

# **An Overview of the “Executive Yuan and Subordinated Entities Guidelines for Code of Registration and Monitoring of Influence Lobbying”**

Aiming at the establishment of a clean and competent government, and the institutionalization, transparency, and standardization of registering influence lobbying the extent to which all agency chiefs and staff of the government could have the a clear cut standard in performing their duties, the Executive Yuan hereby establishes the “Executive Yuan and Subordinated Entities Guidelines for Registration and Monitoring of Influence Lobbying” specified as follows:

- I. Specify the purpose of establishing the Guidelines (Item 1).
- II. The subjects of application of the Guidelines (Item 2).
- III. Definition of influence lobbying (Item 3).
- IV. Practices not governed by the Guidelines (Item 4).
- V. The functional units or personnel responsible for handling influence lobbying (Item 5).
- VI. Respective agencies shall enter the details of influence lobbying case-by-case, and consolidate all the cases for referral to Agency Against Corruption at the Ministry of Justice for reference and investigation (Item 6).
- VII. The Agency Against Corruption, Ministry of Justice, shall develop the mechanisms for inspection on a selective basis for facilitating the investigation on corruption, malfeasance, and other illegal activities (Item 7).

- VIII. The mechanisms for rewarding the successful investigation of corruption and malfeasance (Item 8).
- IX. The principles of penalty for violation of the operation code of registration. (Item 9 and Item 10).
- X. The agencies responsible for establishing the principles for reward and punishment (Item 11).
- XI. The disclosure and keeping of the materials pertinent to influence lobbying (Item 12).
- XII. Ministry of Justice shall work in conjunction with the Executive Yuan Research, Development, and Evaluation Commission to study and determine the standard format for registration of influence lobbying cases (Item 13).
- XIII. All agencies shall intensify the education on the rules and regulations governing influence lobbying (Item 14).
- XIV. Other government agencies and institutions permitted to use the Guidelines in their operation (Item XV).

# Executive Yuan and Subordinated Entities

## Guidelines for Registration and Monitoring of

### Influence Lobbying

Rules	Description
<p>I. This set of Guidelines was instituted for regulating the registration, investigation and monitoring of <b>influence lobbying</b> cases at the Executive Yuan and subordinated agencies, institutions (hereinafter referred to as “all agencies” for transparency and conformity to the standard of registration.</p>	<p>I. Specify the purpose of the institution of the Guidelines.</p> <p>II. The Ethics Guidelines for Civil Servants currently in effect only requires civil servants to report and registration of <b>influence lobbying</b> for filing. Further investigation on these cases has not been mentioned. Further, penalty to the perpetrators is just mentioned in principle. As such, the institution of the Guidelines will help reinforce the transparency and responsibility related to <b>influence lobbying</b>.</p>
<p>II. All personnel governed by the Civil Servant Service Act and representative of government shares or public shares in the capacity of institutional directors, supervisors, or managers are the subjects regulated by the Guidelines.</p>	<p>The subjects regulated by the Guidelines.</p>
<p>III. <b>influence lobbying</b> as referred to in the Guidelines are the requesting the subjects regulated by the Guidelines not made in due process of law, in favor of the person himself or herself or a third party. Furthermore, the request is susceptible of violation of applicable laws, operation code or contracts.</p>	<p>Definition of <b>influence lobbying</b>.</p>
<p>IV. The following practices are not regulated by the Guidelines:</p> <p>(I) The practice of <b>lobbying</b> specified in the Government Procurement Act.</p> <p>(II) Intercession, petition, expression of grievances, application, presentation of statement, and other forms of expressions under the Enactment of Lobbying Act,</p>	<p>I. Under the principle of the precedence of law, the practices not regulated by the Guidelines were singled out for maintaining the advantage and administrative efficiency.</p> <p>II. (II) is instituted pursuant to Article 5 of the Enactment of Lobbying Act.</p>

<p>Petition Act, Administrative Procedure Act, and other procedures and means under applicable laws.</p>	
<p>V. In influence lobbying cases, the parties who are being requested for intercession shall make registration with the ethics office of the agency within 3 days thereafter. If no ethics office is established in the agency, the parties concerned shall make registration with the personnel acting as adjunct ethics officers or the personnel designated by the agency chief.</p> <p>If there is no ethics office established in the agency or no personnel acting as adjunct ethics officers, the agency chief shall appoint designated personnel to make registration. If the agency chief is hesitant to appoint the personnel for registration, the official establishment at a higher level shall appoint the personnel for registration. Representatives of government shares or public shares in the capacity of institutional directors, supervisors, or managers being requested for intercession shall make registration with the ethics office of the principal agencies.</p>	<p>I. It is stated in paragraph 1 and paragraph 3 that the functional units responsible for accepting the registration of influence lobbying cases are the ethics offices of respective agencies. To avoid the possible existence of loophole, agencies without the establishment of ethics office, the personnel responsible for handling registration of influence lobbying cases is explicitly stated.</p> <p>II. As stated in paragraph 2, for agencies without the establishment of ethics office or personnel acting as adjunct ethics officers, the agency chief is obliged to appoint the right person for handling the registration of influence lobbying cases.</p> <p>III. The term “designated” as used in paragraph 3 was adopted with reference to Paragraph 1 in article 27 of the Company Act.</p>
<p>VI. Respective agencies shall register influence lobbying case-by-case, and report monthly to the administering ethics office of the agency at central level II who in turn will forward the details to Agency Against Corruption, Ministry of Justice, for reference and investigation.</p> <p>The ethics office at the Executive Yuan shall register the influence lobbying case-by-case for filing, and forward to the Agency Against Corruption at Ministry of Justice monthly for reference and investigation.</p>	<p>I. Respective agencies are required to register the cases of influence lobbying one-by-one for filing at regular intervals, and report to the senior agency.</p> <p>II. The Executive Yuan and agencies at central level II shall forward the information on influence lobbying to the Agency Against Corruption, Ministry of Justice, at regular intervals for facilitating the Agency Against Corruption, Ministry of Justice, in reference filing and investigation.</p>
<p>VII. The Agency Against Corruption, Ministry of Justice, and the ethics</p>	<p>I. It is stated in paragraph 1 that the Agency Against Corruption, Ministry</p>

