

## Postal Act

### Chapter One General Principles

#### Article 1

This Act is being established to ensure that postal services develop comprehensively and properly and are carried out in an accessible, fair and reasonable fashion, so as to better serve the public interest. Where matters are not covered under this Act, all other laws shall govern.

#### Article 2

The competent regulatory agency for this Act is the Ministry of Transportation and Communications (MOTC).

#### Article 3

In order to provide postal services, the MOTC has established the state-run Chunghwa Post Co., Ltd., hereinafter called Chunghwa Post. Unless otherwise specified by this Act, a separate law shall govern the establishment of Chunghwa Post.

#### Article 4

The following terms that appear in this Act are hereby defined:

1. Correspondence mail: The common name for letters, postcards, aerogrammes and letter sheets, printed materials, documents for the blind and small packets.
2. Letter: A document containing messages delivered to an addressee or designated address, excluding postcards, aerogrammes and letter sheets, printed materials and documents for the blind.
3. Postcard: This refers to a document containing messages on a single sheet of paper made in accordance with the quality and specifications designated by Chunghwa Post Co., Ltd, which is delivered without an envelope.
4. Aerogramme and letter sheet: This refers to a document containing paper made according to the size and specifications designated by Chunghwa Post Co., Ltd and printed with messages on it, which is then folded and sealed into an envelope and delivered without a separate envelope. The postage is printed on the cover. Chunghwa Post Co., Ltd issues its exclusive aerogrammes.
5. Printed material: This refers to newspapers, magazines, books, catalogs, etc.
6. Document for the blind: This refers to a document printed with marks or protruding texts for blind people, which is delivered with the text "document for the blind" printed on its front cover. Audiotapes, sound recordings, recording lines and special papers for the blind should be regarded as documents for the blind if sent from or delivered to a registered school for the blind.
7. Small packet: This refers to small article with a weight not exceeding 1kg, which is

delivered to an addressee or designated address.

8. Parcel: This refers to articles other than small packets, which are delivered to addressees or designated addresses.

9. Mail items: This refers to documents or materials handed over to Chunghwa Post Co., Ltd for delivery, including correspondence mail, parcels or those items that are processed electronically or by other methods.

10. Basic postage: This refers to the postage set by the competent authority, which is charged to correspondent mails delivered with the distance and weight at the first level.

11. Delivery: This refers to the sending and receiving, sealing and dispatching, shipping, and delivering of documents or materials.

12. Post office branches: Postal outlets of Chunghwa Post in locations around Taiwan that handle postal businesses.

13. Postal employees: All personnel who work for Chunghwa Post.

14. Postal assets: Movable property, real estate or other rights that Chunghwa Post utilizes for its operations.

15. Postal property: Structures, land, machinery, vehicles, boats, aircraft and other transportation devices that Chunghwa Post uses exclusively.

16. Postage stamps: Vouchers issued by Chunghwa Post that certify postage has been paid.

17. Postal identity cards: Cards issued and sold by Chunghwa Post to verify the identification of the holder.

18. International reply coupon: A coupon of monetary value that is sold and exchangeable for postage at post offices in member countries of the Universal Postal Union.

19. All other postage paid symbols: Imprints of postage stamps on postcards, aerogrammes and letter sheets, or postage impressions made by postage meters or printers or in any other manner approved by postal regulations.

#### Article 5

Chunghwa Post may engage in the following businesses:

1. Delivery of mail.

2. Postal savings.

3. Remittances.

4. Simple life insurance.

5. Philately and related merchandise.

6. Management of postal assets.

7. Subject to approval by the MOTC, Chunghwa Post may also operate as an agent for other businesses, make investments, or operate related businesses as described

under subparagraphs 1 to 6 of this article hereof.

#### Article 5-1

In order to protect people's basic rights and interests of correspondence, the competent authority should ensure the provision of popularized domestic delivery services.

To accomplish the aforesaid popularized delivery services, the service provider should provide basic delivery services with high quality and at reasonable price on the following items:

1. Single correspondence mail with a weight not exceeding 2kg.
2. Single parcel with a weight not exceeding 20kg and the sum of its length, width and height not exceeding 150cm.
3. Other documents or materials designated by the competent authority.

Chunghwa Post Co., Ltd should ensure the provision of the popularized delivery services provided in the preceding paragraph, however, the company may announce that it will restrict or suspend the delivery of the aforesaid mail items due to a natural disaster or other force majeure events which may cause obvious difficulties in the implementation.

