



## APEC Experts Group on Illegal Logging and Associated Trade (EGILAT)

### Timber legality guidance template for **Chinese Taipei**

The purpose of this guidance template document is to provide APEC member economies with guidance on compiling the appropriate information for businesses and governments within the APEC region regarding timber legality laws and regulations in place in Chinese Taipei. It follows from multiple discussions at EGILAT meetings in which it was recognised that it would be beneficial to compile the laws or regulations of APEC economies governing timber production and trade with a goal of supporting legal timber trade between APEC members.

*[Note: This document should reflect the laws or regulations that are in place within each APEC economy. Where a particular element of this document is not relevant to an economy, it does not need to be completed.]*

# Overview of Timber Legality in Chinese Taipei

NOTE: This section should provide general information on forestry and the timber industry in Chinese Taipei.

This section may include information that answers the following questions:

- Who owns forests in Chinese Taipei (public, private, indigenous)?

In Chinese Taipei, the forests area is 2.19 million hectares which covered 60.7 percent of total land area. Within those forest lands, there are 1.99 million hectares defined as “statutory forest lands” by The Forestry Act. Among those statutory forest lands, according to the ownership, they are distinguished as state-owned forests, public forests, and private forests. As Table 1 shown below 1,849,818 hectares of them are state-owned forests, accounts for 92.8% of total statutory forest land, 6,832 hectares are public forests accounts for 0.3% of total statutory forest land, and 136,555 hectares are private forests, accounts for 6.8% of total statutory forest land.

Table1, Forest land based on ownership

Ownership	Area(ha)	Jurisdiction
State-owned forest	1,849,818	Council of Agriculture
Public forest	6,832	County (city) government
Private forest	136,555	County (city) government
Total	1,993,205	-

- Are there forests in Chinese Taipei with different statuses (protected, production)?

There are several types of protected forest:

1. Protection Forests: According to Article 22 and 23 of the Forestry Act, the primary goals of the management of Protection Forests are to preserve the integrity of soils and lands, and enhance the ability of water retaining. The area of Protection Forest approximately accounts for 23% of total forest land.
2. Conservation Forests: Designated to protect forest ecosystem, maintain wildlife and biodiversity, which account for 35% of total forest land, are established in accordance with several laws such as Wildlife Conservation Act, Cultural Heritage Preservation Act, and National Park Law. Timber harvest in these forests is restricted or completely prohibited.

- Are there multiple jurisdictions for managing forests in Chinese Taipei?

The state-owned forests are governed by central government. Forestry Bureau under Council of Agriculture have jurisdiction over state-owned forest. Public forests and private forests are governed by the local government

- Which bodies or institutions are responsible for managing and regulating forests in Chinese Taipei?

There are different government agencies and public institutions are responsible for the management of state-owned forest lands in Chinese Taipei. According to the administrative authority, Forestry Bureau (Council of Agriculture) manages 87% of state-owned forests; other organizations, including National Property Administration, Council of Indigenous Peoples, Forestry Research Institute, and experimental forests at universities or colleges manage the rest of state-owned forests.

Public forests are managed by the county (city) government. As for the private forests, they are managed by private owners.

## Which laws regulate timber harvesting and exportation in Chinese Taipei?

NOTE: This section should provide a simple list of laws or regulations that regulate timber harvesting and exportation in Chinese Taipei. These laws may include laws that:

- Authorise or regulate the harvesting or exportation of timber;

Logging in Chinese Taipei is regulated by *The Forestry Act*. According to Article 45 of *The Forestry Act*, the harvesting of forest products is subject to permitting and inspection by the government agency prior to transport for distribution. The administrative agency is different according to the ownership of forests, state-owned forests are inspected and permitted by the central authority (Forestry Bureau, Council of Agriculture) and public and private forests by the local authorities (municipal/city/county government).

