

機械類產品申請免驗證辦法(民國 103 年 11 月 21 日發布)

Regulations Governing Exemption from Certification for Mechanical Products (2014.11.21
Announced)

| | |
|-----------|--|
| 第 1 條 | 本辦法依職業安全衛生法（以下簡稱本法）第八條第五項規定訂定之。 |
| Article 1 | These Regulations are established in accordance with Paragraph 5, Article 8 of the Occupational Safety and Health Act (the Act). |
| 第 2 條 | 符合本法第八條第二項第一款或第二款規定者，免驗證。 |
| Article 2 | Certification is exempted for conditions specified in Subparagraphs 1 and 2, Paragraph 2, Article 8 of the Act. |
| 第 3 條 | 本法第八條第二項第三款及第四款之產品，其進口報單單一項次之金額在美金一百元以下，或同一報單同規格型式之數量未逾二件，且以郵包寄遞或旅客入境隨身行李者，免驗證，並由海關逕予放行。 |
| Article 3 | Certification is exempted and released directly by the Customs for products specified in Subparagraphs 3 and 4, Paragraph 2, Article 8 of the Act, under the condition that the declared value of every single item on the import declaration form is under US\$100 or the quantity of products with the same type on the same import declaration form does not exceed 2 pieces, and are delivered by parcel post or taken by passengers as carry-on baggage. |
| 第 4 條 | 報驗義務人對於本法第八條第二項第三款至第五款所定之機械類產品，於國內產製運出廠場或輸入前，得向中央主管機關申請免驗證。 機械類產品有輸入供加工、組裝後輸出或原件再輸出之情事者，報驗義務人得依本法第八條第二項第五款之規定，向中央主管機關申請免驗證。 |
| Article 4 | The obligatory applicant may apply to the central competent authority for exemption from certification for mechanical products specified in Subparagraphs 3 to 5, Paragraph 2, Article 8 of the Act before they are transported out of the production premises if they are domestically manufactured or before they are imported. The obligatory applicant may apply to the central competent authority for exemption from certification for mechanical products in accordance with Subparagraph 5, Paragraph 2, Article 8, if they are imported and exported after further processing or assembly or in their original form. |
| 第 5 條 | 報驗義務人應檢具免驗證申請書及相關證明文件，向中央主管機關申請免驗證；其檢具之文件不齊全，經中央主管機關限期補正，屆期未補正者，不予受理。 報驗義務人申請輸入品之免驗證，得以同一進口報單所載機械類產品，為同一申請案。 保稅區工廠產製品輸往課稅區者，準用前二項規定提出申請。 |

| | |
|-----------|--|
| Article 5 | <p>The obligatory applicant seeking exemption from certification shall apply to the central competent authority by completing an application form and providing related supporting documents. The application shall be denied if deficiencies in the supporting documents are not corrected within the time limit specified by the central competent authority.</p> <p>An application for exemption from certification may cover all mechanical products specified in the same import form.</p> <p>Products manufactured by a factory located within a bonded commodity zone to be transported to taxed zones, the preceding two paragraphs shall apply mutatis mutandis.</p> |
| 第 6 條 | <p>免證驗之申請，經中央主管機關審查核准者，應發給同意免驗證通知書；未核准者，應予駁回。</p> |
| Article 6 | <p>The central competent authority shall issue an exemption from certification notice to the applicant after the application is approved. The application shall be denied if not approved.</p> |
| 第 7 條 | <p>輸入本法第八條第二項第三款及第四款之產品，其屬同規格型式者，報驗義務人得於六個月內檢具相關證明文件，向中央主管機關申請免驗證專用證號代碼，並以一次為限。</p> <p>報驗義務人檢具下列文件，經中央主管機關審查核准者，不受前項申請次數之限制：</p> <p>一、供科技研發或測試用產品：科技研發或測試之計畫書、產品存置場所及相關佐證文件。</p> <p>二、商業樣品或展覽品：中央目的事業主管機關所轄促進貿易機構辦理展覽之計畫書、產品存置場所及相關證明文件。</p> |
| Article 7 | <p>When the obligatory applicant intends to import products that are specified in Subparagraphs 3 and 4, Paragraph 2, Article 8 of the Act and are with the same specifications and types, he may apply for a code for exemption from certification by providing related supporting documents within 6 months. The application is limited to one time only.</p> <p>Where the obligatory applicant provides the following documents and the application is approved by the central competent authority, the limit mentioned in the preceding paragraph shall not apply:</p> <p>1. For products for use in scientific research and development or in testing activities: the scientific research and development plan or testing plan, information on locations where the products are stored and related supporting documents.</p> <p>2. For commercial samples or products for exhibition: exhibition plan of trade facilitating associations under the jurisdiction of relevant</p> |