The competent authority should set the service standards for the popularized delivery services.

#### Article 6

Except Chunghwa Post Co., Ltd and its entrusted parties, no one may, for the purpose of business, deliver the following documents except for cross-border documents sent to and from other countries:

1. Postcards
2. Aerogrammes and letter sheets
3. Letters:

(1) Sent by government bodies (organizations) at all levels, public schools, public legal persons, public institutions or military units.

(2) Sent by parties other than the senders provided in the preceding item, where a single item with a weight less than 500 grams or the postage of a single item not exceeding 13 times the basic postage.

With the exception of delivery notices connected with shipments, no forwarding agency may deliver mail as described in the preceding paragraph.

#### Article 6-1

Business operators engaged in the sending, receiving and delivering of correspondence mails should indicate their name, trademarks or other identifiable signs on the cover of the correspondence mails. This is not required in the event that no addressee name and address are provided.

#### Article 7

Apart from Chunghwa Post or those it has authorized, no others may use the same words, graphics, symbols or combinations thereof (both in Chinese and foreign languages) that Chunghwa Post uses to display its business titles, services or products.

#### Article 8

Unless otherwise so ordered by law, mail items, postal assets, postal funds and postal property shall not be subject to inspection, conscription or seizure.

#### Article 9

Mail delivery services provided by Chunghwa Post, as well as all postal property and bills, receipts and other documents used to provide such services, shall be exempt from taxes.

Where the perils of the sea fall upon mail during shipment, Chunghwa Post will share no liability.

#### Article 10

Neither Chunghwa Post nor its employees may open items of mail belonging to others except when they obtain the consent of the sender or the addressee and substantial evidence suggests that the mail item contains matter not permitted to be sent through the mail, the received preferential rate does not apply, or there has been a violation of postal laws.

Proof of inspection shall be issued after the inspection is completed as mentioned in the previous paragraph. In the event that the sender or the addressee refuses the inspection request, Chunghwa Post may decline to accept or deliver the said mail item.

#### Article 11

Both Chunghwa Post and its employees shall be obliged to keep any information obtained through performance of official duties confidential. The same shall apply to those who have left the company's employ.

#### Article 12

Actions affecting postal business handled by Chunghwa Post by legally incompetent persons or legally quasi-incompetent persons shall be deemed actions committed by competent persons.

#### Article 13

With respect to various mail items or business thereof, international postal treaties or agreements shall govern where applicable. In case this Act runs counter to those international laws, this Act shall govern in cases regarding domestic mail and those international laws shall govern in cases regarding international mail.

### Chapter Two Postage and Postage Stamps

#### Article 14

Subject to approval by the competent authority, Chunghwa Post Co., Ltd may set the postages for delivery of the documents which are only allowed to be delivered by Chunghwa Post and its entrusted parties as described in paragraph 1 of Article 6. Chunghwa Post Co., Ltd may set at its discretion rates for mail items other than the ones provided in the preceding paragraph.

Postage of mail items should reasonably reflect the cost and a rational profit.

#### Article 15

Besides Chunghwa Post, no others may issue or produce vouchers similar to postage stamps with numbers or marks suggesting payment of postage.

#### Article 16

Postage stamps or other marks that represent postage paid may serve as proof of payment of postage.

Subject to approval by the Executive Yuan, Chunghwa Post may decide upon the styles, designs and prices of postage stamps, postcards, aerogrammes and letter sheets that bear postage stamp imprints.

#### Article 17

Subject to approval by competent regulatory agencies, Chunghwa Post may void postage stamps it issues. However, a public announcement must be made and the sale of the said stamps must be discontinued one month in advance.

Holders of the voided postage stamps may exchange them for valid new issues at Chunghwa Post within six months after the rescission.

#### Article 18

Stained or damaged postage stamps shall lose all value. The same shall apply to stained or damaged imprinted stamps on postcards, aerogrammes and letter sheets.

### Chapter Three Delivery and Management of Mail

#### Article 19

Unless acting in accordance with the law, Chunghwa Post Co., Ltd may not refuse to accept and deliver mail items provided in the subparagraphs of paragraph 2 of Article 5-1, except for material or mail items which do not meet the specifications publicly announced by Chunghwa Post.