As for the exportation of forest product, all importing and exporting activities to/from Chinese Taipei are regulated by the Foreign Trade Act. Timber and forest products are listed under Chapter 44 Wood and Articles of Wood in the Customs Import Tariff and Import and Export Commodity Classification of Chinese Taipei. Currently, all wood and wood products are allowed for both import and export, except products of China Fir (*Cunninghamia*) from Mainland China. For wood or products made of wood listed by CITES as endangered species, a CITES export permit issued by the exporting economy shall be presented upon importation, and a CITES export permit issued by the Bureau of Foreign Trade (Ministry of Economic Affairs) shall be attached upon exportation.

- Prohibit or regulate timber harvesting in specified locations, such as in parks, reserves, or protected areas;

Chinese Taipei has designated various natural reserves at various locations to protect specific tree species and logging activities are restricted or prohibited to various degrees deemed necessary under the respective laws and regulations. Regulations governing or prohibiting logging in specific areas include *The Forestry Act*, *Wildlife Conservation Act*, *Cultural Heritage Preservation Act* and *National Park Law*.

- Prohibit or regulate harvesting or exportation of specific tree species;

Currently, three species of trees have been specified as precious and rare plants in accordance with Article 85 of the *Cultural Heritage Preservation Act*, namely Taiwan Catkin Yew (*Amentotaxus formosana*), Taiwan Cow-tail Fir (*Keteleeria davidiana* var. *formosana*) and Green Sargent Juniper (*Juniperus chinensis* var. *tsukusiensis*).

For wood or products made of wood listed by CITES as endangered species, a CITES export permit issued by the exporting economy shall be presented upon importation, and a CITES export permit issued by the Bureau of Foreign Trade, Ministry of Economic Affairs shall be attached upon exportation.

- Require any type of payment, such as royalties, stumpage, or other fees, for the right to harvest timber;

Currently, public and private forest lands have not been imposed of any fees for logging or permit application. However, fees and charges are leviable for disposition of products from state-owned forests in accordance with the Regulations Governing Disposition Of Forest Products Of State-owned Forests. Persons who lease lands for afforestation are required to pay the land lease fees, as well as an agreed share to the competent authority upon harvest.

- Grant legal rights of use and tenure in relation to the place in which timber is harvested to people or groups of people, such as indigenous peoples;

According to paragraph 5, article 15 of The Forestry Act and article 19 of The Indigenous Peoples Basic Law, the indigenous peoples living in their traditional territories or reservation lands may harvest forest products for non-profit purposes, including traditional customs, rituals and self-use.

- Prohibit or regulate the transportation, export, import, or transshipment of timber or wood products;
- Regulate the possession, purchase, sale, or processing of timber or wood products; and
- Otherwise must be complied with for timber or wood products to be considered legally harvested or exported.

According to article 45 of The Forestry Act, a permit issued by the forestry authority is required for transportation of wood logged in Chinese Taipei. However, the above regulation only applies to transportation from a domestic logging site to the first processing facility. Related wood products, as well as processing, transportation, possession and purchasing of imported wood products, are not regulated by any legislation at the current stage.

Import and export of wood and wood products are regulated by the general provisions of the Foreign Trade Act, Regulations Governing Export of Commodities, Regulations Governing Import of Commodities, Regulations Governing Issuance of Certificates of Origin and Certificates of Processing and Plant Protection and Quarantine Act. For wood or products made of wood listed by CITES as endangered species, a CITES export permit issued by the exporting economy shall be presented upon importation, and a CITES export permit issued by the Bureau of Foreign Trade (Ministry of Economic Affairs) shall be attached upon exportation. Other than this requirement, Chinese Taipei has not legislated specific regulations to govern general import and export of wood and wood products.

When importing wood or wood products listed by the central competent authority as quarantine-required plant or plant products, a “certificate of quarantine” issued by the plant quarantine authority of the exporting economy shall be presented upon importation in accordance with the [Plant Protection and Quarantine Act](#).

