


Content

Title :	Financial-Supervisory-Securities-Firms-1120335161 
Date :	2023.03.30
Legislative :	Financial-Supervisory-Securities-Firms-1120335161
Content :	<p>Order of the Financial Supervisory Commission</p> <p>Issue date: 30 March 2023 Issue no.: Financial-Supervisory-Securities-Firms-1120335161</p> <p>1. Offshore overseas Chinese and foreign nationals, when performing the matters listed below, are exempted from the restriction set out in Article 21, subparagraph 3 of the Regulations Governing Investment in Securities by Overseas Chinese and Foreign Nationals that they shall not extend loans or provide security:</p> <p>A. When applying for New Taiwan Dollar (NTD) borrowings from a securities firm or securities finance enterprise to meet settlement needs in connection with investments in TWSE listed or TPEx listed securities.</p> <p>B. When applying for NTD borrowings from a domestic bank to meet settlement needs in connection with investment in domestic securities.</p> <p>C. When providing domestic securities as collateral for offshore investment activities.</p> <p>2. Offshore overseas Chinese and foreign nationals performing the matters listed in the preceding point shall comply with the requirements listed below:</p> <p>A. When applying for NTD borrowings from a securities firm or securities finance enterprise under subparagraph A of the preceding point, they shall comply respectively with the relevant provisions of the Regulations Governing Borrowing or Lending Money in Connection with Securities Business by Securities Firms and the 26 November 2015 FSC Order No. Financial-Supervisory-Securities-SITC-10400465241.</p> <p>B. When applying for NTD borrowings from a domestic bank under subparagraph B of the preceding point, they shall comply with the Bankers Association of the Republic of China Directions for Member Banks Handling New Taiwan Dollar Credit Extension Business for Foreign Nationals Without Domicile in Taiwan.</p> <p>C. Their use of NTD borrowings obtained under subparagraphs A and B of the preceding point shall be limited to the payment of settlement funds for securities investments under those two subparagraphs. The borrowings may not be the subject of an application for exchange settlement under Article 14, paragraph 1 of the Regulations Governing Investment in Securities by Overseas Chinese and Foreign Nationals, nor used for any other purpose, and they shall be controlled and managed by the custodian institution.</p> <p>D. When providing domestic securities as collateral for offshore investment activities under subparagraph C of the preceding point, they shall comply with the provisions of the Taiwan Stock Exchange Corporation (TWSE) Operating Rules for Overseas Chinese and Foreign Nationals Providing Domestic Securities as Collateral for Offshore Investment Activities. The funds obtained by the provider of the collateral shall be used offshore in foreign currency and may not involve any onshore activity in the Republic of China.</p> <p>3. When an offshore overseas Chinese or foreign national performs the matters listed in point 1, information reporting matters shall be performed in compliance with the following requirements:</p> <p>A. When the matters under subparagraphs A and B are performed, the custodian institution shall report, on the following trading day, the daily information on the offshore overseas Chinese or foreign national's NTD borrowings and intraday credit from banks and NTD borrowings from</p>

securities firms or securities finance enterprises to the FSC and the Central Bank Foreign Exchange Department. It furthermore shall make itemized account entries in accordance with Article 22 of the Regulations Governing Investment in Securities by Overseas Chinese and Foreign Nationals, and within 10 days from the end of each month, report this information to the FSC and the Central Bank Foreign Exchange Department, and at the same time provide the information to the TWSE for registration.

B. When the matter under subparagraph C is performed, the collateral provider shall, within 15 days from the end of each month, compile the information on collateral provision of the previous month, and have its custodian institution report it to the Central Bank Foreign Exchange Department, and at the same time provide the information to the TWSE for registration.

4. This Order is effective from this day forward. FSC Order No. Financial-Supervisory-Securities-8-0950002861 of 20 June 2006, Order No. Financial-Supervisory-Securities-8-0950004331 of 13 September 2006, Order No. Financial-Supervisory-Securities-8-0950150335 of 15 November 2006, and Order No. Financial-Supervisory-Securities-8-0950159353 of 12 January 2007 are repealed from this day forward.

Data Source : Financial Supervisory Commission Laws and Regulations Retrieving System