea, and several U.S. states. We believe a balanced approach employing both “carbon fees” and “carbon credits” can best achieve the carbon-reduction goal for Taiwan.

Suggestion 2: Hasten the introduction into Taiwan’s food market of containers made from recycled plastics.

Taiwan has a recycling rate of about 95% for PET bottles, the third highest rate in the world. But that high degree of recycling has not been of great help to the environment because proper use has not been made of the resulting “resources.”

We are gratified that some progress was made on this issue in February this year when the Environmental Protection Administration (EPA) eased restrictions on the use of recycled plastic material in food utensils. However, it remains unclear whether the Taiwan Food and Drug Administration (TFDA) continues to regard utensils made with recycled plastic as “reused plastic” under Article 2 of the “Sanitation Standard for Utensils, Containers, and Packages.”

Although the TFDA made known during meetings with the Committee at the National Development Council last year that it is exploring the feasibility of allowing the importation or manufacture of plastic food containers using recycled plastic materials, we have not seen any concrete progress so far – and no member companies from the Committee have been invited for consultation on the issue.

While more and more foreign food industries are being encouraged by their governments to use recycled plastic materials such as rPET and rHDPE in food containers, Taiwan has been slow in following suit. So as to better promote Taiwan’s sustainability goals and avoid potential international trade hurdles, we urge the TFDA to hasten the adoption of regulations that set proper standards and review processes for local manufacturers and importers to follow.

Suggestion 3: Make regulations more transparent and persuasive by utilizing public policy assessment tools.

Starting in 2020, the Taiwan EPA has implemented a series of regulations prohibiting the use of disposable containers and utensils made from ALL types of material used for dining-in in department stores, shopping malls, and supermarkets. The policy initiative was well-intentioned with the objective of reducing waste, but it ignored the fact that washing dishes will increase the consumption of water, currently a precious resource in Taiwan.

In banning disposable utensils made from all materials, Taiwan imposed a more comprehensive prohibition than most countries in the world, but the volume of waste that could be reduced through this measure was never estimated or quantified. Also, no public assessment was conducted as to whether the benefits derived by such waste reduction would outweigh the costs involved, such as the increased...
consumption of water and energy resources by the washing and drying of dishes.

We suggest that the government review its environmental-protection-related regulations using policy assessment tools such as Life Cycle Assessment (LCA), statistical surveys, and Regulatory Impact Analysis (RIA) to ensure that both policymakers and the public are aware of the benefits and costs involved. Using those tools will help make regulations more cost-efficient and more acceptable to consumers.

Suggestion 4: Establish a sustainable ecosystem for Li-ion battery recycling, clearance, and disposal (RCD) in Taiwan.

Under Article 15 of the Waste Disposal Act (WDA), importers and manufacturers of lithium-ion (Li-ion) batteries bear the responsibility for recycling, clearance, and disposal (RCD). Article 16 further stipulates that such responsibilities shall be met by reporting the import/manufacture volume to the authorities and paying the RCD fee, which in 2014 was raised from NT$19.5/kg to NT$39/kg.

Li-ion battery cells constitute the heart of the entire powertrain for Battery Electric Vehicles (BEVs). Given consumer’s concerns about the range of BEVs, manufacturers have tended to make bigger battery cells. Some can easily reach half a ton, leading to very high RCD fees (about NT$20,000 per BEV for just the battery). The recycling and disposal of Li-ion batteries is not a fresh topic. The wide adoption of smart phones and portable PCs in Taiwan already triggered many discussions of this subject in the past. Yet due to the lack of investment in relevant technologies, very few full-service RCD providers exist in the market, leaving BEV importers with no choice but to export the spent batteries to other countries. (The recycling, clearance, and disposal functions each require a separate license. Recycling and clearance providers for Li-ion batteries can be found in Taiwan, but companies with disposal licenses are rare). As companies are paying RCD fees to the government, it is reasonable for them to expect the whole RCD service chain to be available.

In 2020, the number of newly registered BEVs came to 6,243 units, doubled the level of the year before. Meanwhile, the number of electric two-wheelers also keeps growing – with 455,764 units registered in 2020 alone – thanks to continued government subsidies. Overall, the scale of the electric motor vehicle market is significant enough to sustain RCD businesses for Li-ion batteries. Therefore, the Committee would like to make the following recommendations:

1. Devis e a strategy – the earlier, the better – to promote the use of second-life batteries in Taiwan. While BEV batteries can usually last for up to eight years for powering an automobile, they would still be quite functional for energy storage purposes. For BEV importers to have to send still-valuable batteries to other countries is a waste, especially when there is demand for energy storage from regulated intensive energy users. The Committee urges the Ministry of Economic Affairs to come up with a plan to address this problem.

2. Utilize the Recycling Fund to help build up domestic capacity for battery disposal. Since the EPA has been collecting high RCD fees from BEV importers, it should make use of the funds to cooperate with relevant government agencies and the private sector to complete the ecosystem for Li-ion battery RCD.

3. Alongside domestic capacity building, also consider relaxing regulations that restrict Li-ion batteries from being exported to non-OECD countries (including China) if they have sufficient capacity for battery disposal.

Suggestion 5: Provide effective market incentives for greener products.

Recycling all plastic waste would be one of the most straightforward ways to cut greenhouse-gas emissions. As Taiwan plays a key role in the manufacturing supply chain for ICT products, it is crucial for the authorities to encourage the development of green technologies and work toward a circular economy. The Committee understands that the promotion of green products and technologies requires a well-designed environmental policy to effectively encourage behavioral changes and achieve environmental objectives without imposing excessive burdens on the economy.

To promote a circular economy, the EPA plans to give eco-labels to products that use Information Technology Equipment-derived Post-Consumer Recycled materials (ITE-PCR) and marine-waste recycled materials. To further achieve behavioral changes in government procurement and consumer purchases, the Committee recommends that the authorities provide incentives like carbon credits or carbon tax deductions to companies that purchase products with those eco-labels – or that include products with ITE-PCR eco-labels as environmentally preferable products for government procurement.

TALENT CIRCULATION/FOREIGN PROFESSIONALS

Foreign talent who come to Taiwan to live and work continue to face a wide range of issues in adapting to their new home and becoming part of Taiwan’s increasingly multicultural society. Some of the challenges they encounter are simply due to normal cultural differences and mainly require time and patience for the foreigner to adjust to them. Others are more institutional in nature and necessitate action from the government. While these issues impact most or all foreign residents in Taiwan, the recent influx of high-level foreign professionals coming to Taiwan through the...
Employment Gold Card program has highlighted these individuals as an important new resource that the Taiwan government cannot afford to lose once the pandemic is over.

The Gold Card program was launched in 2018 by the National Development Council (NDC). The qualification-based residence-work visa program, established under the Act for the Recruitment and Employment of Foreign Professionals, has thus far been very successful, with over 2,000 cards issued by the time of its three-year anniversary in February 2021. The government continues to improve the program by seeking to enhance its terms and tax benefits, as well as to resolve many other issues facing foreign professionals living and working in Taiwan.

Employment Gold Card applicants are highly experienced professionals who often have a broad choice of international career destinations, many of which offer their own talent incentive schemes. Gold Card applicants’ personal expectations are typically higher than those of most foreign professionals who moved to Taiwan in the past. They are more likely to start a company or otherwise make a big impact on their industry as talented and experienced professionals. The following suggestions are offered to help make Taiwan a more attractive destination to live and work, and to retain this new wave of foreign professionals.

**Suggestion 1: Provide a “soft landing” or onboarding program for newly arrived foreign talent.**

Several helpful services are currently offered by various government departments, including the InvesTaiwan Service Center, National Immigration Agency’s Information for Foreigners hotline, and the bilingual toll-free service provided by the National Taxation Bureau. However, new migrants coming to Taiwan through the Gold Card program receive no proactive assistance with setting up their lives and businesses here, let alone getting startup ideas off the ground. The onus is thus on foreign residents to research and reach out to an appropriate agency for assistance.

Further, once talent is settled in Taiwan, many seek ways to contribute to society and create a connection to their respective home countries. However, many report that information regarding relevant associations, volunteer organizations, startup incubators, and universities that are seeking assistance is difficult to find. This information generally exists, but there is a lack of a simple starting point or suitable English content.

**Recommendations:**
- Proactively assist newly arrived foreign residents to acclimate to Taiwan. In other countries with which Taiwan competes for talent, the government actively assists with onboarding new businesses and high-profile individuals, guiding them over bureaucratic hurdles. The Taiwan authorities should assess these programs and implement an appropriate onboarding solution.
- Create a platform that enables new migrants to explore ways to give back to Taiwan and create a connection within their industry or home country.

**Suggestion 2: Improve access to education for children of foreign professionals.**

Easy access to high-quality education is essential to attracting talent with families to Taiwan. There has been an increasing number of reports of families struggling to access appropriate education for their children.

A general issue concerns insufficient spots for new students in high-quality primary and secondary schools, both private and public. This may partially be a capacity issue but is also related to the schools’ application process. For example, a critical issue is that some schools are unclear on how to enroll foreign nationals. In many cases, the lack of access to appropriate schooling has caused families to reconsider settling in Taiwan long-term.

In addition, a lack of centralized information regarding Taiwan’s education system, details about schools, and the process of applying for schooling for a child puts the burden on parents to seek such information through personal research or contacting multiple schools individually. The information they receive is often inconsistent or even incorrect. For example, they are sometimes told that foreign students have lower priority for enrollment or that enrollment is impossible if the parents did not meet some unique requirement.

Lastly, there is a lack of schools offering international programs, such as the International Baccalaureate (IB), or bilingual education. Some schools, while claiming to be “international,” do not necessarily follow an international curriculum standard.

International programs are particularly crucial to attracting and retaining foreign talent with families. Some parents cite the Taiwanese educational system as a reason for leaving Taiwan, pointing to the outsized focus on rote learning, teaching to the test, and the lack of emphasis on building critical thinking skills. Parents also note the lack of diversity in after-school programs beyond private cram schools.

**Recommendations:**
- Increase the number of international education programs.
- Create a platform that provides incoming talent with a convenient means of locating kindergartens and schools with open spots. Such a portal should also include information regarding the types of education available to migrants in Taiwan and provide detailed steps about how and when to apply for each school.
- Assess the reasons causing the limited spots in Taiwan’s schools and take steps to address capacity issues where necessary.
Suggestion 3: Streamline and accelerate the company registration process.

High-level talent is more likely to start a company in Taiwan. However, Taiwan’s current company registration system is not competitive compared to other countries. Whereas in some countries with which Taiwan competes for talent, applicants are able to complete company registration online in less than a week, the minimum time to register a company in Taiwan is 4-6 weeks. Even that timeframe requires a deep familiarity with the process and most first-time company registrations take months to complete.

Capital investment in a new Taiwanese entity must be vetted by the Investment Commission of the Ministry of Economic Affairs (MOEA). Requirements imposed by anti-money-laundering laws and concerns about China-sourced funds can severely lengthen the process, especially for Hong Kong-based companies. In addition, the common requirement to provide documents in duplicate or triplicate also complicates the process and is meaningless in the digital world. This red tape is unacceptable to many entrepreneurs and investors, and registrants sometimes decide to open a company elsewhere rather than continue to wait in Taiwan.

The MOEA advertises a “one-stop” online English service for company registration and various company-related processes. However, clicking any button on the site’s landing page sends the user to a Chinese-only page, and the English page itself comes with a warning in red text that “All registration data must be filled out in Chinese.” Those trying to use the service often receive follow-up phone calls in Chinese asking for documentation that is only available – and must be completed – in Chinese.

Recommendations:
• Overhaul the company registration system, allowing certain types of companies to be established online in English, within a week, in order to be competitive with Hong Kong and Singapore.
• Separate the capital approval portion of company establishment from the general registration process or improve the approval process for foreign capital investment.

Suggestion 4: Improve the quantity and quality of English services for migrants.

While Taiwan has done an excellent job of creating bilingual resources for tourists, less attention has been given to the needs of migrants, many of whom face language barriers when conducting business or engaging in everyday activities. The impact is felt in a wide range of areas, from selecting a quarantine hotel to starting a business, signing an employment contract, or researching local laws and regulations.

Government information is frequently available only in Chinese, or when bilingual has been translated literally and is difficult to understand. For example, marketing materials for government programs are written for a Taiwanese audience and often contain references that cannot be understood without an existing understanding of Taiwan’s government context. Furthermore, the quality of translation is not standardized across different departments.

Government websites increasingly include English sections. However, these sections are often outdated and missing portions from the original content. The problem is so severe that many foreign nationals report using an automated translation tool on the Chinese versions of government websites as it produces clearer and more complete information than the English sections.

Recommendations:
• Include or retain the services of in-house bilingual staff in government agencies. If outsourced, standardize the use of translation firms across all departments.
• Implement digital tools to ensure that English-language content is consistent with the original Chinese and that any updates to the Chinese-language content is simultaneously reflected in the English. In addition, ensure that the function allowing users to view content in a different language directs them to the relevant webpage, rather than to the website’s homepage, as is often the case.

Suggestion 5: Resolve tax issues particular to foreign residents.

Taiwan’s tax authorities have made excellent progress in improving their services for foreign nationals in recent years. Many new migrants have spoken positively about the in-person service at tax offices and the English-language phone line the National Taxation Bureau provides, as well as the accessibility of services and the willingness of tax officials to discuss issues. Still, there are some areas where improvements can be made.

5.1 Clarify permanent establishment rules for remote workers.

Taiwan has seen an influx in recent years of remote workers – employees who are not tied to a physical office – mainly software engineers from wealthy countries. These migrants generally have high salaries and are happy to pay taxes in Taiwan. However, due to Taiwan’s ambiguous permanent establishment rules, multinational
corporations have occasionally recalled staff from Taiwan or prevented them from migrating, depriving Taiwan of this talent source. The English term “permanent establishment” only exists in tax treaties signed between Taiwan and other countries, normally for the avoidance of double taxation. These tax treaties are generally clear on what defines a permanent establishment. However, for countries such as the U.S., which does not have a tax treaty with Taiwan and is a major source of talent, the rules are less clear. Article 10 of the Income Tax Act refers only to a “fixed place of business” and a “business agent” and the terms can be generally conflated with the equivalent OECD definitions. Is a software engineer who normally works at a coffee shop a “business agent?” Does a remote worker’s home constitute a “fixed place of business?” Such terms require further clarification.

**Recommendation:**
- Clarify tax rules and minimize the tax impact to remote workers from foreign companies.

5.2 Resolve difficulties related to inbound personal funds.
High-level professionals with families often face enormous expenses in moving to Taiwan. The current limit on personal funds from abroad for living expenses is NT$6 million per year, and anything above that amount may result in tax implications for transferring additional funds into Taiwan. Such a limit does not consider the costs incurred by many two-child families who pay for private school tuition fees, purchase a vehicle, and locate suitable housing.

**Recommendation:**
- In order for Taiwan to be competitive in attracting high-level professionals, limitations on inbound personal funds should be increased proportionally for families.

5.3 Develop educational materials on Taiwan’s tax system for U.S. nationals.
U.S. nationals, subject to their country’s globally unique taxation system, face issues with basic education about Taiwan’s residence-based taxation system. American expats frequently report confusion about simple principles such as “withholding tax” and physical presence rules for determining the source of income for salaried or contracted work.

**Recommendation:**
- Make available English-language educational materials on Taiwan’s tax system tailored to U.S. migrants.

5.4 Investigate tax incentives for foreign talent.

Unlike other countries with which it competes, Taiwan lacks a system of comprehensive tax incentives to attract business or talent. Many global companies that have decided to exit Taiwan for other markets often cite this reason. Existing R&D incentives are mainly limited to Taiwanese companies and the application process is complicated.

**Recommendation:**
- Investigate the tax incentive schemes of other countries as reference for implementing an appropriate one for Taiwan.

**TAX**

In this era of globalization, international trade and cross-border transactions continue to increase due to the global division of labor and the comparative advantages of different countries and regions. Taiwan, with its prime location at the nexus of trans-Pacific and Asia-Europe shipping routes, as well as its abundance of high-quality talent in the technology industry, plays a crucial role in the global economy. However, several tax rules in Taiwan create compliance hurdles, as well as tax and administrative burdens for multinational companies (MNC), running counter to the trend of global supply chain development. To maintain Taiwan’s competitive position in the Asia-Pacific, we urge the government to consider the following proposals.

**Suggestion 1: Relax the supporting documents requirements under the Customs Administration’s guidelines on one-time transfer pricing adjustments.**

In November 2019, the Ministry of Finance (MOF) issued Tax Ruling No.10804629000 (the Ruling), which allows certain companies conducting transactions with related parties to make a one-time transfer pricing (TP) adjustment before closing their books for the fiscal year. The following month, the Customs Administration issued the “Guidelines for Verifying the Customs Value under One-off Transfer Pricing Adjustments during the Fiscal Year” (the Guidelines), which clarify and align the corporate income tax (CIT) and Customs requirements that must be satisfied for taxpayers to make one-time TP adjustments to related-party transactions. The Ruling and the Guidelines help reduce the risk of a discrepancy occurring between direct and indirect taxes arising from the management of the cost of imported goods by multinational companies (MNCs).

However, under the Guidelines, the Taiwan importers of record (IOR) face the following difficulties when applying for the above guidelines for a one-time TP adjustment:

- **Difficulty providing the required supporting documents under the Guidelines.** Due to the needs of
companies’ internal accounting systems, corporate policies to avoid fraud or discrepancy between different invoices, and journal entries in accounting records, each company transaction can only have one corresponding invoice. As a result, Taiwan IORs are unable to comply with the Guidelines’ requirement to provide both a proforma commercial invoice upon importation of goods and a final commercial invoice when applying for the one-time TP adjustment. The Committee suggests relaxing this requirement to allow IORs to provide a commercial invoice upon importation and one invoice reflecting the total adjustment amount (i.e., a TP invoice on imported goods) that could be added to the original commercial invoice for the one-time TP adjustment application.

Customs could then determine whether the costs of the imported goods are at an arm’s length level by reviewing transactions from a fiscal year perspective.

**Difficulty with supplying documents that provide the rationale for the customs value of imported goods after the TP adjustment is made.** For an MNC, the process for managing TP adjustments is lengthy due to the number of related parties involved, and because the TP adjustment for the fiscal year must be forwarded to headquarters for review and approval. Further, considering that in certain fiscal years, the amount of goods a company imports can be substantial, revising and reviewing each and every import declaration form would be extremely labor-intensive if the TP adjustment is applied to every item declared. Conversely, if the adjustment is applied to just a portion of the imported goods and leads to significant price fluctuations, the result would only moderately increase the risk to companies of being audited by Customs.

According to recent international interpretations (e.g., those issued by the World Customs Organization) and related case studies, TP documents are increasingly important around the world for conducting Customs audits. Under the Guidelines, MNCs would be able to use TP documentation (e.g., TP reports, benchmarking analyses, etc.) to support the rationale for the customs value of imported goods when undergoing a Customs audit or revising import declarations.

Further, TP documentation is objective. The CIT return for fiscal year 2020 includes a section on one-time TP adjustments, requiring taxpayers to disclose the details of applications submitted in accordance with the Guidelines, and indicating the importance of one-time TP adjustments to the tax authority. Therefore, we recommend that Customs accept TP documentation for assessing the rationale and arm’s length nature of the customs value of imported goods. Doing so could simplify compliance requirements for MNCs by providing the tax authority and Customs with a common reference, and would align the differing methods for valuing the costs of imported goods under CIT and Customs procedures.

**Suggestion 2: Clarify the definition of “completion of sales” and reconsider taxing transactions involving drop shipping.**

Many foreign businesses, attracted by Taiwan’s highly developed technology sector – especially the semiconductor industry – have contracted Taiwanese companies to provide IC fabrication, packaging, and testing services. As a result of globalization and the increased demand for semiconductors, MNCs find it ever more imperative to use drop shipping, wherein finished goods are shipped directly to the customers outside of Taiwan by the contract manufacturer, in order to reduce shipping costs and increase efficiency. However, Taiwan currently taxes such drop shipping arrangements, which may deter MNCs from continuing to do business with Taiwan’s semiconductor companies.

Under current tax rules, if a foreign company exports materials and semi-finished goods to Taiwan and contracts a Taiwan company to perform further processing and subsequently ship the finished goods back to the foreign company, the foreign company would not be deemed to have generated Taiwan-sourced income. In contrast, should the foreign company request that the Taiwan company ship the finished goods directly to the foreign company’s customers – albeit outside of Taiwan – the income derived from such transactions would be considered Taiwan-sourced and the company would be taxed for the value added in Taiwan. The only difference between the above two transaction models is that in the first one, an unnecessary step is inserted between the contract manufacturer and the end customers, which is not a commercially rational arrangement.

In domestic tax law, the MOF classifies the income generated from drop shipments as business profit earned in Taiwan on the basis that the sales are completed in Taiwan, but it does not clearly define the term “completion of sales.”

In addition, any income that involves activities performed in Taiwan is considered Taiwan-sourced income. As the services provided by Taiwanese contract manufacturers in the drop shipment transactions of foreign companies are conducted in Taiwan, the income generated from such transactions is taxed accordingly. In addition, the Taiwanese contract manufacturers must also pay taxes on the compensation they receive from the foreign companies for their services, which is in effect double taxation of the same transaction.

In other countries, such as the U.S., the source of sales income is generally determined according to the location
where the sale is made, and the conclusion of sales is defined as the transfer of rights, title, and interest in the goods. A similar method could be used in Taiwan, wherein the taxing right is objectively ascertained by examining the trade terms of each transaction. For example, according to Ex Works (EXW) shipping terms, if the title and risks are transferred to the buyer at the manufacturer’s factory or warehouse inside Taiwan, that is where the sale would be deemed to have been concluded. Conversely, under a Delivered Duty Paid (DDP) arrangement, the title and risks would not be transferred until the goods reach the buyer’s designated site outside of Taiwan. Therefore, the sale would not be considered to have been concluded in Taiwan and should not trigger Taiwan income tax.

Taiwan’s current tax rules on drop-shipment is discouraging for foreign companies and detrimental to the competitiveness of Taiwan’s business environment. As such, the Committee urges the MOF to refer to the example of other countries and adopt international tax principles to reduce uncertainty and increase foreign investors’ confidence in Taiwan.

Suggestion 3: Abolish the Stamp Duty Act.
In 2019, the Executive Yuan submitted a proposal to the Legislative Yuan to abolish the Stamp Duty Act. To industry’s disappointment, however, the proposal has not progressed past the first reading at the Legislative Yuan. The Committee thus calls on the Executive Yuan to continue to press for the Act’s termination, and on the Legislative Yuan to complete the process.

The stamp duty was introduced in China in 1911 and the dutiable scope has been amended or expanded several times. Under the old regime (prior to 1978), there were as many as five categories and 30 types of dutiable items. The categories were complex, and it was often difficult to discern the type/nature of the document in question. The most recent amendment was passed on May 15, 2002, by which time the dutiable scope had been gradually narrowed down. Currently, stamp tax is levied on “receipts for monetary payments,” “contracting agreements,” “real property transfer contracts,” and “contracts for sales of personal moveable property.” But despite the ever-changing commercial patterns in today’s world, the stamp act has not been updated in nearly two decades.

Today, digital communications are commonplace, with transactions concluded and documents drawn up electronically. However, the primary way in which the stamp duty is levied requires the taxpayer to purchase physical stamps, affix them to paper documents, and write them off after the duty is paid. Doing so requires taxpayers to convert electronic documents into paper form in order to be compliant, and is therefore a highly manual and resource-intensive process that is out of pace with the times.

Further, Taiwan’s stamp duty regime does not involve the input-output credit offset system of the value-added tax (VAT) mechanism. VAT is technically levied on all parties in the supply chain, but the final VAT burden is ultimately passed on to the consumer. In contrast, the stamp duty is levied on each document drawn up at each stage of the transaction, with every party liable for paying the stamp duty. For example, in the construction industry, the primary contracting agreement is subject to a 0.1% stamp tax on the consideration reached to perform the specific job or task provided for in the agreement. The subsequent subcontracting agreements are also all subject to a further 0.1% stamp duty. As a result, the stamp duty is applied repeatedly, which increases operational costs.

In addition, given the variety and complexity of business models that occupy legal gray areas in Taiwan, taxpayers frequently make mistakes in distinguishing document types and applying the correct duty rate, and in practice the proper document type is sometimes difficult to determine. The result is more time and work for the tax authorities, who must advise taxpayers or investigate stamp duty irregularities, as well as impose penalties for such mistakes or noncompliance.

TECHNOLOGY
Prior to COVID-19, the high-tech industry – both in Taiwan and globally – was already evolving at a rapid pace, driven by changing consumer expectations, heightened competition, evolving regulations, and technological advancements. The pandemic has accelerated the adoption of technology to an unprecedented level and inspired radical changes in consumer behavior, moving a significant portion of economic activity online. These trends have also served as a stress test on the regulatory environment for tech-related industries. We appreciate the Taiwan government’s efforts to create a solid foundation for the industry to develop and thrive, and we look forward to working with the authorities to resolve critical issues in the future.

Suggestion 1: Balance personal data protection with data-driven innovation.
The Committee stresses the importance of maintaining adequate data protection while still being mindful of Taiwan’s needs in terms of economic development and heavy reliance on international trade. In light of the importance of achieving that balance, we offer the following suggestions:

1.1 Maintain current cross-border data transmission rules and adopt several important amendments to the Personal Data Protection Act (PDPA). We understand that the National Development Council (NDC) has been tasked with drafting amendments to the PDPA, and make the following recommendations regarding its draft:

• Maintain the current legislative model of conditional
cross-border data transmission, as set forth in Article 21 of the PDPA, which allows for the free transfer of data in most situations.

• Establish a specialized Privacy/Personal Data Protection Agency. In its statement of legislative intent to Article 22 of the current PDPA, the Legislative Yuan expressed its view that it would be appropriate to establish such an agency. The Committee thinks that the time has come to do so. The agency should oversee the regulation of personal data protection and be empowered to make the final decision on personal data protection matters. We also expect this agency to adopt a transparent and open communication mechanism, as we believe it would benefit from having a diverse and inclusive consulting committee, with members that include not only distinguished academics, but also industry experts and technical professionals.

