


Content

Title :	Regulations Governing Insurance Brokers 
Date :	2022.09.22
Legislative :	Amendment to Article 6. 8、9、11~14、19、32~33-1、47、49、52、55、56、61 promulgated per Financial Supervisory Commission Order No. Jin-Guan-Bao-Zong-Zi- 11104936691 dated September 22, 2022.
Content :	<p>Article 6 A person having any of the following situations may not act as a responsible person of a broker company:</p> <ol style="list-style-type: none">1. Having no legal capacity or limited legal capacity or subject to the court order of commencement of assistance and such order has not been revoked.2. Having committed a crime under the Organized Crime Prevention Act, and has been found guilty by a final and unappealable judgment.3. Having been sentenced to imprisonment for counterfeiting currency or valuable securities, embezzlement, fraud or breach of trust, and the sentence has not started serving or been completed, or ten years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.4. Having received a final and unappealable sentence for violating Insurance Act, Banking Act, Financial Holding Company Act, Trust Enterprise Act, Act Governing Bills Finance Business, Financial Asset Securitization Act, Real Estate Securitization Act, Securities and Exchange Act, Futures Trading Act, Securities Investment Trust and Consulting Act, Foreign Exchange Regulation Act, Credit Cooperative Act, Agricultural Finance Act, Farmers Association Act, Fishermen Association Act, Money Laundering Control Act, Counter-Terrorism Financing Act, Issuance of Electronic Stored Value Cards Act, Electronic Payment Institutions or any other laws regulating financial activity, and the sentence has not started serving or been completed, or five years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.5. Having been declared bankrupt, or adjudicated of commencement of liquidation process by a court, and rights and privileges have not been reinstated.6. Being the responsible person of a legal entity at the time such legal entity was adjudicated bankrupt and five years have not elapsed since the closure of the bankruptcy or the terms of bankruptcy settlement have not yet been fulfilled.7. Having an ongoing event that seriously damages his or her creditworthiness or five years have not elapsed since the closure of such an event.8. Five years have not elapsed since being replaced or discharged from duties by order of the competent authority due to a violation the Insurance Act, Banking Act, Financial Holding Company Act, Trust Enterprise Act, Act Governing Bills Finance Business, Financial Assets Securitization Act, Clauses of the Real Estate Securitization Act , Securities and Exchange Act, Futures Trading Act, Securities Investment Trust and Consulting Act, Credit Cooperatives Act, Agricultural Finance Act, Farmers Association Act, Fishermen Association Act, Fair Trade Act, Issuance of Electronic Stored Value Cards Act, Electronic Payment Institutions or other laws regulating financial activity.9. Factual proof shows that the person has engaged in or otherwise been involved in any other dishonest or improper activities, demonstrating unsuitability for the work in question.10. Is currently serving as an employee of an insurance enterprise or related industry association. Notwithstanding the foregoing, if the insurance enterprise has an investment relationship with the broker company

and their chairman, director externally representing the broker company organized as a limited company and general manager have not taken concurrent positions in each other, the employee of the insurance enterprise may act as a responsible person of the broker company, subject to the approval of the competent authority.

11. Is already registered as an insurance solicitor in any other insurance company, insurance agent company, broker company or bank.

12. Practice license has been revoked to Article 167-1 or 167-2 of the Insurance Act by the competent authority and five years have not elapsed.

13. Having been involved in serious cheating in a special or junior examination for professional or technical personnel of insurance enterprises, and has been sentenced to imprisonment for a definite period by a final and unappealable judgment.

14. Having been sentenced to imprisonment for forging instruments or seals, offence against privacy, usury, impairing the rights of creditors or violating Tax Collection Act, Trademark Act, Copyright Act or other acts or regulations governing industrial or commercial activity and the sentence has not started serving or been completed or five years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.

15. Having been committed the offense as specified in the Anti-corruption Act and subsequently convicted of a crime, and the sentence has not started serving or been completed or five years have not lapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.

16. Having been denied service by the bills clearing house and the denial status has yet to be removed, or there remains a record of dishonored check(s) due to insufficient funds in three years since the denial status has been removed

17. Being a director, supervisor or general manager of an insurance agent company, an insurance broker company or an insurance surveyor company at the time such company was subject to disciplinary action provided in subparagraph 1, paragraph 1, Article 164-1 of the Insurance Act or had its permit revoked and practice license cancelled pursuant to Article 167-2 of the Insurance Act, and three years have not elapsed.

