

## DECLARATION

I, \_\_\_\_\_ (Name of Declarant), as  
the responsible person of the company \_\_\_\_\_  
(Name of Declarant's Company), herewith declare that I fully understand both  
Articles 12 and 17 of the Tobacco and Alcohol Administration Act (hereinafter as the  
Act) and do not have any of the facts stipulated in these two Articles and I shall take  
all legal responsibilities if any part of this declaration is found falsified or not true.

Declarant's Name: \_\_\_\_\_

Passport Number of Declarant: \_\_\_\_\_

Declarant's Residing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Declarant's Telephone Number: \_\_\_\_\_

To

Ministry of Finance

Signature of Declarant: \_\_\_\_\_

Date: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

### Note:

#### Article 12 of the Act

Under any of the following circumstances, the application for an establishment permit presented by a tobacco or alcohol producer shall be rejected by the central competent authority:

1. The applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt.
2. The applicant or the responsible person is found to have violated the provisions of Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7, Paragraph 2; or Article 48, Paragraph 2, prior to the disposition or judgment having become final and unappealable.
3. The applicant or the responsible person has violated Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7, Paragraph 2; or Article

48, Paragraph 2, for which they have received an administrative fine, and less than two years have elapsed since the full payment of the fine; or, the applicant or responsible person has violated any of the above provisions or the Tax Collection Act, for which they have received a final and unappealable judgment of guilty, and the execution of the sentence has not been completed, or less than two years has elapsed since the completion of the execution of the sentence or the probationary period or pardon.

4. Less than three years have elapsed since the establishment permit for the tobacco or alcohol producer was voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 15.
5. The applicant or the responsible person previously acted as the responsible person of a tobacco or alcohol producer, and less than three years has elapsed since the establishment permit of the given business was voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 15.

When the applicant or responsible person of an business that has already received an establishment permit or license permit as a tobacco or alcohol producer has been adjudicated a ward, placed under assistance, or is bankrupt, as set out in Subparagraph 1 of the preceding paragraph, then that business, within 30 days after the occurrence of the fact, shall apply to the central competent authority to change its responsible person. If the business fails to apply within that period, the central competent authority will revoke its establishment permit.

When any of the following circumstances applies to a business that has already obtained an establishment permit or license permit as a tobacco or alcohol producer, or applies to its responsible person, its establishment permit will be revoked by the central competent authority:

1. Violation of Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7 paragraph 2; or Article 48, Paragraph 2, when the disposition or judgment has become final and unappealable.
2. Violation of the Tax Collection Act, when a guilty judgment has become final and unappealable.
3. When the responsible person is concurrently the responsible person of another tobacco or alcohol producer, and the establishment permit for that business has been voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 15.

#### **Article 17 of the Act**

Under any of the following circumstances, an application for an establishment permit for a tobacco or alcohol importer shall be rejected by the central competent authority:

1. The applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or is bankrupt.
2. The applicant or the responsible person is found to have violated the provisions of Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7, Paragraph 2; or Article 48, Paragraph 2, prior to the disposition or judgment having become final and unappealable.
3. The applicant or the responsible person has violated Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7 Paragraph 2; or of Article 48, Paragraph 2, for which they have received an administrative fine, and less than two years has elapsed since the full payment of the fine; or, the applicant or

responsible person has violated any of the above provisions or the Tax Collection Act, for which they have received a final and unappealable judgment of guilty, and the execution of the sentence has not been completed, or less than two years has elapsed since completion of the execution of the sentence or the probationary period or pardon.

4. Less than three years have elapsed since the establishment permit for the tobacco or alcohol importer was voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 20.
5. The applicant or the responsible person previously acted as the responsible person of a tobacco or alcohol importer, and less than three years has elapsed since the establishment permit of the given business was voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 20.

When the applicant or responsible person of a business that has already received an establishment permit or license permit as a tobacco or alcohol importer has been adjudicated a ward, placed under assistance, or is bankrupt, as set out in Subparagraph 1 of the preceding paragraph, then that business, within 30 days after the occurrence of the fact, shall apply to the central competent authority to change its responsible person. In the event of failure to apply within that period, the central competent authority will revoke their establishment permit.

When any of the following circumstances applies to a business that has already obtained an establishment permit or license permit as a tobacco or alcohol importer or to its responsible person, its establishment permit will be revoked by the central competent authority:

1. Violation of Article 45, Paragraphs 1 or 2; Article 46; Article 47, Paragraphs 2, 3, or 4; Article 48, Paragraph 1, where the disqualified alcohol is the disqualified alcohol of Article 7, Paragraph 2; or of Article 48, Paragraph 2, when the disposition or judgment has become final and unappealable.
2. Violation of the Tax Collection Act, when a guilty judgment has become final and unappealable.
3. When the responsible person is concurrently the responsible person of another tobacco or alcohol importer, and the establishment permit for that importer has been voided or revoked by the central competent authority. This provision does not apply when the establishment permit was revoked pursuant to Article 20.

**\*The whole content of the Act is available on the website <https://www.nta.gov.tw/> of the National Treasury Administration, Ministry of Finance.**