


Content

Title :	Financial-Supervisory-Securities-Firms-1000049000 
Date :	2011.11.04
Legislative :	Issue date: 4 November 2011
Content :	<p>Order of the Financial Supervisory Commission, Executive Yuan Issue date: 4 November 2011 Issue no: Financial-Supervisory-Securities-Firms-1000049000</p> <p>1. The FSC hereby interprets the provisions of Article 21-1 of the Securities and Exchange Act with regard to requests for assistance in investigations by foreign governments or agencies (institutions) or international organizations:</p> <p>(1) The FSC may require that relevant agencies (institutions), juristic persons, associations, or natural persons appear at a designated office to give explanations ("an interview"), and may also request that the foreign entity requesting the assistance coordinate with regard to the time for the interview, assigning representatives to attend, providing explanations and putting forward questions in the course of the interview, producing a record of the interview, or performing other supporting matters. If an interviewee is unable to attend at the time designated by the FSC, the interviewee shall request leave 7 days prior to the originally scheduled date and indicate another time when attendance is possible. If the FSC requests that the foreign entity requesting the assistance coordinate on the time for the interview, the relevant institutions, juristic persons, associations, or natural persons shall also provide their cooperation.</p> <p>(2) If the interviewee is a natural person, the interviewee shall appear in person when the FSC holds the interview. The interviewee, the interviewee's appointed attorney, certified public accountant, other agent, or other FSC-approved assisting personnel ("accompanying persons") shall report to the office designated by the FSC at the designated time and show an identification document, power of attorney, or other authorization document. If the interviewee does not show a valid identity document, the FSC may require the interviewee to supplement the document by facsimile or other method, and then proceed with the interview; if the document cannot be supplemented immediately, another interview will be scheduled.</p> <p>(3) When any of the following applies to either the interviewee or to an accompanying person, the FSC interviewer may bar their entry into the venue, or, if they have already entered, the interviewer may order them to leave:</p> <p>(i) Inebriation, use of hallucinogenic drugs, or an abnormal mental state. (ii) Possession of a dangerous implement such as a gun, ammunition, knife, or other articles not appropriate to the meeting place. (iii) Possession of an audio recorder, video recorder, or photographic equipment without permission. (iv) Other circumstances likely to be disturbing to order in the meeting.</p>

- (4) An audio and video recording shall be made of the entire course of the interview. The interview shall be held in Chinese, and any person using another language shall be responsible for having an interpreter present.
- (5) The interviewee shall first obtain permission from the FSC interviewer before leaving his or her seat or taking a break.
- (6) A statement by an accompanying person, if the interviewee does not immediately object, will be deemed a statement by the interviewee.
- (7) The record of the interview will in principle be in the form of an audio recording, using audio recording equipment prepared and tested by the foreign entity requesting the assistance. At least three copies of the audio record of the interview shall be made by the foreign entity requesting the assistance, with one copy each to be presented to the FSC and the interviewee on the date the interview concludes.
- (8) If, due to a dysfunction of the recording system or other circumstances making it impossible to make an audio recording, it becomes necessary to produce a written record of the interview instead, the FSC may request that the interviewee review the written record of the interview. If the interviewee requests any change to the written record, the person responsible for making the record shall make a notation at the place the change is made, such that the original text remains distinguishable, and sign his or her name. If the interviewee makes any objection or any supplementary statement, the person responsible for making the record shall make a note of the objection or supplementation. In order to guarantee the interviewee's rights and interests, the interviewee shall either sign his or her name or place his or her personal seal at the bottom of each page of the record or of any appended materials on which any change has been made.
- (9) After the written record of the interview is completed, the interviewee may make a request to retain one copy of the record, without appended materials.
- (10) There may be no concealment or forgery by the interviewee of any information, account books, or documents that have been requested by the FSC. Any such materials shall be provided within the specified time, except in cases where a legitimate reason has been submitted to and approved by the FSC in advance.
- (11) Neither the interviewee nor any accompanying person may divulge the content of the interview.

2. The present Order is effective from this day forward.

Originals: To be posted on the public notice boards of the FSC and the Securities and Futures Bureau of the FSC.

Copies: Legal Affairs Committee, Executive Yuan; Department of International Affairs, FSC; Department of Legal Affairs, FSC; Department of Information Management, FSC; Banking Bureau, Financial Supervisory Commission, Executive Yuan; Insurance Bureau, Financial Supervisory Commission, Executive Yuan; Financial Examination Bureau, Financial Supervisory Commission, Executive Yuan; Winkler Partners, Attorneys at Law; Lex Data Information Inc.