The term "responsible person" mentioned in the preceding paragraph shall mean a director, supervisor, general manager, or sales-related assistant general managers of a broker company, managers in charge of reinsurance broker business, managers of branch office or a person in comparable position.

A person having any situation provided in subparagraphs 1 through 9 and subparagraphs 12 through 17 of paragraph 1 hereof may not serve as an independent broker or a broker employed by a broker company or a bank.

Article 8 An independent broker shall submit the following documents to carry out registration of permission with the competent authority:

1. An application form.

2. Certification showing that the qualification requirements set out in these Regulations are met.

3. Certification of pre-job training, obtained within the last year and recognized by the competent authority; for a broker whose certification of pre-job training was obtained one year or earlier, the already obtained certification of pre-job training along with certification of at least 18 hours of on-the-job training within the last year; where registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, certification of at least 18 hours of on-the-job training within the past 1 year before submission of the application. For brokers who submit certification of at least 18 hours of on-the-job training within the past 1 year, the courses on laws and regulations taken shall not be less than 8 hours and the courses on fair treatment of customers aged 65 and above shall not be less than 2 hours.

4. Proof of identity.

5. A business plan.

6. A written statement undertaking the absence of situations provided in paragraph 3 of Article 6 and subparagraph 26 of Article 49.

7. Other documents as required by the competent authority.

The business plan in subparagraph 5 of the preceding paragraph shall contain at least the following information:

1. Business philosophy and methods for carrying out fiduciary duties;
2. Scope of business;
3. Business development plan;
4. Business solicitation system and procedures;
5. Financial projections for the next three years;
6. Description of work place and equipment; and
7. Other information as required by the competent authority.

Where the information stated in the documents referred to in paragraph 1 hereof is incomplete or insufficient, the application will be rejected; if the situation may be remedied, the applicant shall take remedial actions within the time limit set by the competent authority, or else the application will be rejected.

After an independent broker has obtained a permit, the competent authority may void the permit if false information is discovered in any of the documents under paragraph 1 hereof submitted by the applicant.

Article 9 A broker company shall operate its business as a specialized operation and include the wording "Insurance broker" in the name of the company.

A broker company applying to operate insurance broker business, reinsurance broker business, or simultaneously insurance broker business and reinsurance broker business shall submit the following documents to the competent authority for registration of permission:

1. An application form.
2. A photocopy of the valid practice license of brokers employed or certification showing that brokers employed meet the qualification requirements set out in these Regulations and any of the following certifications:
 - (1) Certification of pre-job training, obtained within the last year and recognized by the competent authority;
 - (2) For a broker whose certification of pre-job training was obtained one year or earlier, the already obtained certification of pre-job training and the certification of at least 18 hours of on-the-job training within the past 1 year before submission of the application. For brokers who submit certification of at least 18 hours of on-the-job training within the past 1 year, the courses on laws and regulations taken shall not be less than 8 hours and the courses on fair treatment of customers aged 65 and above shall not be less than 2 hours.
 - (3) For a broker whose registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, the certification of at least 18 hours of on-the-job training within the past 1 year, including no less than 8 hours of the courses on laws and no less than 2 hours of the courses on fair treatment of customers aged 65 and above.
3. Proof of identity for brokers employed.
4. A written statement by the designated chairman, director externally representing a broker company organized as a limited company, general manager and brokers employed that they are free of the situations in subparagraphs 1 through 9 and subparagraphs 12 through 17 of paragraph 1, Article 6 herein.
5. A business plan.
6. A list of promoters or shareholders stating each promoter's or shareholder's name, date of birth, domicile, ID number, and amount paid for subscription/purchase of shares.
7. The Articles of incorporation.
8. Proof of full payment for shares or proof of the balance of deposits of the company.
9. Documents evidencing the qualifications of the designated chairman, director externally representing a broker company organized as a limited company, and general manager.
10. Other documents as required by the competent authority.

The business plan in subparagraph 5 of the preceding paragraph shall contain at least the following information:

1. Company philosophy and methods for carrying out fiduciary duties;

2. Scope of business;
3. Business development plan;
4. Organizational Structure and job duties.
5. Business solicitation system and procedures;
6. Financial projections for the next three years;
7. Description of work place and equipment; and
8. Other information as required by the competent authority.

Where any of the promoters or shareholders referred to in subparagraph 6 of the paragraph 2 is a foreign insurance broker institution, the documents set out in subparagraphs 2 through 4, subparagraphs 11 and 12, paragraph 1 of Article 55 shall also be submitted.