• Define the roles of data controllers and data processors. We propose revising Article 4 of the PDPA to provide a clear definition of data processor as “a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the controller.” Further, we recommend that the amended PDPA clearly distinguish between the roles of data controller and data processor and align the requirements with their respective roles and respective level of personal data access and control. While data controllers should continue to be liable for processing by data processors in the spirit of the current Article 4, a data processor should no longer be deemed to have the same liability as a data controller.

• Limit on-site investigation powers. We recommend vesting investigatory power exclusively in the abovementioned specialized government agency as was contemplated by the statement of legislative intent for Article 22 of the current PDPA. Moreover, the government should consider limiting the on-site investigative power of the new specialized government agency to accessing premises only when due process requirements have been met.

• Promote the use of anonymized and/or de-identified data. The current PDPA is unclear as to whether anonymized or de-identified data are subject to the law. In order to make Taiwan’s data protection regime more readily understandable by international businesses, we recommend promoting anonymization or using other technical means to resolve certain personal data protection issues.

• Minimize the impact of implementing the new PDPA through communication with industry and adoption of a grace period – in line with the two-year grace period provided under the EU’s General Data Protection Regulation – before the new regulations are enforced.

1.2 Design a legal framework for the safe use and transmission of health-related data. We commend the Ministry of Health and Welfare (MOHW) for its creation of the National Health Insurance Data Artificial Intelligence Service within the existing regulatory framework of the PDPA. We are concerned, however, that development of the service could be hampered if it is not hosted by industry-leading international cloud service providers (CSP) with the full-stack services and security controls that developers rely on. Moreover, we urge the National Development Council (NDC) and the MOHW to strike a careful balance between patients’ data security and integrity interests and the need for controlled access to sensitive health information by researchers and developers in the public and private sectors. We encourage both the MOHW and NDC to consult with relevant stakeholders in designing a legal framework for the safe use of National Health Insurance and other health data in line with international standards.

We are encouraged by the MOHW’s promotion of the exchange of electronic health records (EHR) among government agencies, medical institutions, and patients to improve efficiency and enable patients to have access to their complete medical records. However, we are concerned that the MOHW may restrict the transmission of EHRs to overseas CSPs, blocking access by such enterprises to a wide range of data analytic services. Doing so would prevent Taiwanese medical institutions from realizing the full potential of their data. It would also be unreasonable from a security perspective, since data security depends not on geographical location but rather on the security controls and tools being employed – controls and tools that CSPs are well equipped to offer to users. We urge the MOHW to consider these factors before imposing any undue restrictions on EHR transmission.

Suggestion 2: Create an environment conducive to cloud adoption by the financial sector.

The Committee appreciates the 2019 decision by the Financial Supervisory Commission (FSC) to enact regulations on cloud outsourcing. However, we have identified several opportunities and challenges that will affect the adoption of cloud technologies by the financial sector.

2.1 Allow e-payment institutions to outsource to the cloud.

In December 2020, the Legislative Yuan passed an amendment to the Act Governing Electronic Payment Institutions that expanded the scope of business of e-payment institutions (EPI) and began permitting financial services institutions (FSI) to offer cash-flow-related services. The FSC has set a target of more than 50% growth of financial transactions conducted via
According to the Regulations, creating a local backup of important customer data is not required for FSIs when outsourcing workloads to overseas non-cloud vendors – but it is required when outsourcing to overseas CSPs. However, security on the cloud is no less rigorous than in the physical environment, making such requirements unnecessary. Moreover, creating a local backup is impossible for international FSIs whose work is conducted on a global scale. Such FSIs may aggregate their customer data in a single location and do not categorize such data according to nationality. In order to fulfill the local backup requirement, those FSIs must pour enormous resources into identifying and segregating the data, resulting in significant costs that usually far exceed the benefits of moving to the cloud. Although the government seems eager to attract international FSIs to Taiwan, this requirement is counterproductive and could discourage FSIs from embracing digital technologies. Requiring local backups might also create a less secure environment for related customer data since threat actors, knowing that the data resides in a specific location, can more accurately target systems. Furthermore, creating one more storage location that operates in a different security-control environment and requires additional security management would entail higher risk than a single, centralized storage location.

While we acknowledge the importance of customer data protection, we urge the FSC to provide clarity and guidance on the circumstances under which approval for an exception would be granted under Article 19-1 of the Regulations. We also recommend that the FSC exclude international FSIs and workloads related to overseas business or data from the scope of the local backup requirement. Lastly, we encourage engagement with relevant stakeholders on how to facilitate FSIs’ use of cloud computing. CSPs are willing to help by sharing international best practices and proposing technical solutions.

### 2.3 Simplify the approval process for workloads without customer data or containing de-identified customer data

We appreciate the FSC’s discussions with CSPs via the Bankers Association and note that it is considering exempting workloads without customer data or containing de-identified customer data from the approval/notification process required in the Regulations, on the condition that such workloads are in the testing or development stage or are related to public information on the FSI’s website. However, we believe that such a condition is unnecessary. The security concerns regarding workloads without customer data or containing de-identified customer data are likely minimal, as is the impact of service interruptions or incidents from those workloads on an FSI’s operations. We therefore urge the FSC to consider removing this condition or to simplify or waive the approval/notification procedure for such workloads.

### 2.4 Create an effective, scalable method for auditing CSPs

Currently, the Regulations require FSIs to conduct an audit of their CSPs. Given that these audits are often conducted individually, CSPs must grant data center access to multiple external assessors for different customers. This increased access undoubtedly puts millions of other customers at a higher level of security risk. Such an approach is not scalable, reduces the efficiency of CSP operations, and increases the overall cost of compliance. We believe a community-style audit would be more effective, scalable, and cost-efficient for FSIs while ensuring a more secure cloud environment. Such audits would be conducted annually by FSC-approved independent auditors and would be based on the FSC’s cloud-related requirements. Customers could obtain a copy of the latest report each year as part of their due diligence and monitoring of CSPs. The audit reports could cover various sectors within the financial services industry, benefiting as many stakeholders as possible.

**Suggestion 3: Ensure that frequency spectrum policies for Wi-Fi applications are in accord with international developments.**

Spectrum is a scarce resource that enables a wide variety of radio and telecommunications services for both individuals and enterprises. Spectrum policies that are informed by international developments are economically beneficial to Taiwan. Such policies satisfy the spectrum demands of existing services while providing access to new connectivity solutions such as Wi-Fi 6E in the 5925–7125 MHz frequency range (6 GHz band). They also provide greater efficiency and opportunities for new and innovative applications.

Spectrum policies that enable next-generation Wi-Fi devices and applications would provide strong support for
Taiwan’s economic growth and digital transformation. The Wi-Fi Alliance predicts that the total global economic value of Wi-Fi in 2025 will be nearly US$4.9 trillion. Taiwan’s semiconductor and electronics manufacturing industries are in a competitive position to capture a substantial portion of this value through the development and production of new silicon chips and Wi-Fi devices that comply with the latest Wi-Fi standards. Taiwan can be a great testbed for these OEM or ODM manufacturers that are considering expanding to markets outside of Taiwan.

Studies have demonstrated that the 6 GHz band is uniquely suited for Wi-Fi networks to complement 5G deployment without causing interference for incumbent users. The 2.4 and 5 GHz bands currently used by Wi-Fi devices are increasingly congested, something that license-exempt use of the 6 GHz band could help alleviate. In addition, Wi-Fi’s radio-emission characteristics make it highly complementary with other technologies such as fixed radiocommunication service, fixed-satellite service, etc.

The June 2020 consultation paper of the Ministry of Transportation and Communications (MOTC) acknowledges the global trend of license-exempt use of the 6 GHz band, referencing the examples of the U.S. and South Korea. On April 8, 2021, the MOTC announced draft amendments to the Radio Frequency Allocation Table, which under certain conditions provide for indoor use of the 6 GHz (5925-6425 MHz) band by low-power wireless information transmission equipment. These developments indicate that the Taiwan government recognizes the need to follow international developments and to enable the use of next-generation Wi-Fi devices and applications. The Committee appreciates the MOTC’s consultation with the public on 6 GHz, as well as the draft amendments.

However, the MOTC’s plan allows license-exempt use only of the lower 300 MHz range of the 6 GHz band. We believe that expanding that use to the full 1,200 MHz of spectrum would alleviate congestion for Wi-Fi without incurring costs or requiring the accommodation or relocation of incumbent users. The wider 160 MHz channels support the higher throughput and low latency requirements of immersive applications in dense deployment environments.

The Taiwan market does not generate economies of scale sufficient to motivate device manufacturers to design for Taiwan only. Furthermore, certification for a single small market adds avoidable costs. We are concerned that the MOTC’s plan could cause Taiwan to lag behind other advanced countries. More importantly, it could limit the potential economic advantages that use of the full 6 GHz band could bring.

To ensure that Taiwan is able to reap the economic benefits of Wi-Fi and accelerate its digital transformation, the Committee recommends that the government review Taiwan’s spectrum policies to ensure they are in accord with international developments, and establish a consultative mechanism with industry stakeholders, particularly with regard to the license-exempt use of the full 6 GHz band for Wi-Fi.

**Suggestion 4: Provide clearly defined cybersecurity guidelines for information products and services in public tenders.**

The Committee recognizes the Taiwan government’s concerns regarding cyber threats from foreign actors, as well as its efforts to strengthen its cybersecurity regime. In its December 2020 Information Security Monthly Report, the government updated its requirements regarding the reporting, replacement, and use of information and telecommunications equipment by all government agencies and public organizations. The requirements also apply to government contractors and subcontractors.

In the current global supply chain, however, a product may have components sourced from more than one country, and some of the new requirements pose serious challenges to the completion of public tenders. Further clarification of certain requirements is needed before they are implemented. As guidelines are likely to be updated on a rolling basis, we offer the following suggestions:

- **Task the Public Construction Commission (PCC) and the Department of Cyber Security under the Executive Yuan with holding Q&As and training sessions on how to properly design a tender for different security levels to ensure that agencies are able to purchase products and services most suited to their needs.**
- **Provide more guidance on and flexibility under the Model Instructions to Tenderers (the Instructions) regarding country of origin. Replacement components for products that have passed their warranty period may be limited in supply and the provision allowing government agencies to refuse tendered components from China may be difficult for the original manufacturer to fully comply with. The Committee therefore suggests providing more options under this section of the Instructions to ensure that the operations of government agencies are not interrupted by a lack of access to proper maintenance services.**
- **Provide a clear definition of “Chinese brand” and “services provided by Chinese citizens” in the Model Contract for IT Service Tenders, a complementary document to the Instructions. What makes a brand Chinese? Does it depend on the location of the company headquarters or are there other criteria? Is there a list that the Committee could refer to? In the case of Chinese citizens, does this only apply to current PRC passport holders or are previous passport holders, dual citizens, and Hong Kong and Macao passport holders also included? In addition, more...**
clarity regarding the scope of services that Chinese citizens are prohibited from performing is needed. For example, does it include procurement? Software development? Direct work with a particular region? Or does it only involve work performed inside Taiwan?

While safeguarding Taiwan’s national security is of the utmost importance, it is important to recognize that technology will continue to evolve rapidly. Using a blanket approach to determining whether a component, device, or service jeopardizes that security does not take into consideration the sophisticated and effective technology that may be available for addressing areas of concern. The Committee therefore encourages open dialogue with stakeholders to achieve a balanced outcome and advance cybersecurity norms in Taiwan’s supply chain.

Suggestion 5: Form public-private partnerships to face the challenges of the pandemic and ensure regular communication between the Taiwan authorities and industry.

COVID-19 has caused unprecedented disruption to the global economy. Over the past year, governments have struggled to contain the pandemic, as well as to determine how to jumpstart economic growth and safely and responsibly return things to a “new normal.” Now, as governments and health providers begin the rollout of life-saving vaccines, many innovative new tools, such as vaccine passports, mobile applications verifying COVID test results, and vaccination management platforms, are being introduced. These technologies aim to assist governments as they seek to gradually and confidently emerge from the pandemic.

Taiwan received its first batch of COVID-19 vaccines in March 2021 and will continue to receive additional batches over the coming months. The Committee therefore offers the following recommendations:

- Refer to the experience of countries such as the U.S., UK, Australia, and Singapore and focus on ensuring the interoperability of technologies and harmonizing the standards for data exchange between various vaccine passport platforms so that certificates can be used and verified across borders.
- Consider security, reliability, and privacy in adopting a collaborative model of public-private partnerships for developing Taiwan’s vaccine passport; and
- Establish a cross-sectoral platform for regular, bi-monthly public-private engagement. Government stakeholders may include the MOHW, NDC, Ministry of Science and Technology, and Ministry of Economic Affairs, among others. Participants can begin by sharing how other countries have used digital innovation at different stages of the pandemic. The discussion can then be expanded to focus on how to collaborate on issues such as data sharing and the harmonization of regulations.

TELECOMMUNICATIONS & MEDIA

The Committee appreciates the Taiwan authorities’ hard work in driving the introduction and development of Taiwan’s domestic 5G ecosystem, as well as its efforts to create a reasonable regulatory environment for Taiwan’s increasingly diversified media services industry to flourish.

At the same time, business activities in the ever-changing global economy have been accelerated by digitalization and technological innovation. The speed of change has often created friction between digital industries, traditional industries, and the Taiwan authorities. The Committee expects the upcoming Ministry of Digital Development to help reconcile some of those differences by becoming a true champion of Taiwan’s digital transformation with supporting mechanisms or rewards systems as encouragement for digital innovation, by drawing on experiences of reputable businesses elsewhere to support its operations in Taiwan, and by committing to open communication with stakeholders (See the Digital Economy Committee section).

We offer the following suggestions as ways to enhance those efforts and ensure that industry can continue to innovate, foster Taiwan’s digital transformation, and provide the highest quality of service to customers.

Suggestion 1: Promote a healthy and robust environment for 5G development in Taiwan.

Countries across the world continue to improve their telecommunications environment, allowing industries to upgrade existing services and assist in bringing about digital transformation. Advanced countries are accelerating the development of 5G, an increasingly mainstream technology. For example, South Korea completed auctions for 5G spectrum in 2018, and the following year its government announced the “5G+ Strategy” aimed at creating new 5G-related industries and services. Most significantly, Korea’s government has adjusted regulations and increased investment incentives for telecom operators in order to promote 5G commercialization.

Taiwan’s government in 2016 introduced the Digital Nation & Innovative Economy Development Program (Digi4+), as well as other ICT-related policy initiatives. Its vision is to develop an environment that encourages Taiwan’s telecommunications and broadcasting industry to move toward digital transformation, of which a major facet is 5G adoption and expansion. However, telecom operators have suffered from exorbitantly high 5G spectrum costs and difficulties related to the deployment and construction of their respective 5G networks. As a result, 5G development in
Taiwan has been slower than in other advanced countries.

Taking into account recent international trends and the practical needs of Taiwan’s telecommunications industry, we propose the following policy suggestions. We sincerely hope that the government will take them into consideration and enable the telecommunications industry to take a leading role in Taiwan’s digital transformation.

1.1 Accelerate the development of the digital economy: We suggest that the proposed Ministry of Digital Development (MODD) establish a system of rewards and incentives to encourage development of the telecom industry. To ensure that sufficient resources are available for that system to be successful, we recommend that it be given at least as large a budget as the Executive Yuan National Science and Technology Development Fund.

1.2 Create a level playing field: Taiwan’s telecom operators have long operated in a highly regulated environment. In the interest of fairness, market newcomers such as foreign service-providers of 5G or non-terrestrial networks (NTN) in Taiwan and local businesses deploying private networks (or Non-Public Networks) should be required to abide by the same regulations as Taiwan telecom operators with regard to license applications, national security, information security, lawful interception, consumer protection, etc.

1.3 Incentivize innovation: The life cycle of communications technologies is often 10 years or longer, yet innovation continues even after that life cycle ends. In order to encourage the development of innovative new services by telecommunications companies, including those related to 5G, we reiterate our request from last year’s White Paper that the government amend the Statute for Industrial Innovation and its related regulations to double the allowable period for applying for tax deductions on investments to 10 years and increasing the tax credit by 10 times to NT$10 billion to reflect current needs in the Taiwan market.

1.4 Improve the telecommunications environment: The government could help drive the development of 5G by reducing the investment costs shouldered by the telecommunications industry. In particular, it could decrease 4G frequency usage fees and waive such fees for 5G altogether. Furthermore, we recommend broadening the provisions of the Act for Promotion of Private Participation in Infrastructure Projects, the Statute for Encouragement of Private Participation in Transportation Infrastructure Projects, and other related regulations to extend the benefits of tax relief and concessional financing to telecom operators. In addition, we urge the government to amend the Electricity Act to enable telecom operators engaging in projects related to public infrastructure or aiding underprivileged groups to receive subsidies for electricity usage.

1.5 Reduce barriers to building infrastructure: Refer to the experience of countries such as Japan in formulating a set of common rules for how the central and local governments may make use of public buildings and other facilities, such as streetlights, traffic lights, electricity poles, and other equipment, for building out 5G networks. We also urge establishment of a government agency tasked with ensuring coordination on 5G policy across the central and local levels. This agency, together with a set of clear and consistent application procedures and fee-charging standards, would help ensure that obstacles to 5G network construction are quickly and effectively resolved.

1.6 Refrain from imposing regulatory restrictions on RAN equipment. As network operators worldwide invest in the deployment of 5G, there is a growing concern that a shortage of supplier options, particularly in the Radio Access Network (RAN) sphere, could leave global network operators with either limited options or sub-standard equipment to build their future network infrastructure. Potential security concerns are also at issue. In this regard, it is vital to ensure a diverse, innovative and competitive O-RAN over the long term. To leverage industry leadership and competitive market conditions to drive innovation in the most efficient way possible, we encourage the government to engage in regular dialogue with industry to share best practices.

1.7 Refrain from mandating specific technological solutions. The concerns here are similar to those in 1.6 above. While we believe that governments should encourage O-RAN, the technology is still nascent, and different solutions may be appropriate depending upon the use case. Therefore, governments should avoid mandates or set-aside arrangements for O-RAN or any other network solution. Instead, it can incentivize the use of such technology to ensure its future adoption and long-term success.

Suggestion 2: Amend regulations on cable TV to allow it to remain competitive.

Today’s media marketplace encompasses multiple platforms, providing more ways to access and enjoy content than ever before. Broadcast television is increasingly shifting toward digital formats, and 138 countries now have over-the-top (OTT) video markets. The number of OTT users worldwide is projected to grow to over 650 million by 2021; global OTT video revenues are expected to reach US$129 billion by 2023. Given this trend, consumers are increasingly demanding services tailored to their individual preferences. New technologies, the increasing adoption of various devices, and heightened data usage have led consumers to expect quality, convenience, and mobility from content services.

These demand and supply-side developments increase
competition in the media sector. In Taiwan, cable TV no longer dominates the market, since IPTV and OTT have provided an alternative for consumers to enjoy content on demand.

While the media services environment has evolved significantly, cable TV regulations remain heavy and unchanged. We encourage the NCC to consider the following suggestions:

1. **Relax regulatory requirements for cable TV.** Legacy regulations imposed on cable TV are no longer suitable for the current market, and they disadvantage cable TV operators in competing with other content service providers. We welcome the NCC’s decision to regulate OTT services with a “light touch” approach and hope the Commission can extend the same treatment to cable TV services. We urge the NCC to refrain from imposing local content investment requirements on international audiovisual service providers in Taiwan, including cable TV service providers.

2. **Discontinue the NCC’s review of cable TV rates.** Such reviews are inconsistent with standard global practices, especially in markets such as Taiwan where there is sufficient market competition to guide cable TV pricing. One area of particular concern is the NCC’s consideration of whether to regulate license fees charged by content providers according to a ratings system. Another is the recent proposal to implement a channel dispute arbitration mechanism, which could impact the subscription fees charged by cable TV operators (currently an average of NT$530 per month). Such proposals could distort market supply and demand, affect production quality and investment in local productions, and ultimately impact the diversity of content options available to Taiwanese consumers.

3. **Lighten procedural requirements related to permit renewals and channel evaluations.** The process and requirements associated with channel evaluations are burdensome, and the legitimate public policy objectives of such evaluations are not always clear. We suggest that the NCC revise such requirements to increase transparency and the ease of doing business for cable TV service providers.

Finally, we encourage the NCC to maintain an open and regular dialogue with the cable TV industry in order to share experiences and exchange information. The media landscape is fast changing, and such communication would be helpful in ensuring mutual understanding, trust, and collaboration.

**Suggestion 3: Commit to transparency and the involvement of multiple stakeholders in determining how to proceed with the draft OTT Act.**

We commend the NCC for actively deliberating on how to develop an appropriate regulatory framework for the young and dynamic video on demand (VOD) industry. However, we emphasize that any new regulatory measures should be extensively and transparently discussed with industry and other relevant stakeholders before being implemented.

Last year, Committee members provided, on short notice, detailed comments on the draft Internet Audiovisual Service Management Act (OTT Act). The Committee is keen to continue its involvement in the legislative process for the OTT Act. We recommend that in moving forward with the Act, the government consider the diverse and evolving nature of the online video marketplace, acknowledging that no one-size-fits-all approach can work. In particular, regulations designed for broadcasters and cable providers are inappropriate for platforms that specialize in user-generated content because such platforms do not exercise the same degree of editorial control over content asserted by traditional media companies. As a result, regulations should specify that intermediary platforms hosting predominantly user-generated content are explicitly outside the scope of the OTT Act.

Echoing comments made in last year’s White Paper, we emphasize that industry self-regulation can be a highly effective means of governing the OTT environment. Established industry players have often already developed policies or set up organizations to protect customers, as well as protecting their brands and reputations. However, reputable businesses should not be forced to join such organizations, particularly those that have received government funding and work closely with the relevant authorities, as they may not be the most appropriate representatives of industry interests. In addition, government-mandated membership in an organization that is essentially a government proxy could create an additional regulatory burden on businesses, for example because of unnecessary formalities or unspoken rules. It might also set a bad example that could tarnish Taiwan’s reputation regarding digital governance.

The requirement in the draft OTT Act that businesses publicly disclose the quota or proportion of Taiwan-produced content they offer raises serious questions regarding the purpose and practicality of such a condition. First, such quotas are ineffective in the current online environment where users make viewing decisions based on the quality of content, not on sheer quantity. Second, requiring businesses to display such information on user interfaces does not serve a clear purpose. Finally, combining penalties with what is ostensibly a voluntary system to create more local content is counterintuitive and reduces the ease of doing business in Taiwan. Alternatively, the government could reward compliance – for example, by providing greater incentives or business facilitation services.

The light-touch regulatory approach adopted in Taiwan thus far has proven to be effective. The OTT Act should continue this approach, allowing businesses to invest,
innovate, and compete in this emerging, competitive market. Anticipating the Taiwan government’s proposed structural reorganizations, including the establishment of the MODD and the additional responsibilities of the NCC, we recommend that the government reassess the content of the draft OTT Act and seek to develop an OTT regulatory framework that enhances industry self-regulation and dialogue between government and relevant stakeholders.

TOBACCO

Suggestion 1: Adopt a two-pronged approach – increased inspections and enhanced public awareness – to deal with new types of illicit trade in tobacco products.

In recent years, following increases in the tobacco product excise tax to help support the government’s long-term-care policy and in anticipation of the coming revision of the Tobacco Hazards Prevention and Control Act (THPCA), smugglers have been expanding their operations by concealing tobacco products in cargo containers and on fishing vessels. The damage to Taiwan’s legal tobacco-product market has been enormous. Although the Ministry of Finance (MOF) has invited inspection-related agencies like Customs and the police to formulate an “Illicit Tobacco Products Inspection Enhancement Plan” with a view to strengthening border inspection and enhancing cross-agency communication, the number of packs of illicit cigarettes uncovered in Taiwan in January this year alone reached a high 1.81 million. Compared to the 830,000 packs found during the same period last year, the increase came to a staggering 118%. Based on these figures, it can be assumed that a substantial number of additional illicit tobacco products must have eluded seizure and entered the market.

In the past, most of the illicit tobacco products in the Taiwan market were “cheap whites” or low-quality cigarettes produced domestically by underground factories. However, most of the illicit tobacco items discovered during the past year have been genuine Chinese brands. Based on MOF statistics, 80% of the major illicit tobacco products were made in China, whereas cheap whites accounted for only 20%. Factors such as the COVID-19 pandemic and the revamping of supply chains have gradually caused new types of illicit trade to evolve. At least three operations of illicit branded China-made tobacco products have been uncovered since last year, each having a value of more than hundreds of million NT dollars. Their entry into the market would certainly cause over millions of NT dollars in lost tax revenue. Health concerns are even more compelling. Because their manufacturing process is unregulated by normal health regulations and inspections, illicit tobacco products may contain unknown ingredients or continue to be sold past their shelf lives, causing consumers to be exposed to high health risks.

Close cooperation between the government and industry is the best way to enhance regulatory efficiency. To combat the problem of illicit trade in tobacco products, the authorities should combine private businesses’ know-how and resources with the government’s access to data, thus strengthening the ability to stay abreast of market changes and undertake effective promotional campaigns. We also urge the authorities to gather comprehensive industry opinion as part of the process of formulating regulatory policies.

Recommendations:
• Raise public awareness concerning the seriousness of the illicit trade in tobacco products and utilize various channels to call upon citizens to refrain from buying unreasonably priced tobacco products or those of unknown origin.
• Tighten inspection procedures and adopt related supporting measures to crack down on the illicit trade – both large, local illicit cigarette factories and imports from China.

Suggestion 2: Construct a reasonable tobacco control policy to combat illicit trade.

A transparent, reasonable, and predictable regulatory policy on tobacco products is needed not only to protect the legal industry from harm from illicit products but also to help the government reach its public health and fiscal policy goals. Only when the authorities give fair consideration to a wide range of opinions, coordinate well with one another, and regulate the industry by reasonable standards can problems confronting the tobacco industry in Taiwan be truly resolved.