<p>offices of agencies higher than central level II shall conduct random inspection on the registered cases of <b>influence lobbying</b>.</p> <p>The Agency Against Corruption, Ministry of Justice, may request relevant agencies for cooperation in investigation pertinent to the aforementioned random inspection of cases to clarify the facts. If there is alleged corruption or malfeasance, or other illegal activities, the Agency may work in concerted effort with the Investigation Bureau of Ministry of Justice or related investigation agencies for further investigation.</p>	<p>of Justice, may request related agencies to conduct investigation in concerted effort for the development of the mechanisms of inspection on a selective basis for uncovering clues pertinent to corruption, malfeasance, and other illegal activities.</p> <p>II. It is stated in paragraph 2 that the Agency may develop the mechanisms for working in concerted effort with the Investigation Bureau of the Ministry of Justice or other investigation agencies so as to yield the power of cross-department integration.</p>
<p>VIII. The materials on <b>influence lobbying</b> registered by respective agencies will be subject to sorting and analysis by the Agency Against Corruption or the ethics offices of agencies higher than central level II. If the materials lead to crack down cases of corruption and malfeasance and other illegal activities after investigation, related personnel will be rewarded.</p>	<p>The mechanisms of reward are established for rewarding the persons who made the registration of the cases and the personnel involved in the sorting and analysis of the cases.</p>
<p>IX. The subjects regulated by the Guidelines as stated in II who failed to make registration of the <b>influence lobbying</b> cases shall be subject to punishment if proved.</p>	<p>Those who violated the Guidelines for requirement of registration will be punished.</p>
<p>X. If the personnel responsible for registration processing or the agency chief was found deliberate concealment, delay, or backlog of cases for registration without report to the senior agency, respective agencies or the senior agency shall punish related personnel.</p> <p>If the wrongdoing personnel as stated in the previous item and paragraph is an appointed official, refer to the Control Yuan for review and investigation depending on the severity of the situation.</p>	<p>I. As stated in paragraph 1, it is the onus of the agency chief to supervise and punish wrongdoing.</p> <p>II. Paragraph 2 specified the principle of handling violation and wrongdoing of appointed officials.</p>
<p>XI. The Directorate-General of Personnel Administration, Executive Yuan, shall work in</p>	<p>The Directorate-General of Personnel Administration, Executive Yuan, is authorized to work in conjunction with the</p>

	<p>conjunction with the Ministry of Justice in setting forth the principles of reward and punishment of handling registration of influence lobbying.</p>	<p>Ministry of Justice in setting forth the principles of reward and punishment of handling registration of influence lobbying in objectivity and fairness.</p>
<p>XII. Respective agencies shall keep statistics on the categories and quantity of registered cases of influence lobbying on a quarterly basis and disclose the names of the personnel who have been proved violating the Guidelines and the reasons at the information network. The information for registration under the Guidelines shall be kept for 10 years.</p>	<p>I. Paragraph 1 specified the development of transparency mechanisms. II. Paragraph 2 specified the period for the retention of registered information.</p>	<p>XIII. Ministry of Justice shall establish the standard format for registration of influence lobbying cases in conjunction with the Executive Yuan Research, Development, and Evaluation Commission. Prior to the establishment of the standard format, reference filing shall be made in conformity to the format produced by the Agency Against Corruption, Ministry of Justice, for respective agencies for registration of the cases.</p>
<p>XIV. All agencies shall intensify the rules and regulations governing the prohibition of influence lobbying.</p>	<p>There is no standard format for the registration of influence lobbying cases for the time being. The Ministry of Justice shall work in conjunction with the Executive Yuan Research, Development and Evaluation Commission for establishing such standard.</p>	<p>XV. Other government agencies, institutions, may adopt the Guidelines.</p>
<p>XV. Other government agencies, institutions, may adopt the Guidelines.</p>	<p>All agencies are required to intensify education on this matter.</p>	<p>For the establishment of a clean and competent government, it is explicitly stated that other government agencies and institutions may adopt the Guidelines.</p>