A broker company applying to operate reinsurance broker business, or simultaneously insurance broker business and reinsurance broker business shall proceed in accordance with the provisions of Paragraph 2 hereof, and in addition, submit documents evidencing the qualifications of manager to be in charge of reinsurance broker business; its business plan shall also contain a planning for operating processes that comply with the requirements set forth in Articles 35 and 37 herein.

When a broker company that has been approved by the competent authority to operate insurance broker business applies to the competent authority for permission to add reinsurance broker business to its operations, it shall submit the following documents:

1. An application form;
2. The proof of the deposit of bond, paid-in capital and a duplicate of an insurance policy showing the purchase of professional liability insurance;
3. Documents evidencing the qualifications of the manager in charge of reinsurance broker business.
4. The minutes of the relevant board of directors' or shareholders' meeting.
5. A business plan.
6. The financial report for the latest one year, audited and attested by a certified public accountant.
7. Other information as required by the competent authority.

The business plan in subparagraph 5 of the preceding paragraph shall contain at least the following information:

1. Company philosophy and methods for carrying out fiduciary duties;
2. Scope of business;
3. Business development plan;
4. Organizational Structure and job duties.
5. The operating process is in compliance with paragraphs of Article 35 and Article 37 herein;
6. Financial projections for the next three years;
7. Description of work place and equipment; and
8. Other information as required by the competent authority.

When a broker company that has been approved by the competent authority to operate reinsurance broker business applies to the competent authority for permission to add insurance broker business to its operations, the provisions of Subparagraphs 1, 2, 4 through 7 of Paragraph 6 hereof apply mutatis mutandis the required documentation.

Where the information stated in the documents referred to in Paragraph 2, 5, 6 hereof or the preceding paragraph is incomplete or insufficient, the application will be rejected; if the situation may be remedied, the applicant shall take remedial actions within the time limit set by the competent authority, or else the application will be rejected.

After a broker company has obtained a permit, the competent authority may void the permit if false information is discovered in any of the documents under Paragraph 2, 5, 6 or 8 hereof submitted by the applicant.

Article 11 A bank applying to operate insurance broker business or increase of the type of business shall submit the following documents to the competent authority for registration of permission:

1. An application form.
2. A photocopy of its business license.
3. Articles of incorporation or equivalent documentation.
4. The minutes of the board of directors or trustees meetings.
5. The list of directors (council members) and supervisors.

6. A photocopy of the valid practice license of brokers employed or certification showing that brokers employed meet the qualification requirements set out in these Regulations and any of the following certifications:

(1) Certification of pre-job training, obtained within the last year and recognized by the competent authority;

(2) For a broker whose certification of pre-job training was obtained one year or earlier, the already obtained certification of pre-job training and the certification of at least 18 hours of on-the-job training within the past 1 year before submission of the application. For brokers who submit certification of at least 18 hours of on-the-job training within the past 1 year, the courses on laws and regulations taken shall not be less than 8 hours and the courses on fair treatment of customers aged 65 and above shall not be less than 2 hours.

(3) For a broker whose registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, the certification of at least 18 hours of on-the-job training within the past 1 year, including no less than 8 hours of the courses on laws and no less than 2 hours of the courses on fair treatment of customers aged 65 and above.

7. Proof of identity for brokers employed.

8. A written statement by the designated department head, department deputy head and brokers employed undertaking that they are free of the situations in subparagraphs 1 through 9 and subparagraphs 12 through 17 of paragraph 1, Article 6 herein.

9. A business plan.

10. Documentary proof evidencing allocation of operating capital.

11. Documents evidencing the qualifications of the designated department head, department deputy head.

12. Other documents as required by the competent authority.

The business plan in subparagraph 9 of the preceding paragraph shall contain at least the following information:

1. Company philosophy and methods for carrying out fiduciary duties;

2. Scope of business;

3. Business development plan;

4. Organizational Structure and job duties.

5. Business solicitation system and procedures;

6. Financial projections for the next three years;

7. Description of work place and equipment; and

8. Other information as required by the competent authority.

Where the information stated in the documents referred to in paragraph 1 hereof is incomplete or insufficient, the application will be rejected; if the situation may be remedied, the applicant shall take remedial actions within the time limit set by the competent authority, or else the application will be rejected.

