

Regulations Governing Application of Agreements for the Avoidance of Double Taxation with Respect to Taxes on Income

Ministry of Finance
2010.01.07

Chapter 1 General Provisions

Article 1

These Regulations are enacted pursuant to the provisions set out in Paragraph 5, Article 80 of the Income Tax Act.

Article 2

The investigation and audit of a case applicable under an agreement for the avoidance of double taxation with respect to taxes on income (hereinafter referred to as the “DTA”) shall be conducted in accordance with the provisions of the DTA signed between a country or territory and the Republic of China (hereinafter referred to as the “ROC”). Any such matter not provided for in the DTA shall be governed by the provisions of the Tax Collection Act, the Income Tax Act, the Income Basic Tax Act, these Regulations, and relevant laws and regulations. However, where the provisions of the Income Tax Act or other laws providing income tax benefit are more favorable than those contained in the DTA, the most favorable provisions shall apply.

Article 3

The DTAs (including full text, exchange of letters, attachments and protocols) mentioned in these Regulations refer to those signed and effective in accordance with Article 5 of the Tax Collection Act, Article 124 of the Income Tax Act, or other relevant laws, including comprehensive taxation agreements and reciprocal exemption agreements on income derived from the operation of shipping and air transport.

The Contracting States mentioned in these Regulations refer to a country or territory which has signed a DTA with the ROC and the ROC.

The application of a DTA shall be limited to those persons who are the residents of the other Contracting State or the ROC.

Article 4

A resident of the other Contracting State who is subject to tax in accordance with the provisions of the Income Tax Act, the Income Basic Tax Act and relevant laws and regulations may apply to obtain the benefit of any reduction in or exemption from tax provided for in the DTA.

In the case where the tax collection authority-in-charge investigates and audits the constituent elements of a case applicable under a DTA in the preceding paragraph, such investigation and audit shall be based on the facts of the actual economic relationships and the attribution and ownership of the actual economic benefits.

Article 5

In the case of an individual, a resident of the ROC applicable under a DTA means an individual who is subject to tax under the provisions of Paragraph 2, Article 7 of the Income Tax Act. In the case of a company or any other body of persons, a resident of the ROC applicable under a DTA means a person that is subject to tax on its total profit-seeking enterprise income derived within or outside the territory of the ROC under the provisions of Paragraph 2, Article 3 of the Income Tax Act.

The resident status of a person of the other Contracting State shall be recognized based on the Resident Certificate issued by the other Contracting State in accordance with the provisions for residents under the DTA.

Article 6

Where a person is a resident of both Contracting States, then his or her resident status shall be determined by the items in the order of the sequence stipulated in the provisions of the applicable DTA. The terms and criteria of the relevant items in the

1. The term “permanent home” means a place of residence arranged and retained by an individual, continuously available to him or her at all times.
2. The term “with which his or her personal and economic relations are closer (or centre of vital interests)” shall be determined by overall considering factors such as his or her family and social relations, his or her occupation, his or her political, cultural, or other activities, his or her place of business, and the place from which he or she administers his or her property, etc.
3. The term “habitual abode” shall be determined by comparing the length of time and frequency of the individual’s stays in the Contracting States.

4. The term “national” means any individual possessing nationality in accordance with the Nationality Act of a Contracting State.
5. The term “place of effective management” shall be determined by overall considering factors such as the location of key managerial personnel, and the place where they exercise management and control of a company or any other body of persons.

Article 7

The permanent establishment (hereinafter referred to as the PE) mentioned in these Regulations refers to a fixed place of business through which the business of an enterprise is wholly or partly carried on.

An enterprise of the other Contracting State shall be deemed to have a PE in the ROC if the enterprise has the following place of business in the territory of the ROC:

1. A fixed place, including the housing, facilities or equipment fixed to the soil on which it stands or which remains on a particular site. The enterprise shall be deemed to have a PE if the business is carried on by the use of automatic equipment at a fixed place which is operated and maintained by an enterprise of the other Contracting State; or
2. A fixed place through which the business has been carried on continuously for a period more than six months; or not up to six months but the business has been regularly carried on; or
3. A fixed place which is at the disposal of or used by the enterprise of the other Contracting State.