#### Article 20

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#### Article 21

Subject to the consent of a property owner, or the manager or management committee of a property, Chunghwa Post may set up exclusive mail collection boxes on public roads or at residences, markets, factories, government agencies, schools, or other publicly or privately owned locations.

## Article 22

All mail items shall be delivered to the delivery address written on their cover, save for redirected items or in a case when delivery to a location is difficult or impossible and the mail is routinely delivered to another address (as specified under Article 24 or 48 hereof).

Where a mail item is not deliverable, it should be returned to its sender. When returning it to the sender is not feasible, Chunghwa Post should post it for claim. Chunghwa Post may dispose of undeliverable items of mail after they have been posted for claim for a considerable length of time.

## Article 23

Where a mail item has more than one addressee, the said mail item may be delivered to any of them.

Where there is dispute between the addressees prior to the delivery of said mail item and Chunghwa Post has received a statement to the effect that litigation has been initiated with respect to receipt of said mail item, delivery should be made in accordance with the confirmed judicial ruling or outcome of litigation.

## Article 24

Where the delivery address is other than the ground floor of a building, delivery shall be made as follows:

1. Mail items may be handed over to the doorman or receptionist if such persons are present on the ground floor.
2. Where there is no doorman or receptionist but only mail boxes, intercoms or door bells on the ground floor, ordinary mail items may be dropped in the mail box, and the addressee may be asked via intercom or ringing of the bell to come to the ground floor for pickup of registered mail or to pay postage due.

If the registered mail or postage due mail can not be delivered in the manner illustrated above, further actions taken should follow the provisions specified under Article 48 hereof.

## Article 25

In order to verify the identity of the addressee, Chunghwa Post may ask to see ID.

## Article 26

Railroads, motor vehicles, ships and aircrafts that engage in forwarding are required to assist in the carriage of mail items and postal personnel handling the mail items. Chunghwa Post and the forwarding agents may negotiate the carriage charge for the transport of mail items and postal personnel mentioned in the preceding paragraph.

## Article 27

In delivering mail items or postal property, postal personnel have the right of way on all roads, bridges, customs facilities, and ferries.

## Article 28

The competent regulatory agency may dispatch its inspectors to, or, in conjunction with police officers with proper papers of authorization, enter sites that violate this Act and conduct inspections as well as demand presentation of related documents. The owners, persons-in-charge, residents, caretakers, users or representatives of said sites shall not shun, impede, or refuse such requests.

## Chapter Four Compensation for Lost or Damaged Mail

### Article 29

In the event that any of the following should happen to a mail item, the sender may lodge a claim with Chunghwa Post for compensation:

1. Loss of part or whole, theft or damage of a parcel, express mail, value-declared mail, or insured mail.
2. Total loss or theft of other types of registered mail items other than the ones provided in the preceding subparagraph.
3. Delays in delivering mail with a time limit and express mail , if the fault of Chunghwa Post after investigation.
4. Registered mails are not delivered in accordance with the regulations for handling registered mail announced by Chunghwa Post.

The right of indemnity mentioned in the preceding paragraph may be exercised by the addressee in any of the following situations:

1. Evidence produced by the addressee that the right of indemnity has been delegated by sender to the addressee.
2. The addressee has stated to reserve the right of indemnity at the time the partially damaged or pilfered mail item is received.

The sender or addressee should not seek compensation to Chunghwa Post based on laws other than the stipulation provided in the preceding two paragraphs.

### Article 30

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### Article 31

In the event that any of the following happens to the mail items listed under paragraph 1 of Article 29 hereof, there shall be no claim entertained:

1. Damage or loss due to the nature of or defects in the mail item.
2. Damage or loss caused by natural calamities or force majeure. For value-insured mail, these circumstances are limited to losses caused by war.
3. Loss or damage is incurred in the territory of a foreign country where postal services are not liable for compensation under the laws of that nation.
4. Where the item of mail is contraband or under law may not be delivered through the post.

5. Where the damage or loss is a result of improper packaging, and the sender took no action to rectify the problem despite having been notified.

6. When the addressee has received the mail item without any objection.

#### Article 32

When a mail item is delivered to the addressee or returned to the sender, it shall not be deemed damaged should there neither be loss of weight nor visible surface damage. Nor shall it be considered damaged when the weight reduction is due to the nature of the contents of the mail item.

When a mail item is delivered to the addressee or returned to the sender, should it have lost part or all of its value due to the lapse of time or market fluctuations, it shall not be deemed to have suffered any losses.