## How do timber harvesting laws operate in Chinese Taipei?

NOTE: This section should provide information describing how Chinese Taipei's laws in the previous section operate, including the institutions in Chinese Taipei that are responsible for managing and enforcing timber harvesting laws and regulations. This information will be important to inform trading partners about legal timber in Chinese Taipei.

This section may include general information that answers the following questions:

- What are the requirements of legislation in Chinese Taipei that authorises or regulates the harvesting or exportation of timber?

### 1. Logging:

Article 45 of *The Forestry Act* stipulates, "All forest products are subject to permitting and inspection by the government agency prior to transport for distribution. The terms of logging and harvesting permits, application procedures, and due compliance requirements and inspection regulations shall be decreed by the central government agency. The government agency shall set up checkpoints to inspect the harvest at crucial locations along the roadways used to transport forest products." Other regulations governing relevant permit requirements and application procedures include *Regulations Governing Disposition of Forest Products of State-owned Forests* for state-owned forests and *Regulations Governing Inspection of Cutting and Harvesting of Forest Products* for public and private forests. Please see figure 1 below for the application procedures and the section below for further descriptions on the respective procedures for state-owned forests and private/public forests:

#### (1) State-owned forests:

Disposition of state-owned forests can be classified into three categories: direct disposition, auction and project-based disposition. Logging of leased lands is processed by the project-based disposition procedure, which requires the proprietor to apply at the management agency of the respective state-owned forest. The agency will then dispatch personnel to carry out inspection and issue a permit before the proprietor can proceed to logging. Before the wood is transported from the logging site, the proprietor is required to notify the competent authority for an inspection. Personnel from the competent authority will then brand the logs and fill out a forest product list before the logs are transported, and carry out a final site inspection after the logging ends.

#### (2) Public and private forests:

The proprietor is required to lodge an application for logging and transportation permits at the local central-municipal city or county (city) government in accordance with article 45 of *The Forestry Act* and article 8 of the *Regulations Governing Inspection of Cutting and Harvesting of Forest Products*. The local authority will then send personnel to conduct an inspection. A logging and transportation permit will be issued after the site is verified to be free from statutory restrictions or prohibition. The local forest management agency, the police and the township office will then be notified of the expected

logging and transporting activities. Before the harvested products are transported out of the site, the municipal or county (city) government will then carry out an inspection, followed by branding of the logs and filling out the forest product list, before allowing the products to be transported from the site.

2. Exportation of timber or wood products: A CITES export permit issued by the Bureau of Foreign Trade (Ministry of Economic Affairs) is required when exporting wood or wood products listed by CITES as endangered species.

