

## Content

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| Title :       | Fine Determination Criteria for Violations of Act on Promoting Transitional Justice or Political Archives Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Date :        | 2023.01.11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Legislative : | Promulgated by the National Development Council Decree Fa-Tang-Zeng No. 1110015240A dated January 11, 2023; revised directions have taken into force since 11th, January 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Content :     | <p>Article 1.</p> <p>The National Development Council (NDC) adopts these Standards to ensure that in the handling of the matters set out in paragraph 6 of Article 16 and paragraph 5 of Article 18 of the Act on Promoting Transitional Justice (hereinafter, "the Transitional Justice Act") or paragraph 4 of Article 6 of the Political Archives Act (hereinafter, "the governing act"), administrative fines are imposed in keeping with the principle of proportionality, in a manner that ensures fairness and reduces controversy.</p> <p>Article 2.</p> <p>When an agency (institution), organization, enterprise, or individual violates paragraph 1 of Article 16 of the Transitional Justice Act and evades, refuses, or impedes an investigation without legitimate reason, an administrative fine of not less than NT\$100,000 and not more than NT\$500,000 shall be imposed. The standards for the imposition of such fines are as follows:</p> <ol style="list-style-type: none"><li>1. Individuals<ol style="list-style-type: none"><li>(1) For a first violation, an administrative fine of not less than NT\$100,000 and not more than NT\$200,000 shall be imposed.</li><li>(2) For a second violation, an administrative fine of not less than NT\$150,000 and not more than NT\$250,000 shall be imposed.</li><li>(3) For a third violation, an administrative fine of not less than NT\$200,000 and not more than NT\$300,000 shall be imposed.</li><li>(4) For a fourth violation, an administrative fine of not less than NT\$250,000 and not more than NT\$350,000 shall be imposed.</li><li>(5) For a fifth violation, an administrative fine of not less than NT\$300,000 and not more than NT\$400,000 shall be imposed.</li><li>(6) For a sixth violation, an administrative fine of not less than NT\$350,000 and not more than NT\$450,000 shall be imposed.</li><li>(7) For a seventh violation, an administrative fine of not less than NT\$400,000 and not more than NT\$500,000 shall be imposed.</li></ol></li><li>2. Agencies (institutions), organizations, enterprises<ol style="list-style-type: none"><li>(1) For a first violation, an administrative fine of not less than NT\$200,000 and not more than NT\$300,000 shall be imposed.</li><li>(2) For a second violation, an administrative fine of not less than NT\$250,000 and not more than NT\$350,000 shall be imposed..</li><li>(3) For a third violation, an administrative fine of not less than NT\$300,000 and not more than NT\$400,000 shall be imposed.</li><li>(4) For a fourth violation, an administrative fine of not less than NT\$350,000 and not more than NT\$450,000 shall be imposed.</li><li>(5) For a fifth violation, an administrative fine of not less than NT\$400,000 and not more than NT\$500,000 shall be imposed.</li></ol></li></ol> <p>Article 3.</p> <p>When records are determined to be political archives but the political party, affiliated organization, or party-owned entity possessing them refuses to transfer them for management as national archives, in accordance with paragraph 5 of Article 18 of the Transitional Justice Act or paragraph 4 of Article 6 of the governing act the refusing party shall receive an administrative fine of not less than NT\$1 million and not more than NT\$5 million, and consecutive fines may be imposed for each successive</p> |

violation. The standards for the imposition of such fines are as follows:

1. For a first violation, an administrative fine of not less than NT\$1,000,000 and not more than NT\$2,000,000 shall be imposed.
2. For a second violation, an administrative fine of not less than NT\$1,500,000 and not more than NT\$2,500,000 shall be imposed.
3. For a third violation, an administrative fine of not less than NT\$2,000,000 and not more than NT\$3,000,000 shall be imposed.
4. For a fourth violation, an administrative fine of not less than NT\$2,500,000 and not more than NT\$3,500,000 shall be imposed.
5. For a fifth violation, an administrative fine of not less than NT\$3,000,000 and not more than NT\$4,000,000 shall be imposed.
6. For a sixth violation, an administrative fine of not less than NT\$3,500,000 and not more than NT\$4,500,000 shall be imposed.
7. For a seventh violation, an administrative fine of not less than NT\$4,000,000 and not more than NT\$5,000,000 shall be imposed.

Article 4.

When any of the violations set out in the Transitional Justice Act or the governing act occur, in addition to the imposition of an administrative fine in accordance with the standards set out in point B and point C above, the punished party may also be notified to take corrective action within a designated time period; where corrective action is not taken within the designated time period, consecutive administrative fines may be imposed until such time as corrective action has been taken.

The corrective action deadline of the preceding paragraph shall be set on the basis of the impact of different violations and the time required for corrective action to be completed. Apart from violations that can be promptly corrected and for which prompt corrective action must be ordered, for other violations the violator shall be given a reasonable corrective action deadline of 3 to 14 days.

Article 5.

When the NDC imposes an administrative fine in accordance with these Standards, consideration shall be given to such factors as the culpability of the act in breach of duty, the impact thereof, the benefits gained from the act, and the financial ability of the party penalized, and where such considerations make it necessary to impose a heavier or lighter penalty, the NDC may impose an administrative fine in any amount that falls within statutorily permitted amounts, stating its reasons in the text of its administrative ruling, the standards set out in point 2 and point 3 notwithstanding.

To determine the facts of a violation and the amount of the administrative fine to be imposed, the NDC may invite scholars and experts to take part in an advisory meeting.

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Files : Fine Determination Criteria for Violations of Act on Promoting Transitional Justice or Political Archives Act.pdf

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Attachments : Fine Determination Criteria for Violations of Act on Promoting Transitional Justice or Political Archives Act(中英對照).pdf

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Data Source : National Development Council Laws and Regulations Retrieving System