#### Article 33

Once compensation is effected because of the loss of a mail item, if all or part of the mail item is subsequently found, Chunghwa Post may notify the recipient of the indemnity to return all or part of the compensation and claim the originally posted mail item within three months after receipt of notice.

#### Article 34

If not exercised, the sender's or addressee's right of indemnity shall be extinguished six months from the date the mail item is posted.

Where the sender or the addressee has inquired with regard to said mail item with Chunghwa Post during the period as mentioned in the preceding paragraph, it shall be deemed that the right of indemnity has been exercised.

#### Article 35

Once the amount of compensation is settled, notice must be given to the recipient of the claim. If not exercised, the recipient's right of indemnity shall be extinguished five years from the date the notice is served.

### Chapter Five Penal Provisions

#### Article 36

Those who counterfeit or alter postal identity cards, international reply coupons or other marks showing payment of postage with the intention of using them shall be subject to a prison term of six months to five years, or in addition thereto a maximum fine of NT\$30,000.

Those who have used, or collected or delivered the counterfeit or altered articles mentioned in the preceding paragraph with the intention of using them shall be subject to a prison term of no more than three years, or in addition thereto a maximum fine of NT\$30,000.

Those who attempt to prepare used postage stamps, imprints of stamps or marks that represent postage paid on postcards, aerogrammes, or letter sheets for reuse by



applying glue, oil, paste or other chemicals shall be subject to a prison term of no more than one year, detention or a maximum fine of NT\$9,000. The same shall apply to those who actually reuse the said items.

#### Article 37

When postal employees commit crimes mentioned in the preceding article or Article 202 or Article 204 of the Criminal Code with respect to postage stamps, the prison terms shall be increased by one-half.

#### Article 38

Opening or concealing mail items belonging to others or stealing looks into the contents by other means without proper cause shall be punished by detention or a maximum fine of NT\$90,000.

#### Article 39

Intentional refusal to return mail items that were received by mistake shall be subject to a fine of NT\$2,000 to NT\$10,000.

#### Article 40

Violation of Article 6 is subject to a fine of NT\$200,000 to NT\$1,000,000 with orders to cease and desist within a given time limit, failure to comply by the deadline may result in successive fines for each subsequent offense.

Violation of Article 6-1 and failure to make corrections within the time limit prescribed by the competent authority may result in a fine of NT\$20,000 to NT\$100,000 with successive fines for each subsequent offense.

#### Article 41

Violation of Article 7 hereof shall be subject to a fine of NT\$20,000 to NT\$100,000 with orders to cease and desist within a given time limit; failure to comply by the deadline may result in successive fines.

#### Article 42

Violation of Article 15 hereof shall be subject to a fine of NT\$20,000 to NT\$100,000. The fine may be levied successively for each subsequent offense.

#### Article 43

Violation of Article 28 hereof (shunning, impeding, or refusing inspection or providing related documents) shall be subject to a fine of NT\$20,000 to NT\$100,000. The fine may be levied successively for each subsequent offense.

#### Article 44

Provisions specified under Article 37 hereof and Article 133 of the Criminal Code shall apply to personnel responsible for carriage of mail items as specified in Article 26 hereof.

#### Article 45

A fine of NT\$20,000 to NT\$100,000 shall be levied against any forwarding agents

responsible for carriage of mail items as specified in paragraph 1 of Article 26 hereof in the event of either of the following:

1. Refusal to forward mail items without proper cause.
2. Intentional delay in forwarding mail items.

Article 46

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Chapter Six Supplementary Provisions

Article 47

The competent regulatory agency may assign Chunghwa Post to enter into, on behalf of the government, negotiations with foreign or international postal organizations with regard to international postal affairs and the signing of related protocols. Such negotiations shall be conducted in accordance with the relevant laws and regulations of the Republic of China.

Article 48

Subject to approval by the Executive Yuan, the competent regulatory agency shall draw up regulations concerning the following: categories of mail items; definitions; handling procedures; posting for delivery; payment of rates; forwarding; delivery; inquiries about claim procedures and about the amount and methods of compensation; categories of contraband and methods of disposal; the procedures for entrusting carriers with delivery of mail and qualifications and responsibilities of carriers entrusted with delivery, as well as other related matters.

Article 49

The Executive Yuan shall set the date this Act goes into effect.

The revision of Article 10 and the elimination of Article 20 made on April 8, 2011 shall enter into force on the date of promulgation.