The Health Promotion Administration (HPA) of the Ministry of Health and Welfare (MOHW) pre-announced an amendment to the THPCA on May 29, 2020. The public consultation period ended on July 28 of the same year. During this period, a total of 9,872 public comments were submitted, but the fate of these nearly 10,000 comments is unknown except to the authorities. Although the industry has repeatedly used various public forums and other opportunities to remind MOHW of the importance of maintaining transparency, MOHW has insisted that public hearings are not needed because it already has a multitude of public communication channels. In other words, these 9,872 comments have been rendered meaningless. This decision not only is contrary to the democratic process in which Taiwan takes pride but mars Taiwan’s reputation as a beacon of democracy in Asia.

Based on international experience, overly austere tobacco control measures invariably lead to an increase in the volume of illicit tobacco products in the market. If the Taiwan government hastily implements the THPCA amendment,
the problem of illicit trade in Taiwan will certainly worsen. The serious tax-revenue loss could well impact the financial stability of Taiwan’s social-welfare system.

**Recommendations:**

- Provide tobacco products with treatment equal to that of other legal products.
- Respect the rights of consumers to have different product choices, in particular the various forms of emerging tobacco products. Also, respect the outcomes of international studies and empirical evidence.
- Hold public hearings prior to reviewing the proposed tobacco bill, and invite industry, government, and academic stakeholders to a transparent and open forum where they can freely express their respective viewpoints.
- Comprehensively consider whether the currently proposed policies can achieve the intended goals in terms of national public health, such as reducing the incidence of smoking, and carefully evaluate the question of illicit trade and its impact on the overall legal supply chain.

**TRANSPORTATION AND LOGISTICS**

The Committee would like to express its appreciation to the Tsai administration for its efforts in promoting vehicle electrification in Taiwan. We especially applaud its goal of making all public buses and government vehicles electric by 2030, while all newly registered motorcycles and cars will need to be electric vehicles (EVs) by 2035 and 2040, respectively. To facilitate the transition, the Committee continues to advocate broader electrification incentives for industry and consumers.

The present state of technology for energy cell efficiency requires that manufacturers build battery blocks of substantial weight and volume to assuage consumer fears about limited range. However, the distance that consumers expect to be able to drive before recharging is often longer than necessary, and manufacturers may be overcompensating in this regard. Rather than allow this unsustainable approach to continue, the government should work with industry to build a user-friendly charging network to give EV drivers confidence that they can get where they need to go.

Over the last year, some progress has been made in constructing fast-charging stations along Taiwan’s freeways. Three locations are currently being built on National Freeways 1 and 3. Meanwhile, the determination of policymakers is required in solving some of the major obstacles faced by EV owners to charge at home or at work (e.g., resistance from the resident committees or associations of apartment buildings). The government should be prepared to take measures such as amending relevant laws and regulations or offering subsidies to accelerate EV adoption in Taiwan.

At the beginning of the COVID-19 pandemic, many believed that EV development would stagnate in 2020 due to the fall in global oil prices. To their surprise, the introduction of green recovery programs across the world helped boost the sales of EVs to record highs in many countries. To enable Taiwan to keep pace with the green transformation happening elsewhere on the planet, we offer the following suggestions:

**Suggestion 1: Announce the extension of the commodity tax exemption for BEVs as soon as possible.**

The Committee was pleased to learn at White Paper meetings convened earlier this year by the National Development Council (NDC) that the current commodity tax exemption for battery electric vehicles (BEV) would be extended for another four years, pending the Executive Yuan’s final approval. This exemption amounts to NT$210,000 for any BEV with a taxable value of more than NT$1.4 million.

**Recommendation:**

Given that the continuation of this fiscal incentive is crucial for product planning by distributors and for consumer purchasing decisions, the Committee urges announcement of the four-year extension at the earliest possible date, ideally July 1, 2021.

**Suggestion 2: Create a user-friendly charging environment for EVs.**

To support the accelerated growth of Taiwan’s EV charging infrastructure, more emphasis needs to be placed on solutions for charging at home and at work. One possible solution might be legal amendments that enable users to install charging ports at their own expense without having to first obtain the consent of a building’s residents committee.

Certain non-fiscal incentives could prove extremely helpful in encouraging the purchase and usage of EVs and reducing emissions. Examples of such incentives may include giving EVs priority parking in public carparks, as well as designating charger-equipped parking spaces exclusively for EV use. Other measures such as access to bus lanes, waivers for high-occupancy vehicles, and toll reductions should be considered as well.

Another aspect of this suggestion focuses on the development of charging stations across Taiwan. There are currently five mainstream DC-charging standards for EVs in the world. Combined charging system 1 (CCS1) is mainly used in the U.S., Canada, and South Korea; combined charging system 2 (CCS2) is mainly used in Europe, New Zealand, Australia, Singapore, and India; CHAdEO is used elsewhere.
in Japan; GB is used solely by China; and TESLA’s proprietary charging specifications are used in most jurisdictions. Of these, only the first four are included in the International Electrotechnical Commission (IEC) charging standards. Although the majority of electric passenger cars currently sold in Taiwan use the TESLA specifications, all types of charging interface are available. There is still no clear consensus in Taiwan on charger specifications for passenger and commercial EVs.

The Committee recommends that the government adopt a flexible policy on EV charging standards to attract EV-related investment and stimulate the development of Taiwan’s charging infrastructure. Taiwan’s EV industry has only begun to take off in recent years. At this moment, limiting private investment in Taiwan’s charging infrastructure to specific standards may hamper the development of this nascent industry.

Taiwan should maintain its current approach of voluntary compliance for all charging standards. In addition, we appreciate the government’s move to prioritize economic efficiency in choosing the type of charging specifications used for public construction tenders. However, this policy should not represent a firm restriction of certain standards but should be aimed at accelerating the expansion of Taiwan’s EV industry.

**Recommendations:**

- Maintain voluntary compliance with multiple different charging standards and let the market determine the most efficient charging interface.
- Adopt IEC 61851-1:2017 standards and refer to the successful policies of countries that have allowed for the use of various adapters. Doing so could increase the use of the public charging infrastructure and ensure the sustainability of large-scale private investments.

**Suggestion 3: Broaden the standards applied to airport taxis.**

For the current airport taxi service, which is conducted in shifts, the Ministry of Transportation and Communications (MOTC) lists engine displacement as one of the major criteria for determining which taxis can participate. The criteria, set many years ago, call for engine displacement of at least 1,900cc for taxis servicing Kaohsiung and Taipei International Airports and 1,750cc for those at Songshan Airport. At that time, engine displacement was directly connected to the interior space of a vehicle, and the criteria aimed to ensure that taxis were large enough to ensure passenger comfort and sufficient space for luggage.

However, vehicles with smaller engines are now much more spacious and comfortable than in the past. The Committee believes that given the advances in the auto industry, including the introduction of new powertrain technologies and the movement toward new energy vehicles (NEV), engine displacement requirements for airport taxis are unnecessary and obsolete.

**Recommendations:**

- Remove the engine-displacement criteria for airport taxis or modify it to specify vehicle dimensions instead.
- Continue to update the regulations periodically based on industry trends and technological developments.

**Suggestion 4: Relax NCC restrictions on products imported by R&D centers for testing purposes.**

In the current era of globalization, multinational corporations (MNCs) in the ICT industry must make strategic decisions regarding where to place their R&D and manufacturing facilities. Given Taiwan’s status as a hub for testing products during the development process, the island’s R&D centers often need to import semi-finished or finished products from manufacturing facilities in other locations. However, the process for applying to the National Communications Commission (NCC) and Bureau of Standards, Metrology and Inspection (BSMI) for permission to import such products is time-consuming and often leads to delays in new product launches, affecting Taiwan’s position in the supply chain.

To create a more friendly environment for R&D centers and streamline the new product development process in Taiwan, the Committee urges the government to strengthen cross-agency coordination and provide greater product-import flexibility to ICT MNCs that invest significantly in R&D in Taiwan.

For ICT MNCs recognized by the Ministry of Economic Affairs (MOEA) for their continuous investment in R&D and contributions to Taiwan’s economy, BSMI has listed products that are exempt from Customs examination. However, some products are still subject to NCC review and approval.

**Recommendation:**

- Consider granting exemption from Customs examination to products being imported for testing by R&D centers recognized by the MOEA and currently subject to NCC approval.

**Suggestion 5: Reform the MPT system to strengthen the taxi industry, improve the general taxi experience,**
increase driver earnings, and fulfill the government’s digitalization goals.

Across the world, governments, institutions, scientists, innovators, and entrepreneurs have come together to make use of evolving technologies to redefine industries and help pave the way for a sustainable future. A key development in this push is the growth of the collaborative, sharing, and digital economies, as well as e-commerce.

While other countries are embracing this change and working together with platform operators to better promote the embedding of digital tools in society, Taiwan has maintained a more conservative attitude, taking only incremental steps toward policy reform. This is especially so in cases that involve industry incumbents, such as taxi services.

Amendments to the Automobile Transportation Management Regulations (the Regulations) passed in 2019 allow multi-purpose taxis (MPT) to use APPs that contain meters with an upfront pricing structure. However, the changes did little to rectify remaining issues with the Regulations, such as restrictions on cross-regional operations, inflexible rates, and limits on the fee-charging options available to passenger transportation service operators. Importantly, they did nothing to enable the taxi industry to benefit from digitization.

The spread of COVID-19 in 2020 caused at least a 30% decline in the overall business for the taxi industry in Taiwan, which is now only slowly recovering. Rather than take advantage of a unique opportunity to truly rethink and digitalize this industry, the Taiwan government appeared to be more interested in maintaining the status quo or even making it more difficult for new businesses to enter the market.

Continuing the current approach to MPTs will inhibit the development of the passenger transportation industry and curtail the progress of the professional driving community. Furthermore, it will limit income-earning opportunities for Taiwanese people, consumer convenience, and the advantages that accrue from technology and digitization.

**Recommendations:**

- **Permit cross-regional taxi operations.** Article 91, paragraph 1, sub-section 3 of the Regulations currently restricts taxis from operating across different regions. However, allowing cross-regional operation of taxis or enabling them to operate without any regional restrictions would increase the efficiency of the industry, as well as the economic opportunities for drivers. In addition, permitting cross-regional taxi operation could fix the imbalance in supply and demand between urban and rural areas without sacrificing the government’s ability to regulate the taxi industry in an efficient and effective manner.

This issue was raised in last year’s White Paper, but only a vague response was received from the MOTC. We ask that the government give renewed consideration to our suggestion regarding cross-regional taxi operations to ensure a more equitable market for riders and drivers.

- **Add an option to Article 96-2 of the Regulations allowing ride-share bookings to be made via APPs or delete the requirement to establish ride-share stations.** This approach would open the market to MPTs and prevent their unjustifiable exclusion under the Regulations, which has created an unreasonable and uneven playing field. Moreover, opening up the industry to ride-sharing by MPTs can improve traffic flow during rush hours and decrease traffic congestion and air pollution.

- **Vest the MOTC with administrative discretion in determining the calculation of trip fares on APPs and increasing the flexibility of minimum fares.** Existing regulations restrict yellow cabs and MPTs from charging less than a set minimum fare. However, a dynamic pricing model that provides riders with more affordable and convenient riding options would be the most direct way to raise driver income, stimulate growth in the industry, and increase demand for taxis. At the same time, traditional yellow cabs should be permitted to calculate and collect fees via an APP, as this would encourage individual operators to become associated with a digital dispatcher and resolve current management challenges. It could also potentially improve the cumbersome payment process and reduce the need for drivers to double-park while riders count out cash to pay their fare, thereby assuaging safety concerns and enhancing traffic order.

**TRAVEL AND TOURISM**

The majority of experts surveyed by the World Tourism Organization (UNWTO) expect international tourism to return to pre-pandemic levels in 2023/2024. To ensure that Taiwan is well-prepared for that business revival, it will be vital to engage in serious self-reflection and devise practical plans to raise the competitiveness of the domestic tourism industry to new levels.

The pending reorganization of the Ministry of Transportation and Communication (which will include expansion of its Tourism Bureau into a Tourism Administration), plus the expected formation of the Ministry of Digital Development, should all help in that regard. We are also encouraged by the Tourism Bureau’s bold vision – “building a country through tourism” – as outlined in its Taiwan Tourism 2030 White Paper. Besides the expansion of the Tourism Bureau, we welcome the plan to reference
the Japanese and South Korean models by establishing an independent administrative body to manage international tourism marketing. Though funded by the government, it will be managed as a corporation to allow flexibility, creativity, and diversity.

The Committee again cautions that adherence to outdated rules and practices is not the way to attract more travelers or a higher quality of travelers. Even with the expected Tourism Bureau expansion and creation of the independent administrative body to focus on international marketing, the government will need a broader strategy to spur business growth and cross-sector discussion among government agencies to diversify business opportunities. An open-minded and creative approach is needed, as opposed to just adhering to traditional notions of tourism products and services or rejecting ideas and innovations that don’t fit neatly into the existing laws and bureaucratic structure.

To make Taiwan the pre-eminent post-COVID travel destination, the Committee urges the authorities to focus on these objectives:

- Remove the burden of administrative red tape from existing tourism products and services;
- Refer to wider international best practices to facilitate tourism-industry business management and operations;
- Adopt technology and digitalization across products and services;
- Commit to a clear and sensible marketing strategy that aligns with national policy and is allowed time to develop; and
- Embrace a proactive business-minded approach that dares to explore and innovate, rather than merely protect what currently exists.

### Suggestion 1: Develop a unified, targeted marketing strategy for tourism through communication with industry and across government agencies.

The post-COVID landscape will surely bring new challenges, such as how to accommodate vaccine passports and other screening policies (see the Technology Committee section). For the tourism industry to succeed in the new environment, there will need to be targeted marketing campaigns aimed at specific types of travelers that the government wishes to attract. Also needed will be an overarching marketing strategy that goes beyond the confines of the core tourism industries outlined in the Act for the Development of Tourism (Tourism Act) and instead connects with other government agencies and private organizations during the planning stages of non-tourism initiatives.

Take the MICE sector (Meetings, Incentives, Conferences, and Exhibitions) as an example. While much of the promotion and development of Taiwan’s MICE industry has been actualized through initiatives (such as “Meet Taiwan”) sponsored by the Bureau of Foreign Trade of the Ministry of Economic Affairs (MOEA), it should not be left to MOEA to subsidize and market this important sector on its own while the tourism authority focuses only on the traditional tourism industry.

The Tourism Bureau also has an important role to play as an integrator and coordinator. Watching for new business trends in areas outside of traditional tourism, it can seek ways to turn these into tourism opportunities and then devise appropriate marketing strategies and policies. For trending industries offering high economic potential, the Tourism Bureau can take the lead in carrying out marketing campaigns to attract international meetings, trade shows, and other business events to Taiwan. As the world recovers from the pandemic and the government sets priorities for reaching its goal of attracting 20 million international visitors a year by 2030, the policymakers should keep in mind that MICE travelers invariably spend much more than leisure travelers.

A similar suggestion can be applied in Taiwan’s regional revitalization efforts. Government agencies have encouraged various measures aimed at rejuvenating rural or remote areas suffering from the outward migration of younger people. The Committee fully supports the government’s commitment to tackle this problem by enhancing local services and upgrading infrastructure, as well as improving tourism and cultural assets in order to share the variety of unique local culture in Taiwan with international visitors.

Although significant progress has been made, the Committee also notes opportunities for greater synergy. For example, while the National Development Council (NDC) officially designated 2019 as Taiwan’s “First Year of the Regional Revitalization Era,” the Tourism Bureau also promoted it as the first year of the “Taiwan Small Town Ramble,” and at the same time the Ministry of Culture was sponsoring a “Spotlight Taiwan.” Better coordination and cooperation across government agencies would undoubtedly make such initiatives more successful, combining the best of rural revitalization, local culture, and tourism.

The Committee suggests creation of a mechanism to foster inter-ministerial coordination for the purpose of better achieving Taiwan’s tourism potential.

### Suggestion 2: Return DMOs to their original purpose as a marketing tool for reaching global markets.

In the 2020 White Paper, we proposed the development of Destination Marketing Organizations (DMOs). Last year, NT$200 million (about US$7 million) was set aside for this purpose. We applaud the tangible steps taken by the Tourism Bureau to establish DMOs to better promote Taiwan. At the same time, we understand that COVID-19 has forced changes to the government’s original plans, and that resources need to be applied to immediate needs.
Given those circumstances, we offer a word of caution based on our observations that the short-term environment may result in local DMO organizations simply competing with one another for domestic tourism business. Our original expectation for the DMO program was to integrate regional tourism resources to create a common brand image, while also establishing brand recognition and differentiation among various regions and localities. The ultimate aim was to market Taiwan to the international community.

The Committee hopes to see the formation of a consistent communication channel between industry members and the relevant government agencies and organizations, such as the leading scenic-site management offices. The aim would be to share short-term, mid-term, and long-term strategies on how to attract domestic and international tourists, as well as to share industry trends, experiences, and best practices. Means will also need to be found to strengthen the chain of support from the central government to local communities.

Taiwan will be competing with other international DMOs for the initial new wave of tourists. The degree of early success in recapturing international tourists to Taiwan will be a critical benchmark.

The Committee suggests setting up a channel for efficient communication between industry members and government agencies to share digital marketing efforts and trend studies in tourism.

Suggestion 3: Reimagine tourism possibilities in preparation for the post-COVID market.

COVID-19 has taught us that flexibility and innovation are necessary for businesses to survive and flourish, and tourism is a sector that especially relies on its ability to respond during difficult times. Surveys have shown that the first post-COVID trips people plan to take are likely to be to reconnect with friends and family in places they regard as safe. More people will be interested in smaller destinations, as opposed to large cities, and after being cooped up at home for so long, they will be looking for new experiences. Unless it allows flexibility and innovation by offering alternative tourism products and services, Taiwan will be at a competitive disadvantage against its neighboring countries.

The Committee applauds the hard work by both the Tourism Bureau and the NDC to develop such new experiences such as the “Rural Ecological Experience,” the “Indigenous Cultural Experience,” and the “Tea Production and Research Curriculum,” which were all announced by the NDC in August, 2019. We urge the Taiwan government to explore more such possibilities, pushing the boundaries further and conducting pilot projects to test new models of tourism experience. New ideas born from such experimentation will generate insights that can be incorporated into future amendments of the Tourism Act.

Digitalization is also important for the tourism sector. For example, the ability to make and receive payments digitally will be crucial for survival in a post-pandemic business environment where direct contact is minimized. But smaller-scale hotels, hostels, travel agencies, tour operators, and countless micro-entrepreneurs may find it challenging to make that transition. They will need guidance to identify and evaluate the various cost-effective digital-payment solutions that can unlock new value.

Returning to the MICE example, virtual meetings and webinars are being deployed before the border has re-opened to bring new solutions in as familiar a setting as possible. Looking forward to the planned establishment of the Ministry of Digital Development (see the Digital Economy Committee section for more details), we hope the tourism authorities will take advantage of all available resources to accelerate digital transformation for both the core tourism industries and tourism regulation.

At the same time, a number of critical issues raised in previous years’ White Papers still need to be resolved. These include modifying the content of tourism-related standardized contracts to enable the industry to meet diverse consumer needs (such as providing early bird discount programs or non-refundable advance sales at preferential prices), reconsidering consumer dispute mechanisms to reflect the current market landscape, and devising more effective policies to attract, train, and retain hospitality-industry professionals. Progress in these areas will contribute to a healthier tourism ecosystem as Taiwan prepares for the post-COVID era, enabling Taiwan to be more competitive against other countries in the region who are adopting new marketing strategies and deregulating their tourism policies.

In addition to those directly involved in the tourism industry, the Committee suggests that the Tourism Bureau consult with companies whose expertise goes beyond the traditional notions of tourism business (such as foreign trade or digital platforms) for discussions on new products, experiences, and policy ideas.

Additional copies of the Taiwan White Paper can be ordered by using the form on page 19.

Discount rates are available on bulk orders; contact AmCham Taiwan to inquire.
農化委員會

遠去一年來，COVID-19 疫情肆虐全球，多數國家即使疫情嚴重，政府相關部門仍本職責盡全力，讓國家施政得以順利推展，農化委員會在此感謝農糧署與疾病管制署，為全台灣人民的健康與安全，不斷修正與推動新政策，以控制台灣的疫情，讓台灣成為世界典範。

但是，與此同時，台灣農藥之相關部門施政進展甚微，造成農業經濟無法與國際接軌，全球貿易嚴重受阻。

建議一:更新各農藥成分每日可接受攝食量風險杯(ADI risk cup)的計算方法

農化委員會去年建議參考 JPMR(糧農組織/世界衛生組織農藥殘留聯合會議)對於每個農藥有效成分(AI)訂定每日可接受攝取量(ADI)並公告之以為依據，公開透明的計算 ADI Risk cup 或可接受暴露標準。並建議將計算 ADI Risk cup 方法由最高每日容許攝取理論值 Theoretical maximum daily intake(TMDI)改為每日估計攝入量 Estimated daily intake(EDI)；以國人估算之實際攝取量來進行攝食風險評估實為合理。

建議二:公開透明農藥最大殘留量(MRL)制訂的時程

農委會雖已於 2018 年 5 月修訂並公告農藥管理法第 59 條及 第五十九條修法意旨，將有效成分資料保護期從八年延長到十年。

建議三:修正《農藥管理法中》的農藥標示替代規則

該法第十四條規定：「農藥標示之使用或變更，應先向中央主管機關申請。標示變更後，原標示應於六個月內更換之。」

建議四:盡快實施新的十年有效成分測試資料保護期

農業委員會雖已於 2018 年 5 月修訂並公告農藥管理法第十條及第五十九條修正，將有效成分資料保護期從八年延長到十年。

建議五:強化學名藥登記的合理性

新農藥常需耗時十年以上才完成新農藥產品研發，另需五到八年進行動物毒理試驗、非目標生物危害試驗、環境影響試驗、田間藥效及殘留試驗資料評估後方可獲准上市，以確保農民操作使用及作物安全，並確保害物防治之功效。

反觀台灣學名藥，僅農藥有效成分及含量相同，成品添加其它成分及配方組成可與原始登記配方截然不同，其登記資料要求卻比照國外「me-too (相同)」標準،且因登記門檻低,學名藥廠商無需太多成本,即可登記或引進未經嚴格評估之相似學名藥產品。雖農民得以低價購得相關農藥進行病蟲草害防治。但多年下來造成學名藥廠商削價競爭、違規推薦等亂象,又因防治成本低亦造成超量使用農藥情形,導致農藥殘留過量時有報導。

建議：行政院農委會強化學名藥登記申請之合理，研議修訂《農藥管理法》第十條第三項第一款「於前項期間屆滿後，而未完成新藥申請，可申請延長申請」的法條，以保障農業生產者權益。
資產管理委員會

委員會感謝台灣政府致力於台灣創造更為活絡的資產管理業，也對金融監督管理委員會(FSC)於 2020 年 12 月所發佈的業務報告表示支持。台灣資產管理業業者對於投資台灣資產管理業務具有信心，並吸引更多外資投入資本市場的資本市場。

資產管理委員會

今（2021）年，為了進一步促進台灣資產管理業的發展，委員會建議了多項有關業務、法律及規範的建議。此等建議包含放寬某些投資限制，並鼓勵更多針對退休基金的投資。我們期待與金管會持續合作，共同為台灣打造一個靈活且活絡的投資市場，為國內外投資人創造更大利益。

建議一：擴大並改善退休準備平台之自選試辦方案

金管會於2019年超前部署地核准全民退休投資平台專案，但時屆今日，仍需諸多配套措施使該項專案能夠廣泛地推廣，使台灣民眾在退休準備上更為自由。此項先驅平台專案目前在績效與參與人數上已達成相當數量核心目標，展現出其可以成為現行政府所推行退休金專案之替代方案。但同時，亦凸顯出要擴大推廣此項專案仍需改善的部分：

1.1 提供投資人更多樣化的選擇
目前全民退休平台上僅有四家業者及四種產品可供選擇，顯現此一平台需要業界更多的參與。我們建議開放所有符有哪些資格之業者，即所有具健全營運之投信業者(SITE)，於所提供產品已符合投信投顧公會所制定標準之前提下，皆得參與該平台。此項開放不僅可以提供投資人更多選擇，亦能使投資人得以多角化持有之方式避免投資風險。

1.2 使平台於三年內成為政府現行退休金專案之一
規劃此類時限能使業界開始有效地教育投資人關於以投資方式為退休預做準備之重要性及可行方式。目前政府退休金計畫之自願參與率較低之原因之一即為國民：(1)未認知到及早開始退休準備之優點；(2)仍習於對退休金之投資方式希望有一定程度之控制。增進對公/私領域投資人之教育並確定平台全面實施之時程將極大程度幫助台灣民眾之退休金準備。

1.3 為加入先驅平台專案之業者提供稅賦優惠，以確保該計畫符合投資人利益
不同於目前投信投顧公會所倡議之「台版個人投資儲蓄帳戶機制（TISA）方案」，其僅侷限於投資台股上市櫃股票總額基金投資資產價值 70% 之內的境內投資基金（含台股ETF）享免稅優惠。我們建議在照人及資本市場之原則，給予基金業者（不限於境內基金或境外基金），每人每年以不超過新台幣三千四十元為限之所得稅扣除額作為稅賦誘因。因應國人儲蓄率偏高，除可鼓勵民眾及早自願定額投資，預為個人退休自主準備之規劃，同時亦可緩解政府相關退休基金給付之缺口，有利於整體社會。該等稅賦誘因，亦有於鼓勵政府現行擬推動之「退休準備平台專案」。

建議二：允許台灣發行 ESG 基金並採用揭露模式

隨著全球正經歷的環境變動，天然資源的短缺以及社會壓力等，對於投資組合能有更大彈性的同時又兼具更嚴格監控的重要性越來越受到關注。因此，具有環境、社會及治理（ESG）能力的資產管理機構已持續提倡多樣化的永續投資框架，以期能克服這些全球性的挑戰時亦能產生投資收益。

銀行業委員會

全球經濟在 2020 年面臨了數十年以來最大的挑戰。COVID-19 疫情迅速漫延至世界各國，成為全球性的大瘟疫，同時亦引發金融市場動盪，讓原本已走緩的全球經濟狀況雪上加霜。面對COVID-19 疫情衝擊，台灣政府展現領導力，於抗疫過程中果斷處理危機，因應疫情彈性管理，於積極防疫和經濟發展中取得平衡。台灣堪稱各國表率的抗疫作為，造就其成為全球為數不多 GDP 仍增長的國家之一。

