

The Administrative Guidelines of Applying for Product/Services Promotion/Introduction and Registration Procedures for in-country Agents/Representatives of Foreign Companies

Amended as of August 1, 2019

1. Purpose

The guidelines are promulgated to establish an administrative system that has open and transparent procedures for the manufacturers/suppliers to promote and introduce their product and/or services to the military entities of the Ministry of National Defense (hereafter referred to as "MND") and to facilitate military components to well manage and collect on up-to-date information of defense-related product and services from industry in order to enhance effectiveness and quality of overall procurement affairs.

2. Applicable Entities

2.1. Domestic or foreign manufacturers

2.2. Domestic or foreign suppliers

The in-country agents or representatives of foreign companies should complete the registration procedures (as **Annex 1**) with the National Defense Procurement Office (NDPO, MND) before they can proceed with the application for product/services promotion and introduction on behalf of their represented foreign manufacturers and/or suppliers.

3. Types of Promotion and Introduction

3.1. Product Briefing and/or Introduction

3.2. Product Demonstration

3.3. Product Trial

4. Responsible Authorities

4.1. National Defense Procurement Office (NDPO)

4.1.1. Directing, formulating and administering policies and procedures to the MND

Components for implementing on product/services promotion and introduction activities by manufacturers/suppliers.

4.1.2. Coordinating, managing, overseeing, and reviewing overall administrative efforts on product/services promotion and introduction activities by manufacturers/suppliers.

4.1.3. Assisting applicants in import/export licenses and customs clearances for product demonstration and trial.

4.2. Armaments Bureau (AB)

The AB's Import/Export of "Strategic High-Tech Commodity Task Force" in conjunction with the government competent authority reviews and issues the permits of certificate to the product demonstration and trial applications which involve import/export of "Strategic High-tech Commodities" in complying with relevant laws and regulations.

4.3. The Tri-Services' Headquarters, Reserve Command, Military Police Command.

- 4.3.1. Supervising, coordinating, conducting and administering its subordinates in reception of the applications for product/services promotion and introduction by manufacturers/suppliers.
 - 4.3.2. Approving the applications of the product/services promotion for briefing, introduction, demonstration and/or trial by manufacturers/suppliers.
 - 4.3.3. Assisting the applicant's product/services promotion briefing, introduction, demonstration and/or trial in administrative arrangements for schedule, location, personnel security clearance, required equipment and transportation, etc.
 - 4.3.4. Reviewing the application of "List of Import/Export Demonstration/Trial Items (as **Annex 2**)" which involves the strategic high-tech commodities and submitting the list to the MND (Import/Export of Strategic High-Tech Commodity Task Force) for approval.
 - 4.3.5. Monitoring the applicant's import/export shipment and clearance for the product of demonstration and/or trial.
 - 4.3.6. Archiving record of actions of the applications of product promotion activities and proceeding with case closures.
- 4.4. Other subordinates or components under the MND are possessed of the same responsible authorities as the above-mentioned.
5. The flow chart of overall procedures for product/services promotion and introduction activities by manufacturers/suppliers is provided in **Annex 3**.
6. Special Notes
 - 6.1. All activities of the applicant's product briefing, introduction, demonstration and/or trial to the military entities shall not be referred as any commitment of future procurements.
 - 6.2. The Service command or the MND components conducts an activity of receiving individual application for the product promotion, if required, may invite personnel from relevant services or the MND components to participate in the event.
 - 6.3. If the individual office under Joint Staff has requirement of receiving application of product promotion activity, with considerations of specific conditions for the case, it may determine to proceed with the effort by itself or to designate a service command to conduct it.
 - 6.4. The types and quantities of the imported items for promotion demonstration and/or trial activities shall be limited to the scopes set forth in the original application purposes. If there is any fraud happened, the applicant will be condemned by relevant laws and regulations and responsible for bearing full legal liability.
 - 6.5. The applicant, in any way, shall not sell or donate the imported items to any in-country third party or individual after the completion of promotion demonstration and/or trial activity.
 - 6.6. If the applicant disregards the imported items, fails to export the items within the validated timeframe, and/or claims to abandon the ownership of the items after the completion of promotion demonstration and/or trial activity, the responsible service command or the MND component shall report to the original approval authority for further actions. Any incurred

cost for handling the items will be fully charged to the applicant (the applicant should provide a written statement along with the application to declare for taking all responsibilities to pay for such cost, if there is any).