An enterprise of the other Contracting State shall be deemed not to have a PE if the maintenance of a fixed place of business is solely for the carrying on of an activity of a preparatory or auxiliary character.

Article 8

In the case where an enterprise of the other Contracting State carries on a building site, construction, installation, or assembly project in the territory of the ROC for a period of time exceeding a certain duration of time and is deemed to have a PE in the ROC in accordance with the provisions for PE under the DTA, the duration of time shall be determined by the calculation of the total period of time from the date on which the contractor begins his or her work on building, construction, installation or assembly, including any preparatory work, until the work is completed or the project is permanently abandoned. Seasonal or other temporary interruptions shall be included in

determining the duration of time. If an enterprise which has undertaken the performance of a comprehensive project subcontracts parts of such a project to other enterprises, the period spent by a subcontractor working on such a project shall be included in determining the duration of time.

The aforementioned term “building site, construction, installation, or assembly project” includes the work of building, renovation, excavating, dredging, and laying of pipe-lines for a building, road, bridge, canal, etc. project.

Article 9

In the case where an enterprise of the other Contracting State carries on supervisory activities in the territory of the ROC in connection with a building site, construction, installation, or assembly project for a period of time exceeding a certain duration of time or furnishes services in the territory of the ROC where activities of that nature continue, for the same or a connected project, through employees or other personnel or persons engaged by the enterprise (including individuals and body corporate) for such purpose for a period or periods of time aggregated exceeding a certain duration of time; and the enterprise is deemed to have a PE in the ROC in accordance with the provisions for PE under the DTA, the duration of time shall be determined by the computation of the total of the aggregated days of presence of employees or other personnel or persons engaged by the enterprise to furnish services within the territory of the ROC. However, in the case that the tax collection authority-in-charge of the ROC finds that the enterprise has also engaged in activities outside the territory of the ROC and such activities have a close connection to the services furnished within the territory of the ROC (including the preparatory work), the total number of days spent in such activities shall be included in the calculation of the aforementioned duration of time.

In the case where a resident of the other Contracting State has derived income from performing professional services or other activities of an independent character within the territory of the ROC, for a period or periods aggregated exceeding a certain duration of time and such income is taxable according to the domestic law, the computation of the duration of time in the preceding paragraph shall also apply in this case.

The computation of the duration of time referred to in the preceding two paragraphs shall be determined by the aggregation of the days commencing from the next day of the arrival and ending on the day of departure, of the relevant personnel, and include weekends, national holidays, holidays, days off due to personal affairs, sickness or death in the family, the departure day and temporary cessation of work due to strikes, training, etc. If the services are provided by two or more members of personnel and there is an overlap in the periods of their stay in the territory of the ROC, the overlapping period shall not be counted twice for the computation of the duration of time.

Article 10

The term “a person who is acting on behalf of an enterprise and has, and habitually exercises, in the territory of the ROC an authority to conclude contracts in the name of the enterprise” under the provisions of the DTA refers to any person, who may be an individual or individuals, company or companies or any other body of persons, is acting on behalf of an enterprise and has, and habitually exercises, in the territory of the ROC, an authority to conclude contracts in the name of the enterprise, sign documents in a way binding on the enterprise, or negotiate all elements and details of a contract. However, the aforementioned person does not include an agent conducting activities for the enterprise solely of a preparatory or auxiliary character or an independent agent.

The term "independent agent" referred to in the preceding paragraph refers to an agent acting in the ordinary course of the business when acting on behalf of an enterprise of the other Contracting State.

Chapter 2 Attribution of the Right to Income Tax

Article 11

The attribution of the right to tax on different categories of income shall be governed by the DTA. The income which may be taxed in the source State in accordance with the provisions of the DTA may also be taxed in the resident State, whereas the resident State shall eliminate double taxation in accordance with the DTA or its domestic taxation laws. Where a resident of a State derives income which, in accordance with the provisions of the DTA, shall be taxed only in the source State or in the resident State, the other State shall exempt such income.

