

Content

Title :	Directions Concerning Compliance with the Paragraph 1, Article 139-1 of Insurance Act Regarding the Reporting for Holding the Issued Shares with Voting Rights Ch
Date :	2020.05.21
Legislative :	Amended on 21 May 2020 per Order No. Jin-Guan-Bao-Shou-Zi- 10904917761 of the Financial Supervisory Commission
Content :	<p>2. The same person or same related party who singly, jointly or collectively acquires more than 5 percent (5%) of the total outstanding voting shares of an insurance company, or such same person or same related party who subsequently increases or decreases their shareholding cumulatively by more than one percent (1%) shall report such fact to the competent authority within ten (10) days from the day of acquisition in accordance with these Directions.</p> <p>Where the same person, same related party, or third party specified in Paragraph 3, Article 139-1 of the Act is a juristic person, the following individuals shall be included in the report:</p> <p>(1) Natural persons with direct or indirect ownership of over 25% of the juristic person's shares or capital.</p> <p>(2) Natural persons that do not meet criteria in the preceding subparagraph but exercise controlling interest in the juristic person by mandate, contract, agreement, authorization, or other types.</p> <p>(3) Natural persons that do not meet criteria in the two preceding subparagraph but exercise decision-making rights in the juristic person.</p> <p>(4) Where the juristic person is a trustee of a trust, the individuals shall include the trustor, trust supervisor, trust beneficiary, other individuals that exercise effective control over the trust accounts, or natural persons with equivalent or similar roles as the preceding personnel.</p> <p>(5) Where the individuals exercise direct or indirect control over the juristic person through a trust, the individuals shall include the trustor, trustee, trust supervisor, trust beneficiary, other individuals with effective control over the trust account, or natural persons with equivalent or similar roles as the aforementioned personnel.</p> <p>Where the same person, same related party, or third party specified in Paragraph 3, Article 139-1 of the Act is a juristic person, the regulations of the preceding paragraph shall not apply if such persons controlling the juristic person meet the following criteria:</p> <p>(1) A R.O.C government entity.</p> <p>(2) An enterprise owned by the R.O.C government.</p> <p>(3) A foreign government entity.</p> <p>(4) An entity listed on a stock exchange outside R.O.C. that is subject to regulatory disclosure requirements of its principal shareholders, and the subsidiaries of such entity.</p> <p>(5) A financial institution supervised by the R.O.C. government, and an investment vehicles managed by such institution.</p> <p>(6) A financial institution established outside R.O.C. that is subject to and supervised for compliance with AML/CFT requirements consistent with standards set by the Financial Action Task Force on Money Laundering (FATF), and an investment vehicle managed by such institution.</p> <p>(7) A fund administered by a R.O.C. government entity.</p> <p>4. The same person or the same related party who singly, jointly or collectively acquires more than 5 percent of the total outstanding voting shares of an insurance company shall report such fact to the competent authority by submitting the following documents within ten (10) days from the day of acquisition:</p>

- (1) A declaration statement (Form 1).
- (2) A declaration form (Form 2).
- (3) An undertaking statement (Form 3).
- (4) Shareholding or controlling rights structure.

6. When the same person or the same related party who subsequently increases or decreases their shareholding cumulatively by more than one percent (1%) as provided in the latter section of Paragraph 1, Article 139-1 of the Act, their representative and the related party who changes his/her shareholding shall report to the competent authority by submitting the following documents within ten (10) days from the day of acquisition:

- (1) A change declaration statement (Form 4).
- (2) A change declaration form (Form 5).
- (3) An undertaking statement (Form 3).
- (4) Shareholding or controlling rights structure.

10. When filing the shareholding report with the competent authority, the same person or same related party should send a copy of the same except the shareholding or controlling rights structure to the insurance company concerned.

12. The same person or same related party who reported in accordance with these Directions before the effective date of Point 2, Point 4, Point 6, and Point 10 amended and promulgated on May 21, 2020, and still singly, jointly, or collectively hold more than 5 percent (5%) of the outstanding voting shares of the insurance company on the effective date shall submit documents and report to the Competent Authority again within 10 days after the effective date.

Data Source : Financial Supervisory Commission Laws and Regulations Retrieving System