政府針對台灣金融業自由化所做的努力，已減輕不少全球經濟的不確定性為業者所帶來的衝擊。舉例來說，金管會刻正就發行境內 ESG 基金之法規要求進行最終確認，亦鼓勵投資人對資產管理公司的投資進行更深入的查核。此項措施將對投資人之投資行為有極大影響，並能使投資人更具信心，以投資方式為退休預做準備。

我們感謝政府關注去(2020)年銀行業委員會所提的建議，議題如「放寬銀行/證券商與海外關係企業自行買賣有價證券業務之限制」、「放寬外國銀行在台分行授信資產之備抵呆帳及保證準備之提列」皆已取得具體進展。今年度所提出的四項議題，(1) 訂定更具彈性的企業金融數位化相關法規及建立政府開放資料庫以促進金融數位化、(2) 建議放寬《金融機構作業委託他人處理內部作業制度及程序辦法》、(3) 允許外國銀行在台分行將其發行之新台幣金融債券所得資金及存款用於永續金融發展項目及(4) 推動台灣永續目標連結債券發行與監管制度。委員會相信與金管會當前的政策方向一致，可望於今年獲得解決。
我們相信上述目標能於明（2022）年獲得妥善的解決。綜觀金管會擴展金融市場及增加就業機會之目標，委員會敦促主管機關考量進一步鬆綁提供予各類型投資人之產品範疇，期能將商機留在台灣，並可藉此提升台灣金融產業與鄰近金融市場（如新加坡）的競爭力。因為台灣金融業界盡職的成員，委員會將持續致力於銀行業未來發展，協助打造台灣成為亞洲重要的金融市場。

建議一：訂定更具彈性之企業金融數位化相關法規，以提升企業金融數位化競爭力
現行存款業務、授信業務開放之銀行線上服務多側重於消費金融業務，就企業金融數位化，目前《銀行受理客戶以網路方式開立數位存款帳戶作業範本》僅開放依本國《商業登記法》登記之獨資組織，且負責人限本國國籍之成年自然人（20 歲以上）申請開立數位存款帳戶，未及於其他公司型態。

其次，《金融機構辦理電子銀行業務安全控管作業基準》授信業務僅開放既有客戶及新戶申辦(1)個人貸款、(2)限於原抵押權擔保範圍內增貸之房貸及車貸、(3)同意金融機構查詢聯徵中心信用資料，惟尚未開放法人線上授信業務，致企業客戶多需透過線下作業申辦有關業務耗時費日。鑑於 COVID-19 疫情衍生之零接觸生活新常態，驅動數位化及線上交易成為趨勢。為兼顧交易安全及提供民眾便捷服務，數位化申辦管道、產品與作業流程需求都變得更明確。

此外，依據《銀行受理客戶以網路方式開立數位存款帳戶作業範本》，開立數位帳戶得使用之身分驗證方式，不含國際型的憑證或電子簽章公司所提供之憑證，造成非我國居民及跨國企業客戶開立數位帳戶之障礙。且相關憑證技術限制在硬體載具，亦無法與當前國際主流憑證及電子簽章技術接軌，也因此形成對跨國企業客戶實際使用上的困難。

委員會感謝金管會委託銀行公會，研擬企業戶開立數位帳戶暨/或線上貸款服務相關規範及管理機制。倘若此問題能夠解決，將能夠協助台灣補足金融數位化發展之缺口。

建議二：放寬《金融機構作業委託他人處理內部作業制度及程序辦法》及相關問答集之適用範圍
委員會多次提出此議題。緣外銀在台分行或子行主要之資訊系統，或涉及營業項目及客戶資料處理等後勤作業，多委託總行或區域總部建置或處理；為因應總行主管機關監管新措施或區域整合後勤作業中心等種種原因，致外銀在台分行或子行依照目前《金融機構作業委託他人處理內部作業制度及程序辦法》(下稱委外辦法)之規定，多有不同形態之委外案件之申請。

現行委外問答集第二題之二資訊系統資料處理有關同一事由適用的範圍僅限於(1)前經貴會核准或依(2)2012 年補正程序或(3)同一事由且受委託機構不變。委員會擬建議金管會放寬委外問答集第二題之二資訊系統資料處理有關同一事由適用的範圍納入下列情形，舉例如下：

情境一：為機構法人以及公司法人客戶所建置之洗錢交易監控系統A前經貴會核准，受委託機構為總行。一年後，為新客戶建置之洗錢交易監控系統B，基於(1)受委託機構同一事由適用的範圍納入下列情形，舉例如下：

情境一：為機構法人以及公司法人客戶所建置之洗錢交易監控系統A前經貴會核准，受委託機構為總行。一年後，為新客戶建置之洗錢交易監控系統B，基於(1)受委託機構同一事由適用的範圍納入下列情形，舉例如下：

委員會認為，上述之建議鬆綁之範圍仍符合現行委外問答集第二題之二資訊系統資料處理有關同一事由適用的範圍納入下列情形，舉例如下：

委員會認為，上述之建議鬆綁之範圍仍符合現行委外問答集第二題之二資訊系統資料處理有關同一事由適用的範圍納入下列情形，舉例如下：

情境二：為機構法人以及公司法人客戶所建置之電子簽章平台C前經貴會核准，受委託機構為總行。一年後，為新客戶建置之電子簽章平台D，基於(1)受委託機構同一事由適用的範圍納入下列情形，舉例如下：

委員會認為，上述之建議鬆綁之範圍仍符合現行委外問答集第二題之二資訊系統資料處理有關同一事由適用的範圍納入下列情形，舉例如下：
台灣白皮書產業議題

永續金融於全球範圍內快速發展，台灣亦不例外。綠色金融和過渡金融，或稱永續金融的急速發展，在過去幾年中廣為人知。以債券發行為例，2020年新發行之綠色債券、社會債券、可持續發展債券以及永續目標連結債券（sustainability-linked bonds）總量達到4,823億美元，且預計2021年將達到7,255億美元，年成長率約55%。

在台灣，金管會於2020年8月發布「綠色金融行動方案2.0」，不僅更具體定義台灣綠色金融之願景，也藉此拉近台灣與國際永續發展融資機構在實務上之標準。具體而言，綠色金融行動方案2.0列出以下相關措施：

- 鼓勵金融機構辦理永續發展領域之貸融資；
- 鼓勵金融機構辦理永續發展領域之投資；
- 研議參酌綠色債券之發行架構及管理機制，發展可持續發展債券；
- 參酌國際作法，研究永續金融涵蓋範圍。

台灣確實有發展永續金融之需求，且日益迫切。同時，台灣極具發展永續金融之優勢，其擁有多元的發行人基礎，這些企業對氣候中和的承諾日漸重視。此外，隨著台灣機構投資者陸續響應責任投資政策，對這類融資的需求自然也會快速增加。

然而，現行法規對外國銀行在台分行新台幣債券發行所得資金之使用限制使其無法支持永續金融之項目，阻礙此一領域之發展。《外國銀行在台分行發行新台幣金融債券辦法》第四條規定：「依本辦法發行之新台幣金融債券，所募集之資金應用於我國境內重大公共建設、離岸風電建設及其他綠能產業建設之相關投資及發展，並不得轉換為外幣使用。」

該條款限制外國銀行在台分行新台幣債券發行所得資金僅能用於重大公共建設借款或綠能金融，排除了將債券發行所得資金借予非重大项目或綠色能源之借款人的可能性，即便借款人口口聲聲將該筆資金用於綠能產業，社會法則（ESG）相關或可持續發展之項目。

此限制直接影響外國銀行在台分行融資的靈活性，並間接削減其支持台灣非能源相關的綠色、社會責任或一般的可持續發展項目之意願。倘若銀行對前述領域有支持意願，則需要從其它管道取得新台幣，這將不利於外國銀行對綠色金融行動方案2.0的支援。

許多外國銀行是全球ESG/永續金融市場的積極參與者；擴大債券發行收益的可使用範圍將有助於外國銀行將國際最佳實務作法引入台灣。

台灣已陸續完成綠色債券（2017年）、可持續發展債券（2020年）及社會債券（預計於2021年）發行及交易的相關規範，並持續見證相關債券的發行。我們認為永續目標連結債券是完成台灣可持續債券市場發展計畫的最後一塊拼圖。這些所有債券工具將可進一步強化債券市場在籌募資金及鼓勵企業從環境、社會及治理等面向、投入可持續發展計劃方面的功能。

資本市場委員會

資本市場委員會感謝台灣各監管機構對《2020年台灣白皮書》所提建議的回應。我們欣見自2021年4月1日起，境外外國機構投資人申請投資國內有價證券或從事國內期貨交易登記，得以電子化文件進行。我們也誠摯感謝國家發展委員會（NDC）-金融監理管理委員會（FSC）與中央銀行的協助，自2021年3月31日
日起開放外國機構投資人投資指數投資證券（ETNs）。委員會肯定台灣主管機關推動「資本市場藍圖」的企圖心與努力，以做為未來台灣資本市場發展之願景。

委員會期勉繼續與台灣主管機關合作，緊跟最佳國際慣例，以因應當前新經濟情勢促成的國際重大發展，並持續攜手推動環境的電化及無紙化，於公部門合作之精神，委員會樂於與並進一步推動台灣資本市場之發展貢獻心力，提供以下建議：

建議一：確保業者於三月底前取得外資稅務資訊

委員會誠摯感謝財政部（MOF）建立平台，使華僑及外國人投資國內證券管理辦法之外資保管銀行及稅務代理人得以線上取得外資稅務及盈餘資訊。然而，即使扣繳義務人須於非居住者稅款繳納後十日內進行申報；該平台自建置完成後，無法及時記錄前一年度之非居住者稅務資料至次年度。委員會建議財政部應區分居住者及非居住者之稅務資訊，以減少困難，並加速系統登錄外資稅務資料，於次年度三月底前完成前一年度之非居住者稅務資料記錄，以利業者及時於該平台取得所需稅務資料。

建議二：建立電子化作業平台及無紙化環境

委員會非常感謝主管機關所推動的金融市場數位化政策。金融市場數位化近年來持續成為主管機關之核心政策，尤其在全球在 COVID-19 疫情的影響下，遠距辦公與電子化作業平台的使用愈趨普及，進一步凸顯此政策之重要性。委員會也觀察到主管機關不斷推出金融市場數位化之相關計畫，如台灣集中保管結算（TDCC）eSMART 數位平台，即是主管機關推行金融市場數位化之最好例證之一。

於此，委員會今年度將針對以下五項特定議題為主管機關提供更具體的建議，期許能夠協助主管機關持續推動金融市場數位化，並同時鼓勵其他市場参与者持續的利用現有科技提升營運效率與建立無紙化環境。

2.1 建立 ETF 發行商與保管銀行間的電子化作業平台

委員會建議於 ETF 發行商與保管銀行間建立電子化作業平台以提升 ETF 交易相關資訊傳遞效率。ETF 業務持續蓬勃發展，直至 2021 年，ETF 發行商仍不斷發行 ETF，目前共有超過 200 檔 ETF 於交易所上市上櫃，截至 2020 年底，其總市值（AUM）已達 1.7 兆台幣，規模近三年成長逾五倍，受益人數也不斷攀升。持續推動ETF為金管會資本市場藍圖中其中一項重要政策；然而，目前 ETF 相關作業仍需以人工方式處理，如 ETF 發行商與保管銀行間核對投資人股利發放仍以電話方式進行核對。若未有更嚴謹的管控方式，ETF 相關作業仍容易出錯，如外國投資人的所得稅率被錯誤扣繳，使得外國投資人無法享有租稅協定之優惠稅率。有鑑於此，委員會建議主管機關推行 ETF 相關作業流程自動化，以持續推動台灣 ETF 市場的發展。

2.2 公開發行公司之電子化關係

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公開發展公司之電子化關係
資料處理作業委託於集團處理：依金控、集團內部政策採取全集團、全球統一作業管控者或與受託機構委託具屬機關者，建議排除委外作業。

處理外國專業機構客戶（FINIs）下單者，因僅將FINIs客戶交易資料回報集團，且FINIs客戶係屬集團客戶，其資料處理原係由集團提供，建議排除適用委外作業。

資訊系統開發承攬及維護作業：如資訊系統開發係由證券商委託資訊廠商客製化設計，廠商交付後則由證券商自行導入客戶資料及交易資料進行處理，維護作業亦由資訊廠商至證券商處進行，資訊廠商並無接觸證券商客戶及其交易資料，建議排除適用委外作業。

經去識別化之客戶資料：因無個資外洩風險，建議排除適用委外作業。

僅限使用第三方供應商建置之公有雲適用於委外作業：採用國際知名廠商所建置之公有雲，如Google Cloud、Azure、AWS等，由券商公會主導協助取得該公有雲安全性與可靠性的確認後適用委外作業。

3.2 增列證券商作業委託他人處理的範圍以提高證券商作業彈性

委員會建議證券商作業委外處理：

參考《金融機構作業委託他人處理內部作業制度及程序辦法》第三條第十二款規定，建議委外作業第二條第一項增列第四款「應收債權之催收作業」，以利證券商將應收債權催收作業進行委外。

依據證券商之洗錢及打擊資恐注意事項範本第伍點：「證券商確認客戶身份作業應自行辦理，如法令或主管機關另有規定證券商得依賴第三方之確認之責任及手段時，得聘請第三方之證券商協助確認客戶身份之最終責任，並應符合下列規定…」，爰建議委外作業第二條第一項增列第五款：洗錢防制確認作業得委外辦理，成為證券商得依賴第三方執行辨識及驗證客戶身分作業的法令依據。

建議四：持續提升外資投資環境之效率

為提升外資投資環境之效率，委員會建議下列事項：

取回外資預收款券進行警示股/處置股等證券之交易

台灣主管機關採用警示機制定義警示股/處置股等證券，以防止外資機構攤薄資產。務求預收款券保護市場。雖然此項規定適用於所有投資人，但對華僑及外國人投資國內證券管理方法之投資預收款券依規定存放於保管機構之股東，進行上述類別證券投資交易需指示保管機構將預收款券匯撥至券商處所。因證券商負責預收款券之處置，其後期作業負擔較重，委員會建議取消外資投資預收款券進行證券交易之規定。

化學品製造商委員會

化學品製造商委員會感謝政府部會，持續地傾聽產業界建言進行雙向溝通，且於國家化學物質管理與審核部門設立化學法規的要件，並與國際接軌依聯合國 2030 年永續發展目標製作業政策，共同讓台灣整體化學品管理更加進步。

化學品製造商委員會感謝政府部會，持續地傾聽產業界建言進行雙向溝通，且於國家化學物質管理與審核部門設立化學法規的要件，並與國際接軌依聯合國 2030 年永續發展目標製作業政策，共同讓台灣整體化學品管理更加進步。
1.3 推出暴露評估危害指引草案
化學局體認國內業者較缺乏標準登錄相關經驗，故允諾業者可在期限前先提交第一到第七章資訊、第八章及第九章危害及暴露評估資料。化學局已經於 2020 年 6 月的第一版分類指標應完成已有化學物質標準登錄指引中概述危害評估資訊及暴露評估資訊，並詳細列出《化學物質危害評估及暴露評估指引》自 2016 年至今仍在草擬階段，故敦請大眾可盡早提出指引，以利業者著手進行相關資料準備。

1.4 針對致癌、致突變和生殖毒性物質（CMR）允收有統一標準
對於國內鍾意如國際癌症研究署（IARC）公認之 CMR 物質，不同公司登錄或不同顧問業者的團隊引用不同國家資料而有（CMR）認定不一之情形，倘若採用較寬鬆之資料，對於化學品管理及健康風險評估將帶來負面影響。故敦請大眾於 CMR 物質之資料允收一貫標準。

1.5 將限定場址中間產物納入豁免機制
建議大眾於登錄辦法修法時，參考其他國家對於中間產物給予較寬鬆之登錄資料繳交規定與較低之收費。以歐盟 REACH 為例，若製造商可證明物質屬限定場址中間產物與提供危害控制條件，則該物質可豁免標準登錄及其它類別之登記要求。

建議二：職安署安全資料表、標籤及商業機密保留揭示改善建議

2.1 建立合理的安全資料表及標示審查標準
化學局於 2020 年 6 月的第一版分期指定應完成已有化學物質標準登錄指引中概述危害評估資訊及暴露評估資訊，並詳細列出《化學物質危害評估及暴露評估指引》自 2016 年至今仍在草擬階段，故敦請大眾於 CMR 物質之資料允收一貫標準。

2.2 參採國際間保留揭示做法，與審核標準上與國際接軌
針對安全資料表商業機密保留揭示，國際間僅有歐盟、台灣及韓國需額外提出申請。而針對物質分類佐證資料的繳交，如物質測試臨終點（endpoint）無足夠測試資料時，歐盟或接受無法分類的選項；韓國則需提出各項危害分類結果及安全資料表，以對化工料理為之資料審核標準，並可借鏡化學局針對既有的資料保留揭示規定，以避免過於嚴苛的資料保留揭示規定。

2.3 建立一致的保留揭示審查標準，明訂審查期限及設立輔導機制
自商業機密保留揭示規定實施以來，有多家業者反映審查標準不一致，如提供相同審核資料後得到不同審查意見，或是針對相同資料分次提出約束審核資料。故建議大眾於審查標準時應明確規定，並可參考化學局針對既有的資料保留揭示規定，以提高業者於危害性化學品標準及系統規則保留揭示之申請量。

脊骨神經醫學

建議：在台灣發展並開始執行一個能合法化脊骨神經醫學專業的有效計畫

十多年過去了，台灣脊骨神經醫師的合法化建議案，依舊躺在美國商會白皮書，成了最久且懸而未決的案子。這議題應該不難解決，不只世界衛生組織早已承認脊骨神經醫學為替代醫學上的價值，且有超過 100 個國家也以不同的方式將脊骨神經醫學納入他們的醫療保健系統中，迄今為止，台灣仍是少數尚未實現此目標的司法管轄區之一。

主要阻力還是來自既有醫療團體的反對，這些團體在台灣仍具有相當大的政治影響力。儘管如此，現在幾十年來，透過國家發展委員會的主張參與以及和衛生福利部有效的討論，似乎在認可脊骨神經醫學的發展道路上已取得進展。然而，由於COVID-19 疫情的影響而使得進展受挫，委員會可以理解當下衛福部需暫時關注其他問題，以集中精力應對疫情。今年，這一優先順序仍持續存在。台灣政府對於 COVID-19 疫情的控制，目前看來還算是領先各國，但疫苗接種計畫才剛剛開始，與疫情的戰鬥將持續一段時間。

然而，在情況許可下，我們建議政府的注意力應再次回到脊骨神經醫學在社會中不協調的地位，直到規畫出一個合理的解決方案。在國外通過實驗、取得國外執照，並在台灣執業的脊骨神經醫師們被區別在一個法律灰色地帶，並且得盡量保持低調，甚至於無法登記醫療院所，對於已受過良好訓練並在台灣大學學術教育訓練的專業人員是一大羞辱。

更重要的是，此現況限制了台灣脊骨神經醫學的發展，剝奪了本地民眾尋求特殊保健醫療形式的權益。這種具有醫療實證效果的脊骨神經醫學服務在台灣無數民眾的支持，脊骨神經醫學可有效地緩解下背痛、頸部疼痛、頭痛和其他神經肌肉疾病，光是美國境內合法持有脊醫師執業資格的人數，就有超過七萬多位。

脊骨神經醫學既不涉及手術行為，也不包含藥物治療，因此可被視為一種極具成本效益的醫療新選擇，可以隨著台灣進入超高齡社會而減輕台灣國民健康保險計畫的部分經濟負擔。台灣早就應該趕上世界上大多數國家的脚步，使脊骨神經醫學成員可以完全認可的醫療保健新選擇。一旦公衆衛生條件許可，台灣美國商會的脊骨神經醫學成員，敦促當局制訂出一個，給予脊骨神經醫學專業法律認可的計畫。

化妝品委員會

2020 年是極具挑戰性的一年。COVID-19 疫情嚴重影響了全球經濟，奪走了數百萬人的生命。委員會在此感謝衛生福利部食品藥物管理署（TFDA）和其它政府機關在這段期間所展現的卓越領導力。我們也非常感謝 TFDA 持續關注化妝品產業的問題，保持與產業界的溝通並共同努力解決這些產業問題。化妝品是少數幾個業績持續增長的行業之一，且在過去幾年裡為消費者帶來更好的生活。根據經濟部（MOEA）2020 年 10 月的一份報告，台灣化妝品產業的年平均成長率為 3.2%，高於零售業的年平均成長率。雖然化妝品業者不可避免地受疫情的影響，但在過去一年裡，該產業已恢復增長，凸顯了化妝品產業的強勁潛力，對台灣經濟和消費者的貢獻不可忽略的重要。然而，化妝品產業在未來在維護產品品質和安全方面做出任何
妥協，該產業仍對消費者保護維持高標準的要求。

委員會感謝主管機關在化粧品委員會《2020年白皮書》的相關議題上呈現重大進展，尤其，TFDA 為國外化粧品安全資料簽署人員（SA）建立了線上英語培訓課程，這是一個重要的里程碑。此外，委員會也感謝 TFDA 接納我們的建議，同意於外化粧品安全資料簽署人員一事提供協助。我們相信此舉將能幫助國外 SA 顺利取得我国化粧品安全資料簽署人員資格，最後，我們殷切希望 TFDA 採取更加透明、開放和科學的方式來監管化粧品，兼顧未來的新型發展模式。這將使我們成為最佳的投資市場，移除任何技術性貿易壁壘。

建議一：使台灣化粧品標示法規對於英文字體的大小要求與多數化粧品進口國接軌，並考量中英文並列之標示的可讀性

新的化粧品標示規定將於本(2021)年七月一日生效，旨在提供消費者更佳的資訊供正確使用。由於這是第一次將產品成分之英文列入字體要求，因此在本子法剛公告之初，委員會已對之進行細胞提出了擔憂。在過去一年裡的溝通過程中，食品藥物管理署最初表示，標籤上的中文和英文字體的高度和寬度都必須至少為 1.2 毫米，並用大寫「O」和小寫「o」來衡量是否滿足 1.2mm 的合規性。經產業界進一步提出擔憂後，食藥署也在 2020 年 1 月公佈，得以英文字母高度為英文字體大小符合規定之判斷依據。

但是，無論哪種情況，此等要求及判斷依據，除忽視我國化粧品許多主要進口國家之規定與做法，且難以與主要貿易夥伴的法規協調一致外，也忽略中英文字體具有不同結構的事實，影響標示的可讀性。

美國有關化粧品標示字體大小的規範着重於對「字體高度」的要求；但是在歐盟、加拿大和東協早已捨棄硬性設定字體大小的規範模式，僅要求字母「清晰可讀且不易抹滅」即可。在標示有中文及英文共存的國家香港，參考其包裝食品中英文混合標籤的規定，為了達到標示可讀性，中文與英文不會用同樣的字體大小來規範。

委員會認為，化粧品標示的字體大小不應就高度及/或寬度予以規範，而是以消費者購買或使用時，整體標示的清晰、易讀與否作為立法的起點；倘仍欲對字體大小加以規定，尤其是對於較小的包裝，應考慮中英文字體的不同結構，而有不同字體大小的規範。

建議二：避免對化粧品效能宣稱採用不透明或因人而異之不科學的評估判斷標準

根據「化粧品標示宣傳廣告涉及虛偽誇大或醫療效能認定準則」(以下簡稱本準則)第三條，「未證明，或證據不足以佐證」被定義為構成「虛偽或誇大宣稱」的其中一種狀況。此外，根據本準則附則二，可佐證宣稱的資料應「客觀且公正」。

在本準則中，抗菌宣稱就是必須提供客觀且公正試驗數據佐證的一種情形。食藥署業已於 2017 年公告「化粧品中抗菌劑成分使用及限量規定基準表」(以下簡稱抗菌劑基準)，在抗菌劑基準中訂定抗菌效果的成分與其允許使用百分比。我們極力主張只要化粧品的配方中含有一種或多種列在抗菌劑基準中的成分，且濃度符合規定，即得宣稱抗菌。

此外，本準則中抗菌宣稱也是一種需要提供客觀且公正數據的狀況。然而，當企業提供體外依循藥理試驗作為佐證時，卻因政府官員認為該類試驗無法證明特定藥物的療效，而無法被衛生機構接受。若標示外在流程藥理試驗不符個案之公正，委員會將無參考之依據。

我們敦促食藥署評估產品宣稱時，遵循國際最佳實務並接受廣泛的適用於體外依循藥理試驗為佐證，此舉可使化粧品公司提供確保產品資料，而不致陷於「客觀且公正」模糊定義情況中。

建議三：鬆綁客製化粧品之生產與銷售法規

數位經濟委員會

自數位經濟委員會 2019 年成立以來，我們不斷呼籲政府應成立一個具有「規劃和指導」任務的高階機構，為長期擁抱數位經濟時代的台灣社會帶動進一步發展。委員會在 2020 年持續關注本案進展，同時建議政府採取臨時措施，以緩解數位轉型的過渡期。去年台灣政府決定成立數位發展部（MODD），以促進和發展台灣數位產業，委員會深深地予以祝福。

委員會注意到，在未設立數位發展部的情況下，台灣不斷出現數位產業與傳統產業之間的高壓緊張局勢，包括在叫車平台 Uber 和傳統計程車之間，數位平台 Airbnb 與傳統旅館業者之間，金融科技公司與傳統銀行及其他金融機構之間等。這些衝突源自對數位經濟運作方式的不解、僵化的官僚主義導致對數位產業採取紐帶的政策、對本地產業的保護主義，以及對數位轉型的低度接受。在損失數位經濟發展的機會下，這些因素皆加快了數位與傳統產業之衝突。委員會相信，即將成立的數位發展部，不僅可堅定支持創新的數位產物的服務和推廣應用於
現行社會的過程，也能夠重新檢視先前各機關的政策，以釐清不一致之處。因庶解會被阻礙，甚至危及台灣的數位化發展。委員會也期望，秉持著建立數位發展部的精神，政府可提供共同目標，鼓勵各行政機關構建數位能力，並透過多方利害關係人合作，支持新聞生態系運作並打擊數位不實訊息。