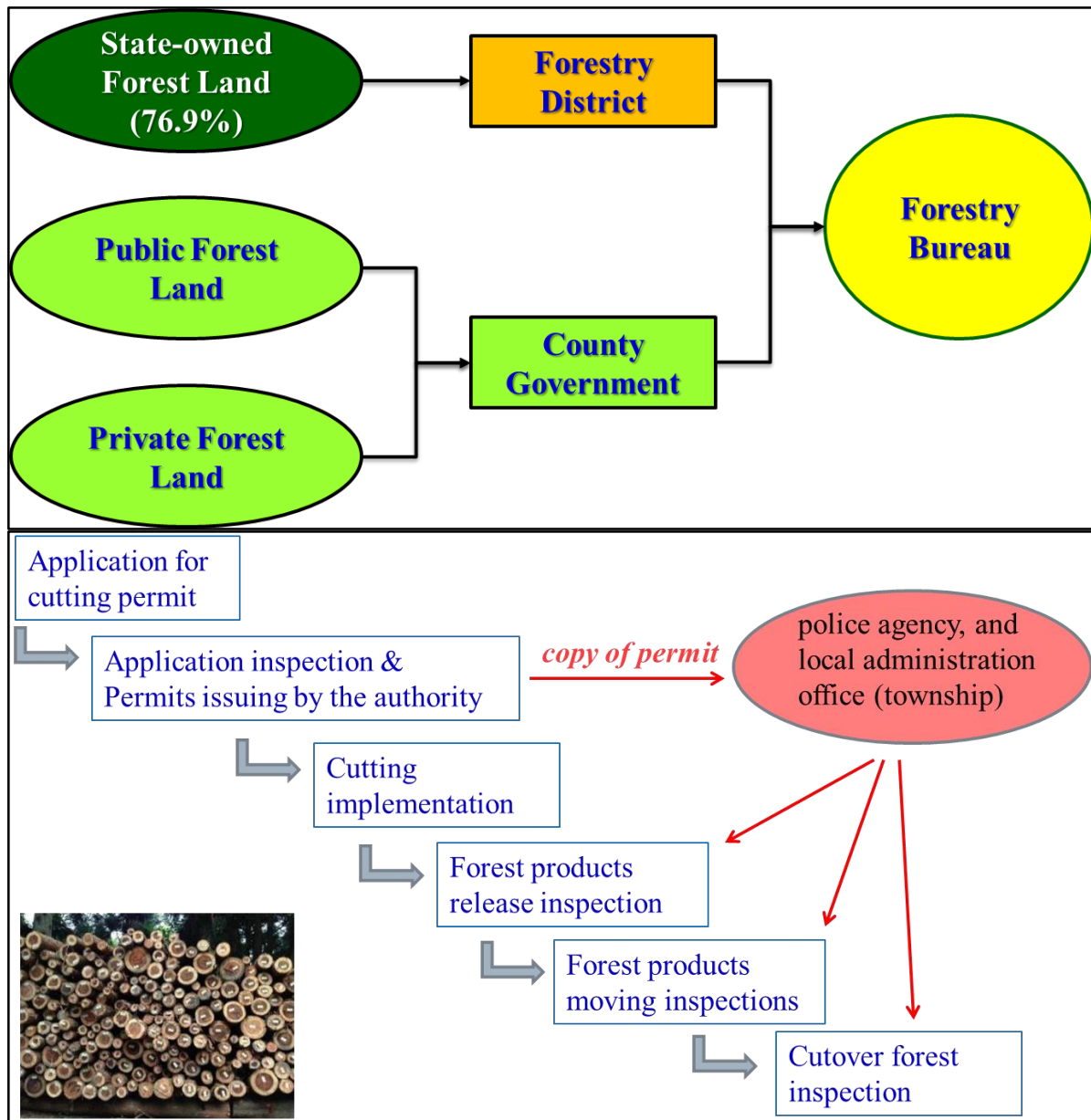


Fig1. The flow chart (upper) and application procedure (below) of logging and harvesting permits in Chinese Taipei.

- What are the requirements of the laws or regulations that prohibit or restrict timber harvesting in specified locations, such as in parks, reserves, or protected areas;
  1. The Forestry Act

- (1) Article 10  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040001&DF=&SNo=10>)
  - (2) Article 17-1  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040001&DF=&SNo=17.1>)
  - (3) Article 30  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040001&DF=&SNo=30>)
  - (4) Article 38-3  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040001&DF=&SNo=38.3>)
2. Wildlife Conservation Act:
    - (1) Article 8  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0120001&DF=&SNo=8>)
    - (2) Article 10  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0120001&DF=&SNo=10>)
  3. Cultural Heritage Preservation Act:
    - (1) Article 86  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=H0170001&DF=&SNo=86>)
  4. National Park Law:
    - (1) No harvest of any main products or by-products is allowed in the ecological protected areas, scenic areas and cultural/historic areas as stipulated in article 12 of the National Park Law, except certain unique conditions approved by joint consent of the forestry and National Park authorities (Regulations Governing Management, Operation And Coordination of Forests Located within National Parks Or Designated Scenic Areas)  
(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=D0070105&DF=&SNo=12>)
- What are the requirements of the laws that prohibit or regulate harvesting or exportation of specific tree species;
    1. Precious and rare plants identified as natural monuments in accordance with article 85 of the *Cultural Heritage Preservation Act* are prohibited from plucking, logging, excavation or any other damaging acts, except for use in traditional customs or rituals of the indigenous peoples, research, exhibition or international exchange upon approval of the competent authority. Currently, three species of trees have been specified as precious and rare plants in accordance with Article 85 of the *Cultural Heritage Preservation Act*, namely Taiwan Catkin Yew (*Amentotaxus formosana*), Taiwan Cow-tail Fir (*Keteleeria*



*daurica* var. *formosana*) and Green Sargent Juniper (*Juniperus chinensis* var. *tsukusiensis*).

