

Entreating and Lobbying Registry and Inspection Procedure Key Point Explanation for Executive Yuan and Subordinate Agencies

To establish a clean government, the Executive Yuan has established this “Entreating and Lobbying Registry and Inspection Procedure Key Point Explanation for Executive Yuan and Subordinate Agencies” to institutionalize, make transparent, and standardize the registration of entreating and lobbying activities, and to ensure that all agency directors and related staff members clearly know the appropriate boundaries when dealing with such matters. The key points are as follows:

1. Reveal the aims of establishing these key points. (Point 1)
2. Objects covered by these key points. (Point 2)
3. Definition of entreating and lobbying. (Point 3)
4. Actions not covered by these key points. (Point 4)
5. Unit or staff member responsible for registering entreating or lobbying activities. (Point 5)
6. All agencies must register and record all entreating and lobbying activities into their files and compile such records and forward them to the Agency Against Corruption, Ministry of Justice. (Point 6)
7. The Agency Against Corruption, Ministry of Justice should establish a spot check system to facilitate the uncovering of corrupt and unlawful behavior. (Point 7)
8. Reward system for the uncovering of corrupt and unlawful behavior. (Point 8)
9. Principles of punishment for violations of registration procedure protocols. (Points 9, 10)
10. Agency responsible for the establishment of the principles for handling rewarding. (Point 11)
11. Public access and preservation of information related to entreating and lobbying. (Point 12)
12. The Ministry of Justice and the Research, Development and Evaluation Commission of the Executive Yuan to jointly develop the standard format for the registration of entreating and lobbying activities. (Point 13)
13. All agencies should enhance the promotion of protocols related to entreating and lobbying. (Point 14)
14. Other government agencies and institutions may use the protocols listed in these key points. (Point 15)

Entreating and Lobbying Registry and Inspection Procedure for Executive Yuan and Subordinate Agencies

Key Points

| Protocol | Explanation |
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| <p>1. These key points have been established to regulate the registration and inspection procedure of entreating and lobbying activities within the Executive Yuan and all of its subordinate agencies and institutions (hereafter “All Agencies”) to ensure transparency and standardization of the registration.</p> | <p>1. To reveal the aim of establishing these key points.</p> <p>2. The current regulations for the ethics and governance of public servants with respect to entreating and lobbying merely regulates the reporting and recording of such activities; there are similarly only vague principle-based regulations on the punishment of violations. Thus, these key points are established to enhance the transparency and punishment of entreating and lobbying.</p> |
| <p>2. Persons covered by these key points are all staff members of All Agencies covered by the Public Servant Service Act, and all directors, inspectors and managers of juridical persons acting as representatives of the government or public shares.</p> | <p>Persons covered by these key points.</p> |
| <p>3. Entreating and lobbying as referred to in these key points refer to the making of requests outside of the proper legal procedure to persons covered in the preceding key point, whether for oneself or another person, and such requests are suspected to be in violation of the law, business regulations or contract.</p> | <p>Definition of entreating and lobbying.</p> |
| <p>4. The following actions are not covered by these key points: (1) Entreating and lobbying activities as defined in the Government</p> | <p>1. On the basis of the principle of legal supremacy, the listing of actions not covered by these key points may facilitate both prosperity and</p> |

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| <p>Procurement Act.</p> <p>(2) Any lobbying, administrative appeal, petition, application, pleading or statement of opinion in accordance with the procedure and method set forth in the Lobbying Act, Administrative Appeals Act, Administrative Procedure Act or other laws.</p> | <p>administrative efficacy.</p> <p>2. Clause 2 of this key point is established with reference to Article 5 of the Lobbying Act.</p> |
| <p>5. For entreating and lobbying events, the person that the request is being made to must make a record of such request with the civil ethics office of the responsible agency within three days of the request. If the agency does not have a civil ethics office, the record should be made with the staff member responsible for civil ethics or someone so designated by the director.</p> <p>If the agency does not have a civil ethics office or any staff member responsible for civil ethics, the director should designate a person to be responsible for such. If the director fails to do so for an extended period of time, the superior agency may do so.</p> <p>If any entreaties or lobbying activities are requested to any directors, inspectors and managers of juridical persons acting as representatives of the government or public shares, the requests should be the civil ethics office of the agency that designated the individual to hold the aforementioned position in the juridical person.</p> | <p>1. Paragraphs 1 and 3 clearly states that All Agencies' civil ethics office are responsible for the registration of entreating and lobbying requests. Further, to avoid loopholes as a result of agencies without civil ethics office, the responsible person for such registration are also clearly set forth.</p> <p>2. The person responsible for registering of entreating and lobbying requests in the event there are no civil ethics office or personnel handling civil ethics matters are persons so designated by the director.</p> <p>3. The term "designate" as used in paragraph 3 shall have the same meaning as used in Paragraph 1, Article 27 of the Company Act.</p> |
| <p>6. All agencies must register and record all entreating and lobbying activities</p> | <p>1. Requiring All Agencies to regularly register and record all entreating and</p> |