建議一：授權數位發展部(MODD)推動一個更加開放、限制更少的數位經濟

政府推動成立數位發展部的進展，委員會甚表欽佩。對於數位發展部的期許，包括協調台灣數位發展、更妥善地管理數位經濟、創造合理的競爭市場以及數位化蓬勃發展等目標。我們還注意到，新的數位發展部未來仍面臨許多挑戰，包含必須尋求與有關數位產業的各方人士團結一致，近年來，新的數位化發展與產業和政府較傳統的思維與實踐間，出現緊張關係。舉一顯著例子來說，零工經濟服務者提供者與平台的合作關係，更適合被視為獨立承包商類別，但卻被政府判斷為平台的僱員。為使進步的方向更為明確，委員會提出一些重要建議，供新政府部門在成立伊始即應考慮，相信可為數位創新和發展創造一個良好的環境。

檢視有關數位發展及相關業務的所有法規：數位發展部的建立，提供了一個絕佳的機會，以盤點台灣各機關所制定與數位發展和網際網路服務有關的所有法規之條文及框架，進行全面性的檢查。對於所有參與數位經濟生態系統的多方利害關係人而言，建立一個具建設性的且友善科技的框架，將鼓勵各種規模的企業繼續投入創新，並探索數位轉型的新領域，以期改善社會福利。

但是，從歷史經驗看來，台灣的法律在解釋和執行上仍缺乏一致性。不同機構頒布的網際網路相關法規，有時並不相容，甚至產生矛盾。有些法規也偏離了國際上已被公認有效的數位轉型最佳實例和模型。這無疑地引起網路服務提供商對其責任的不了解，從而使企業不願為台灣市場持續開發或提供創新的產品和服務。因此，委員會建議數位發展部與其他政府機構合作，檢視並評估有關數位經濟發展的現行法規之制定、解釋和執行，以促進並加強台灣未來的發展。

制定國家數據策略：數據策略有助於發揮數據潛力，促進經濟社會發展，同時有效保護個人隱私和智慧財產權，防範資料竊或濫用。在數位化進程中，若要發揮數據的核心價值，則需從策略性政策高度平衡各種不同的目標。台灣已經施行了部分數據政策，包括開放政府資料、個人資料保護和網路安全等資料相關議題。

在此基礎上，我們建議由新成立的數位發展部制定統一的數據策略，形成一套全面、連貫且與國際互通的數據方法，應對跨境數據流、人工智慧技術普及等多樣化數據治理議題。委員會期盼與數位發展部暨相關部門攜手，共同建立直接且有效的對話機制，以支持此一數據策略的制定與實施，提升台灣經濟的數位水準。

擔任協調者，而非監管者：在數位經濟中，新興企業提供創新服務之性質通常很廣泛，可能橫跨多個現有的產業領域。對於關注傳統產業數位轉型的企業(通常是數位平台)而言，更是如此。公司有時很難明確界定其受管轄之所屬主管機關。

過去，若干網路平台被要求註冊登記，申請營業許可並受到針對該傳統產業所設的監管制度，而該傳統產業正是這些網路平台得以發展的重要對象。由於平台營運與傳統許可制的營運，其運營業務及法遵要求，往往大不相同，因此造成了平台業者和政府間的摩擦，並阻礙了其潛在的成長。事實上，面對數位產業，很難有一體適用的解決方案。

我們不希望數位發展部被定位為網路產業的監管機構。相反地，我們建議數位發展部能充當協調者的角色，尤其是在新興產業的所屬主管機關尚未明確之前。在數位發展部的協助下，我們相信數位轉型可以朝著積極的方向發展。

建議二：持續承諾強化多方利益關係人之合作，支持新聞生態系運作並打擊數位不實訊息

針對台灣政府肯定網路產業在打擊不實訊息領域所持續投入的努力，委員會甚感鼓舞。在國家發展委員會(NDC)為討論我們的 2020 年白皮書所舉行的會議中，國家通訊傳播委員會(NCC)也對台灣政府打擊不實訊息所進行的努力表達肯定與信心。這些努力由委員會成員與台灣在地第三方組織合作達成，包括台灣電信業者與平台的數位素養互動、查證技能提升、數位工具分享等。國家通訊傳播委員會對此正面且強調的態度，也呼應了台灣政府高層所公開表達的正面觀點。假設當時還未如此明顯，現在卻已無法否定。在台灣社會、網路平台及政府間，自然形成的多方利益關係人之合作，是應對不實訊息並兼顧言論自由的務實且有效的處理途徑。此亦奠定了台灣在推動兩岸關係ただし民主國家之一的地位。基此，在尋找遏制不實訊息推廣解方的路上，台灣正逐步成为區域乃至全球各國的楷模。

為更加推進現有發展形勢並提前準備好何因應日益變化的不實訊息傳播方式，持續營造「信任」是有其必要的。這包括「信任」網路平台將致力於改進最佳實踐，以打造出全面可靠的產品及服務；「信任」公民社會將繼續監督和提高公眾對問題的認知程度；「信任」政府或其代理機構將不會詐騙公眾人民對自由民主原則，採取強制性政策措施和過度擴張權力。產業界的領導者最有能力制定出切實可行的實踐模式，如：建立一個具建設性的且友善科技的框架，將鼓勵各種規模的企業繼續投入創新，並探索數位轉型的新領域，以期改善社會福利。

能源委員會

自美國商會發表《2020台灣能源白皮書》以來，政府為實現2025年燃煤佔5成、天然氣佔3成、再生能源佔2成的能源配比目標，並在不影響價格競爭力及穩定供電的前提下，持續積極推動能源轉型政策，並獲得顯著成效。此外，委員會十分樂見在過去一年與經濟部能源局就此關鍵議題所建立起的密切溝通平台。為實現政府減碳及穩定發電的目標，迅速增加液化天然氣(Liquefied Natural Gas, LNG)的進口量是必須的。今年決定的興達及台中電廠燃氣複循環發電機組興建工程是重要的進程，儘管此重大工程仍面臨許多挑戰。倘若台灣要從此項投資中獲得最大效益，就必須確保液化天然氣接收站的基礎設施可滿足容量需求及調節能力。這方面的進展在 2020 年卻因疫情和許可證的延誤和因預算不足而延誤，對於公、私部門的能源等水準，能源委員會將持續關注並提供相關建議。
門而言，未來兩年內大幅增加液化天然氣的項目十分重要。

再生能源的發展相當順利，許多大型風電和太陽能計畫陸續啟動，政府也正創造具競爭力市場的目標。為此，大家特別樂見經濟部於 2020 年 12 月公佈的「一定契約容量以上之電力用戶應設置再生能源發電設備管理辦法」。我們很高興看到在終定為新規法模下，政府對大型用戶的提案以及「2020年台灣白皮書」裡提出的能源建議皆做出了積極的回應。

然而，政府並未達成 2020 年新增再生能源發電的目標。有四大原因為：

1. **技術問題**：再生能源的進展相對順利，許多大型風電和太陽能計畫陸續啟動，政府也往創造具競爭力市場的目標邁進。

2. **政策問題**：2020 年 12 月公告上路的《一定契約容量以上之電力用戶應設置再生能源發電設備管理辦法》。我們很高興看到在終定為新規法模下，政府對大型用戶的提案以及「2020年台灣白皮書」裡提出的能源建議皆做出了積極的回應。

3. **市場問題**：政府並未達成 2020 年新增再生能源發電的目標。有四大原因為：

4. **商業問題**：政府並未達成 2020 年新增再生能源發電的目標。有四大原因為：

這篇文章由台灣民間學者聯盟（Taiwan White Paper）於 2021 年 6 月 11 日公佈，內容為台灣白皮書產業議題。
建議一：就高薪人員採取更彈性勞動條件，並將零工從業人員之《安全港條例》納入法律規定

1.1 制定高薪人員沙盒以測試彈性勞動條件

勞動部於2019年5月23日發布函令表示，雇主得為每月工資達新台幣十五萬元（含）以上之監督或管理職務，申請工作時間與假日工作之豁免。然而，薪資達新台幣十五萬元（含）以上負責監督或管理職務之從業人員通常被視為委任經理人而非員工，而雇主本毋需為該等委任經理人為豁免申請。委員會先前已提出此議題，並敦請主管機關應持續關注此議題，並適時刪除該「監督或管理職務」之前提要件。此外，COVID-19疫情已為全球帶來新的勞動條件。許多公司，特別是以數位及知識為基礎之產業，已不再需要員工於固定工作場所提供勞務，且已經廣泛採納遠距工作。因目前法規恐已不適合於當前全新之商業模式(包括未有明顯監督從屬關係之情形)，故委員會建請主管機關考慮採取「沙盒」之方式，使雇主得於應適用法規外試驗性採取更為彈性之勞動條件。該沙盒允許個別產業針對其業務特性發展實踐方法。主管機關得評估各個沙盒之實驗成果，並決定是否修改相關法規。

1.2 實施《安全港條例》，讓企業為零工從業人員提供更多且更完善的福利

在台灣的平台業者發現，為增進獨立承攬者的安全與工作品質，每逢提供一段額外的福利措施，在勞工檢查機關及法院的眼中，都被視為企業與零工存在僱傭關係的進一步證據。我們敦促勞動部應考慮評估在其所發布之「勞務契約認定指導原則」與「勞務契約從屬性判斷檢核表」納入安全港條例。勞動部擬定決策時，可以參考美國眾議院去年五月提出的《2020年零工經濟從業人員救助法案》。該法案旨於允許數位商業市集公司在COVID-19疫情肆虐期間，提供特定福利措施，而這些措施不代表將服務提供者認定為僱員。我們建議《安全港條例》可採納下列文字：「企業為加強服務提供者的安全、保護和福利而採取的任何非強制性措施，該措施不應視為是否存在僱傭關係從屬性的特徵。」《安全港條例》最終將會讓企業為獨立承攬者做更多付出，並且使相關利害關係人受益，為所有人創造一個雙贏的監管環境。

建議二：企業可將其服務提供者所使用的身心障礙者人數一併計入企業進用身心障礙者的總人數計算

根據《身心障礙者權益保障法》第三十八條規定：民營事業機構與企業應於每年六月三十日前，以僱用員工名冊名義，按員驚總數百分之三，員驚總數百分之三點三，員驚總數百分之五，員驚總數百分之七，員驚總數百分之十，員驚總數百分之十五，員驚總數百分之二十之比例相乘，計算出為數。然而近年來，對於有相當然規模的跨國企業來說，正職人員的開缺與僱傭決策已逐漸轉由國外的總部所主導，當地子公司漸漸不再具有任何正式職缺的決定權。再者，為了強化企業運作，提升運作流程的效率，跨國企業的趨勢是將非核心的營運(例如餐飲、清潔、保潔、接待、辦公室服務、客服專線、倉儲、電腦網路系統服務及公車等)外包給外國專業的第三方業者提供服務。為了自身的成長、發展與競爭力，這些外部業者亦會為其員工提供專業訓練與職涯發展機會。

這種新型態的僱用模式為身心障礙者帶來了特別的契機，「社會企業」的概念應運而生，且逐漸受社會各界歡迎。從事第三產業服務提供業務的社會企業可以運用身心障礙者的各種計算法量更為彈性，意亦允許一併計入經第二方社會企業或企業作為身障者人數。如此修法不只可以使社會企業獲得更多客戶，創造更多的全職工作機會給身心障礙者，亦可以鼓勵跨國企業透過社會企業雇用更多身心障礙者，落實政府照顧身心障礙同胞的意願，打贏多贏的局面。

建議三：修訂《勞動事件法》定暫時狀態處分相關規定以維護勞動市場的穩定

《勞動事件法》第四十九條規定勞工提起確認僱傭關係存在之訴，法院認勞工有勝訴之望，且雇主繼續僱用非顯有重大困難者，得依勞工之聲請，為繼續僱用及給付工資之定暫時狀態處分。而根據《民法》第四百八十七條，僱用人受領勞務之義務，仍得請求報酬。此項法規內容加上現行《勞動事件法》得為繼續僱用之定暫時狀態處分，將導致雇主證明勞工有不當行為及已取得勝訴判決無法請求返還工資。

此外，《勞動事件法》制定為民事訴訟法及強制執行法在勞動事件有關程序事項或爭議的特別法，《勞動事件法》定位為程序法，自應創設或擴張明定於《民法》、《勞動基準法》及相關法規下僱傭關係的實體權利義務。《民法》及《勞動基準法》均未要求雇主有必須接受勞工所提供業務的義務，且高院裁判先例所肯認。綜觀上述所云，《勞動事件法》不應賦予勞工可取得暫時繼承性之定暫時狀態處分而違反雇主的意願。委員會建請修訂其第四十九條文字如下，法院為繼續僱用之定暫時狀態處分前應先獲雇主同意，或給予雇主在決定是否受領勞務之權利。
基礎建設與工程設計委員會

委員會今（2021）年並沒有提出更多新的建議，僅希望能擴展我們與政府的合作，以協助充分實踐去（2020）年白皮書所提出的建議。我們鼓勵政府積極與美國商會的會員公司進行意見交換，及/或透過第三方的專業者來考量實行美國商會先前建議的益處。

此外，委員會今感謝行政院公共工程委員會（PCC）就《民法》第二百二十七條進行公開討論，將相關建議納入契約範本。如同在《2020年白皮書》中所述，十二種契約範本中有十一種在「權利和責任」條款下新增了文字，使加害給付不受損害賠償責任上限的限制。該條文是透過新增引用《民法》第二百二十七條第二項的方式來修訂。此新增文字的目的並非公平及平衡的契約模式，也非國際市場上的標準慣例。PCC 與我們討論後，刪除該新增文字，此為政府與美國商會共同合作，達成雙方同意解決方案之實例。我們樂見其中一種範本已獲得更新，我們期望有關其他十種範本的修訂亦能跟進。

至於先前所提出的其他建議，委員會建議政府採取相關措施，以確保政府提案的公平與透明。我們的建議包括：

1. 更多外國公司參與政府採購市場（2016年）。
2. 刪除「政府採購法」中不合理的規定（2016年）。
3. 改善契約範本條款（2017、2018、2019年）。
4. 修訂契約範本條款，以允許承包商提送變更通知（2017、2018、2019年）。
5. 允許適用國際仲裁規則（2017年）。
6. 使用「最有利標」而不是「最低標」作為重點工程案的優先評選流程（2017、2018、2019年）。
7. 鼓勵在基礎建設工程中使用替代方案（2017、2018、2019、2020年）。
8. 修訂設計顧問費用準則（2020年）。

2021年

建議一：重大或重點工程設計案的招標文件雙語化

為了實現政府於2030年前建立「雙語國家」的目標，我們建議政府應要求所有採購機關針對具重要意義的工程設計案同時以中文與英文發布招標文件，提高英語能力是增強台灣競爭力的一種方式。然而，許多招標文件僅以中文發布。要求以英文及中文進行招標程序將突顯政府致力於建立雙語國家的決心，並能向台灣及國際社會發出強而有力的訊息。當前，國際投標者必須耗費大量時間翻譯採購招標文件，再將其投標書翻譯成中文，並由投標者所在地之台北經濟文化代表處認證文件。上述過程需耗費大量的時間和精力，通常招標期間為期很短，且很難得到請求展期的核准。因此，僅以中文進行招標並無法鼓勵國際設計與工程公司參與政府採購。

委員會也希望重申，就法律、採購法規或施行細則、政府採購或委員會白皮書建議的任何提議變更給予六十天通知審閱期，俾便委員會可以就該提議變更的適切性及該變更是否能符合建議之目的提供回饋意見，以確保該建議內容符合委員會建議的初衷。委員會在此建議政府機關成立一個更公平、更透明的溝通管道。

保險委員會

面對全球化的挑戰，將業務擴展到海外市場並符合國際標準和業界慣例已成為台灣保險業得以永續發展的核心，年輕一代的消費者更加速推動保險業來接受創新。相對而言，台灣主管機關則需要在接受創新與維持健全監管環境兩者之間取得平衡。

在本（2021）年的白皮書中，委員會將持續專注在透過電子商務提供簡單創新的解決方案，以鼓勵人們增加保障型的保險。保險委員會引進更有效率的銷售和理賠流程，更加善用數據，促進穩健的資產和負債匹配原則，強化保險業的財務穩定性，以及採用建立在風險基礎之上的監理方法，在減少頻繁的監管法規變動的同時能允許外國保險業在環境、社會和公司治理（ESG）和氣候相關財務揭露（TCFD）報告規定中保有彈性作法等提議。保城市局（IB）採取的監理措施已使台灣在 ICS 2.0 和 IFRS 17 實施方面處於領先地位。相比銀行業在無紙化和數位化的積極推動進程，保險業的數位化進度則相形見緩，其主要原因為過時的銷售和理賠流程等問題造成了效率不彰，保險業為符合繁瑣監理規定所制定出之作業流程也甚難滿足數位時代的客戶期望。其實我們可以在多方領域做得更好，像是透過利用新式數位身份認證系統，以提供更可靠並能滿足客戶需求的銷售和理賠經驗，減少繁瑣的紙本文件流轉，並朝著更環保的運營環境邁進。另外，為了強化保險業的財務穩定性，確
保資產與以原始貨幣計價負債的匹配也很重要。

在制定保險業的新監理法規時，主管機關應與保險業共同合作，密切遵循國際市場慣例，並避免重大偏離國際慣例。將特定實施日期改為一定期間完成，將幫助保險業者在營運上能有更充裕的準備，並減少不必要的紙張浪費。

委員會建議政府單位表達對保資產與以原始貨幣計價負債的匹配也很重要。在制定保險業的新監理法規時，主管機關應和保險業共同合作，密切遵循國際市場慣例，並避免重大偏離國際慣例。將特定實施日期改為一定期間完成，將幫助保險業者在營運上能有更充裕的準備，並減少不必要的紙張浪費。

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台灣白皮書產業議題

完善程度。

此外，藉由放寬國外投資額度，允許保險業者更積極參與成熟、多元且高流動性的國際資本市場，亦有助於業者積極創新研發新產品，滿足消費者之多元需求。

建議三：針對差異化的行銷通路採取風險基礎法的監理原則

不同的行銷通路帶來保險公司不同程度的風險。要求保險公司為所有行銷通路建立相同的內部控制機制是不切實際的。實際上，對風險較低的行銷通路採行嚴格的內部控制措施將增加公司法令遵循成本，阻礙保險業務的健康發展，並造成客戶不便，使其無法及時獲得保險保障。

某些行銷通路最初設計目的是為了提高交易速度和便利性。主管機構通常會對此類行銷通路中所采行的風險控制監管措施，例如只允許有限的產品類型和保費金額，以確保風險的管理性。在這種情況下，把針對通路風險較高的監理規則應用於此類風險較低的通路將會削弱此類通路原本所賦予之快速和便利的功能。

以電話行銷通路為例，電話行銷人員不向客戶收取保費，也不與客戶建立任何私人聯繫，售後服務亦由保險公司提供。因此，與面對面銷售通路相比，電話行銷通路挪用保費的風險較低。把針對面對面銷售防止保費挪用的法規規定，例如須將客戶的地址、電子郵件地址、電話號碼和 IP 地址與業務員資訊相比對之規定，電話行銷通路的適用上似乎可以適度放寬。

此外，與變額萬能壽險(VUL)或年金險產品銷售相比，電話行銷的商品為簡易的保障型商品，保單的平均保費金額相對為低。所以在電話行銷的情況下，似無須再檢查客戶在前三個月是否曾有辦理任何借貸，且這樣的程序通常會使客戶感到繁瑣。有鑑於電話行銷通路固有的風險相對較低，原本為銀行保險或業務員面對面銷售而制定的法規可某種程度地在電話行銷通路有所放寬。

為了實現有效的監理，委員會建議透過風險基礎原則來制定內部控制法規，使保險公司可以根據其所面臨的風險採取相應的有效措施，主管機關則依風險基礎的原則進行監督和審查。

建議四：減少因法規變動頻率較高繼而造成各面負擔

在台灣，保險業屬受主管機關高度嚴格監管的行業之一，相關法令變更的頻率與密度亦為數可觀。任何法規的新增與修訂，皆使保險公司需微幅調整甚至大幅變動其產品設計、保單條款、商品文宣、資訊系統以及其他實務做法。頻繁修法不僅導致保險公司的行政承載負荷較重，還會產生過多的文書工作及成本、資源的耗費。

綜上說明，委員會敦請台灣主管機關在執行新法或修法時，應同時考量效率和。舉例來說，同一時期內頒布或修訂的所有法律，均設相同的生效日，例如，對於過去六個月內頒布的法律或法規，以七月一日為生效日。簡化新法的實施流程，得以大幅度地減少保險業因應法令變動的負擔。

建議五：提供外商壽險公司 ESG 報告發布彈性

企業社會責任(CSR)的保護對台灣維持其在全球經濟中的競爭地位，扮演著至關重要的角色。台灣政府應持續努力，確保提供一個全面、健康的法律環境，為權利人提供足夠的保護。

台灣將於今年起採施新的著作權法，將使台灣成為亞洲地區智財權執法系統中高效率的國家之一。我們期待台灣政府為保護智財權所做的一切努力。
些行為不僅侵害了製藥公司的智財權，例如專利、商標及營業秘密，也使台灣消費者的健康嚴重受損。

委員會感謝關務署為保護台灣邊境和捍衛合法藥品免受仿冒偽劣行為的不懈努力。然而，關務署缺乏打擊透過網路等其他管道銷售的仿冒藥品之權限。更全面的保護需要關務署、智財局（TIPO）和食品藥物管理署（TFDA）之間的合作與協調。

我們很高興看到智財局在「貫徹保護智慧財產權行動方案（110-112年）」中做出的承諾，提高公眾對尊重智財權重要性的認識，並承諾利用各種媒體及數位平台宣導智慧財產權保護的宣導。我們建議智財局在其網站上設置一個專區，協助社會大眾了解營業秘密保護的藥品與仿冒藥品。

此外，委員會建議智財局與食藥署之間的合作。製藥公司嘗試獲得食藥署的許可，以教育公眾如何透過其商標識別合法產品。然而，食藥署認為此舉違反《藥事法》第二十四條之規定。這樣的限制不僅超出了第二十四條的實際目的，更是禁止企業保護自己的商標免於盜版和減損價值，甚至間接危害公眾的健康。我們敦促智財局與食藥署討論上述議題，並適當放寬對此類教育性廣告的限制。

建議三：放寬分割申請的時間，並增加審查期間的審查意見數量

台灣的專利申請的過程包括兩個階段：初審和再審查。《專利法》原規定，分割申請應在以下期間提出：(i) 原申請案再審查審定前，或(ii) 原申請案核准審定書、再審查核准審定書送達後三個月內。現行《專利法修正草案》（以下簡稱修正草案）删除了再審查階段，並排除了在複審及爭議審議會審查期間提出分割申請的可能性。我們建議在修正草案第四十五條中增訂「作成審定前，應作成一次以上之審查意見」之用語，以利申請人可以有更好的機會透過專利制度來保護其技術。

建議四：在《著作權法》修法審議階段，補正法案的缺失

行政院已批准《著作權法草案》，並於今年（2021）四月送交立法院審議。該草案採納了去年（2020）前一會期提交給立法院令人不滿意之《著作權法草案》的大部分內容。前一次法案的不足之處包括：不合理的擴大著作物的合理使用範圍、削弱對光碟盜版的刑事制裁、未能延長著作權保護期限以符合全球規範、以及未能提供解決外國網路盜版問題的方案。

目前的《著作權法草案》將是著作權保護所無法接受的退步。因此，我們建議採取以下方式，以彌補修正草案中的缺陷：
• 維持現有適用於合理使用類型的三步驟測試原則。
• 確保刑事罰則至少應與現行《著作權法》規定相同，並將光碟盜版罰則規定適用於涉及數位存儲媒體的著作權侵害。
• 延長著作權保護期間至最少七十年，與國際趨勢接軌。

我們極力敦促立法機關在對《著作權法草案》的審查過程中，做出以上重要的改變，而不是通過一項將被國際社會視為在該領域倒退的法律。

醫療器材委員會

因醫療器材具多樣態的產業特性，隨著人口高齡化及疾病形態的改變，加速新產品及新技術上市時間，是提升人民健康福祉的必要途徑。台灣美國商會醫療器材委員會首先感謝食品藥物管理署，於 COVID-19 疫情期間給予廠商文件準備之緩衝措施。醫療器材委員會將會在台灣境內生產，並及時向藥物管理署報告，以促進新產品及新技術的引進。

有關健保相關議題，醫療器材委員會感謝衛福部與健保署傾聽相關團體的回應，重新思考健保政策實施方向。我們建議主管機關在規劃政策法規時，能夠針對不同類別的醫療器材品項保留彈性，提供可預測的給付流程，達到醫病合意的一致性，尤其是先進的科技製品，使得台灣民眾得以與世界同步從科技發展成果獲益。
建議一：接受醫療器材單一稽核計畫（Medical Device Single Audit Program，MDSAP）稽核報告可替代美國食品藥物管理署(Medical Device Single Audit Program, MDSAP)之稽核報告與 EIR 具有同等效力。建議貴署接受醫療器材單一稽核計畫之稽核報告（MDSAP audit report）可視為 EIR 之替代報告，以使得美國製造廠，能與日本與歐洲其他地區製造廠保持同等簡化審查流程。

建議二：有關查驗登記減免臨床前測試報告方案，建議先保留美國簡化方案，並加強進行與各國簽訂上市前審查技術合作協議，給予業界足夠的執行緩衝時間。

《醫療器材管理法》的通過帶來法規的改變。有關醫療器材之查驗登記減免臨床前測試報告方案，其中得以與我國訂有醫療器材上市前審查技術合作協議國家官方所出具之核准上市證明取代，然至今尚未有簽訂之國家。而《歐盟醫療器材法規法規》（MDR）新法規於 2021 年 5 月正式實施後，其法規要求更趨嚴謹，對產品的安全性及有效性相較過去《醫療器材指令》（MDD）更加嚴格把關。若該產品同時經美國與歐盟審查，可顯示其安全及功效性已經過兩方主管機關之確認，國內可藉此減少審查之人力與時間成本。故建議醫療器材之查核及技術合作簽訂方案，述明其方案對雙方的實益。在尚未完成簽訂前，維持目前方案即維持檢附美國官方及歐盟會員國、英國及瑞士之官方或權責機關出具之核准上市證明文件，替代「臨床前測試及原廠品質控制」資料（簡稱歐美簡化方案）。