After a bank has obtained a permit, the competent authority may void the permit if false information is discovered in any of the documents under paragraph 1 hereof submitted by the applicant.

Article 12 A broker company shall have one general manager in charge of managing the overall operations of the company and shall not have other officers in comparable position.

The general manager referred to in the preceding paragraph shall not act concurrently as the chairman or general manager of other broker companies or insurance agent companies as well as director externally representing other broker companies or insurance agent companies organized as limited companies.

The general manager of a broker company shall possess one of the following qualifications:

1. Has graduated from a domestic or foreign school at the level of junior college or higher or possessing equivalent academic qualifications, and having no less than five years of experience working for an insurance company, insurance cooperative, broker companies, insurance agent companies, or insurance surveyor companies and having the qualification of solicitor, agent or broker for same type of insurance business;

2. Has graduated from a domestic or foreign school at the level of junior college or higher or possesses equivalent academic qualifications, and has

served for no less than five years as a signatory for an insurance broker; or

3. Has the qualification of solicitor, agent or broker for same type of insurance business and there is other factual evidence sufficient to show professional insurance expertise or insurance work experience that enables him or her to operate an insurance broker business soundly and effectively. The appointment or dismissal of the general manager mentioned in the preceding paragraph shall be duly registered with the competent authority in charge of company registration.

The managerial officer of a broker company in charge of its reinsurance broker business shall have graduated from a domestic or foreign school at the level of junior college or higher or possess equivalent academic qualifications, and have not less than three years of work experience in reinsurance business.

Article 13 The chairman of a broker company, director externally representing a broker company organized as a limited company, at least one third of its directors and supervisors, sales-related vice general manager, managers of branch offices or officers in comparable positions shall possess one of the following qualifications:

1. Has graduated from a domestic or foreign school at the level of junior college or higher or possesses equivalent academic qualifications, and has served for no less than three years of experience in the position of assistant manager or higher or in an equivalent position on an insurance company, insurance cooperative, broker company, insurance agent company, insurance surveyor company, or in the position of deputy head of a bank's separate department operating insurance broker or agent business and has performed with excellence in such position.

2. Has served for no less than two years as a signatory for an insurance broker or agent.

3. Has other academic or employment experience sufficient to show that he/she has professional insurance expertise, or experience in managing an insurance business, and is capable of operating an insurance broker business soundly and efficiently.

Article 14 A broker company shall submit a written statement by the new chairperson, general manager or director externally representing a broker company organized as a limited company undertaking that who is free of situations set out in any of the subparagraphs of paragraph 1, Article 6 and documents evidencing compliance with qualifications provided in the preceding two articles, within 15 days after he/she is elected as the chairperson or appointed as the general manager to the competent authority for approval; where the qualifications of the chairperson, general manager or director externally representing a broker company organized as a limited company are not approved by the competent authority, the competent authority may order the insurance broker company to make changes within a prescribed period of time; The same shall apply if factual evidence shows that an individual does not possess the required qualifications specified in preceding two paragraphs after taking office.

Where a broker company has question over whether its chairperson or general manager to be elected or appointed, or a broker company organized as a limited company has question over whether the director to be elected to externally represent it meets the qualification requirements set forth in subparagraph 3 of preceding Article or Article 12, paragraph 3, subparagraph 3 herein, the broker company may submit the qualification information for approval by the competent authority before the election or appointment.

Where there is a change of director, supervisor or managers of branch office, the broker company shall submit a written statement by the new appointee undertaking that who is free of situations set out in any of the subparagraphs of paragraph 1, Article 6 and documents evidencing compliance with qualifications provided in the preceding two articles to the brokerage association for recordation within fifteen days after the change.

A broker company shall report changes to place of business or paid-in capital to the brokerage association for recordation within fifteen days after registration of the change (with the appropriate authority); the preceding paragraph applies when an independent broker or a bank changes

his or her place of business.

The directions for the relevant operations set out in the paragraph 1 and the preceding two paragraphs shall be drawn up by the brokerage association and brokers association, and submitted to the competent authority for recordation; the preceding provision shall apply to any amendment to those directions.