- 6.7. The applicant is responsible for all the insurances and relevant safety measures of the demonstration and/or trial items (the applicant should provide a written statement along with the application to declare for taking all responsibilities to pay for such cost, if there is any).
- 6.8. The responsible service command or MND component should archive all the record of actions for the applications of product promotion activities whether the applications are approved or not.
- 6.9. The responsibilities for allocation of the costs incurred during product promotion activities are as follows (including the consumption on ammunition, parts, fuels, test and equipment depreciation which to support the activities):
 - 6.9.1. With considerations of its mission requirements, if a military entity plans to invite any manufacturer/supplier to present briefing, demonstration and/or testing, the related expenditures for the events shall be well allocated by the entity in its annual budget.
 - 6.9.2. For promotion purposes, if the manufacturer/supplier demonstrates to bear all related expenditures for product demonstration and/or trial at its own charges, the request may be initiated by the responsible entity after reviewing and approval process. It is necessary to obtain a written agreement from the applicant and to include a remark in the application to cover the applicant's obligations for paying all incurred expenses.
 - 6.9.3. During the product demonstration, test and/or trial, in a case of requiring for military equipment of the MND components, the custodian unit or personnel must clearly notify the applicant of the status of equipment and keep a written record and agreement of its conditions. If there is any damage to the equipment after the product demonstration, test and/or trial activities, the applicant should be responsible for the compensations of the damages in accordance with the following instructions.
 - 6.9.3.1. If the damages are repairable, the equipment shall be repaired immediately, and all expenses for the recovery will charge to the applicant.
 - 6.9.3.2. If the damages cannot be repaired, the applicant shall compensate for the current value of the equipment. And, the custodian unit will proceed with disposal process in accordance with the "Armed Forces Regulations on Governing Disposal of Abandoned Equipment and Ineffectual Materials". It is prohibited from allowing the applicant to discard and dispose the damaged equipment.
 - 6.9.3.3. In processing the compensations for damaged equipment (in original or depreciated value), the custodian unit shall report to the responsible authority for approval.

Annex 1

Registration Procedures for in-country Agents or Representatives of the Foreign Companies

A. Entities Governed by the Guidelines

The guidelines are applicable to all foreign companies that are willing to promote and introduce their product and/or services to the military entities of MND through their in-country agents and/or representatives. It generally covers the following two categories.

(a) Company Category

This category includes incorporated companies and business entities legally registered in Taiwan, Republic of China, which are authorized by foreign companies based on the legal relationship of agency to promote and introduce product and/or services of, and in the name of, the foreign companies to military entities.

(b) Individual Category

This category includes consultants, liaisons, branch offices or other types of individuals stationed in Taiwan, Republic of China as representatives of the non-company category, who promote and introduce product and/or services of, and in the name of, the foreign companies to military entities.

B. Scope of Implementation

Upon completion of the registration, along with the official letter issued by the National Defense Procurement Office, MND and the “Application Approval Form for the Registration of the In-Country Agent/Representative of Foreign Company”, the in-country agents and representatives may apply to visit the military entities to conduct product promotions and introductions within the granted valid period of registration and under the approved scopes. Nevertheless, all activities shall not be referred as the basis of future bidding, price negotiation or contract awarding.

C. Registration procedures (see the attached flow chart)

- (a) Upon registration, the in-country agents or representatives of foreign companies shall fill out the application form (as **Table 1**). Each application form can only be filled out for a represented foreign company. If an agent or representative has more than one authority of agency, the application form must be filled out and submitted respectively. The application form shall be mail to “409 Pei-An Road, Zhong-Shan District, Taipei City, Taiwan, ROC.” by registered post for the NDPO with respect to the correct category and enclosed with the copies of following documents.

1. The in-country agent or representative’s business registration certificate or proof of establishment. For examples, the valid registration certificate-corporation or commercial registration document, manufacturer registration certificate, permit of registration certificate, practicing business certificate, startup business certificate, legal registration

certificate or other documents issued by the government's authorized entities (the individual representative may provide in-country residence certificate with photocopy of passport for submission).