(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=H0170001&DF=&SNo=85>)

2. For wood or products made of wood listed by CITES as endangered species, a CITES export permit issued by the exporting economy shall be presented upon importation. For details, please see *Regulations on Import and Export of Endangered Species of Wild Fauna, Flora and Related Products*.

(<http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=J0090028>)

- What are the requirements of the laws that require any type of payment, such as royalties, stumpage, or other fees, for the right to harvest timber;

Currently, public and private forest lands have not been imposed of any fees for logging or permit application. However, a share of the appraised profit is leviable for disposition of products harvested from state-owned forests in accordance with the *Regulations Governing Disposition Of Forest Products Of State-owned Forests*, except those stipulated in article 15. Persons who lease lands for afforestation are required to pay the land lease fees, as well as an agreed share to the competent authority upon harvest.

(<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040005&DF=&SNo=15>)

- What are the requirements of the laws grant legal rights of use and tenure in relation to the place in which timber is harvested to people or groups of people, such as indigenous peoples;

According to paragraph 5, article 15 of The Forestry Act and article 19 of The Indigenous Peoples Basic Law, the indigenous peoples living in their traditional territories or reservation lands may harvest forest products for non-profit purposes, including traditional customs, rituals and self-use.

(Article 15 of The Forestry Act:

<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=M0040001&DF=&SNo=15>;

Article 19 of The Indigenous Peoples Basic Law:

<http://law.moj.gov.tw/Eng/LawClass/LawSearchNo.aspx?PC=D0130003&DF=&SNo=19>)

- What are the requirements of the laws that prohibit or regulate the transportation, export, import, or transshipment of timber or wood products;
- What are the requirements of the laws regulate the possession, purchase, sale, or processing of timber or wood products; and
- What are the requirements of any other laws that must be complied with for timber or wood products to be considered legally harvested or exported.

1. According to article 45 of The Forestry Act, a permit issued by the forestry authority is required for transportation of wood logged in Chinese Taipei, and

inspection of the harvested products is required as stipulated in article 18 of the Regulations Governing Inspection of Cutting and Harvesting of Forest Products. However, the above regulation only applies to transportation from a domestic logging site to the first processing facility. Related wood products, as well as processing, transportation, possession and purchasing of imported wood products, are not regulated by any legislation at the current stage.

2. Import and export of wood and wood products are governed by the general provisions of the *Foreign Trade Act*, *Regulations Governing Export of Commodities*, *Regulations Governing Import of Commodities*, *Regulations Governing Issuance of Certificates of Origin and Certificates of Processing* and *Plant Protection and Quarantine Act*. For wood or products made of wood listed by CITES as endangered species, a CITES export permit issued by the exporting economy shall be presented upon importation, and a CITES export permit issued by the Bureau of Foreign Trade (Ministry of Economic Affairs) shall be attached upon exportation. Other than this requirement, Chinese Taipei has not legislated specific regulations to govern general import and export of wood and wood products. For a list of CITES listed species and permit application procedures, please see *Regulations on Import and Export of Endangered Species of Wild Fauna, Flora and Related Products*. Currently, the Custom authority requires a series of documents upon clearance of imported forestry products or composite products, including (1) price certificate (invoice or commercial invoice), (2) packing list, (3) delivery order (D/O) or air waybill (AWB), (4) proof of place of origin when needed, and (5) certificate of quarantine issued by the plant quarantine authority of the exporting economy for quarantine clearance.
3. When importing wood or wood products listed by the central competent authority as quarantine-required plant or plant products, a “certificate of quarantine” issued by the plant quarantine authority of the exporting economy shall be presented upon importation in accordance with the *Plant Protection and Quarantine Act*.

