

Content

Title :	Enforcement Regulations of the Deposit Insurance Act <b>Ch</b>
Date :	2012.01.19
Legislative :	1.Promulgated on August 12, 1985 2.Amended on July 29, 1991 3.Amended on November 08, 1995 4.As amended and promulgated on May 5, 1999 by Executive Yuan 5.Amended by Jin-Kuan-Yin-(3)-Tzu No. 09600499760 dated on December 11, 2007 6.Amended on January 19, 2012 (No. 10100008790)
Content :	<p>Article 1 These Regulations are enacted pursuant to Article 51 of the Deposit Insurance Act (hereinafter referred to as "the Act").</p> <p>Article 2 The fiscal year of the Central Deposit Insurance Corporation (hereinafter simply referred to as the "CDIC" ) shall be based on the government' s fiscal year.</p> <p>Article 3 The year by year referred to in Paragraph 2 of Article 7 of the Act shall refer to the government' s fiscal years in which the deposit insurance payout special reserves were appropriated prior to the implementation of the amendments to the Act on January 18, 2007.</p> <p>Article 4 The deposit insurance agreement in writing that financial institutions shall sign with the CDIC pursuant to Paragraph 1 of Article 11 of the Act shall record the following items:</p> <ol style="list-style-type: none"><li>1. The parties to the agreement.</li><li>2. The items covered by deposit insurance and the uninsured items.</li><li>3. The calculation, reporting and payment of the deposit insurance premium.</li><li>4. Indicating of fact of being insured by deposit insurance.</li><li>5. Duty shall be fulfilled by the insured institution.</li><li>6. The items that the CDIC may inspect to the insured institutions.</li><li>7. Reasons for changes in or the termination of the agreement.</li><li>8. Obtaining rights of subrogation after payouts and the liquidation of a closed insured institution.</li><li>9. The method by which disputes are resolved.</li><li>10. The applicability of items not stipulated in the agreement and the handling of revised laws and orders.</li><li>11. Other items within the laws and regulations prescribed by the competent authority that should be recorded.</li></ol> <p>Article 5 As for deposits within the territory of the Republic of China referred to in Paragraph 1 of Article 12 of this Act that are not denominated in New Taiwan Dollars, when calculating the deposit insurance assessment base, the calculation shall be performed after converting those deposits into New Taiwan Dollars based on the closing exchange rate on the standard dates</p>

when the accounts of the insured institution are settled. In the fulfillment of the CDIC' s insurance responsibilities, the calculation under the payout process shall take place after converting the amounts into New Taiwan Dollars at the closing exchange rate on the last business day of the closed insured institution.

The deposits due to all levels of government agencies as referred to in Subparagraph 2 of Paragraph 2 of Article 12 of this Act refer to all levels of treasury deposits that insured institutions act as agents for.

The deposits due to banks, postal institutions handling postal savings and remittance businesses, credit cooperatives, farmers' and fishermen' s associations with credit departments and the Agricultural Bank of Taiwan as referred to in Subparagraph 4 of Paragraph 2 of Article 12 of the Act shall not include the funds obtained by these institutions from handling trust business and saved in their own institutions or other institutions as deposits.

#### Article 5-1

Each depositor as mentioned in Paragraph 1 of Article 13 of this Act refers to the following kinds of depositors who hold or have opened accounts in their names

1. Natural person
2. Legal entity
3. Sole proprietorship
4. Partnership
5. Inheritee
6. Bankruptcy or liquidation estate
7. Unincorporated group or organization
8. Various levels of government or their subsidiaries
9. Trust estate
10. Cardholder for each electronic stored value card issued by insured institutions

For each depositor as referred to in Subparagraph 1 to 8 and 10 of the above paragraph, the deposits in the same insured institution should be aggregated. For a depositor with a branch office, the deposits of the branch office should be aggregated with those of the head office.

As for Subparagraph 9 of Paragraph 1, it should be aggregated separately according to each individual account. However, deposits that belong to the same trust estate and that are held within the same insured institution should be aggregated.

#### Article 5-2

The employee pension accounts stipulated in Paragraph 3 of Article 13 of the Act refer to the employee pension accounts or the retirement pay and severance pay deposit accounts with the attributes of pension deposits that organizations, business

entities or groups open for their employees in the insured institutions.

The employee pension accounts referred to in the above paragraph include the pension accounts opened by the insured institutions for their employees in their own institutions or other insured institutions.

#### Article 6

The so-called covered deposits in Paragraph 1 of Article 16 of the Act refer to the total amount of deposits of each depositor within the maximum

insured amount; the target ratio so set is calculated with June 30 and December 31 of each year as the standard dates.

#### Article 7

When the CDIC applies to the financial accommodation upon the fulfillment of its insurance responsibilities, the provision of financial assistance, the establishment of a bridge bank or the processing of advance payments, the interest on its financing shall, pursuant to Article 20 of the Act, be written off from the deposit insurance payout special reserves it belongs to. Any further deficiencies shall be recorded in the deferral account and written off from the deposit insurance payout special reserves in subsequent years.

#### Article 8

Insured institutions shall on the day that they stop taking deposits, pursuant to Article 21 of the Act, notify the CDIC in writing.

#### Article 9

When handling the stipulations in the Act regarding inspections, the termination of deposit insurance, fulfillment of its insurance responsibility and liquidation matters, the CDIC shall, when necessary, entrust these items to professionals and technical personnel for their assistance in handling them.

#### Article 10

During the period in which the depositors in an insured institution whose deposit insurance agreement has been terminated continue to be protected by deposit insurance pursuant to Paragraph 2 of Article 27 of the Act, the insured institution shall still apply to the regulations pertaining to insured institutions within the Act.

#### Article 11

The so-called deposits that continue to be insured as in Paragraph 2 of Article 27 of the Act refer to the aggregated amount on the day with the lowest balance of those individual deposit accounts which are covered by deposit insurance within the maximum insurance coverage during a period of one-half year after the date on which the deposit insurance agreement was terminated.

The aggregated amount in the above paragraph for each individual account is the outstanding balances at the close of each business day.

#### Article 12

The items stipulated in Subparagraphs 1 and 2 of Paragraph 1 of Article 28 of the Act shall, from the following day after the insured institution is closed, be swiftly dealt with.

#### Article 13

When the CDIC pursuant to Paragraph 1 of Article 29 of the Act provides financial assistance to encourage acquisitions or assumptions, if it has not been assigned to serve as the conservator or delegated authority, the conservator or delegated authority of the insured institutions shall provide the CDIC with a tender strategy and appraisal data.

Should the conservator or the delegated authority in the previous paragraph put forward a tender, and there is a situation for the CDIC to provide funds, it shall first consult the matter with the CDIC and obtain its agreement.

Article 14

When the CDIC pursuant to Article 30 of the Act sets up a bridge bank to assume the business, assets and liabilities of the closed insured institution, if it is deemed necessary to provide it with working capital, the CDIC shall pursuant to Paragraph 1 of Article 31 of the Act apply for special financial accommodation.

Article 15

(Deleted)

Article 16

These regulations shall be effective from the date of promulgation.

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Data Source : Financial Supervisory Commission Laws and Regulations Retrieving System