2. Photocopy of tax return certificate of the prior year (not required for individual representative's application)
 3. Letter of authorization signed by the represented foreign company in both photocopy and original (must be notarized by the court/authorized notary entities of the host country where the foreign company resides or be certified by the overseas official agency or representative of the Republic of China).
 4. If the period of authority of agency stated in the letter of authorization of foreign company exceeds three years, the approval of valid term of registration will be granted for three years only.
- (b) On receipt of the registration application form, the NDPO will conduct a review on application and its attached documents. If the documents are incomplete, the NDPO will notify the in-country agent or representative to make up required complements and to re-submit the application within a time-limit according to the NDPO's notification.
- (c) Upon completion of reviews for the registration application, the NDPO will issue an official letter of approval to the applicant. With such official approval letter, the in-country agent or representative may thereafter apply to visit the military entities for further activities on product promotion and introduction.
- (d) After completion of the registration, if any of the following changes occurs, the in-country agent or representative shall notify the NDPO in providing relevant documents for information updates.
1. Change or modification to the letter of authorization of foreign company.
 2. Change or modification to the represented foreign company, in-country agent or representative.
- (e) **Table 2** and **Table 3** provide the information on the NDPO's reviews matrix and approval format for this registration process.

Flow Chart of the Registration for In-country Agent or Representative of the Foreign Company