Article 19 Upon applying to the competent authority for the issuance of a practice license, a broker company shall pay the fees set by the competent authority and submit the following documents:

1. An application form;
2. The proof of the deposit of bond and a duplicate of an insurance policy showing the purchase of professional liability insurance;
3. Company registration form and a list of directors, supervisors and general manager;
4. A written statement by directors and supervisors undertaking that they are free of the situations set out any of the subparagraphs of paragraph 1, Article 6 and proofs submitted by its chairman and general manager as well as the director externally representing a broker company organized as a limited company that they are free of the situations set out in subparagraphs 10 and 11 of paragraph 1, Article 6 herein, and employed brokers are free of the situation set out in subparagraph 26, Article 49 herein;
5. Certification showing membership in the insurance brokerage association in accordance with Article 45 herein; and
6. Other documents as required by the competent authority.

Article 32 Independent brokers or brokers employed by a broker company or a bank shall attend not less than on average 16 hours of on-the-job training every year during the valid period of their practice license, including not less than eight hours of courses on laws in the latest 2 years before renewing a practice license.

On-the-job training may be conducted by the Taiwan Insurance Institute, the agents association, the brokerage association or brokers association, a university or college extension education institution, or another institution approved by the competent authority. The guidelines and content for such training shall be submitted to the competent authority for approval.

Independent brokers or brokers employed by a broker company or a bank shall additionally attend and pass no less than 2 hours of annual courses on fair treatment of customers aged 65 and above. Independent brokers or brokers employed by a broker company or a bank, not attending and passing the foregoing courses, are not allowed to solicit insurance product to customers aged 65 and above next year, and their employing broker company or bank shall cancel their next year qualifications to solicit insurance product to customers aged 65 and above.

Article 33 When independent brokers, broker companies and banks practicing or operating business, that shall exercise due care of a good administrator and fiduciary duties to uphold the interests of the insured, ensure that he or she has provided professional explanations to the insured and made full disclosure of information relating to the major contents of the insurance product of interest and major rights and obligations of the insured.

When independent brokers, broker companies and banks operating or practicing business, they should store on and file those documents for future reference.

If the insurance contract is produced by insurance companies in digital insurance policy format, the independent brokers, broker companies and banks shall obtain the mobile phone number, email, or other contact method of the applicant and insured deemed as sufficient by the competent authority for transmitting digital documents and provide these information to the underwriting insurance companies.

Broker companies and banks that operate insurance broker business shall draw up internal operating rules and implement them vigorously to ensure that their operating procedures and operations are in compliance with

relevant laws and regulations. The aforementioned internal operating rules shall include the relevant regulations amended and enforced on September 22, 2022 with regard to the protection of the rights and interests of elderly customers aged 65 and above.

Before a broker negotiates and concludes an insurance contract for an insured, the broker shall well know the relevant matters of basic information, demand, and risk profile concerning the applicant and the insured and proactively provide the insured with a written of analysis report in accordance with the applicable scope and content prescribed by the competent authority (see Attachment 1). Before charging the proposer or the insured fees, a broker shall clearly inform them of fee schedule (see Attachment 2).

When a broker company or a bank holds directly or indirectly more than ten percent of voting shares issued by an insurance company, or an insurance company holds directly or indirectly more than ten percent of voting shares issued by the broker company or the bank, the broker company or the bank shall disclose such information to the proposers.

Article 33-1 Broker companies and banks shall conduct phone call, video call or remote interview of their customers regarding the following matters before they refer the application case to the insurer to complete the underwriting process:

1. Confirm that the solicitation process is in compliance with Subparagraphs 5, 6 and 8, Paragraph 1, Article 6 of the Regulations Governing Business Solicitation, Policy Underwriting and Claim Adjusting of Insurance Enterprises.

2. For customers whose source of funds for premiums paid is a bank loan, a time deposit canceled early without penalty or a policy loan, the customer shall be informed of associated risks and maximum possible loss.

3. For customers whose source of funding for insurance premiums payment is the termination of a contract, the customer shall be clearly informed of related losses of interests in insurance contracts as a result of the insurance purchase after the termination of the contract.

4. For customers aged 65 and above, the customer shall be asked questions gently around possible disadvantages of the insurance product the customer has purchased to confirm that the customer understands the potential effects and disadvantages associated with the characteristics of the insurance product. However the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers aged 65 and above after the insurance company makes an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.

When a broker company or a bank delivers relevant application documents to the insurer for change of proposer or beneficiary, policy loan or termination of part or whole of the insurance contract, it should, before the insurer completes the relevant operation, conduct a phone call, video call or remote interview of the customer to confirm his/her real intent. The types and percentage of insurance cases requiring a phone call, video call or remote interview under Paragraph 1 and the preceding paragraph shall be prescribed by the competent authority.