Article 12

The determination of the source State of the income shall be governed by the DTA; with regard to matters not provided for in the DTA, the Income Tax Act or relevant provisions of other acts and regulations shall govern.

Chapter 3 Application of Tax Reduction and Exemption

Article 13

Where an enterprise of the other Contracting State derives business profits which are taxable according to the domestic law, and is entitled to a reduced rate or exemption in accordance with the provisions for business profits under the DTA, that enterprise shall, according to the provisions of the applicable DTA, submit the Resident Certificate issued by the tax authority of the other Contracting State, relevant documents which prove the enterprise has no PE within the territory of the ROC or does not carry on its business through a PE within the territory of the ROC, and relevant documents providing information of the income, and apply to the tax collection authority-in-charge where the payer of such income is located for approval. Where the income is subject to withholding tax under Article 88 of the Income Tax Act, the tax collection authority-in-charge shall, when issuing the approval, simultaneously notify the tax withholder of the reduction of or exemption from the withholding tax. The aforesaid enterprise, when in accordance with the Income Tax Act that such enterprise shall file the annual income tax return by its fixed place of business located within the territory of the ROC or file a tax return and make tax payment by its business agent, may submit the documents in the preceding paragraph for the application of the DTA while filing the tax return. The tax collection authority-in-charge shall determine the amount of income which is entitled to the reduced tax rate or exemption.

Article 14

Where an enterprise of the other Contracting State derives profits from the operation of ships or aircraft in international traffic in the territory of the ROC and is entitled to a reduced rate or exemption in accordance with the provisions for shipping and air transport under the DTA, that enterprise shall submit the Resident Certificate issued by the tax authority of the other Contracting State or the relevant documents which prove the place of effective management of the enterprise is located in the territory of the other Contracting State, along with relevant documents corresponding to the relevant provisions of the DTA, and apply to the tax collection authority-in-charge where the payer of such income is located for approval. Where the income is subject to withholding tax under Article 88 of the Income Tax Act, the tax collection authority-in-charge shall, when issuing the approval, simultaneously notify the tax withholder of the reduction in or exemption from the withholding tax.

The aforesaid enterprise, when in accordance with the Income Tax Act that such enterprise shall file the annual income tax return by its fixed place of business located within the territory of the ROC or file a tax return and make tax payment by its business agent, may submit the documents in the preceding paragraph for the application of the DTA while filing the tax return. The tax collection authority-in-charge shall determine the amount of income which is entitled to the reduced tax rate or exemption.

Article 15

Where a resident of the other Contracting State derives dividends, interests, royalties or technical fees from ROC sources and has no PE or fixed base in the territory of the ROC, or has a PE or fixed base in the territory of the ROC but the relevant shares, debt-claims or rights are not effectively connected with such PE or fixed base, the tax withholder of such income may withhold the tax according to the limited tax rate stipulated in the relevant provisions of the DTA. In such a case, the dividends, interests, royalties or technical fees shall not be included in the business profit of the PE located in the territory of the ROC or in the income from professional services of the fixed base located in the territory of the ROC.

A resident of the other Contracting State who is entitled to the application of the limited tax rate as referred to in the preceding paragraph shall submit the Resident Certificate issued by the tax authority of the other Contracting State and documents identifying him or her as the beneficial owner of such income, and hand them over to the tax withholder for the handling of withholding matters. The tax withholder shall state the provisions of the applicable DTA, present the aforementioned documents provided by the said income recipient, as well as copies of relevant documents pertaining to the calculation of income while filing the withholding tax statement with the tax collection authority-in-charge.