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| <p>into their files and send such records to the central level 2 civil ethics office on a monthly basis for compilation, who will forward them to the Agency Against Corruption, Ministry of Justice for inspection.</p> <p>All civil ethics offices under the Executive Yuan should register and record all entreating and lobbying activities and send to the Agency Against Corruption, Ministry of Justice for inspection on a monthly basis.</p> | <p>lobbying activities and report such records to superior agencies.</p> <p>2. Requiring the Executive Yuan and all central level 2 agencies to forward all compiled records to the Agency Against Corruption, Ministry Justice to facilitate the Agency Against Corruption’s inspection and future review.</p> |
| <p>7. The Agency Against Corruption, Ministry of Justice and all central level 2 agencies’ civil ethics office must do spot checks of all entreaties and lobbying activities.</p> <p>With respect to the spot checking referred to in the previous paragraph, the Agency Against Corruption, Ministry of Justice may ask relevant agencies to for assistance in inspection in order to determine the true facts of the case. If allegations of corruption or unlawfulness are found, it may also ask Ministry of Justice Investigation Bureau or other relevant investigation agencies for investigative assistance.</p> | <p>1. The first clause requires the Agency Against Corruption, Ministry of Justice to establish a spot checking system, and may ask relevant agencies to cooperate in its inspection, in order to uncover evidence of corruption or unlawfulness.</p> <p>2. The investigative mechanism in the second clause that regulates cooperation with the Ministry of Justice Investigation Bureau or other investigative agencies brings into play the synergy of interdisciplinary efforts.</p> |
| <p>8. Relevant personnel will be rewarded if cases of corruption or unlawfulness are uncovered as a result of filtering and analysis of the entreaties and lobbying information by the Agency Against Corruption, Ministry of Justice and all central level 2 agencies’ civil ethics offices.</p> | <p>To establish a rewarding mechanism to encourage members who register, filter or analyze the information in the event of corruption or unlawfulness.</p> |
| <p>9. Individuals covered under point 2 who fails to register events of entreaties</p> | <p>Violation of the requirement to register must be severely punished in order to</p> |

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| <p>or lobbying, if verified, shall be seriously punished.</p> | <p>enhance accountability.</p> |
| <p>10. If the agency director or personnel in charge of registering either intentionally hide, delay or omit to report any incidents of entreaties or lobbying, if verified, the agencies or its superior agencies must punish the relevant personnel.</p> <p>If the violating personnel referred to in the preceding point and paragraph is a political personnel, he or she may be sent to the Control Yuan for investigation, depending on the seriousness of the violation.</p> | <p>1. The first clause regulates the responsibility of supervision by the agency director and also the punishment and accountability mechanism.</p> <p>2. The second clause sets forth the general principle when dealing with violations by political personnel.</p> |
| <p>11. The reward and punishment principles for All Agencies regarding entreaties and lobbying activities shall be set by the Directorate-General of Personnel Administration, Executive Yuan in conjunction with the Ministry of Justice.</p> | <p>In order to establish a fair and objective set of standards by which to measure and determine rewards and punishments, it is authorized that the general principles in such a determination be set by the Directorate-General of Personnel Administration, Executive Yuan in conjunction with the Ministry of Justice.</p> |
| <p>12. All Agencies shall publish the categories and volume of entreaties and lobbying cases, along with names of individuals violating these key points and the nature of the violation, on the internet on a quarterly basis.</p> <p>Information registered under these key points shall be kept for a duration of 10 years.</p> | <p>1. The first clause establishes a transparent and open system.</p> <p>2. The second clause clearly sets forth the duration such information shall be kept for.</p> |
| <p>13. Standard registration form for entreaties and lobbying activities shall be determined by the Research, Development, and Evaluation Commission, Executive Yuan. Before the standard registration form has been</p> | <p>As there has been no standard registration form for entreaties and lobbying activities, the Research, Development, and Evaluation Commission, Executive Yuan will develop the standard form in</p> |

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| <p>determined, the Agency Against Corruption, Ministry of Justice shall provide All Agencies with forms to register the information.</p> | <p>conjunction with the Ministry of Justice.</p> |
| <p>14. All Agencies should enhance promotion of relevant anti-lobbying and entreaty regulations.</p> | <p>Requiring All Agencies to enhance promotion.</p> |
| <p>15. Other governmental agencies and institutions may use these key points.</p> | <p>In order to establish a thorough and uncorrupt government, other government agencies and institutions should also be able to use these key points.</p> |