A bank shall establish a mechanism to check the source of funds for premiums paid by a customer, whether it is a loan from the bank, a time deposit at the bank that is canceled early without penalty, a contract termination or a policy loan obtained through the bank that took place within three months prior to the purchase of insurance, and to check whether there is consistency between the customer and the financial information the customer provides for dealings and transactions with the bank. For the following customers, a bank shall assign a staff not from the sales department to conduct a phone call, video call or remote interview mentioned in Paragraph 1 hereof for all such application cases, to which the provisions set forth in accordance with the preceding paragraph on the types and percentage of insurance cases do not apply:

1. For customers whose source of funds for premiums payment is the termination of an insurance contract, a bank loan, a time deposit canceled early without penalty or a policy loan.

2. For customers aged 65 and above and purchasing the insurance product with possible disadvantages to their rights and interests. However the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers aged 65 and above after the insurance company makes an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.

The requirements set forth in subparagraph 2 to 4 of paragraph 1 and preceding paragraph regarding to conduct a phone call, video call or remote interview are not applicable to the cases where customers who are purchasing an insurance product that does not require policy value reserve (excluding health insurance products), a micro-whole-life insurance product, an accident insurance product with insurance period of less than three years, or a mortgage life insurance product that does not pay survival benefit.

The provisions of the preceding two paragraphs apply mutatis mutandis to insurance agent companies invested and established by a financial holding company or a bank.

When a broker company and bank discovers in the phone call, video call or remote interview mentioned in the preceding paragraph that there are situations not complying with the rules or countering the intent of the customer, it should, before the insurer completes the underwriting process, notify the insurer and the customer to rectify the situation or take actions in the interest of the customer.

When a broker company and a bank shall tape record the entire phone call, video call or remote interview with the consent of the interviewee and save the recording of phone call, video call or remote interview for future audits. The tape recording shall be retained for a period of not less than five years after the insurance contract has expired or five years from the date the insurer's decision of not to underwrite the policy is finalized.

Article 47 A broker company that has not been sanctioned by the competent authority within the last one year for violating an act or regulation may apply to the competent authority for approval to establish a branch office.

A broker company that applies for the establishment of a branch office shall employ a broker to serve as a signatory and submit the following documents to the competent authority for registration of permission:

1. An application form clearly stating the name and location of the branch office.
2. The minutes of the board of directors meeting resolving to establish the branch office.
3. Proof of identity for the designated managers of branch offices and proof of their compliance with the qualification requirements set out in Article 13 herein.
4. A photocopy of the valid practice license of brokers employed or certification showing that brokers employed meet the qualification requirements set out in these Regulations and any of the following certifications:

(1) Certification of pre-job training, obtained within the past 1 year before submission of the application and recognized by the competent authority;

(2) For a broker whose certification of pre-job training was obtained one year or earlier, the already obtained certification of pre-job training and the certification of at least 18 hours of on-the-job training within the past 1 year before submission of the application. For brokers who submit certification of at least 18 hours of on-the-job training within the past 1 year, the courses on laws and regulations taken shall not be less than 8 hours and the courses on fair treatment of customers aged 65 and above shall not be less than 2 hours.

(3) For a broker whose registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, the certification of at least 18 hours of on-the-job training within the past 1 year, including no less than 8 hours of the courses on laws and no less than 2 hours of the courses on fair treatment of customers aged 65 and above.

5. Proof of identity for brokers employed.
6. A written statement by the designated managers of branch office and brokers employed undertaking that they are free of the situations set out in subparagraphs 1 through 9 and 12 through 17, paragraph 1 of Article 6.
7. A business plan for the branch office.
8. Other documents as required by the competent authority.

A broker company shall, in the six months of the approval of branch office establishment, submit an application form and a written statement by the managers of branch office undertaking that they are free of situations set out in subparagraphs 10 and 11 of paragraph 1, Article 6 herein and employed brokers are free of the situation set out in subparagraph 26, Article 49 herein to the competent authority for issuance of a practice license for the branch office.