A resident of the other Contracting State who derives interests and is entitled to the exemption in accordance with the provisions for interest under the DTA, may submit the Resident Certificate issued by the tax authority of the other Contracting State, relevant documents pertaining to the calculation of income and relevant documents corresponding to the relevant provisions of the DTA, and apply to the tax collection authority-in-charge where the payer of such income is located for approval. Where the income is subject to withholding tax under Article 88 of the Income Tax Act, the tax collection authority-in-charge shall, when issuing the approval, simultaneously notify the tax withholder of the exemption from the withholding tax.

The limited tax rate referred to in the preceding two paragraphs means the tax charge to a resident of the other Contracting State who derives interests, royalties or technical fees shall not exceed the specific ratio of the gross amount of such income in accordance with the provisions of the DTA. As for dividends, the withholding tax payable as stipulated in Article 73-2 of the Income Tax Act shall not exceed the specific ratio of the gross amount of the dividends in accordance with the provisions of the DTA.

The required documents pertaining to the calculation of income mentioned in the provisions of Paragraphs 2 and 3 include: with respect to interests, loan

contracts or deposit records, interests statements or notices, etc.; with respect to dividends, share certificates or beneficiary receipts, dividends distribution calculation statements or notices, etc.; with respect to royalties or technical fees, licensing or technical service contracts (including a copy of the Chinese text), calculation statements of royalties or technical fees due, etc. Except in the case where the relevant provisions of the DTA or the stipulations of the Ministry of Finance provide that a fund, trust or trustee shall be deemed to be the beneficial owner of dividends or interest, a foreign institutional investor of the other Contracting State which invests in domestic securities with the status of a fund, or not with the status of a fund but by the means of concluding contracts of order trading, discretionary account trading, or trust with residents of the other Contracting State and derives dividends or interest from ROC sources shall prepare the following documents and hand them over to the tax withholder for the handling of withholding matters:

1. A list of beneficiaries at any time point between the date of 31st December of the preceding year in which the income is incurred and the date on which the income is incurred. The content of the list of beneficiaries shall include the names, personal ID numbers or tax registration numbers, and addresses of beneficiaries, the number of units which are held by each beneficiary or the proportion of the beneficial rights to which each of the beneficiaries is entitled.
2. The Resident Certificate issued by the tax authority of the other Contracting State which demonstrates that each beneficiary named on the list of beneficiaries is a resident of the other Contracting State. The above mentioned Certificate may be replaced by a Resident Certificate issued by the tax authority of the other Contracting State which demonstrates the proportion of the units of the fund or trust which are held by the residents of the other Contracting State or the proportion of the beneficial rights of the fund or trust to which the residents of the other Contracting State are entitled. In the case where the other Contracting State only issues a Resident Certificate of the foreign institutional investor without the aforementioned information, the following documents shall be submitted as well:

(1) Statement issued by the foreign institutional investor: the content of the statement shall include the proportion of the units of the fund or trust which are held by the residents of the other Contracting State or the proportion of the beneficial rights of the fund or trust to which the residents of the other Contracting State are entitled. Such statement shall be attested by a Taiwanese embassy or consulate in the other Contracting State, or attested by a court or a government authority or verified by a notary of the other Contracting State.

(2) Prospectuses for public offerings or prospectuses of investing schemes.

Article 16

Where a resident of the other Contracting State derives income from employment which is taxable according to the domestic law, and is entitled to a reduced rate or exemption in accordance with the provisions for income from employment under the DTA, he or she shall, according to the due applicable provisions of the DTA, submit the Resident Certificate issued by the tax authority of the other Contracting State, his or her passport, contract of employment, or other relevant documents, along with the documents which demonstrate the identity of the payer, the amount of the payment, and that the remuneration was not born by a PE or a fixed place which the employer has in the territory of the ROC, while filing the annual income tax return or filing a tax return and making tax payment. The tax collection authority-in-charge shall determine the amount of income which is entitled to the reduced tax rate or exemption.

In accordance with the provisions for income from employment under the DTA, where a resident of the other Contracting State resides in the territory of the ROC for a period or periods of time aggregated exceeding a certain duration of time, and is entitled to the reduction in or exemption from income tax, the duration of time shall be determined by the aggregation of days commencing from the next day of the arrival and ending on the day of departure, and include weekends, national holidays, holidays, days off due to personal reasons, sickness, death in the family, the departure day, and temporary cessation of work due to strikes, training, etc.