建議三：建立醫療器材製造業者以設計並以其名義上市（即法定製造廠Legal manufacturer）之管理模式

3-1 因應全球化的供應鏈趨勢，當今的品質管理系統可涵蓋設計及多個製造廠一同審查，而非以單一廠或委託廠來管理，建議監理組建立法定製造廠之管理審查機制。

3-2 製造業者以設計並以其名義上市之產品許可證管理考量整體面向可包含多個製造廠，確保供貨來源穩定，達到產品供應變的靈活度，包含後續通關相關事宜等，以提升醫療器材之品質管理。

建議四：透過更有效的健保審查流程，以加速病患對新醫療科技的可近性

4-1 於審核新增診療項目時，先給予虛擬醫令代碼

現行健保署僅針對少量新增診療項目辦理醫療科技評估（HTA），例如支付點數較高、對於健保財務影響甚鉅及療效明顯等項目。且僅有辦理醫療科技評估（HTA）之項目，以評估點數高低為依據，並依此調整健保費率。而新功能特別材料，產品常常於數年內即能研發新的改進，臨床試驗進行的頻率不一定能跟上進步的速度。因此，建議健保署新增診療項目審查時應考慮整體面向可包含多個製造廠，確保供貨來源穩定，達到產品供應變的靈活度，包含後續通關相關事宜等，以提升醫療器材之品質管理。

建議五：對於全民健保新功能類別的特殊材料，建立更完善的核價機制

5-1 調整新功能類別特材的核價加算百分比及增加相關考慮因素

依現行藥物給付項目及支付標準中，針對新功能特別材料，若為依照既有之類似功能特別材料支付點數者，得比較已載入之支付點數。惟醫療科技日新月異，數位化及智慧醫療科技產品為醫療領域持續帶來進步，現行評估方式已無法完全反映產業價值，例如：降低併發症發生率、減少住院天數、縮短手術時間、提升臨床治療效果、便利於病患操作、便利於臨床使用等。委員會建議健保署增訂新功能特別材料支付標準，除應調整各項加算比例，從現行百分之五提高至百分之十五至百分之二十五，並在現有七項新功能材料核價標準外，再新增四項因素：（1）對病人或醫療從業人員更具便利性、（2）有利於臨床使用、（3）有來自醫院更具臨床實用性的證據、（4）具智慧醫療技術有助於臨床治療方式。

依現行核價方式，申請的特材大約只能得到百分之十五至百分之三十的加算率，使新功能特別材料的核價偏低。未來新功能特別材料應考慮其產品特性及臨床使用效益，於申請時將產品特性及臨床使用效益列入考慮項目，以提高產品核價率。
製藥委員會

台灣快速因應此次 COVID-19 疫情的優異表現，使台灣的公衛成就成為世界亮點。製藥委員會十分樂見台灣政府對委員會於《2020年白皮書》所提建議之回應，由「成本控制」逐漸轉變為「價值創造」導向的思維，並開始思考投資健康的重要性，例如2021年健保新適應症預算增加，衛生福利部陳時中部長亦曾多次於媒體專訪中提及投資健康的重要性。

製藥委員會期盼與台灣政府建立牢固的合作夥伴關係，協助台灣在世界舞台上能夠繼續發光。委員會深信，透過推行以下改革，將加速台灣生醫產業升級，並為台灣生醫體系奠定永續基礎。

建議一：建立公、私部門合作平台，加速台灣生醫產業發展

近年美國商會會員以實際行動積極挹注資源到台灣，與台灣的公、私部門夥伴分別就生醫產業創新、人才培育、數位醫療、臨床試驗、公衛與新冠疫情等領域，積極展開合作。儘管上述的生醫合作計畫已見具體豐碩成果，仍可惜目前僅限於個別會員公司和個別政府部會單點合作。我們相信，倘若台灣能成立一個政府跨部會平台並邀請產業界參與，將能藉此促進彼此對話、探索合作契機、商談當前挑戰、並整合公私部門資源使效益最大化，這些連帶的效益將勢必加速台灣生醫產業超前發展。而此平臺的成立，也將具體展現台灣成為亞洲健康產業領導者的決心，吸引跨國企業對台挹注更多的投資。

我們的建議

1. 確保任何營業秘密資訊在前瞻性掃描的預算編列過程有提供保護措施。畢竟，前瞻性預算編列的目的旨在不洩漏會員公司的商業機密下改善病患對新穎治療的獲取途徑。
2. 確保任何營業秘密資訊在前瞻性掃描的預算編列過程有提供保護措施。舉辦需保密的營業秘密資訊在前瞻性預算編列的過程中，社會公眾和台灣民眾有權獲取該資訊，以確保台灣成為世界首屈一指的健康醫療中心。
2.3 建立檢討機制以持續改善現行的 MEA 制度

委員會感謝健保署於 2020 年 9 月與產業對談，就現行的 MEA 執行原則達成一致意見，並承諾建立檢討機制，以持續檢視及改善現行 MEA。

現行的 MEA 橋架已有多種給付協議，包括藥物設定統一給付額度上限及各藥品 MEA 及價量協議（PVA）等多元預算管控措施。MEA 協議內容將對新藥上市的營運產生重大影響，衝擊跨國藥廠在台灣新藥上市之佈局。在 MEA 施行時，業界已提議要建立檢討機制，以檢視及改善現行 MEA，並於 2020 年 9 月與產業對談，就現行的 MEA 執行原則達成一致意見，並且承諾建立檢討機制，以持續檢視及改善現行 MEA。

首先，當藥物設定統一給付額度上限時，健保署應參照各方認可之臨床適性病人數，跨年度成長預估等客觀數據，以確保 MEA 執行符合客觀性，避免廠商獨自承擔偏離臨床常規之風險。

其次，現行的 MEA 執行初期應該具備足夠的彈性，針對不同產品及疾病特性，進行條款修改和添加；考量維護病人用藥權益及節省財政支出，委員會亦期盼 MEA 執行累積一段時間後，當藥品使用及財務衝擊達一定程度時，應主動解除 MEA 協議。

除此之外，在 MEA 協議簽約前，委員會期許健保署能提供廠商充分溝通和協商的空間；另外，合約內容應充分反映廠商意見，以落實 MEA 之「公平性」、「可預測性」及「相互性」等原則與精神，讓每個藥品給付均能嘉惠台灣病人。

我們的建議

- 建立每年滾動式的 MEA 檢討及修正精進機制，以持續改善 MEA 之執行。
- 對於現行 MEA 中之 MEA，重新審視 MEA 限量額度之設定，以及 MEA 之財務模擬，並滾動式持續修訂並符合臨床治療現況，落實 2020 年 9 月會議討論（降低 100% 退還比例、根據廠商提供之實證數據及臨床效益）。
- MEA 執行累積一段時間後，當藥品使用及財務衝擊達一定程度後，應主動解除 MEA 協議。
- MEA 協議簽約前，應秉持 MEA 健保財務風險分攤之基本精神，擬定過程中建立實體充分溝通協調機制，MEA 制式合約應明訂雙方風險控管之權利義務，並充分考量適用病人數等客觀證據。
- MEA 在推行新措施前，需與製藥業充分溝通並取得共識，以提供可預測性之政策環境。
- 現行健保已有多重藥品價格管控措施，建議 PVA 與 MEA 終止時，均不以調整藥價為必要，以免藥價調整過於頻繁。
- MEA 決策過程應考慮其可預測性和穩定性，委員會建議政府及主管機關應避免一次性的大幅砍價，或在討論的 DET 上增加價格調整機制，對產業界造成難以承受之衝擊。 DET 價格調整若能基於市場之供需平衡及可預測性，將有助於業界長期在台灣投資佈局為台灣患者持續引進創新藥品。

建議四：提供包機藥品正確資訊並強化合法藥品可近性以維護病人安全

僞藥與非法仿製藥問題方興未艾。不法業者透過網路社群媒體、廣告、進口與銷售未經台灣食藥署核准的藥物。此現象不僅對病患構成風險，更侵害原廠智慧財產權，影響合法藥品可近性。

鑑於網路非法藥品廣告無所不在，難以規範且日益猖獗，委員會呼籲政府與業界協力尋求解決之道。

我們的建議

- 由政府建立一個專屬原開發藥廠的合法溝通管道，及時向大眾澄清非法藥物錯誤資訊，提供充分的知識與工具，協助大眾分辨偽藥的真偽。
- 強化政府跨部門合作以遏止假冒與非法藥品之廣告、進口及銷售，有賴智慧財產署、警政署、關務署與食品藥物管理署的通力合作。
- 提升病患對因醫療需求迫切而遭僞藥與非法仿製藥影響之藥品可近性，以滿足患者醫療需求。

私募基金委員會

私募基金委員會非常感謝台灣政府機關為解決《2020白皮書》提出之議題所付出的時間及努力。由於政府需研究並調和所有產業及利益關係人之間之利益，我們理解其中伴隨挑戰。

2021年，私募基金委員會持續建議政府機關採取具體措施以促進單一及多重家族辦公室之成立及運作，並且（1）建立私募股權投資基金之主體法律架構；（2）推動私募股權基金之稅制優惠政策。
券推介及/或證券管理的範疇之外，以及（2）允許將該等辦公室視為專業機構投資人，以促進其家族財富在台灣的有效管理及投資。

此外，委員會相信 COVID-19 疫情所帶來的挑戰是台灣提升其在亞洲角色的千載難逢機會，而這在一定程度上已被證明。因此我們建議將台灣作為亞洲資產管理中心，以促進區域的資產管理活動。

私募基金委員會秉持著延續過去一年照顧香港市場投資人及專業機構投資人的精神，對2021年建議作以下總結及具體建議：

建議三：將家族辦公室（FO）歸類為專業機構投資人，並建立有助於其有效設立及營運之監管環境

委員會感謝台灣監管機關一直以來的關注，以鼓勵家族辦公室在台灣之發展，包括單一家族辦公室（SFOs）及多家族辦公室（MFOs）。

目前，對於得藉由境內中介機構或私募安全港銷售之產品及服務之類型而言，台灣家族辦公室被視為一般投資人。因此，此類辦公室可視作當地家族財富，且通常運用經驗豐富的投資專業人員。因此，我們建議將此類辦公室歸類為專業機構投資人，以利其取得藉由境內中介機構或私募安全港銷售管道，得以投資更廣泛的產品及服務。

另外，目前監管環境不利於在單一實體內創設或運作的家族辦公室活動，對某些家族辦公室活動施加不必要的負擔。因此，我們建議將家族辦公室視為專業機構投資人，以建立有助於其有效設立及營運之監管環境。

設計四：推廣台灣成為亞洲資產管理及專案融資中心

私募基金委員會建議政府機關促進並鼓勵外國資產管理公司在台灣設立其營運中心或據點（包括但不限於另類及私募股權基金及家族基金的管理）。舉例而言，我們建議降低或排除對境內證券投資顧問事業與證券投資信託事業，以人員共享（staff sharing）及內包（in-sourcing）的方式支援其關係企業之非台灣業務活動的限制，並提供誘因措施，例如稅賦利益或居住資格。建立台灣成為亞洲資產管理中心的優點包括：

• 強化吸引並留住金融專業人才之能力；
• 發展支持跨境交易之基礎設施，包括法律、會計、顧問、槓桿融資及其他公司服務。特別是，鑑於台灣的銀行較難在國內找到良好的風險回報貸款機會，藉由日益增加參與具領導地位私募股權公司之融資合作，台灣的銀行已獲有利可圖。

公共衛生委員會

全球 COVID-19 疫情嚴峻，印證了投資公共衛生政策對各國政府而言，是非常關鍵的議題。台灣的超前部署及高度警戒的疫情管控措施，更突顯台灣在防疫措施上之領導地位；當下台灣政策制定者理應將公共衛生政策置於首要之務，以加速其協助經濟發展及提高國際競爭力的效益。公共衛生委員會建議政府採取果斷及有效的防疫政策，以公共衛生作為最關鍵的國家政策方向，並將在後疫情時代繼續發揮影響力。
台灣白皮書產業議題

2021 台灣白皮書產業議題

建議一：提升 C 肝篩檢成果、放寬 B 肝治療給付規範，達成世界衛生組織(WHO)2030 消滅肝炎目標

根據台灣癌症登記中心最新資料，肝癌依然是台灣死亡率第二高的癌症，每年奪走超過 7,800 位國人的生命；導致肝癌的主要原因為 C 型肝炎 (HBV) 及 C 型肝炎 (HCV)。

世界衛生組織已訂定了 2030 年消滅肝炎的目標，台灣政府已展現積極作為並超前佈署，透過引進新型口服 C 肝藥物、持續放寬健保給付規範等策略，希望達到 2025 年消失 C 肝的目標。自 2017 年開始給予口服 C 肝藥物 (DAA)，至今治療人數已突破十萬人；針對 B 肝，中央健康保險署 (NHIA) 也在 2021 年 3 月進一步放寬健保給付規範，部分特殊族群的患者也有機會使用口服抗病毒藥物，降低 B 肝對健康的傷害。此外，政府也放寬 B 肝及 C 肝成人篩檢資格，並結合地方政府投入宣導篩檢，持續找出潛在病患予以治療。

台灣的肝炎防治成績有目共睹，然而為了達到消滅肝炎的目標，仍有需要進一步解決的問題。C 肝目前面臨篩檢人數趨緩，針對醫院內病患進行篩檢已被證實為有效找出潛在病患的方式。感謝 C 肝辦公室與國民健康署 (HPA) 在 2020 年 10 月已放寬篩檢條件，篩檢人數為放寬前之七至八倍。但因無法串聯分別建檔於國健署及健保署的篩檢與治療資料，讓醫師申請篩檢補助的程序變得複雜，連帶影響醫師篩檢的意願，並讓需要治療的病患無法獲得應有的照護。

我們的建議

1. 建立全國性的「C 肝滅除動態地圖」，及時追蹤、更新篩檢與治療成效。除此之外，衛生福利部應提供足夠資源、簡化篩檢補助程序，並在 2021 年第三季底之前整合國健署及健保署雲端病患資料，以協助中央及地方政府達成其篩檢與治療目標。

2021 年第三季之前訂定逐步放寬 B 肝健保給付規範的計畫。此計畫應以科學實證與國際現況資料為基礎，明確設定放寬 B 肝健保給付之條件。此計畫應該以提供所有需要治療的 B 肝患者完整及穩定的照護為目標，如此一來，政府才能達到 WHO 2030 消滅 B 肝的目標。

3. 持續透過公私協力 (public-private partnership) 過向 WHO 2030 消滅肝炎 C 肝的目標。

4. 建議考慮將當前的 HPV 疫苗接種政策擴大施打對象。有鑑於 HPV 除導致子宮頸癌外，還有與其他癌症別的關聯性，台灣衛生主管機關應積極制定更全面性的 HPV 防治政策，以維持台灣在全球健康社會中的領導地位，並實現 WHO 所設定之 2030 年消除子宮頸癌的目標。

建議二：制定終身疫苗接種計劃，以增強台灣預防接種政策的靈活度

COVID-19 的疫情嚴峻已突顯台灣有必要強化其疫苗政策，當前的疫苗接種護照系統已經過時，不能適應新病毒的演變，本會建議：

我們的建議

1. 增加疫苗基金以實現終身接種疫苗計畫的策略，並研擬多種支付機制以確保基金政策能合理持續

2. 建立數位疫苗護照系統，整合公費及自費疫苗記錄至「全國性預防接種資訊管理系統」(NIIS) 中，透過區塊鏈或雲端運算推動數位疫苗護照政策，讓衛生主管機關能夠深入瞭解有關目標族群的疫苗接種率和人口統計資訊。這類護照將有助於控制傳染病並增強人們對疫苗的信心；且台灣民眾亦能方便取得其疫苗接種的歷史記錄，協助他們遵照政府的相關預防接種建議。為實現此一目標，本會建議政府撥款予相關疫苗接種基礎來可行此一目標，政府應委派專家組成立專案小組，以確保接種系統可以順利運作。
建議三：政府主管機關帶動跨界合作，強化高齡社會的樂活健康，推動脆弱性骨鬆骨折之篩檢及初級預防

台灣在 2020 年首度面臨人口負成長，預計到 2025 年台灣將邁入超高齡社會。人口快速老化的影響層面甚廣，包括國家勞動生產力與國際競爭力下降。台灣應努力確保其高齡人口的健康，以避免其醫療照護與長期照護系統過度負荷。

最近的一項研究顯示，台灣 50 歲以上的人口中，有三分之一的女性以及五分之一的男性患有骨質疏鬆症；此外，中華民國骨質疏鬆症學會、彰化縣衛生局以及產業界自 2019 年起共同發起全國首創以社區為單位的骨質密度（BMD）篩檢巡迴計畫；計畫初步顯示，有高達 54% 的參與長者被確診出患有骨質疏鬆症，迄今為止，這項公私協力計畫已經篩檢近 4,000 名 65 歲以上長者。

骨質疏鬆症的早期診斷與治療可降低 50% 脆弱性骨折的風險；然而台灣僅有 3% 的醫療院所設置骨密度檢測儀器。根據統計，髖部骨折患者中僅有 25% 接受過骨質密度檢測，即便已發生骨折，也只有 33% 接受骨鬆藥物治療。因此，台灣地區的髖部骨骨折發生率為亞洲最高，每年有近 2 萬件病例；在這些病例當中，一年內高達 80% 的患者失能，高達 20% 的患者會死亡。每位失能患者的長期照護成本估計為新台幣 600 萬，如果沒有適當的因應對策，將對整體社會經濟影響甚巨。

我們的建議

1. 將骨質疏鬆篩檢和初級骨鬆骨折預防納入國家高齡健康促進政策
   • 透過跨部會的研究，推動醫療照護改革，以促進健康樂齡。這項研究應聚焦於轉化現今「Break and Fix生後接受治療」的思維，至更為永續的「Predict and Prevent預測與預防」模式。
   • 全面評估及早診斷與預防對國家醫療體系和勞動經濟的效益，促進全民健保和長照體系的跨部會預算規劃，透過疾病的預防來降低治療的需求，確保醫療體系永續運作。

2. 由政府帶動公私協力（Public-Private Partnership）以擴大骨鬆篩檢工作
   • 建議政府與各地方政府主管機關仿照彰化縣衛生局模式，透過公私協力協助民間產業界力量，持續推動骨質疏鬆與骨折防治等衛教推廣，並研擬增設骨質密度篩檢儀器普及規劃，改善骨鬆篩檢可近性。

3. 將骨質疏鬆篩檢和高風險之骨鬆骨折初級預防納入健保給付
   • 現行健保給付之骨質密度測定的排除非骨折病患的檢查，造成臨床診斷與治療障礙，亦影響醫療機構建立骨鬆篩檢儀器意願，建議國家健康署應將骨質密度篩檢納入 65 歲以上國民健檢項目，從需求面刺激醫療機構設置骨鬆篩檢儀器並擴展其可近性。
   • 建議政府應參考其他先進國家如澳洲、加拿大、日本、英國和韓國等，制定骨質疏鬆初級預防的健保給付，讓台灣在超高齡社會來臨前，做更好的準備，幫助台灣在更健康且更具勞動生產力的條件下，確保社會經濟永續發展。

零售委員會

零售委員會感謝政府，誓言盡力減少台灣經商環境的法規束縛，委員會認為解決對台灣經濟發展相當關鍵。

因此，委員會敦促主管機關強化各種法規配套的透明度，議題諸如：膳食營養補充品、特殊營養食品（SDF）、特定營養配方食品（FSMP）、中醫草藥品管理以及酒精飲品產業的整體透明度皆が必要。
台灣白皮書產業議題

台灣消費者廣泛地食用食品中的「食品特定成分」，但迄今為止，台灣市場上鮮有合法的相關產品宣稱可供人採用。諸如以茶飲中常見的多酚類或 Omega-3 多元不飽和脂肪酸為例，都尚未有食藥署批准的「生理功能例句」之產品宣稱。委員會建議食藥署建立更透明、更有效率和更有成效的產品宣稱實證機制，以澄清並加速審查流程。我們希望政府能採納下列建議，微調部分流程：

1. **披露「食品廣告標示審查諮議會」(FALCC)對「生理功能例句」之功能宣稱的審查標準。** 该諮議會乃依法成立，決定提案通過與否。

2. **向提案公司確認「食品廣告標示審查諮議會」已收到該申案，並指派諮議會委員審查提交的資料，告知提案公司委員人選，以便雙方就提供更多所需細節或科學實據進行交談。**

3. **召開面對面會議，以便在提案不完整需補件的情況下，或「食品廣告標示審查諮議會」欲進一步詢問時，提案公司得以提供相關證據，此步驟將有效減少不必要的誤解。**

4. **根據《行政程序法》第九十二條和第一百零二條，授以提案公司「行政救濟」機會，針對食藥署關於產品宣稱提案的行政處分，陳述意見。** 截至目前，當食藥署達成最終決定後，提案公司無法提出上訴辯解。

### 建議三：增加法規制定的透明度及減少法規解釋與相關做法的一致性

為能吸引更多外國直接投資(Foreign Direct Investments, FDI)，確保法規環境的可預測性對台灣政府極其重要。法規規定透明度及執法一致性是達到該目標的主要方法。雖然委員會在過去的白皮書中已經做過類似的建議，並且也有所進展，我們仍持續發現一些法規不一致及欠缺透明度的例子。

1. **確保邊境食品查驗的一致性及相關性**

   相對於過去通常最嚴重但已有改善的問題，也就是「不同檢查員對同一規定解釋不一致」，今(2021)年最大的問題是：邊境的新檢驗員未經告知即偏離已建立的查驗慣例。

   例如，關於中文標示和食品包裝的查驗，新的檢驗員去年起突然開始要求與食品安全不直接相關的資訊，提供一些僅用於聯繫或識別目的代碼的解釋，因此產生額外的來回溝通，使原本進口的程序增加了兩至三個工作日。我們固然了解食藥署有權要求提供其認為對食品檢驗有必要任何文件，但仍然呼籲其能訓練檢驗員將查驗重點放在實際與食品安全有關的事項。

2. **持續致力於建立更合理的食品安全監管制度**

   雖然現行《包裝食品營養宣稱應遵行事項》明確地將營養宣稱定義為對營養素高低使用形容詞具加以描述，但食藥署仍因為某種原因認為包裝食品上單純敘述每份營養素重量的“grams [of a nutrient] per serving”為營養宣稱，即使該內容與營養標示中的內容完全一致。在過去的一年中，委員會成員投入了大量的時間、人力和金錢來修改包裝，以符合這個令人困惑的法規解釋。然而，我們同時也注意到每個台灣本地食品公司持續在包裝上用相同或相似的方法標示每份營養，未遇到任何問題。在過去的一年中，委員會成員投入了大量的時間、人力和金錢來修改包裝，以符合這個令人困惑的法規解釋。然而，我們同時也注意到每個台灣本地食品公司持續在包裝上用相同或相似的方法標示每份營養，未遇到任何問題。
依據雙方的共識,予以跟進追蹤,包括:

- 與英國在台辦事處聯繫,以獲得關於 C&E 94 J 是否足以執行可追溯性的明確意見。
- 確認美國與日本是否允許銷售已去除批號的進口酒類產品。
- 提供《海關當局監督去除批號實際執行機制》的草案。2019 年的會議結果之後,已經過了兩年多的時間,財政部表示此議題仍在研究中。

委員會認為產製批號問題如此重要的原因在於,食品或酒類產品安全出現問題之際,需要確定酒類產品的可追溯性和可召回性。為了保障消費者的利益,我們再次要求財政部:

- 進行系統化的檢查,在發現違規情事之際,迅速有效地執行法律(已去除批號的產品不得進口也不得銷售)。
- 建立健全有效的申報機制,取消目前的「自主申報」程序。

**建議五:以《食品安全衛生管理法》及其授權所訂之法規命令,作為食品及其原料使用中藥材之規整方案**

綜觀《藥事法》各項條文,均未曾授權中央主管機關就「得作為食品原料使用,亦得作為中藥材使用的植物等物質」,訂定具體法規命令以規整其名稱、標示、配方與使用限量等事項。因此,衛生福利部(MOHW)所擬《得供食品原料使用之中藥材名稱及管理原則》,將「可供食品使用之中藥材名稱及管理原則」,因無法適用法律的授權,疑無法源依據。此外,前揭品項及管理原則亦不符合合法機構的規定,違反行政法規違法行為的處罰的「構成要件」。

2019 年的會議結束之後,已經過了兩年多的時間,財政部表示此問題仍在研究中。委員會認為產製批號問題如此重要的原因在於,食品或酒類產品安全出現問題之際,需要確定酒類產品的可追溯性和可召回性。為了保障消費者的利益,我們再次要求財政部:

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- 建立健全有效的申報機制,取消目前的「自主申報」程序。

**建議一:制定「碳費用」及「碳信用」之相關法規,以落實減碳策略**

我們建議台灣政府應針對碳排放予以課稅或課徵「碳費用」,以敦促業者及消費者採行更具能源效率之措施來降低其碳排量,從加速導入低碳技術、產品、服務及基礎設施,到促進綠能市場之發展,碳稅或「碳費用」乃是最重要且不可或缺的手段。同時,我們也建議台灣政府提供「碳信用」給積極挑戰環保難題的優良企業,譬如能回收利用鋰電池、太陽能板和一些對國家具有戰略價值產業所產生的廢棄植入物。目前歐盟、南韓與美國部分州份都有推動「碳信用」之案例值得政府推動減碳政策時參考。委員會相信善用「碳費用」及「碳信用」是能有效落實減碳目標的策略。