Article 49 Independent brokers, broker companies, banks and brokers employed by broker companies or banks shall not commit any of the following acts:

1. Make a false representation when applying for a practice license.
2. Negotiate and conclude an insurance contract for an insurance enterprise that has not been approved and registered.
3. Deliberately conceal material matters concerning an insurance contract.
4. Take advantage of his or her professional or business position or use other improper means, with respect to the establishment of a contract, to coerce, induce, or restrict the freedom of a proposer, insured, or insurer, or to collect extra compensation or other benefit from them.
5. Make exaggerated, false, or misleading claims or advertisements or use other improper methods when operating or practicing business or recruiting personnel.
6. Use improper means to incite an insurance customer to take an action such as to surrender insurance, switch insurance policies, or take a loan.
7. Misappropriate or embezzle insurance premiums, reinsurance premiums, policy proceeds or reinsurance payouts.
8. Not practice oneself, but instead provide the practice license for use by another person.
9. Be sentenced to punishment for embezzlement, fraud, breach of trust, or forgery.
10. Operate or practice insurance business outside the scope specified on his or her practice license.
11. Collect, in addition to commissions and expenses set out in the contract or commissions charged according to industry standards, and reasonable compensation for insurance-related services as provided in Article 9 of the Insurance Act, money, articles or other compensations from an insurer in the name of other expense items or of a third party, or engage in uncustomary transactions.
12. By unlawful means, cause an insurer to make an improper insurance claim payment.
13. Disseminate untrue statements or promotional materials, thus disturbing the financial order.
14. Authorize a third party to operate or practice business on his/her/its behalf, or operate or practice business in other's name.
15. In the case of a broker company, refer an application case solicited by a broker not employed by the company or an insurance solicitor not registered under the company to an insurer, or refer an application case solicited by it to an insurer through another broker or insurance agent, unless it is a case from an independent broker who has obtained the written consent of the proposer to the effect in advance.
16. Employ people who do not possess the qualifications of insurance solicitor to solicit insurance business.
17. Fail to surrender or cancel practice license within the time period set out in paragraph 1 of Article 15, Article 26, paragraph 5 of Article 27, or paragraph 3 of Article 28.
18. Suspend, suspend its insurance broker business in part or in whole temporarily, resume, dissolve business or terminate its insurance broker business in part or in whole at own discretion.
19. In the case of a broker company or a bank, fail to hire another broker to serve as a signatory in accordance with Paragraph 2 of Article 7 herein

when an employed broker leaves work.

20. Fail to report matters prescribed by the competent authority to the brokerage association or brokers association for recordation.

21. The content of advertising related to insurance products and publicity used in insurance solicitation is not provided or consented by the insurer.

22. Pay commissions to insurance solicitors and their supervisors who did not actually perform the business solicitation; however the preceding provision does not apply to payments of renewal commissions to those who take over policyholder services.

23. Fail to confirm the suitability of an insurance product for a specific consumer, including providing unsuitable insurance products to customers aged 65 and above.

24. Sell foreign vertical settlement products that have not been approved by the competent authority.

25. Submit business information and financial statements are untrue or incomplete.

26. Is currently serving as an employee of an insurance enterprise or related industry association, or having been registered as an insurance solicitor.

27. Urge or induce customers to rescind or terminate contracts or pay for insurance premiums by taking out a bank loan, canceling a time deposit or taking out a policy loan.

28. Fill out a solicitation report dishonestly, including the report lack of the statement whether the customers aged 65 and above and purchasing the insurance products other than non-life insurance and micro-insurance has the ability to distinguish situations that are disadvantageous to their rights and interests, reasons why the insurance products suitable for the customer, and evaluation record. However the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers aged 65 and above after the insurance company makes an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.

29. Otherwise violate these Regulations or related acts or regulations.

30. Any other act injurious to the image of insurance business.

Article 52 The compliance officer of a broker company and a bank shall possess one of the following qualifications:

1. Having the qualification of an insurance agent or a broker and actually serving as a signatory.

2. Having at least five years of work experience in related business of insurance enterprise, insurance agent companies or broker companies.

3. Having graduated from college with a degree in finance, insurance or related field, or a degree in law and having at least three years of work experience in related business of insurance enterprise, insurance agent companies or broker companies.

A compliance officer referred to in the preceding paragraph shall be free of the situations set out in subparagraphs 1 through 10 and subparagraphs 12 through 17, paragraph 1 of Article 6 herein.

At least one of the compliance officers employed by a bank shall meet the qualification requirements set out in paragraph 1 hereof.

Article 55 A foreign insurance broker institution applying for approval to establish a branch office within the territory of the Republic of China to operate insurance broker business shall submit two copies of the following documents to the competent authority for review:

1. Foreign broker company's application for approval.

2. Documentary proof that the competent authority or agency of its home country has approved the registration of the applicant's incorporation as well as the scope of its business operations.