| | |
|------------|---|
| | <p>authority of the central government, information on location where the products are stored and related supporting documents.</p> |
| 第 8 條 | <p>輸入依本法第八條第二項第三款至第五款規定申請核准之機械類產品者，中央主管機關應先行指定公告其免驗證通關證號代碼。</p> <p>報驗義務人經核准免驗證者，得於進口報單輸入許可證號碼欄，自行填報前項公告之免驗證通關證號代碼。</p> <p>海關對於前項通關資料，經單證比對相符後，通關放行。</p> |
| Article 8 | <p>For mechanical products that have been approved to be imported in accordance with Subparagraphs 3-5, Paragraph 2, Article 8 of the Act, the central competent authority shall announce in advance the designated codes of exemption from certification for customs clearance.</p> <p>Where the application for exemption from certification is approved, the obligatory applicant may enter the announced codes in the column of import license number in the import customs declaration form.</p> <p>The Customs shall release the products after confirming that the data mentioned in the preceding paragraph is correct.</p> |
| 第 9 條 | <p>輸入或國內產製之機械類產品，業經公告列入型式驗證品目者，不得申請免驗證。但符合本法第八條第二項第三款至第五款之免驗證規定者，或供加工、組裝後復運出口或原件再輸出之產品，不在此限。</p> |
| Article 9 | <p>Exemption from certification shall not be allowed for mechanical products that are announced to be subject to type certification, including the import or domestic-manufacturing of such products, except where they comply with the provisions concerning exemption from certification stated in Subparagraphs 3-5, Paragraph 2, Article 8 of the Act, or they are imported and exported after further processing or assembly or in their original form.</p> |
| 第 10 條 | <p>輸入供加工或組裝後復運出口或原件再輸出之機械類產品，報驗義務人應於免驗證通知書送達後六個月內出口，並檢具出口證明文件，向中央主管機關申請銷案。但不能檢具證明文件經中央主管機關核准者，得檢具切結書辦理銷案。</p> <p>報驗義務人不能於前項規定期間銷案者，應於期間屆滿前向中央主管機關申請展延，其展延期間最長為六個月，並以一次為限。但必要時，得再延展一次。</p> <p>報驗義務人逾前二項所定期間仍未完成銷案者，中央主管機關應通知報驗義務人補辦型式驗證、退運或監督銷燬，並副知海關；未依通知辦理者，下批次免驗證申請案不予核准。</p> <p>報驗義務人依第一項但書辦理銷案者，應建立產銷文件，並保存三年備查。</p> |
| Article 10 | <p>For products that are imported and exported after further processing or assembly or in their original, the obligatory applicant shall have the products exported within 6 months upon receipt of the notice of exemption</p> |

