Content

Title：	Regulations for Applications to Excavate and Salvage National Properties that are Buried or Sunken Ch
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Content：

Article 1

These Regulations for Applications to Excavate and Salvage National Properties that are Buried or Sunken (hereinafter referred to as "these Regulations") are stipulated in accordance with the provisions of Article 72 of the National Property Act.

Article 2

The excavation and salvage of the national properties that are buried and sunken shall be handled in accordance with the provisions of these Regulations. However, where there are special provisions in other laws and regulations, such special provisions shall prevail.

Article 3

Regarding applications made for excavation and salvage in accordance with these Regulations, the National Property Administration (NPA) of the Ministry of Finance (MOF) shall be the authority-in-charge (hereinafter referred to as the "the Authority-in-charge"), whereas the branch office of the NPA of the MOF of the jurisdiction where the national property is buried or sunken shall be the enforcement authority (hereinafter referred to as "the Enforcement Authority").

Article 4

Natural persons of the nationality of the Republic of China and domestic legal persons with offices or business offices in the Republic of China may apply for the excavation and salvage of national properties that are buried or sunken in accordance with the provisions of these Regulations.

Article 5

In principle, national properties that are buried or sunken shall be excavated and salvaged by the applicant. However, the Authority-in-charge may, depending on the type of property that is buried or sunken, coordinate with the relevant authorities for the excavation and salvage.

Article 6

To apply to excavate and salvage national properties that are buried or sunken, applicants shall submit an application, work plan, and relevant supporting documents to the Enforcement Authority for approval.

The work plan specified in the preceding paragraph shall include the following items:

1.The owner of the site or land where the national property is buried or sunken, and the current usage situation of the site or land.

2.The type, quantity and value of the property that is buried or sunken.

3.The negotiation process with the owner, management authority, or legal user of the site or land where the national property is buried or sunken.

4.The negotiation process with the owner, management authority, or legal user of the real estate within the construction range.

5.Soil and water conservation plan for hillside lands.

6.Construction method, progress, and period.

7.Site safety maintenance measures.

8.Measures for backfill, restoration, and preparation of the land.

The relevant supporting documents specified in the Paragraph 1 above are as follows:

1.Transcript of land registration, transcript of cadastral map, zoning certificate for land use, and location maps of the burial or sunken site and the construction site.

2.Consent documents from the owner, management authority, or legal user of the site or land where the national property is buried or sunken.

3.Consent documents from the owner, management authority, or legal user of the real estate within the construction range.

4.Other documents required to be attached as determined by the Enforcement Authority.

The soil and water conservation plan for hillside lands as specified in Subparagraph 5 of Paragraph 2 shall be submitted by the Enforcement Authority to the Competent Authority for review.

Article 7

Where there are multiple applications for excavation and salvage for the same burial or sunken site, the Enforcement Authority shall review the application
that is filed first.

Article 8

Where the method or requirements of the application are not adequate, the Enforcement Authority shall notify the applicant to make supplements or corrections within a time limit, if such inadequacy can be supplemented or corrected.

Article 9

Where
an application for the excavation and salvage falls under
any one of the following situations, the application shall be rejected:

1.The excavation and salvage at the location associated with the application adversely impacts the security of national defence.

2.The excavation and salvage at the location associated with the application adversely impacts historic sites, historical buildings, or natural and cultural landscapes.

3.The excavation and salvage at the location associated with the application adversely impacts treatment and maintenance measures for environmental protection.

4.The soil and water conservation plan for hillside lands has not been approved by the Competent Authority.

5.Supplements or corrections are not made, or are made incompletely, within the time limit, or supplements or corrections cannot not be made, according to the notification for supplements or corrections as mentioned in
the preceding article.

Article 10

The Enforcement Authority shall complete the review of the application within three months from the next day of accepting the application. If necessary,
the review may be extended and the applicant shall be notified. The extension is limited to one time and the extension period shall not exceed two months at the maximum.
The review period for those applications under notification for supplements or corrections as mentioned in the preceding paragraph shall be counted from the day after the supplement or correction is made; or counted from

the day after the expiry of the period for the supplement or correction, if the supplement or correction is not made.

Article 11

The expenses required for the excavation and salvage shall be borne by the applicant.

Article 12

After the application for excavation and salvage is approved, the applicant shall, within 30 days from the day after receiving the notification from the Enforcement Authority, pay to the Enforcement Authority a security deposit calculated as ten percent (10%) of the value of the property that is planned for excavation and salvage, and shall sign a contract with the Enforcement Authority before commencement of the work. The format and content of the contract shall be determined by the Authority-in-charge.

Where the security deposit specified in the preceding paragraph is less than NT$1 million, the amount shall be NT$1 million.

Article 13

Regarding cases approved for excavation and salvage, suitable personnel shall be assigned by the Enforcement Authority or by the relevant authorities requested by the Enforcement Authority to supervise the applicant to ensure the applicant conducts the construction according to the contract. Any expenses (including travel expenses) incurred for such supervisors shall be borne by the applicant according to the provisions of the Enforcement Authority.

Article 14

Regarding cases of applications for excavation and salvage, the applicant shall be fully liable for the burial or sunken location, construction site, construction, personnel safety, health and environmental protection.

Article 15

Upon locating properties during the excavation and salvage, the applicant shall immediately notify the Enforcement Authority for inventory-making. When necessary, the Enforcement Authority may invite relevant authorities for joint inventory-making. The properties acquired shall be dealt with in accordance with the following provisions:

1.Gold bullion, silver bullion, metal currency, pearls, jade and treasures, etc., shall be handled by the Enforcement Authority in conjunction with the applicant. Forty percent (40%) of the net proceeds, after deducting the Enforcement Authority’s handling fees from the price obtained from the disposal of the property, shall be calculated as the remuneration to the applicant.

2.Any properties or materials of interest for academic, artistic, archaeological, or historical research shall be transferred by the Enforcement Authority to the relevant competent authorities of cultural assets.

3.Military supplies such as weapons and ammunition shall be transferred by the Enforcement Authority to the Ministry of National Defense (MND) for processing.

4.Materials other than those in the preceding three paragraphs shall be handed over to the Enforcement Authority for joint handling in conjunction with the applicant. Fifty percent (50%) of the net proceeds, after deducting
the Enforcement Authority's handling fees from the price obtained from the disposal of the property, shall be calculated as the remuneration to the applicant.

Article 16

Regarding properties that are excavated and salvaged by the government authority based on the report
of the applicant, five percent (5%) of the net amount, after deducting the excavation and salvage costs from the value of the property, shall be calculated as the remuneration to the applicant.

Article 17

These Regulations
shall be enforced from the date of promulgation.

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System