## Licences, Permits and Certification Schemes

NOTE: This section should provide general information on any requirements for timber or wood products from Chinese Taipei to have licenses, permits, or certifications. APEC member economies will want access to information that can be used to reduce the risk that timber harvested in Chinese Taipei has come from illegal sources.

There may be a variety of requirements for timber harvested in Chinese Taipei to be considered legal. These may include:

- An authority or permit to harvest or felling licence
  1. State-owned forests: The cutting/harvesting permit; the moving/transporting permit (of forest products)
  2. Public & private forests: the moving/transporting permit (of forest products)
- An authority or permit to transport, process or trade
  1. Veterinary and phytosanitary certificates (<https://www.baphiq.gov.tw/en/view.php?catid=11732>)
  2. If the exported items belong to CITES items, it would require a complete CITES export permit. For more details, please find in website of Bureau of Foreign Trade (Ministry of Economic Affairs).  
([https://www.trade.gov.tw/english/Pages/Detail.aspx?nodeID=102&pid=494722&dl\\_DateRange=all&txt\\_SD=&txt\\_ED=&txt\\_Keyword=&Pageid=1](https://www.trade.gov.tw/english/Pages/Detail.aspx?nodeID=102&pid=494722&dl_DateRange=all&txt_SD=&txt_ED=&txt_Keyword=&Pageid=1))
- An export permit, issued by the relevant government authority

Wood in the rough (HS4403) and Wood sawn or chipped lengthwise, sliced or peeled (HS4407) are both permitted items to import and export in Chinese Taipei.
- A certification or an domestic legality verification system
  1. Domestic wood and bamboo traceability management and certification system:
    - (1) Certified Agricultural Standards (CAS) – timber products
    - (2) Traceability Agricultural Product (TAP) – timber products
  2. Certification of Domestic Wood and Bamboo Products
- A non-government certification (harvest or Chain of Custody) scheme recognised by Chinese Taipei

Chinese Taipei also accepts international non-government certification, such as FSC and PEFC.

# Legality of timber products manufactured in Chinese Taipei

NOTE: This section recognises that timber products from Chinese Taipei may use timber inputs from numerous jurisdictions in manufactured products. APEC member economies will want access to information that can be used to assess and reduce the risk that timber in the manufactured products from Chinese Taipei has come from illegal sources.

In preparing this section, please indicate:

- whether there are any arrangements, formal or otherwise, to trace timber supply chains in Chinese Taipei;
  - whether Chinese Taipei has any legality assurance systems for domestic timber used in manufactured or complex products<sup>1</sup>;
  - whether Chinese Taipei has any legality assurance systems for imported timber used in manufactured or complex products.
1. Chinese Taipei has set up a Domestic Wood and Bamboo Products Traceability Inquiry System for traceability management of crude wood and its primary products produced locally, providing information on the source of the wood and bamboo products. No tracing system has been established for domestic secondary and imported wood products at the current stage.
  2. Chinese Taipei has planned to set up a Domestic Wood and Bamboo Products Management and Certification system for management of domestic wood products. Through third-party audit, this system will sync with the international wood product source certification systems, and the Domestic Wood and Bamboo Products Mark will certify wood products legally produced within the territory of Chinese Taipei. This system is expected to be launched in early 2018.
  3. At current stage, a certification system is not yet built for the legality of imported wood and wood products has been established or implemented.

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<sup>1</sup> For the purposes of this document, a 'complex product' is taken to mean a product that includes wood that has been significantly transformed and potentially sourced from a range of timber species or harvest locations.

## **Who should I contact for further information?**

### **A. General information, laws & regulation in forestry**

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### **B. Laws of regulation in exportation of timber and wood production**

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