Article 17

Where a resident of the other Contracting State derives income from ROC sources, other than those provided in the proceeding four articles, and is entitled to a reduced tax rate or exemption in accordance with the provisions of the DTA, such person shall submit the Resident Certificate issued by the tax authority of the other Contracting State along with other relevant documents and apply to the tax collection authority-in-charge where the payer of such income is located for approval. Where the income is subject to withholding tax under Article 88 of the Income Tax Act, the tax collection authority-in-charge shall, when issuing the approval, simultaneously notify the tax withholder of the reduction or exemption from the withholding.

The aforementioned resident of the other Contracting State, when in accordance with the Income Tax Act that such resident shall file the annual income tax return or file a tax return and make tax payment, may submit the

documents provided in the preceding paragraph for the application of the DTA while filing the tax return. The tax collection authority-in-charge shall determine the amount of income which is entitled to the reduced tax rate or exemption.

Chapter 4 Determination of the Amount of Taxable Income

Article 18

Where an enterprise of the other Contracting State carries on business in the territory of the ROC through a PE situated therein, the business profits which are attributed to such PE shall be determined in accordance with the following provisions and be subject to income tax accordingly:

1. The PE shall be treated as if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of the other Contracting State of which it is a PE. The profits attributable to the PE shall be determined in accordance with the provisions of the “Regulations Governing Assessment of Profit-Seeking Enterprise Income Tax on Non-Arm’s Length Transfer Pricing,” and documents shall be prepared which are sufficient to prove that the attributable profits are determined in accordance with the arm’s length transfer pricing principle for assessment by the tax collection authority-in-charge. Where the enterprise of the other Contracting State attributes the overall profits deriving in the territory of the ROC by the sale of goods or products or provision of services therein to such PE of the enterprise, the profits to be attributed to the PE may be determined without the requirement to provide the transfer pricing documents.
2. Where the enterprise of the other Contracting State is allowed as deductions expenses which are incurred for the purposes of the operation of the PE in determining the profits of a PE, such determination shall be governed by the provisions of the Income Tax Act, the “Guidelines for Examination of Profit-Seeking Enterprise Income Tax”, the “Regulations Governing Assessment of Profit-Seeking Enterprise Income Tax on Non-Arm’s Length Transfer Pricing”, and other relevant laws or regulations.

Article 19

Where a resident of the other Contracting State derives income from performing professional services or other activities of an independent

character within the territory of the ROC and such income is taxable according to the domestic law, the taxable income may be determined by the deduction of relevant costs and expenses from the remuneration of such services or activities, subject to the condition that the relevant account books or documents of evidence can be provided in accordance with the Income Tax Act and relevant laws or regulations.

In the case that the aforementioned professional services or other activities of an independent character are partially rendered outside the territory of the ROC, the resident may be allowed to apply, to the tax collection authority-in-charge where the payer of such income is located to be taxed only on the income derived from the services or activities which is rendered within the territory of ROC, subject to the condition that the relevant contracts and documents for the purposes of the determination of the income are available.

Article 20

Where a resident of the Contracting State derives income from employment, such as salaries, wages and other similar remuneration, such income from employment shall be levied based on the proportion of the days of his or her actual presence in the territory of the ROC to the whole period of employment. However, in the case that the ratio of the contribution attributed to the services performed within the territory of the ROC is higher than the aforesaid proportion, this latter ratio shall be used as basis for the calculation of the income from employment from ROC source.

Chapter 5 Procedure of Application and Tax Return

Article 21

Where a resident of the other Contracting State derives income which, in accordance with the provisions of the DTA, may be taxed in the ROC, the relevant assessment and collection procedure shall be governed by the provisions of the Income Tax Act, the Income Basic Tax Act, and relevant laws and regulations, unless otherwise provided in the DTA, these Regulations, and relevant laws and regulations.