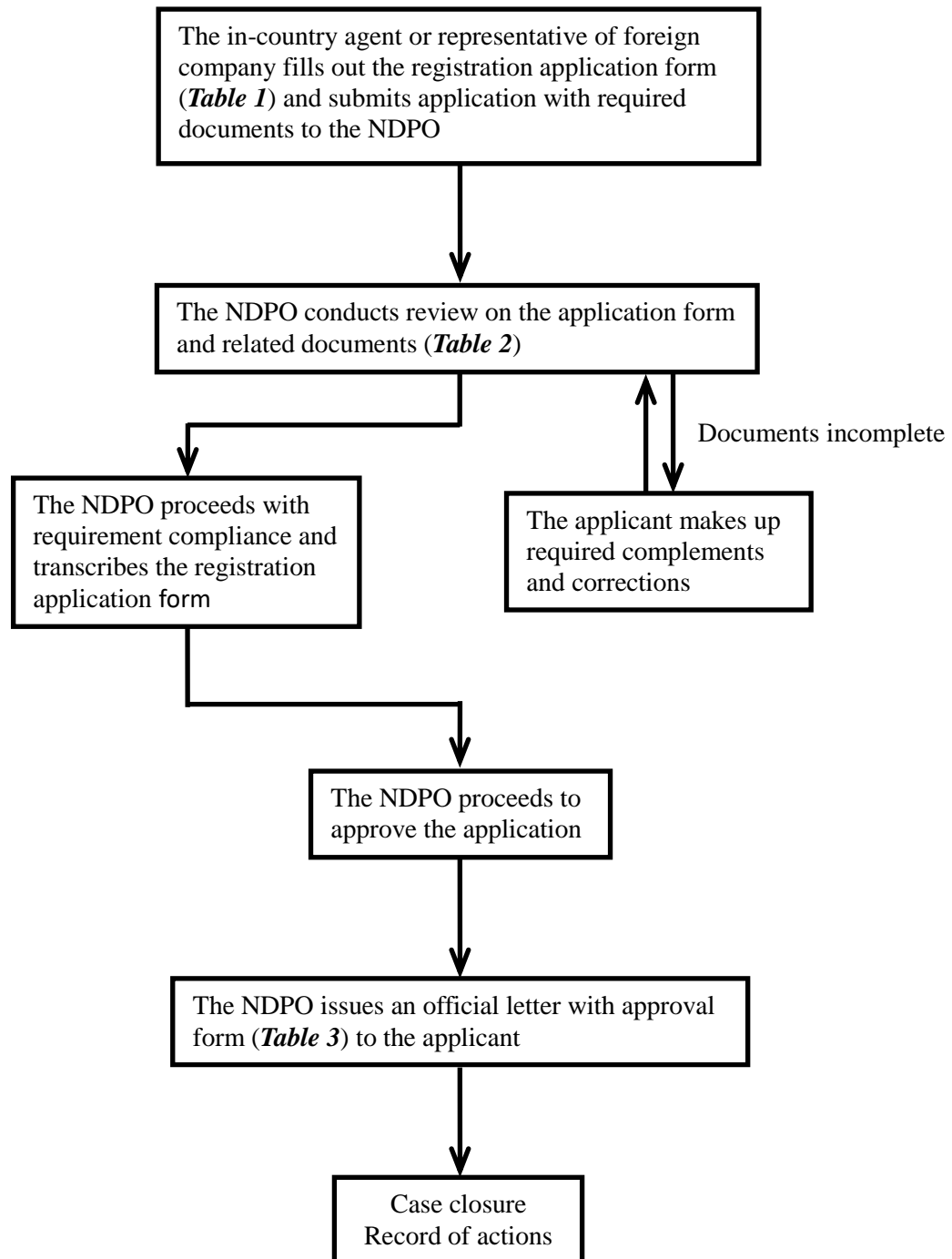


Table 1

**Application Form for Registration of the In-Country
Agent/Representative of Foreign Company**

Information of the Agent/Representative	Information of the Foreign Company
Name in Chinese:	Company name:
Name in English:	Department/Division:
Address:	Address:
Telephone Number:	Telephone Number:
Fax Number:	Fax Number:
Name of Responsible Person:	Name of Authorizer:
Valid Period of Authorization :	Exclusive Authority of Agency: Yes <input type="checkbox"/> No <input type="checkbox"/>
Descriptions of represented product and/or services: (please provide specific items of product and/or services with details on what the items must conform to the statement in the document of foreign company's authority of agency)	
Applicant's Signature and Seal: Submission Date:	
(Please affix your signature with the stamps of applicant and in-country company)	

Remarks: If you have any questions, please contact the Commercial Information and Planning Division, NDPO at TEL : +886 2 85099463 or FAX : +886 2 85099462

Table 2

**The Application Review Matrix for the Registration of in-Country
Agent/Representative of Foreign Company**

<div style="text-align: center;"> Review Conditions Required Documents </div>	Results	
	Qualified	Unqualified
The agent/representative is not prohibited from participating in the government procurement pursuant to the Paragraph one of Article 103 of the Government Procurement Law (GPL) and Paragraph One of Article 38 of the Implementation Rules of the GPL.		
The application form of registration has been filled out in accordance with the guidelines with proper format.		
The represented product and/or services are conformed to the statement in the document of foreign company's authority of agency		
The applicant has provided sufficient documents as in-country proof of establishment and business registration certificate (individual representative may provide in-country residence certificate with photocopy of passport for submission)		
The applicant's photocopy of tax return certificate of the prior year (not required for individual representative)		
The letter of authorization signed by the represented foreign company has been provided (in both photocopy and original)		
The letter of authorization has been notarized by the court/authorized notary entities of the host country where the foreign company resides or been certified by the oversea official representative of the Republic of China		
The valid period of authority of agency stated in the letter of authorization of foreign company:		
Remarks of reviews:		

Table 3

Application Approval Form for the Registration of the In-Country Agent/Representative of Foreign Company

Approval Number: _____

Information of the Foreign Company	
Company name: Department/Division: Cage Code: Address: Telephone number: Fax number: Name of Authorizer:	
Information of the Agent/Representative in Taiwan	
Name in Chinese: Name in English: Cage Code: Address: Telephone number: Fax number: Name of Responsible Person:	
Valid Term of Authority of Agency: from _____ to _____	
Scopes of Authorization	
Represented Product and/or Services	
Granted Valid Term of Registration: from _____ to _____	
Remarks: Upon completion of the registration, the in-country agent or representative may apply to visit the military entities to conduct product promotions and introductions within the granted valid period of registration and under the approved scopes. All activities shall not be referred as the basis of future bidding, price negotiation or contract awarding.	The NDPO's Seal of Approval

Annex 2

List of Import/Export Demonstration/Trial Items

Nomenclature:

Delivery Schedule:

Purpose:

Shipment By:

Original:

Port of Departure/Arrival:

Company:

Receiving Unit:

Applicant:

Receiving Place:

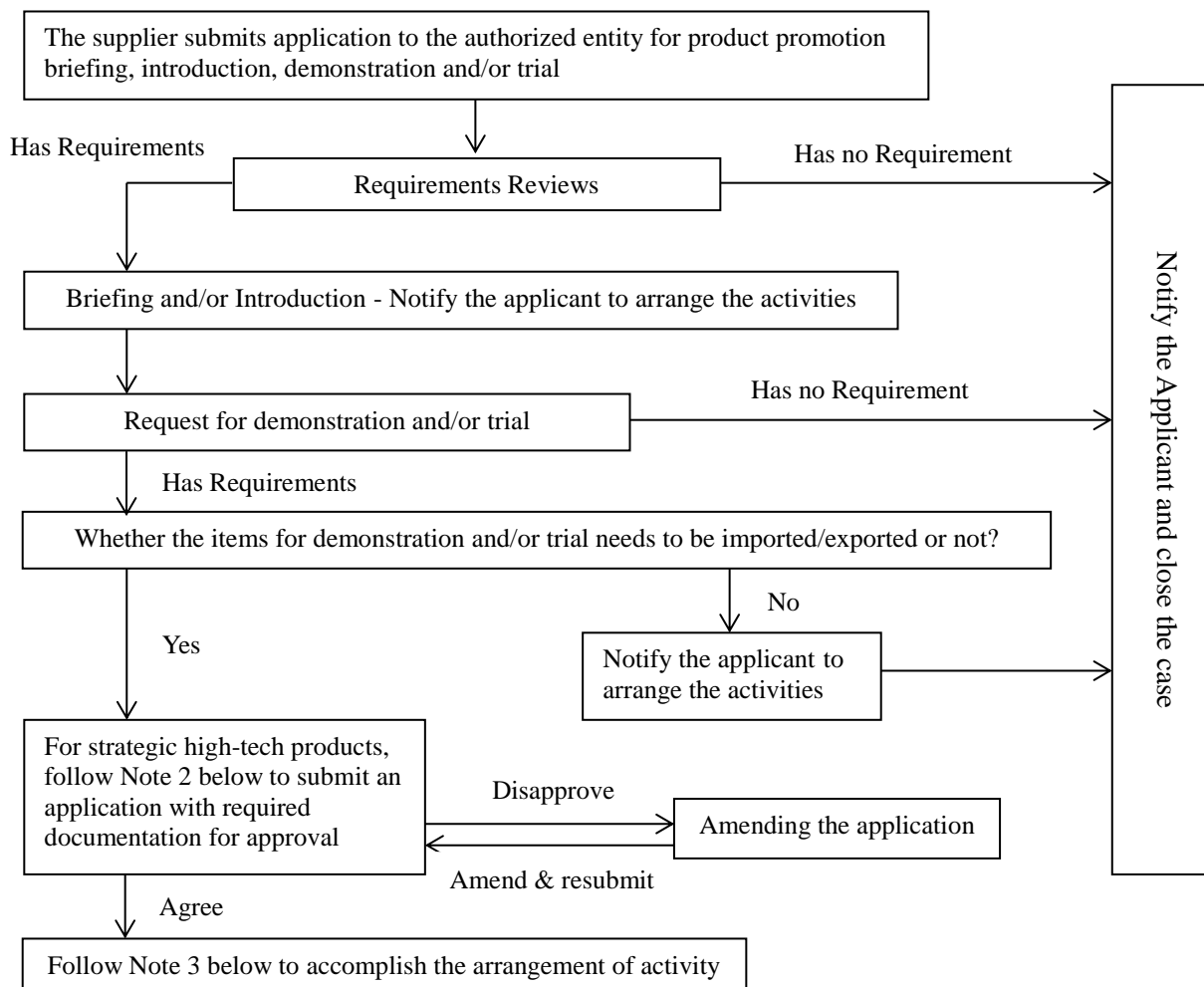
Item	Description and Specification	Unit	Quantity	Unit Price	Total Price	Remarks

Notes:

1. The types and quantities of the imported items for promotion demonstration and/or trial activities shall be limited to the scopes set forth in the original application purposes. If there is any fraud happened during application, the applicant will be condemned by relevant laws and regulations and responsible for bearing full legal liability.
2. The imported item(s) shall not be sold or donated to any in-country third party or individual after the completion of promotion demonstration and/or trial activity.
3. The applicant shall take all responsibilities of safety precautions and insurance, at its own cost, for his/her imported item(s).

Annex 3

Flow Chart of the Manufacturer/Supplier's Promotion and Introduction for their Product/Services



Notes:

1. The Services Commands and the MND Components may actively invite the suppliers to provide product promotion briefing, introduction, demonstration and/or trial in considering of mission requirements.
2. The supplier may submit product related catalogue or brochure along with application to the responsible entity for reference. If the product is categorized as strategic high-tech commodities, the applicant shall fill out "List of Import/Export Demonstration/Trial Items" (as per Annex 2 with 7 each copies) for review and forward to the MND (Task Force of Import/Export of Strategic High-Tech Commodity) for approval and issuing the permits of certificate.
3. To deal with the importing/exporting product for demonstration, test and/or trial, the responsible entity shall:
 - 3.1. Coordinate with the supplier to follow-on all details of arrangement.
 - 3.2. Coordinate with Material Transshipment Division, NDPO to conduct customs clearance of import/export items for demonstration and/or trial (and, monitoring the imported items to export within the validated timeframe).
 - 3.3. Supervise the transportation for the import/export of the product for demonstration and/or trial.