| | |
|------------|---|
| | <p>from certification, and report to the central competent authority for closing the case by submitting related export documents. Where the presentation of export documents is not possible and an approval from the central competent authority is obtained, an affidavit shall be made by the applicant for purpose of closing the case.</p> <p>Where the obligatory applicant is not able to report to the central competent authority to close his case within the 6-month period specified in the preceding paragraph, he is required to apply to the central competent authority for an extension of up to 6 months. Another extension may be applied for if necessary.</p> <p>Where the obligatory applicant is not able to have his case closed by the central competent authority within the time limit mentioned in the preceding two paragraphs, the central competent authority shall notify the obligatory applicant to apply for type certification, ship back the products or destroy the products under surveillance. A copy of the notice shall be made to the Customs. If the obligatory applicant does not take actions according to the notice, his next application for exemption from certification shall be denied.</p> |
| 第 11 條 | <p>輸入或國內產製品，經准予免驗證，而有下列情形之一者，報驗義務人應建立產品之產銷文件、出口證明文件、成品之型式驗證合格證明等相關文件，並保存三年備查：</p> <p>一、非供實際使用或作業用途之商業樣品、展覽品。</p> <p>二、供加工、組裝用之零組件、配件，其驗證須以加工組裝後成品執行，且驗證實施規範與其成品之驗證實施規範相同者。</p> |
| Article 11 | <p>For products, imported or domestically manufactured, that are approved to be exempted from certification, the obligatory applicant shall maintain the production and marketing records, export documents, type certification of final products, etc. for 3 years under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. Commercial samples or products for exhibition that are not to be used or put into operation, or 2. Components or accessories for further processing or assembly, certification of which shall be performed on final products after assembly or processing and the certification criteria are the same as those of the final products. |
| 第 12 條 | <p>輸入非供實際使用或作業用途之之商業樣品或展覽品，已依第七條之規定准予免驗證者，報驗義務人應於免驗證產品本體明顯處標示或附加「不得銷售或禁止設置」之字樣。</p> |

| | |
|------------|---|
| Article 12 | Where the obligatory applicant imports commercial samples or products for exhibition that are not to be used or put into operation and obtains approval for exemption from certification, the words "Not For Sale or Installation" shall be applied in a prominent place on the body of the product. |
| 第 13 條 | 准予免驗證之機械類產品，報驗義務人不得變更其用途。但有特殊原因須變更用途，且其用途符合本法第八條第二項第三款至第五款者，報驗義務人應向中央主管機關申請核准。 前項產品之免驗證事由消失時，報驗義務人應立即向驗證機構補辦型式驗證。 |
| Article 13 | For mechanical products that are approved to be exempted from certification, the obligatory applicant shall not change their purpose of use. If there are special reasons that make it necessary to change the purpose of use and the new purpose of use complies with Subparagraphs 3-5, Paragraph 2, Article 8 of the Act, the obligatory applicant shall apply to the central competent authority for approval. The obligatory applicant shall apply to the central competent authority for type certification immediately after the reasons for exemption from certification mentioned in the preceding paragraph no longer exist. |
| 第 14 條 | 經准予免驗證之機械類產品，除依規定補辦型式驗證合格者外，不得提供國內工作者使用。 經准予免驗證之機械類產品，報驗義務人應自負其產品安全之責任，中央主管機關、勞動檢查機構或經委託之專業團體得隨時派員查核。 |
| Article 14 | Mechanical products that are granted exemption from certification shall not be provided for use by workers, except where they are type certified in accordance related requirements. The obligatory applicant shall be solely responsible for the safety of mechanical products exempted from certification. The central competent authority , labor inspection bodies or commissioned professional groups may conduct on-site audits at any time. |
| 第 15 條 | 中央主管機關發現報驗義務人以詐欺、虛偽不實或其他不當方式取得免驗證之核准者，應撤銷該產品免驗證之核准，並停止受理其後續免驗證申請一年至三年；其有涉及刑責者，另移送司法機關依法處理。 報驗義務人有違反依法核准之免驗證產品之用途、標示或未建立產銷文件者，中央主管機關應廢止該產品免驗證之核准，並停止受理其後續免驗證申請六個月。 |
| Article 15 | Where the obligatory applicant is found to obtain approval for exemption from certification by deceptive, fraudulent or other inappropriate means, the central competent authority shall withdraw the approval for exemption from certification and not accept subsequent applications for exemption |

| | |
|------------|--|
| | <p>from certification for a period ranging from 1 to 3 years. Where criminal charges are involved, the case shall be forwarded to judicial organizations for processing.</p> <p>Where the obligatory applicant is found to violate the requirements concerning the approved purpose of use of products exempted from certification, labelling or maintenance of production and marketing records, the central competent authority shall rescind the approval of exemption from certification and not accept subsequent applications for exemption from certification for 6 months.</p> |
| 第 16 條 | 本辦法所定各種書表格式，由中央主管機關定之。 |
| Article 16 | The forms of documents mentioned in these Regulations shall be prescribed by the central competent authority. |
| 第 17 條 | 本辦法自中華民國一百零四年一月一日施行。 |
| Article 17 | These Regulations shall take effect on January 1, 2015. |