Article 22

The enterprise of the other Contracting State, whose PE within the territory of the ROC does not conform to the regulation of a fixed place of business or a business agent set out in Article 10 of the Income Tax Act, shall pay the profit-seeking enterprise income tax in accordance with the following provisions

1. When the enterprise receives the income subject to withholding tax under Article 88 of Income Tax Act, the tax withholder shall withhold the tax payable at the time of payment according to the prescribed tax rates and withholding procedures. Such enterprise may appoint an individual residing in the territory of the ROC or a profit-seeking enterprise having a fixed place of business within the territory of the ROC as an agent in charge of filing a tax return and make tax payment. Such agent may apply to the tax collection authority-in-charge where the payer of such income is located for the deduction of relevant costs and expenses for the enterprise while filing the tax return. In such case, the amount of the tax withheld at the time of payment shall be deducted from the amount of income tax payable in accordance with the provisions of the Income Tax Act.
2. When the enterprise receives income which is not subject to withholding tax under Article 88 of the Income Tax Act, it may appoint an individual residing in the territory of the ROC or a profit-seeking enterprise having a fixed place of business within the territory of the ROC as an agent in charge of filing of a tax return and make tax payment. That agent may apply to the tax collection authority-in-charge where the agent is located for the deduction of relevant costs and expenses while filing the tax return.
3. The person who applies for the deduction of relevant costs and expenses referred to in the preceding two paragraphs shall prepare relevant accounting books and records, reports certified by a certified public accountant, and transfer pricing documentation, and make them available for inspection by the tax collection authority-in-charge.

Article 23

In the case that an individual who is the resident of the other Contracting State and whose spouse is a resident of the ROC, derives dividends, interests, royalties and technical fees from ROC sources, he or she may apply for the limited tax rate, as stipulated in the DTA, to be withheld in accordance with Article 15 of these Regulations. In such a case, the requirement for joint filing with his or her spouse, in accordance with Article 15 of the Income Tax Law, shall not apply.

Article 24

In the case that the income derived by a resident of the other Contracting State subject to withholding tax under Article 88 of the Income Tax Act has already been taxed in accordance with the "Standard of Withholding Tax

Rates for Various Incomes,” the income recipient or tax withholder may, within five years from the tax payment date, submit the relevant documents stated under Articles 13, 14, 15, 16 or 17 of these Regulations and the withholding tax statements, and apply to the tax collection authority-in-charge which originally handled the withholding tax case for a refund of tax overpaid. The income recipient or tax withholder may also, by the district of the national tax administration where the tax withholders are located, calculate the total amount of tax overpaid by summing up the withholding tax already declared and paid and the withholding tax payable in accordance with the DTA, and apply to the national tax administration-in-charge (head office) for a refund of tax overpaid.

A resident of the other Contracting State who has derived income subject to withholding tax under Article 88 of the Income Tax Act, and has filed a tax return in accordance with the Income Tax Act, may submit the relevant documents stated under Articles 13, 14 or 17 of these Regulations, along with the tax return and original copy of the tax payment statement, and apply to the tax collection authority-in-charge which originally handled the tax filing case for a refund of tax overpaid within five years from the tax payment date. The income recipient or tax withholder may appoint an individual residing in the territory of the ROC or a profit-seeking enterprise having a fixed place of business within the territory of the ROC to file for a refund of the overpaid income tax prescribed in the preceding two paragraphs.

Article 25

A resident of the other Contracting State who has derived income subject to withholding tax under Article 88 of the Income Tax Act may, by the district of the national tax administration where the tax withholders are located, pay the total amount of the supplementary tax to the national tax administration-in-charge (head office), in the event of the underpayment or over-refunding of tax as a result of misapplication of tax law or miscalculation.