**建議二:盡快將用再生塑料製成的容器引入台灣食品市場**

台灣的 PET 瓶回收率約為 95%,位居世界第三。然而,如此高度的回收率對環境保護沒有太大的實質幫助,因為台灣尚未能正確地使用此項「資源」。今年二月,當行政院環境保護署(EPA)放寬了在食品用具中使用再生塑料材料的限制時,幫助這一問題取得了一些進展,我們甚感欣慰。但是,我們仍不清楚食品藥物管理局(TFDA)是否仍然根據「食品器具容器包裝衛生標準」第二條,將用再生塑料製成的塑膠食品容器視為「回收使用」的塑膠製食品容器,從而仍然禁止使用。另外,儘管食藥署去年在國家發展委員會(NDC)的多次會議上表示,它正在探索,允許使用再生塑料材料進口,或製造塑料食品容器的可行性方案,但到目前為止,我們尚未看到任何具體進展,委員會的成員也未曾受邀就此問題進行磋商。建議三:利用公共政策評估工具,使法規更加透明和更具說服力

從 2020 年開始,環保署實施了一系列法規,禁止在百貨商店、大型購物中心和大型超市中用餐區使用「任何材料製成的一次性餐具及容器」。其政策之初衷在於「廢棄物減量」作為目標,但它忽略了清洗餐具會增加水資源消耗的事實,且水資源是目前台灣最重要的資源之一。透過禁止使用「所有材料」製成的免洗餐具,台灣較世界上大多國家實施了更全面的禁用措施,但對目前來講,我們尚未看到任何具體進展。委員會的成員亦未曾受邀就此問題進行磋商。建議三:利用公共政策評估工具,使法規更加透明和更具說服力
施所衍生的成本（例如：因清洗和烘乾大量餐具而增加的水和能源消耗）进行公开的评估。

我们建议政府应使用多种政策评估工具，例如生命周期评估（LCA）、统计调查和法规冲击影响分析（RIA），来审查环境保
护相关法规的制定，以确保决策者和公民都意识到其益处及所涉及的成本。使用这些工具将使法规更具成本效益，并为消费者所接受。

### 建议四：在台湾建立永续的锂电池回收、清除、处理生态系统

根据《废弃物清理法》（WDA）第十五条规定，锂电池的再使用与环境意识应负责回收、清除和处理废锂电池，称之为责任业者。

如同第十六条规定，责任业者应申报并维持每吨、每公斤，向主管机关申请并缴纳回收清除处理费用，作为资源回收管理基金。而锂电池的回收清除处理费率为每公吨20公斤 18.5元提升每公斤39元。

锂电池的回收和处理并非新议题，因锂电池的重量动辄超过半公吨，导致责任业者必须缴纳高额的回收清除处理费（每辆车所含锂电池的
部分已达成合纵补贴2万台以上）。

### 人才循环与外籍专业人才

人才循环与外籍专业人才

来台之就业与定居的外籍人才在台湾这个日益多元的社会中仍面临许多挑战。外籍人才所遇到的某些挑战源自于台湾的文化差异，需要花费更多的时间与耐心去适应和调整。为解决
这一问题，建议政府采取以下措施：

#### 建议一：协助外籍新居民融入台湾

目前多个公众机关均已提供实质服务，例如招商投资服务中心、移民署的外移民生活资讯服务热线、国税局的免费服务等，但透过就业金卡制度来台的新移民，尚未获得主动服务，帮助他们开启新生活和事业，也不清楚如何为创业或转移工作。

此外，人才在台湾就职后，许多人都希望贡献社会，并维持与母国的联系，但由于缺乏统一的资讯管道，家长得自己花时间研究，或个别联络多家学校。

我们建议

- 主动协助外籍新移民融入台湾，例如设立新公司，与助知名人士融入环境。
- 建立平台方便新移民找回台湾的联系，並建立与产业或母国的联系。

#### 建议二：提高外籍专业人才子女的教育机会

若要吸引人才举家搬到台湾，必须提供高质量的教育机会，但有愈来愈多家庭难以为子女找到合适的学校。特别是针对台湾的教育体制、学校详情，申请流程，都缺乏集中资讯管道，家长需自己花时间研究，或个别联络多家学校。

我们建议

- 主动协助外籍新移民融入台湾，特别针对台湾的教育体制、学校详情，申请流程，都缺乏集中资讯管道，家长需自己花时间研究，或个别联络多家学校。
- 建立平台方便新移民找回台湾的联系，並建立与产业或母国的联系。
校，而他們又常獲得不一致或錯誤資訊，例如有時會聽說外籍學生
的入學排序較低，或家長若未符合某些特殊要求，就沒有機會
入學。

此外，學校鮮少提供國際課程，例如國際文憑（IB）或雙語
教育，有些學校宣稱國際，卻未必符合國際課程標準。

若要吸引外籍人才舉家來台並留住他們，國際課程至關重
要，有些家長是因為台灣教育制度而離開台灣，認為教育過於重
視死背硬記和考試，卻未培養批判性思考能力；家長亦提到除了
民營補習班之外，課後活動不夠多元。

我們的建議

• 建立英文或雙語入口網站，方便來台人才找到尚有名額
的幼稚園和學校，入口網站內應為移民提供教育類型資
訊，以及申請每間學校的詳細步驟和時機。

• 增加國際教育課程數量。

• 評估導致台灣學校名額有限制的原因，並在必要時按步
就班因應及處理。

• 分析和改善台灣學校的申請流程，包括備取、抽籤等方
式，以及家長需親自到場註冊入學等步驟。申請流程
的延誤以致小孩無法入學，將影響專業人才來定居的意
願。

建議三：簡化及加速公司登記流程

高階人才較可能在台灣創業，但台灣現有公司登記制度的競
爭力不如他國，有些國家和台灣爭搶人才時，申請人能夠在一星
期內於線上完成公司登記；而在台灣公司登記，即使是熟悉整套流
程，也至少要四到六星期，若是首次登記公司，得耗費好幾個
月。

在台灣設立新公司的資本投資需由經濟部投審會審查，以符
合反洗錢防制和防堵中資的各種要求，但此舉可能嚴重拖延申請
進度，尤以香港企業審查時間更久，加上相同文件還得備齊二、
三份副本，不僅造成流程複雜，在數位時代更顯得沒有必要。許
多創業家和投資人都無法接受這些繁文縟節，與其在台灣枯等，
有時甚至因此選擇到其他地方成立公司。

經濟部對外公告有關公司登記和相關流程，均提供一站式線
上英文服務。但在網站首頁上點擊任何按鈕，都會導向中文頁
面，而英文網頁上以紅色字樣註明，「所有登記資料必須以中文
填寫」。實際使用這項服務後，往往還會接到中文電話，要求更
多只能用中文填寫的資訊。

我們的建議

• 大幅改善公司登記流程，允許特定類型公司於一週內用
英文於線上完成登記，才能與香港和新加坡競爭。

• 区隔公司資金審核程序和一般登記流程，以改善外資投
資的許可流程。

建議四：改善提供給移民的英語服務質量

雖然台灣提供許多雙語資源給觀光客，卻較少顧及移民的需
求，許多移民經商或日常生活中常面臨語言障礙，且影響範圍廣
泛，如選擇新家、創業、簽署租賃合約、研究本地法規等。

政府資訊常僅限中文，若有雙語版亦是逐字翻譯，不易理
解，例如政府案例中的行銷素材常是為台灣民眾而設計，若不熟悉
台灣政府脈絡或背景，其中內容常令人摸不著頭緒，且各政府部
門之間的翻譯品質也參差不齊。

政府網站愈來愈常附設英文區塊，但內容往往過ぎ或不全，
有時會忽視國際新聞或資訊，而內容往往過ぎ或不全，


• 政府機構內聘雙語人員，若選擇委外，各单位委任的翻
譯公司需有一致標準。

• 分析和改善台灣學校的申請流程，包括備取、抽籤等方
式，以及家長需親自到場註冊入學等步驟。申請流程
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資的許可流程。

建議四：改善提供給移民的英語服務質量

Although Taiwan provides many bilingual resources to tourists, it is less concerned about the needs of immigrants. Many immigrants who do business or face daily life challenges often face language barriers, which affect their range of activities, such as choosing new homes, starting businesses, signing leases, and researching local laws.

Government information is often in Chinese, with bilingual versions merely translating word by word, which is not easy to understand, for example, government case examples in marketing materials are designed for Taiwanese citizens, but if not familiar with the government's context or background, the content often leaves many people baffled, and the quality of translation among different government departments is also uneven.

Government websites increasingly provide English sections, but the content often surpasses or is incomplete, and sometimes ignores international news or information. The content often surpasses or is incomplete, and sometimes ignores international news or information.

We suggest:

• Appoint bilingual personnel in government institutions, if opting for outsourcing, each unit should have consistent standards.

• Use digital tools to ensure English content is consistent with the original Chinese version, and if Chinese content is updated, it should be synchronized to the English version. When users want to read the same page in other languages, they should be directly directed to related pages, rather than returning to the website's homepage, which is currently the case.
台灣白皮書產業議題

在全球化時代下，由於全球分工及個別國家和地區的競爭優勢，國際貿易和跨境交易持續增長中。台灣位處跨太平洋和亞歐航線間的樞紐位置，擁有充沛的高科技人才，在全球經濟中扮演著至關重要的角色。然而，現行台灣部分稅務法規不僅增加企業法規遵循的成本，也造成跨國集團(MNC)稅務管理和行政上的負擔，此與全球供應鏈發展的趨勢背道而馳。因此，為維護台灣在亞太地區的競爭力及地位，我們建議政府考慮以下建議：

建議一：放寬針對《海關實施會計年度一次性移轉訂價核定完稅價格作業要點》所需申請文件之規定

財政部(MOF)108年11月15日發布台財稅字第10804629000號令(以下稱財政部函令)，該函令允許進行關係人交易的公司在會計年度結束前，得進行一次性移轉定價(TP)調整。而在一個月後(同年12月31日)，關務署發布《海關實施會計年度一次性移轉訂價核定完稅價格作業要點》(以下稱作業要點)，以期跨國集團向海關申報之進口成本與營利事業所得稅(CIT)申報之的營業成本得以一致，有利簡化跨國集團(MNCs)管理貨物成本於直接稅及間接稅差異產生的風險。

惟於現今作業要點規範下，台灣進口人(IOR)於執行申請過程中面臨以下困難：

1. 難以提供符合作業要點所需之文件
   因內部會計系統、公司規章及政策要求，為避免舞弊發生或產生多張發票與帳載金額不一的情形發生，一筆交易僅得允許產生一張報關發票。因此，台灣進口人往往難以依照作業要點所示，於進口申報時先行提交「預估發票」，再於會計年度結束後一個月內提交對應之「商業發票」，亦即針對一個交易提供兩套發票。稅務委員會建議應放寬此要求，允許進口人在進口時提供商業發票，復於申請時提供一張可以反映總調整金額的發票(即針對進口貨物的移轉訂價發票)，該發票得加總並勾稽至進行一次性移轉訂價(TP)個別報單之原始商業發票。嗣後，海關得以會計年度的角度，檢視進口商品的成本是否介於常規交易之區間。

2. 進行移轉訂價調整後，難以提供能夠證明進口貨物價格合理性的文件單據
   雖然於跨國集團之移轉訂價管理涉及多個國家關係人溝通，且需將之送至集團總部檢視，因此過程較為漫長。又全年度進口交易貨物繁多，若將當年度移轉訂價金額分攤至個別進口報單之進口貨物，則需投入大量的人力及時間逐一更正並核對進口報單的內容。反之，若僅將當年度移轉訂價金額分攤至部分進口貨物，則有造成海關進口貨物價格資料庫異常波動的風險。按照現行國際見解(WCO)及相關案例可知，移轉訂價文件在各國的稅收問題中愈來愈受到關注，企業應得以移轉訂價文件(如移轉訂價報告及可比較對象搜尋分析報告等)，或新增海關估價可接受之移轉訂價分析報告(如毛利率分析)，作為海關估價可接受之參考文件。

由國家稅賦會計及國際稅法原則可知，稅務委員會建議，作業要點中關於申請文件之規定，應放寬企業在申請時提供完整之移轉訂價文件。

建議二：釐清「完成銷售」的定義與重新考慮對直運(drop-shipment)交易課稅的合理性

台灣高度發達的科技產業，特別是半導體產業，吸引許多外國公司與台灣公司簽訂合約，委託其提供IC製造、包裝和測試等服務。由於全球半導體晶片需求增加、供貨吃緊，跨國半導體公司紛紛展開直運交易，即由合約製造商，將成品直接運往跨國公司位於台灣境外之客戶，以降低運輸成本且提高效率。然而，台灣對外國公司於當地進行前述直運交易課稅，可能會阻卻外國公司與台灣製造加工廠商簽訂合約，因此希望台灣政府能重新考慮此課稅規定。

根據現行稅務法令規定，倘若外國公司將材料和半成品進口至台灣，與台灣公司簽訂合約，委託台灣公司進行加工，而將成品運回外國公司，則外國公司將不被視為有台灣來源所得。同時，若外國公司採用直運模式，委託台灣公司將成品直接運送予其客戶，則儘管客戶位在台灣境外，外國公司仍將被視為有台灣來源所得。給予台灣合約製造商對其銷售產品之加值稅所得稅。然而，實務上，兩種交易模式間唯一區別僅在於非直運模式下，合約製造商和最終客戶之間安插了不必要的一站（運回外國公司），徒增運輸成本。

從國際稅法的角度，財政部就直運(drop shipment)交易所產生之所得核屬在台灣經營工商、農林、牧漁、礦冶等業之盈利，並認定銷售完成，然而財政部未明確定義「銷售完成」一詞。此外，因於台灣境內從事相關活動所產生之所得被認為係屬台灣來源所得。故外國公司於台灣從事直運交易，其所得因此需課稅。然而此活動係由台灣合約製造商提供服務，而台灣公司依支付費用予台灣合約製造商作為其提供勞務之對價，台灣合約製造商並已針對前述服務費所得繳納所得稅。若復對外國公司課稅，則會導致對相同利潤重複課稅之情形。

從國際角度觀之，銷售所得的來源地一般取決於銷售地點，而「銷售完成」的定義則係貨物的權利、所有權及利益發生轉讓，並認定銷售完成。財政部所規定之銷售完成，即貨物所有權和權利義務發生轉讓。例如，在美國，《國內稅收法》第1.861-7(c)條規定「銷售完成於權利、所有權及利益移轉之時」。參考此規定之主旨，稅捐稽徵機關可以透過審查每筆交易的貿易條件，客觀地確定課稅權。舉例而言，若外國公司與台灣合約製造商約定以「工廠交貨(EXW)」為貿易條件，則貨物所有權和權利義務於合約製造商之工廠或倉庫即移轉予外國公司，故此銷售應視為在台灣完成，亦毋庸課稅。

台灣現行的稅制令欲從事直運交易之外國公司望而卻步，損台灣合約製造商的競爭力。因此，懇請財政部參考他國作法，使台灣的稅制與國際稅收原則保持一致，以減少租稅不確定性，增加外國投資者對台灣的信心。
法之規定（民國六十七年以前），應課徵印花稅之憑證達三十種，課稅憑證繁多，且各項憑證之性質辨識困難，以致多年來徵納雙方均感困擾。經民國六十七年七月五日全文修正公布以後，最近一次修正公布日期為九十五年五月十五日，印花稅課徵範圍逐漸縮小。目前我國課徵印花稅之憑證或契據係為在我國境內書立之「銀錢收據」、「貿易動產契據」、「承攬契據」、「典賣、讓受及分割不動產契據」等四種，但近年二十年來仍未變更。

如今，電子通訊及網路商業交易司空見慣，非紙本化書立憑證或契據已成為商業主流。然印花稅主要完稅方式，仍須由業者自行購買印花稅票貼在憑證上（俗稱貼花），再按規定將其註銷（俗稱銷花），勢必得將電子文件再歸列為紙本文件，以完成納稅動作。上述作法未能與時俱進且徒增人工成本。

印花稅並不以加值型營業稅採進銷互抵方式課徵稅捐。依營業稅之制度，營業稅係對買受貨物或勞務之人，藉由消費所表達之租稅負擔能力課徵之稅捐，稽徵技術上雖以業者為納稅義務人，但經由後續之交易轉嫁於最終之買受人，亦即由消費者負擔。惟印花稅制度，係按業者各階段之銷售憑證或契據按規定稅率或稅額課徵，買賣雙方均應負印花稅稅賦。尤其由承攬業者更為嚴重。以營建工程產業所需繳納印花稅為例，業主與廠商所訂之承攬契約，須按合約工程款 0.1% 課徵印花稅；工程分包後，分包合約工程款又須課徵 0.1% 印花稅，如此重複施加印花稅，增加營運成本。

此外，由於台灣現行商業型態的多樣性和複雜性而存有灰色地帶，實務上業者在判斷交易文件類型及適用之稅率時，常有辨識錯誤的風險，導致稽徵機關須多花心力輔導或調查印花稅之違規行為，徒增稽徵成本。

## 科技委員會

**COVID-19 疫情爆發之前，受消費者預期不斷變化、競爭加劇、法規推陳出新、技術進步等因素推動，台灣和全球的高科技產業已經處於高速發展階段。疫情加快了科技應用的步伐，使其達到前所未有的水準，並使消費者行為產生重大變化，將很大一部分經濟活動轉移到了線上。這些發展趨勢，可謂對科技相關產業法規體制的一次壓力測試。我們感謝台灣政府努力為科技相關產業的發展和繁榮奠定了堅實基礎，我們也期待未來與政府合作，共同解決關鍵的產業問題。**

### 建議一：於個人資料保護與資料驅動創新間尋求平衡

委員會強調為資料提供充分保護的重要性，亦注重台灣的經濟發展需求及對國際貿易的高度依賴。為利在兩者間取得良好平衡，我們提出以下建議：

1. **維持現行《個人資料保護法》(PDPA)跨境資料傳輸規定，並修訂若干重要規範**

   我們建議不留於現行《個人資料保護法》(PDPA)跨境資料傳輸規定，並修訂若干重要規範。

   - **維持現行《個人資料保護法》第十二條之條例規定，允許在許多情況下自由傳輸資料。**
   - **成立設置及個人資料保護之專責機構：依據《個人資料保護法》第十二條之條例規定，成立設置及個人資料保護之專責機構。建議政府應比照當前相關規定，對個人資料保護有專門的規範和措施，並對個人資料保護議題有最終決策權。**

2. **透過與業界溝通並實施過渡期，降低施行新版《個人資料保護法》帶來的影響：歐盟給予《一般資料保護規則》（GDPR）兩年過渡期，台灣亦應對《個人資料保護法》生效時期的過渡期問題進行探討。**

### 建議二：打造有利金融機構採用雲端技術的法規環境

委員會高度肯定金融監督管理委員會（FSC）於 2019 年修正相關法規，使金融機構得將作業委外至雲端服務提供者。然而，在金融機構採用雲端科技的過程中，仍存在以下機會與挑戰：

2. **允許電子支付機構得將業務委外予雲端服務提供者**

   立法院於 2020 年 12 月通過《電子支付機構管理條例》修正案，擴大電子支付機構（EPI）業務範圍，並允許金融機構得將業務委外予雲端服務提供者。
機構（FSI）提供金流服務。金管會並設定 2023 年非現金交易筆數目標為 50%，交易金額達到新台幣六兆元的目標。我們預計將許多非金融服務業者參與提供相關服務，且該等業者勢必將擴展其金流服務新金融科技。

2021 台灣白皮書產業議題

經驗談中，我們建議金管會亦針對電子支付機構制定類似委外辦法。此外，對電子支付機構的監管要求應有著附並與電子支付機構所經營業務之風險相符，且相關法遵負擔不應過高於金融機構。

2.2 修訂於境內留存備份之規定

根據委外辦法規定，當金融機構將作業委託予境外之雲端服務供應者時，金融機構須於境內留存重要客戶資料，惟當受託方非雲端服務供應者時，則無此規定。惟雲端服務的安全性不亞於自建機房，爰此項要求並無必要性。

簡化對不含客戶資訊或已去識別化客戶資訊之作業之審查程序

我們感謝金管會透過銀行公會與雲端服務供應者討論相關議題，並正研議針對金融機構於雲端建置開發或測試環境、公開資訊網站者，如無涉及客戶資訊，或雖含客戶資訊惟已去識別化者，排除適用委外辦法之核准/備查程序。然而，我們認為前述排除適用不應侷限於開發或測試環境、公開資訊網站等情境。對於不含客戶資訊或已去識別化之客戶資訊，應已無相關安全顧慮，且該等業務即便發生服務中斷或事故，對金融機構運作造成的影響也微乎其微。因此，我們敦促金管會考慮取消前述限制條件，抑或簡化、免除此等作業之核准/備查程序。

2.4 制定有效並兼具規模化的雲端服務供應者查核機制

依據委外辦法規定，金融機構應對其雲端服務供應者進行查核。鑒於金融機構通常各自進行查核，雲端服務供應者將被迫接受許多不同的外部查核機構進行查核。大量增加的查核次數，反而提高其他數回收購客戶的安全風險。此種作法無法規模化，損害雲端服務供應者之運營效率，並增加查核機構之成本。

雲端服務供應者每年對其委託之雲端服務供應者進行盡職調查時，可自獨立查核機構，取得針對該雲端服務供應者的最新查核報告；該查核報告可以適用於各類金融機構，以增進市場競爭力。

建議三：確保頻譜政策與國際發展接軌以推動無線網路應用

頻譜是 Genetic 稀有的天然資源，支持個人和企業廣泛的無線電與電信通訊服務，因此，與國際發展接軌的頻譜政策將為台灣帶來經濟利益。這些政策可滿足現有服務的頻譜需求，同時也支持最新的設備標準。例如運用 5925-7125 MHz（6 GHz 頻段）的 Wi-Fi 6E，可達到更高的頻譜效益，以推動新興的應用領域和產業。

建議四：針對政府採購資通訊產品和服務提供明確的資安準則

委員會理解台灣政府對境外網路威脅的關切，以及加強政府資安防護所做的努力。在 2020 年 12 月發布的《資通安全網路月報》中，主管機關通函所有政府機構及相關組織，重申各公務機關需盤點、汰換及使用資通訊產品（含軟體、硬體及服務）相關原則，該原則也適用於政府委外及分包廠商。然而，當前供應鏈全球化之下，一項產品的內部零件可能來自不只一個國家，採購標案加註的需求限制有時對廠商而言是嚴峻的挑戰。因此，我們建議主管機關需進一步澄清內容。由於原則可能會不斷地滾動式更新，因此我們提供以下建議：
相關標案資安問答集，並就如何正確設計適用於不同資安級別的標案，向各機關進行培訓，以確保各機關能依法不需申導採購到最合適的產品及服務。

在《投標須知範本》中針對原產地作出更多選項及彈性。原廠零件在產品超過保固期之後存貨供應可能有限，因此標案中如對原產地做出過多限制，會讓廠商無法確保供應。故委員會建議在《投標須知範本》中提供更多配套選項，以確保廠商在製作標案時能得適當的維修服務而造成營運中斷。

針對資訊服務採購範圍中所提到「陸資品牌」，請在《投標須知範本》中针对原產國提供更多選項及彈性。原廠零件在產品超過保固期之後存貨供應可能有限，故委員會建議在《投標須知範本》中提供更多配套選項，以確保機關不會因無法得到適當的維修服務而造成營運中斷。

維護台灣的國家安全至關重要，然需考量科技發展一日千里，過去一年來全球積極推動數位技改發展，因此政府也應跟上腳步，推動台灣的數位轉型。委員會建議政府，對《投標須知範本》中所提到「陸資品牌」，請在《投標須知範本》中针对原產國提供更多選項及彈性。原廠零件在產品超過保固期之後存貨供應可能有限，故委員會建議在《投標須知範本》中提供更多配套選項，以確保機關不會因無法得到適當的維修服務而造成營運中斷。

電信及媒體委員會

委員會肯定台灣主管機關為推動台灣5G生態系穩健發展，以及致力創造合理監理環境以促進日益多元之媒體服務蓬勃發展所作出的努力。

然而，隨著數位化及技術創新不斷加速全球經濟商業活動的變化，過去一年來全球積極推動數位技改發展，因此政府也應跟上腳步，推動台灣的數位轉型。委員會建議政府，對《投標須知範本》中所提到「陸資品牌」，請在《投標須知範本》中针对原產國提供更多選項及彈性。原廠零件在產品超過保固期之後存貨供應可能有限，故委員會建議在《投標須知範本》中提供更多配套選項，以確保機關不會因無法得到適當的維修服務而造成營運中斷。
台灣白皮書產業議題

1.6 松綁對無線接取網絡（RAN）設備的監管措施

隨著全球網路營運商紛紛投入 5G 建設，產業對於供應商選擇面臨的挑戰也日益增加。尤其在無線接取網絡（RAN）領域，全球網路營運商在建設基礎設施時，恐面臨選擇有限甚至不合规之網路設備，而資安隱憂亦是潛在問題。在這方面，確保 O-RAN 設備多樣化、創新性和競爭力的長期發展更顯得至關重要。為了利用產業領先地位和充分競爭的市場環境以有效推動創新，我們鼓勵政府定期與產業展開對話，交流最佳實踐經驗。

1.7 避免強制使用特定技術解決方案

此點建言呼應 1.6 點，我們相信政府應該鼓勵 O-RAN 發展，惟該項技術仍處於萌芽階段，將視使用情境的差異，而採取不同的解決方案。據此，政府應該避免限制或擋置對 O-RAN 及其他網路解決方案的處置。反之，政府可以藉由激勵採用此類技術，以確保其長期發展。

建議二：修改衛星與有線電視法規以維持其競爭力

當今的媒體市場涵蓋了多個平台，提供比以往更多可以使用及享受內容的方式。廣播電視已日漸轉變成數位格式，目前有 138 個國家擁有雲上（OTT）影音市場，預計到 2021 年，全球 OTT 用戶數將成長至 1290 億美元。鑑於此一趨勢，消費者對於客製化服務的需求更是有增無減。新技術、各種設備的日益普及以及大量的數據使用，讓消費者期待從內容服務中獲得高品質、便利性和移動性。

這些供需方的發展加劇了媒體行業的競爭。在台灣，有線電視不再是市場的主流，因為 IPTV 和 OTT 為消費者提供了一種按需求來決定內容的新選擇。儘管媒體服務的環境已發生重大變化，但衛星與有線電視的規範仍然十分嚴格且毫無改變。我們鼓勵國家通訊傳播委員會（NCC）考慮以下建議：