3. Documents showing the names, nationalities, positions, and residences or domiciles of the major responsible persons of the head office.

4. Documents evidencing that establishment of a branch office in the Republic of China has been approved by the competent authority or agency of its home country and agreed by its board of directors.

5. The articles of incorporation of the head office.

6. A business plan.
7. A photocopy of the valid practice license of brokers employed or certification showing that brokers employed meet the qualification requirements set out in these Regulations and any of the following certifications:
 - (1) The employed broker's certification of pre-job training, obtained within the past 1 year before submission of the application and recognized by the competent authority;
 - (2) For a broker whose certification of pre-job training was obtained one year or earlier, the already obtained certification of pre-job training and the certification of at least 18 hours of on-the-job training within the past 1 year before submission of the application. For brokers who submit certification of at least 18 hours of on-the-job training within the past 1 year, the courses on laws and regulations taken shall not be less than 8 hours and the courses on fair treatment of customers aged 65 and above shall not be less than 2 hours.
 - (3) For a broker whose registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, the certification of at least 18 hours of on-the-job training within the past 1 year, including no less than 8 hours of the courses on laws and no less than 2 hours of the courses on fair treatment of customers aged 65 and above.
8. Proof of identity for brokers employed.
9. A written statement by managers of branch office and brokers employed undertaking that they are free of situations set out in subparagraphs 1 through 9 and subparagraphs 12 through 17, paragraph 1 of Article 6 herein.
10. Proof of identity for the designated manager of branch office and proof of compliance with the qualification requirements of chairman set out in Article 13 herein.
11. A balance sheet and consolidated income statement for the last three years audited and attested by a certified public account recognized in the home country.
12. A document issued by the competent authority in its home country evidencing that the applicant is free of the record of being disciplined (by the authority) due to major violation in the past three years.
13. Other documents as required by the competent authority.

The business plan in subparagraph 6 of the preceding paragraph shall contain at least the following information:

1. Company philosophy and methods for carrying out fiduciary duties;
2. Scope of business;
3. Business development plan;
4. Organizational Structure and job duties.
5. Business solicitation system and procedures;
6. Financial projections for the next three years;
7. Description of work place and equipment; and
8. Other information as required by the competent authority.

The documents mentioned in the first paragraph may be replaced by comparable documents if any of them is unavailable according to the law of the home country.

If any of the documents mentioned in the first paragraph and preceding paragraph is not presented or recorded in Chinese due to special circumstances, their Chinese translations must be attached; except to documents provided in subparagraphs 1 through 6 and subparagraph 10 of the first paragraph hereof, the rest shall be authenticated by a ROC embassy/consulate or an overseas ROC representative office.

If the documents in the first paragraph or other representations are incomplete or insufficient, the application will be rejected; if the situation may be remedied, the applicant shall take remedial actions within the time limit set by the competent authority, or else the application will be rejected.

After a foreign insurance broker institution has obtained a permit to establish a branch office within the territory of the Republic of China to operate insurance broker business, the competent authority may void the permit if false information is discovered in any of the documents under paragraph 1 hereof submitted by the applicant.

Article 56 After the amended Regulations are in force on September 22,

2022, For the head office of a foreign insurance broker company applying for approval to establish a branch office within the territory of the Republic of China to operate insurance broker business, the head office shall appropriate funds of no less than NT\$20 million exclusively for the business operation of each branch office established according to its business plan; when applying for operation of reinsurance broker business, the minimum working capital of each branch office shall be NT\$20 million; when applying for operating concurrently insurance broker business and reinsurance broker business, the minimum working capital of each branch office shall be NT\$30 million.

Before the amended Regulations are in force on September 22, 2022, the head office of a foreign insurance broker company shall appropriate funds of not less than NT\$5 million exclusively for the business operation of each branch office established according to its business plan; when applying for operation of reinsurance broker business, the minimum working capital of each branch office shall be NT\$10 million; when applying for operating concurrently insurance broker business and reinsurance broker business, the minimum working capital of each branch office shall be NT\$10 million.

Article 61 Unless the date of implementation is otherwise provided and Article 8, 9, 11, 32, 33, 33-1, 47, 49, 55 amended on September 22, 2022 and relevant to the protection of the rights and interests of customers aged 65 and above to be in force on October 1, 2022, these Regulations shall be in force on the date of promulgation.

Data Source : Financial Supervisory Commission Laws and Regulations Retrieving System