Article 26

The resident of the ROC shall submit the tax payment certificate issued by the tax authority of the other Contracting State when applying for a foreign tax credit in accordance with the provisions for elimination of double taxation under the DTA. The certificate shall record the taxable year, items, amount of tax payable, tax rate, and the tax payment. The limitation and the calculation method of foreign tax credits shall be in accordance with the DTA, the Income Tax Act, the Income Basic Tax Act, and relevant laws and regulations.

Where the income derived from the other Contracting State is subject to the exemption or the limited tax rate in that State in accordance with the provisions of the DTA, but no application has been made for the exemption or the reduction of such income, the overpaid foreign tax credit on such income

may not be claimed to offset the tax payable in the ROC.

Article 27

The resident of the ROC, in applying for tax sparing under the provisions for elimination of double taxation under the DTA, shall provide the certificate issued by the tax authority of the other Contracting State, which shall record the laws applied, the amount of income, and the amount of the tax reduction or exemption, etc.

The tax sparing referred to in the preceding paragraph shall not include the foreign tax credits granted by the DTA between the other Contracting State and a third party.

Chapter 6 Issuance of Certificates

Article 28

The resident of the ROC may apply to the tax collection authority-in-charge for the issuance of a Resident Certificate for the purpose of the application of the DTA in the other Contracting State.

The tax collection authority-in-charge shall issue the Resident Certificate of the taxable year after auditing the information of the applicant and confirming his or her resident status.

With respect to the trust funds regulated by Paragraph 6, Article 3-4 of the Income Tax Act, enterprises engaged in trust funds or securities investment trust funds, authorized by the beneficiaries of the funds, shall submit the list of beneficiaries and apply to the tax collection authority-in-charge where the enterprise is registered for the application of the Resident Certificates of the beneficiaries. The tax collection authority-in-charge shall issue the Resident Certificates according to the classification of the trust fund after auditing the resident status of the beneficiaries. In the case that any of the beneficiaries are non-residents of the ROC, the proportion of the units of the trust fund which are held by the residents of the ROC shall be recorded on the Resident Certificates.

Article 29

A resident of the other Contracting State shall apply for the issuance of a tax payment certificate for the purpose of applying for foreign tax credits to the tax authority in that State.

Chapter 7 Mutual Agreement and Exchange of Information

Article 30

In the case that the status of the resident is required to be resolved by mutual agreement according to the provisions of the DTA, the tax collection authority-in-charge shall provide the relevant facts and notify the Taxation Agency, Ministry of Finance to request the competent authorities of the other Contracting State to determine the status of the resident.

Article 31

In the case that a resident of the ROC considers that the actions of one or both of the Contracting States will result in him or her being subject to taxation not provided for in accordance with the provisions of the DTA, such person may present his or her case to the tax collection authority-in-charge. The tax collection authority-in-charge shall first check whether the appeal in the case is reasonable, whether the necessary actions have been conducted for the case, or whether the issue could be resolved unilaterally by our side. If necessary, the tax collection authority-in-charge shall request the Taxation Agency, Ministry of Finance to contact the other Contracting State to settle the issue.

Article 32

After issuing a Resident Certificate according to Article 28, the relevant income data provided by the other Contracting State shall be filed and delivered by the tax collection authority-in-charge to the Financial Data Center, Ministry of Finance at the end of the year.

The cases approved under Articles 13 to 17 shall be filed and delivered by the tax collection authority-in-charge to the Financial Data Center, Ministry of Finance at the end of the year.

Article 33

The tax collection authority-in-charge shall contact the Taxation Agency, Ministry of Finance to request the other Contracting State to exchange information as is relevant for the carrying out of domestic auditing procedures in accordance with the provisions for exchange of information under the DTA. When the competent authority of the other Contracting State requests information concerning property, income, business, and tax payment of the taxpayers, the Taxation Agency, Ministry of Finance shall be in charge of the request and the response, and the tax collection authority-in-charge shall assist in providing and processing the information.

Chapter 8 Supplemental Provisions
Article 34

These Regulations shall come into effect from the date of promulgation.
These regulations shall be applied to cases which have not yet been settled
by the date of coming into effect of these Regulations.