1. 放寬衛星與有線電視的規管要求

現採行為的有線廣播電視法及衛星廣播電視法已不適用於當前的市場；其使有線電業者與有線設備提供者競爭處於不利地位。我們見到 NCC 以「輕描淡寫」的方式對 OTT 服務的決定，並希望 NCC 的委員們能將同樣的待遇延伸到衛星與有線電業者。我們敦促 NCC 不要對台灣的國際視聽服務提供者以及衛星與有線電視業者，施加本地內容投資要求。

2. 建議 NCC 停止對有線電視業者的審查

此類審查與全球標準做法不一致，特別是台灣市場，已有多市場競爭來對有線電視業者徵收稅項。此外，台灣產業生態系需要一個公平的環境來競爭，並且確保消費者可以自由選擇內容。

3. 放寬衛星與有線電視頻道之營運許可的評鑑與換照審核

衛星與有線電業者的需求和交易相關的過程和要求十分繁復，且此類評鑑與換照之過程的公共政策目標並不明確。我們建議 NCC 快速これら要求，以提高透明度，和簡化衛星與有線電視業者從商的便利性。

最後，我們鼓勵 NCC 能和衛星與有線電視業者保持開放且定期的對話，以分享經驗和交流資訊。媒體格局瞬息萬變，此種交流將有助於確保相互理解、信任和合作。

設計三：就《網際網路視聽服務管理法》（OTT）草案的重要相關

呼應去年在白皮書所表達的意見、政府政策以及環境因素，產業自律可為管理影音串流平台（OTT）的實質有效做法。知名業者均已制定出相關政策或建立自律組織來規範使用者，以及業者自有的品牌和信譽。然而，信譽良好的業者不應是被迫加入這類組織，特別是那些那些獲得政府補助並與政府相關單位屬於合作關係的自律組織，因其可能不會是最適合維護業者們的權利的。此外，如政府強制要求加入本質上屬國營單位的組織中，亦可能因不必要的形式或規則問題，對業者造成額外的監管負擔。此做法還可能樹立不良示範，破壞台灣在數位治理方面的聲譽。

《網際網路視聽服務管理法》草案要求業者公開揭露其提供的本地內容配額或比例，該條款的目的和實用性仍有待研究。首先，此類規定在現今的市場環境中並無實效，因為用戶會根據內容品質而非純粹數量來決定觀看習慣。其次，要求業者於使用者界面上顯示這類資訊的明確性亦不明確。最終，將最終將對於業者的監管負擔，並且可能影響業者在台灣市場的競爭力和發展。

迄今為止，台灣所採用的輕度管制方式已被證明有效。《網際網路視聽服務管理法》草案的具體措施應該將網路影音市場的多樣性和發展的方式納入考慮。我們支持政府在制定該法過程中，應該考慮產業自律的可行性以及政府與相關利害關係人之間有效對話的影響。

菸品委員會

建議一：透過落實查緝及教育宣導以因應新型態私菸犯罪

近幾年由於調漲菸稅挹注長照政策，以及即將修正《菸害防制法》（THPCA）之期待心理，許多不法業者已將貨櫃或漁船走私中轉，對台灣合法菸品市場已造成莫大傷害。儘管財政部（MOF）廣邀相關查緝單位研商訂定《查緝走私菸品精進執行方案》、加強邊境查緝與跨部會溝通，但今年一月份全台私菸量仍高達將近 181 萬包，與去年同期約83萬包相比，足見增長了 118%。根據這些數據，可以想見沒有被政府查獲而流入市場的私菸數量，相當可觀。

菸品走私過去多以白牌菸品或地下工廠產製劣質菸品為大宗，但去年的走私菸品組成則改以中國正牌菸品為主。根據財政部統計，去年中國製菸品之查獲量遠高於白牌菸，前十大私菸賄利商大多來自中國大陸。我們敦促 NCC 不要對台灣的國際視聽服務提供者以及業者與有線電視服務業者，施加本地內容投資要求。
菸品產業應與其他合法產品享受一致的待遇。政府應尊重業者提供消費者選擇不同菸品的權益，尤其是各種不同的新興菸品，並尊重國際上實證資料的結論。

我們的建議

• 菸品產業應與其他合法產品享受一致的待遇。
• 政府應尊重業者提供消費者選擇不同菸品的權益，尤其是各種不同的新興菸品，並尊重國際上實證資料的結論。
• 審查修正草案前應召開公聽會，邀請產官學研等利害關係人於公開透明的環境表達自身觀點。
• 對於國家公共衛生政策，應通盤考量當前政策方案是否能達到目標，如降低吸菸率，並審慎評估潛在非法私劣菸問題及其對於整體合法供應鏈之影響。

交通運輸與物流委員會

交通運輸與物流委員會感謝蔡政府對於推動車輛電動化所付出的努力，尤其感謝於計畫 2030 年前達成大眾巴士與公車改為電動車的目標，並分別在 2035 年及 2040 年前禁止新售燃油機車與汽。為促進轉型，委員會持續向政府提出建議，希望能夠有所著述，並實際行動加以推動。

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台灣白皮書產業議題

當務之急。

委員會提出以下建議：

1. 台灣政府應將各種規格納為自願性符合標準，並交由市場機制決定最有效率的充電介面。
   2. 依循 IEC 61851-1:2017 標準規範，以及借鏡已開放轉接頭各國家之成功政策，容許各種轉接頭使用，此舉能提升公共充電基礎建設的使用率，並保障大型的私人投資能持續永續經營。

建議三：開放機場排班計程車規格

在現行的機場排班計程車規格當中，《民用航空機場客運汽車管理辦法》將引擎排氣量定義為排班計程車是否符合服務資格的主要條件之一。

委員會提出以下建議：

• 建議修改《民用航空機場客運汽車管理辦法》第35條條款，將引擎排氣量定義為排班計程車是否符合服務資格的條件之一，容許各種小排氣量高動力的燃油車款可滿足消費者的需求。

• 依循产业發展趨勢及科技進化的腳步，持續定期地更新相關管理辦法，相關管理辦法法規的調和不但可以滿足計程車駕駛以及乘客的雙重需求，長期而言，透過開放低排氣量或是應用新能源技術的計程車，亦可兼顧對永續環境的貢獻。

建議四：放寬通傳會對研發中心進口測試用途產品的限制

現今全球化時代，跨國科技公司會戰略性的在全球設置研發和生產製造中心。為了產品開發過程中進行測試，位於台灣的研發中心經常需要從其他國家的製造工廠進口半成品。但向標準檢驗局（BSMI）和國家通訊傳播委員會（NCC）申請這些測試商品進口因手續繁瑣而曠日廢時，影響新產品發布的時程及台灣在供應鏈中的地位。

委員會建議通傳會能比照經濟部和標準檢驗局所核定之「研發測試用免驗通關商品清單」，目的就在於透過提供研發及測試用途商品免驗通關，肯定績優廠商在研發的持續投入和對台灣經濟的貢獻。然該免驗商品清單中，目前仍有部分品項需獲得通傳會的審核及批准。

委員會提出以下建議：

• 建議通傳會能比照經濟部辦法通盤考量，對被認可的績優廠商提供研發測試用商品免驗通關。

建議五：重整多元化計程車系統以強化計程車產業、修正一般計程車體驗、提升駕駛收入以及完成政府數位化的目標

世界各地的政府、機構、科學家、創新者和企業家均齊心協力，利用不斷前進的技術來重新定義產業，並為具有延續性的未來鋪路。這種推動力的關鍵發展就在於合作、共享和數位經濟，以及電子商務的增長。

當其他國家紛紛擁抱此變革，並與平台營運商合作以推動數位工具融入當地社會中，台灣卻仍然採取了更為保守的態度，只採取了渐進式的政策改革步伐，此與現行產業相關的情況下（例如計程車服務），尤其如此。

2019年《汽車運輸業管理規則》（下稱「該規則」）的修正案允許多元化計程車（MPT）使用行動應用軟體（APP）預先報價。然而，本次修法所作的改變幾乎無效改正該規則尚未解決的問題，例如對跨區運營的限制，優化費率以及對限制汽車運輸業的收費彈性。重要的是，此修法未能使計程車產業因數位化而獲得任何收益。

2020年COVID-19疫情的傳播使台灣計程車產業的整體業績至少下降了30%，至今台灣的計程車業仍正在緩慢復甦當中。台灣政府似乎沒有利用獨特的機會重新思考和對此產業進行數位升級，反而是更致力於維持現狀，甚至使新企業更難以進入台灣市場。

繼續採用前項多元化計程車（MPT）的方法將抑制汽車運輸業的發展，並限制專業駕駛團體的進步。另外，其將使台灣人民增加收入的機會、消費者的便利性以及和技術及數位化帶來的優勢受到限制。

委員會提出以下建議：

• 開放計程車跨境營業
   依照現行《汽車運輸業管理規則》第九十一条第一項第一款規定，計程車應依規定的營業區域營業，不得越區營業。然而，允許計程車跨境營業將能擴大計程車的地理區域限制，將增加產業的效益以及司機經濟收入的契機。

• 開放計程車跨區營業
   對於在《汽車運輸業管理規則》第九十六條之二進行修法，新增第三種共乘模式－「預約共乘」，或將既有的共乘模式予以變更，刪除對車主營業的限制要求。

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• 允許交通部（MOTC）依其職權對APP的行程費率計價有自由裁量權
   現行法規限制黃色計程車和多元化計程車（MPT）收取的費用不得低於設定的最低費率。然而，以動態定價為乘客提供更實惠、便捷的乘車選擇將是幫助司機增加收入、刺激該產業成長和提升計程車需求最直接的方法。同時，應開放傳統計程車透過APP計費與收費，如此將鼓勵計程車個人經營者與數位派遣者建立聯繫並解決當前在管理上的挑戰，此方法更有可能改善繁複的付款流程並減少併排停車的需求，以緩解安全隱憂，提升交通秩序。

旅遊與觀光委員會

經聯合國世界旅遊組織調查（UNWTO），大多數專家預期國際觀光業將於2023年或2024年重返COVID-19疫情爆發前的水準。為確保台灣為此產業復甦做好準備，未來的關鍵在於審慎反思，並研擬實用計劃，將國內觀光產業的競爭力提升至嶄新境界。

交通部尚未確定的組織重整計劃（包括將觀光局升格為觀光署），以及數位發展部的成立，皆有助於這方面的發展。觀光局在其《2030年觀光政策白皮書》中所提「以觀光立國」的
願景，也帶來鼓勵人心的力量。除觀光局業務上的拓展外，我們也需見照參考日本與南韓模式之規範，即成立獨立機構推廣國際觀光行銷，其中該機構雖由政府資助，但將以企業的方式經營，以展現靈活性、創意與多元性。

委員會再次提醒，如欲吸引數量更多或更優質的旅客，一眡地遵循過時的規定與做法並非有效方式。即使預期將成立觀光署並設立獨立行政法人辦理國際觀光行銷，政府部門仍需採取更宏觀的策略以推進商機成長，並推動政府單位間的跨部門協商以發展多元化商機。相較於僅循壞傳統思考發展觀光產品與服務，或對於未完全合乎現有法律與行政結構的構想與創新作法一律加以否絕，現行當務之急一套容各方意見與展現創意的做法。

為讓台灣成為 COVID-19 後疫情時代的首選旅遊目的地，委員會極力建議聚焦於下列目標：
• 摒除现有觀光產品與服務所受限的複雜行政程序；
• 广泛參考國際最佳實務做法，加速改善觀光業的企業管理與運營；
• 善用科技與數位化應用以輔助產品與服務；
• 努力執行與國內政策一致且明確合宜的行銷策略，同時妥善規劃發展時程；
• 擁抱具積極態度與商業思維的做法，敢於探索與創新，而非維持現狀。

建議一：透過產業與跨政府機構間的交流，為觀光業制定目標清晰的統一行銷策略
COVID-19 後疫情時代的環境勢必將帶來新的挑戰，例如：如何妥善提供疫苗護照及其他篩檢政策（詳看科技委員會一節）。對觀光產業而言，如要在新環境下獲致成功，將需針對政府所希望吸引的特定類型旅客制定出更精準的行銷計劃。同時，還需建立一套面面俱到的整體行銷策略，突破《發展觀光條例》中對核心觀光業所概述之限制，並應在其他非觀光類企劃中的規劃階段就與其他政府單位和組織攜手合作。

建議二：讓旅遊目的地行銷推廣組織（DMO）回歸原始定位，作為將觸角延伸至全球市場的行銷工具
在《2020年白皮書》中，委員會曾提出應發展相關目的地行銷推廣組織（DMO）。去年，政府也透過此措施提臺幣 2 億元（約美金 700 萬元）。我們樂見觀光局為成立 DMO 以更有效推廣台灣而達成的具體進展。同時，我們也理解 COVID-19 情形下政府必須變更原有計劃，將相關資源用於立即性的需求。在此情況下，委員會基於自身觀感，於此提醒：短期環境可造成各地 DMO 之間為爭取國內觀光旅遊生意而彼此競爭。而我們原先對 DMO 計劃的期待是整合地方觀光資源以創造共同的品牌形象，同時為不同地區對特定地方建立起品牌形象與差異性，最終將台灣行銷到國際社群。

我們期待在產業代表與相關政府機構和組織之間，例如：主要的風景區管理處、可合作形成的行政部門，中，長期策略，並共同產業趨勢，實務經驗與最佳做法。同時，藉此發展出具體執行方法，以強化由中央政府對當地社區所提供的支援。

台灣將與他國國際 DMO 競爭，以獲得更優觀光旅客的青睞。能否及早成功地再度吸引國際觀光客前來台灣，將是關鍵指標。

有鑑於此，委員會建議應成業界與政府機構間的有效溝通管道，以共享數位行銷上的經驗和觀光產業趨勢研究。

建議三：重新想像觀光產業的不同可能性，為 COVID-19 後疫情市場做足準備
COVID-19 疫情給我們的教訓是，企業若要生存並繁榮發展，必須具備靈活的適應力與創新能力。在此非常時期，觀光業是一個格外仰賴反應能力的產業。據調查顯示，在疫情後的首次旅行，民衆較可能傾向與親朋好友在他們認為安全的地方重聚。而此過程的周密設計，將有助於吸引客源。委員會建請台灣政府進一步探索更多此類活動的可能性，擴大範圍並進行試驗計劃，測試新的觀光體驗模式，以引導刺激新興的觀光業發展。我們希望藉此對於觀光局與國家發展委員會的努力成果表達敬意，包括由國家發展委員會於 2019 年 8 月公布的「農村生態體驗」、「部落文化體驗」及「製茶研習課程」等新型體驗型觀光活動。

我們建請台灣政府進一步探索更多此類活動的可能性，擴大範圍並進行試驗計劃，測試新的觀光體驗模式，以引導刺激新興的觀光業發展。我們希望藉此對於觀光局與國家發展委員會的努力成果表達敬意，包括由國家發展委員會於 2019 年 8 月公布的「農村生態體驗」、「部落文化體驗」及「製茶研習課程」等新型體驗型觀光活動。
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In an industry as dynamic and competitive as healthcare, standing out requires outstanding ingenuity, while still maintaining a dedication to patient wellbeing and care. For California-headquartered biopharmaceutical company Amgen, which last year celebrated 40 years of providing innovative and life-changing treatments to patients, being a leader is baked into its DNA. Over that period, 70% of the drugs launched by the company were first-in-class.

“When Amgen was founded four decades ago, most companies were producing chemical-based, small-molecule drugs,” says Amgen Taiwan General Manager Joyce Lee. However, she says, the company was very clear that it wanted to focus on developing biologics – large, complex proteins made from living organisms. “I think that innovative mindset is what really sets us apart,” she says.

Lee notes that given the high cost of producing biologics, Amgen is not only devoting significant efforts to R&D, but also working to reduce manufacturing costs, with the ultimate aim of benefitting patients and payers. She also points to the company’s efforts in developing biosimilars, which cost only around three quarters of the price of the original biologics. In a single-payer market like Taiwan, having an affordable option for groundbreaking drugs is essential, Lee says, as it allows the government to invest the savings in other needed areas and improves patient access to medicines.

Amgen’s perseverance in this area has presented it with ample opportunities for growth. Over the past five years Amgen Taiwan has devoted itself to delivering innovative health solutions to patients through groundbreaking biologic therapies in the areas of bone health, cardiovascular, nephrology, oncology, and hematology. It has also introduced biosimilars in Taiwan to increase patient access to biologics. The company’s Taiwan team has expanded so rapidly – from just 30 employees in 2016 to a current 130 – that Lee made the decision to move the company to a larger, more accommodating office.

After a year of searching for the right location, as well as designing and building the office, Amgen Taiwan moved into its new accommodation in Taipei Nanshan Plaza in early 2021. The new facility adopts Amgen’s NextGen Workplace concept, which allows for new models of workplace collaboration and connection to foster exploration, increase innovation and productivity, and improve workplace culture for an agile workforce. The expanded presence also increases Amgen’s footprint in Taiwan and enhances its branding and image as a premier biotech company.

According to Lee, the new office gives staff the capacity to help carry out the company’s 2025 Vision, an update of its earlier outlook for 2020. The Vision, devised by Lee and her leadership team, sees Amgen Taiwan becoming a leader in the field of digital health and boosting its already strong engagement with public-sector partners. The major aim of these public-private partnerships (PPP), says Lee, is to improve patient access to new, innovative drugs.

“We understand that we can’t just silo ourselves within our industry, especially given the rapid changes to the external environment,” she says. “The COVID-19 pandemic really taught us that we need collaboration across many different industries and sectors, and PPPs have always been part of Amgen’s DNA.”

Among the PPP initiatives Amgen Taiwan has helped launch over the past several years, the annual AmCham Longevity Forum that it sponsors jointly with Cigna is a key example of the company’s commitment to working with stakeholders to find solutions to Taiwan’s future healthcare challenges. Bringing together voices from industry, government, and academia, the event explores ways of tackling issues related to Taiwan’s aging society and promoting healthy aging. The third Longevity Forum will be held in the fourth quarter of 2021.
在醫療保健這個變動快速、競爭激烈的產業脫穎而出，既要表現優異，更要竭力投入對病患的照護。總部位於加州、2020年成立屆滿40週年，持續為病患研發創新並改變生命藥物的生物科技製藥企業安進，卓越成功深植於組織的DNA。安進所上市的藥物，多達七成屬於市場首見（First-in-Class）的創新藥物。

台灣安進總經理李宜真表示：「40年前安進剛創立時，數的藥廠專注於生產小分子化學藥物。」然而，安進很明確地聚焦於生物製劑的研發，以生物技術開發大分子蛋白質藥物。「這種具前瞻性的創新思維是安進最與眾不同之處。」李宜真強調。

安進在此領域努力不懈，展現強勁的成長動能。進入台灣五年，安進為骨骼健康、心血管疾病、腎臟醫學及血液腫瘤等疾病的病患，提供創新醫療解決方案，並引進生物相似性藥品，幫助更多病患使用生物製劑。台灣安進從2016年30人的團隊成長至現在130人的菁英團隊，快速的成長也使李宜真總經理決定將辦公室搬遷至空間更大的現址。

經一年的準備，台灣安進於今年初進駐台北南山廣場。新辦公空間結合安進NextGen Workplace（新世代高動能工作環境）概念，鼓勵新型態的協同合作，促進員工探索未知、激勵創新、提高生產力，為雲林地區長者骨質健康把關。
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This must be a decade of ambition paired with action. At Microsoft, we appreciate the urgency, responsibility, risks, and opportunities ahead.

For Microsoft to do well, we need the world to do well. This belief is why our mission is to empower every person on the planet to achieve more, and why our CEO, Satya Nadella, stated, “the purpose of a corporation is to find profitable solutions to problems of people and the planet.”

Unfortunately, 2020 brought an array of new challenges to this already complex work. COVID-19 has devastated human lives in every corner of the globe, while climate change caused unprecedented environmental and economic damages.

While vaccines are becoming available as a solution for COVID-19, solutions for climate change will require deploying a host of different tools to combat the many drivers of climate change. For the survival of people and our planet, this is a battle we can’t afford to lose.

This will require the dedication of individuals, organizations, and governments, all focused on stabilizing Earth’s climate and properly managing its natural resources.

We have a limited amount of time to accomplish what will be the most significant behavioral and technological societal transformation in modern human history. By 2030, society must be well on its way to mitigating and adapting to rapidly changing climates, ensuring resilient water supplies, reducing the amount of waste we generate, and reversing the ongoing and catastrophic degradation of ecosystems while halting the extinction of species.

That is why this must be a decade of ambition paired with action. At Microsoft we appreciate the urgency, responsibility, risks, and opportunities ahead. That is why a little over a year ago we began a process to transform our company’s work on sustainability to better align with the scope, scale, and speed of the world’s environmental challenges and yet-to-be created solutions.

As we worked to set and implement our commitments to become carbon negative, water positive, and zero waste and to deploy a Planetary Computer, some of these global challenges came into sharp focus. There is a suite of enabling conditions that must exist for Microsoft and the world to effectively and efficiently achieve a more sustainable and just future.

The enabling conditions that we must address inside Microsoft are clear—broadening and strengthening our governance and accountability frameworks while building a culture of sustainability investment and innovation.

But it will be the creation of six enabling conditions outside Microsoft that will ultimately dictate success or failure of the sustainability agenda. Resolving or improving these conditions will ensure a coherent, coordinated, cost-efficient approach to individual and collective action on climate change.

By 2030, we must progress on the six enabling conditions:

1. **Risk recognition**
   A widely adopted and comprehensive risk framework will need to be in place to ensure every business integrates environmental risk at the core of their corporation’s corporate governance process.

2. **Standards Setting**
   By well before 2030, we must be operating in a world where companies have come together across sectors to agree on common sustainability units and methods of measurement across carbon, water, and waste.

3. **Data digitization**
   Digitized sustainability data must become a platform that allows society to stitch together the dimensionality of the sustainability landscape from the bottom up, and analyze them from the top down.

4. **Innovation Investment**
   Most climate investments will need to fit within a well-structured and accepted framework that aligns investment vehicles along an appropriate risk-tolerance spectrum, targeted on the most impactful areas.

5. **Market Maturation**
   Carbon offset and removal, water replenishment, and ecosystem service markets can supply greater and growing demand, transparently and with standard insurance guarantees.

6. **Policy Progression**
   A globally coordinated policy regime should be in place that limits emissions in line with a 1.5°C future, while respecting political sovereignty and the cross-boundary nature of the Earth’s life support systems, and does so with a focus on the need to equitably share these resources across cultures and communities.

— Dr. Lucas Joppa, Chief Environmental Officer, Microsoft 2020 Environmental Sustainability Report
展望未來—
微軟永續發展新旅程

這必須是一個野心與行動並重的十年。在微軟，我們重視未來的急迫性、責任、風險與機會。

為了使微軟更好，我們需要世界更好。這種信念就是為什麼我們以「幫助全世界的每個人、每個組織都能貢獻更多，成就非凡」為使命，以及為什麼我們的 CEO Satya Nadella 表示：「一個公司的目的是為人類和地球的問題找到有收益的解決方法。」

不幸的是，2020年為這項已經很複雜的任務帶來了一系列的新挑戰。COVID-19危及了全球人類生活，而氣候變遷造成了前所未有的環境和經濟損失。

儘管疫苗已經成為應對COVID-19的方法，但要處理氣候變遷的問題，就需要運用許多不同的工具來面對氣候變遷的許多因素。為了人類和地球的生存，這就是我們必須勝利的一戰。

這將需要個人、組織和政府全力以赴，以穩定全球氣候並適當管理自然資源。

我們將在有限的時間內完成現代人類歷史上最重大的行為和科技社會轉型。在2030年前，社會必須能夠緩和與適應快速變化的氣候、確保彈性的水資源供應、減少廢棄物的產生、扭轉生態系統持續和災難性的退化，同時阻止物種滅絕。

這就是為何這必須是野心與行動並重的十年。

在微軟，我們重視未來的急迫性、責任、風險與機會。因此一年多前，我們開始進行改革，以改變公司在永續發展方面的作為，使其更符合全球環境挑戰與未來解決的週期、規模，與發展速度。

當我們努力設定並履行我們的承諾，以實現負碳排、補充水資源多過用水、零廢棄物並部署行星電腦，其中一些全球性挑戰已成為人們關注的焦點。微軟和世界必須具備一系列的有利條件，才能有效率地實現更加永續和公平的未來。

我們必須在微軟內部著重的有利條件是明確的—擴大並強化我們的治理和課責框架，同時建立投入永續發展和創新的文化。但創造微軟外部的六項有利條件，才是最終決定永續議程成敗的關鍵。解決或改善這些條件將確保個人和集體行動，用一致、協調、符合成本效益的方法去面對氣候變遷。

在2030年前，我們必須在六項有利條件上取得進展：
1. 風險識別

需要建立一個被廣泛採用且全面的風險框架，以確保每個企業都將環境風險納入其公司公共治理流程的核心。

2. 標準制定

在2030年前，我們必須在一個這樣的世界中運作：各領域公司針對碳、水和廢棄物的永續發展衡量單位與方法達成共識。

3. 數位資料化

數位化的永續發展資料必須成為一個平台，使社會能夠自由自在上綱觀永續發展的各個面向，並從上而下進行分析。

4. 投入創新

大多數對於氣候的投入將需要適應一個結構完整且被認可的框架，該框架應使投入面向針對最有影響力的領域，同時符合適當的風險承受範圍。

5. 市場成熟

碳補償和清除、水資源補充和生態系統服務市場可以提供更多透明、具標準保障的需求。

6. 政策進展

應建立全球協調的政策體系，限制排放量以符合未來的1.5°C標準，同時尊重政治主權和地球生命支持系統的跨界性質，並著眼於公平地將這些資源分享給不同的文化和社群。

— Dr. Lucas Joppa，微軟首席環境長，
<Microsoft 2020 Environmental Sustainability Report>
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吉立亚医药三十多年来一再突破不可能，为与重大疾病共生共存的患者找出一线生机。我们是领先群雄的生物製药公司，拥有创新产品组合和持续拓展的研究用药物产品线。我们致力跨越科学限制，以消除障碍及向需要的患者提供医疗照护为创新目标。

我们全心全意为每一个人打造更美好、更健康的世界。