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Title： Taichung City Self-Government Ordinance for Consumer Protection Ch

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Article 1. This Self-Government Ordinance is formulated by Taichung City (hereinafter referred to as “the City”) for the purposes of protecting the rights and interests of consumers, improving the health and safety of consumers, and promoting quality of life of consumers.

Article 2. The competent authority of this Self-Government Ordinance is Taichung City Government (hereinafter referred to as “the Government”), and the enforcement authorities are all relevant industry competent authorities subordinated to the Government.

If the enforcement authority under the previous paragraph is unknown, the Legal Affairs Bureau of Taichung City Government (hereinafter the “Legal Bureau”) shall seek the determination of the Government. If the central competent authority is involved, a request shall be filed with the Executive Yuan for designation.

Article 3. Business operators shall take out public accident liability insurance for consumer premises that they provide in accordance with the Taichung City Self-Government Ordinance for Mandatory Public Accident Liability Insurance for Public Business Premises.

The enforcement authority shall verify whether public accident liability insurance is in place when conducting public safety inspections of buildings, commercial registration, certification, issuance of permits and licenses, conducting relevant business inspections on consumer premises.

Article 4. Any standardized contracts used by business operators shall be consistent with the principles of integrity, good faith, equality, and reciprocity, and comply with the mandatory provisions and prohibitory provisions of standardized contracts published by the central competent authority in accordance with paragraph 1, Article 17 of the Consumer Protection Act (hereinafter the “Published Standardized Contract”). A reasonable review period shall also be granted to consumers.

Any matter that is not included in a standardized contract but should have been included therein in accordance with the mandatory provisions of standardized contracts shall be deemed included in the contract. Any matter that is included in a standardized contract but should not have been included therein in accordance with the prohibitory provisions of standardized contracts shall be deemed excluded from the contract.

When the general terms and conditions in a standardized contract conflict with matters that must be included in accordance with the mandatory provisions of standardized contracts, the effect shall be determined in accordance with the mandatory provisions s of standardized contracts.

When a standardized contract is affixed with the signature or seal of the consumer, the business operator shall provide the consumer with an original copy of the standardized contract.

Business operators shall carry out contract performance assurance in accordance with the published mandatory

provisions of standardized contracts.

Any business operators that uses standardized contract may be subject to audit by representative assigned by each execution authority at any time.

Article 5. When establishing a door-to-door sales contract, the business operator shall specify the below details in writing in clear and understandable language and acquire documents as proof showing the consumer's statement that advice has been given.
1.The name of the business operator, representatives, firms or places of business, phone numbers or email, and other contact information with which consumers can engage in rapid and effective communication.
2.The contents of products or services and their prices, payment dates, payment methods, delivery dates, and methods of delivery.
3.The period and procedure for consumers to exercise the right to rescind in accordance with Article 19 of the Consumer Protection Act.
4.For products or services, the right to rescind prescribed in the first paragraph of Article 19 of the Consumer Protection Act cannot be exercised upon the application of provisions prescribed in accordance with the second paragraph of Article 19 of the Consumer Protection Act.
5.Consumer complaint handling procedures.
6.Any other matters publicly announced by the central competent authorities.

Article 6. A business operator must provide consumers with full and correct information about the products or services being provided, and must not act to mislead, conceal, or deceive.

Article 7. A business operator shall not use the opportunity of recommending employment or recruiting staff to ask the job applicant to engage in certain transaction behaviors and obtain inappropriate interests thereof.

Article 8. In partnering with any third party to provide consumers with consumer loans (hereinafter the "Consumer Loan Contract") or assignment of consumer's claims to third parties (hereinafter the "Claim Assignment Contract"), to allow consumers to purchase goods or services through payment in installments, unless otherwise provided for in matters that must or must not be included in a the mandatory provisions and prohibitory provisions of standardized contracts, consumers shall be advised of the following in the contract and documents proving consumers' confirmation that advice has been given shall be acquired.
1.The consumer has fully understood that the Consumer Loan Contract is a project loan for a designated purpose and that the loan funds will be directly released to the account designated by the business operator in accordance with the consumer's instructions.
2.The name and contact details of the lending institution or assignee of the claim.
3.The interest rate, number of installments, total price, and breach liability, etc. of the Consumer Loan Contract or Claim Assignment Contract.
4.If the business operator closes or suspends its business or is otherwise unable to continue providing deferred (prepaid) products or services, the consumer may file an application with the lending institution to suspend payment of the balance amount of the loan in relation to the services not yet provided by the business operator by submitting an affidavit letter to the business operator or other proof showing that the business operator is no longer able to continue providing its services, except if the business operator has provided a sufficient amount of security to guarantee its performance.
5.If the business operator closes or suspends its business or is

otherwise unable to continue providing deferred (prepaid) products or services, the consumer may assert the defense of simultaneous performance against the assignee of the claim and suspend payment of the balance of the loan in relation to the services not yet provided by the business operator, except if the business operator has provided a sufficient amount of security to guarantee its performance.
6.If a deferred (prepaid) product or service contract is terminated or cancelled, the Consumer Loan Contract or Claim Assignment Contract shall also be terminated or cancelled.

With the consent of the consumer, the contract and document of proof under the previous paragraph may be provided by the business operator electronically and the provisions of the Electronic Signature Act shall apply.

Article 9. In providing deferred (prepaid) products or services, the business operator shall proactively provide consumers with proof of receipt of the products or services provided.

If the business operator fails to provide proof under the previous paragraph and if it is unable to prove the quantity already received by the consumer, it shall be presumed that the consumer has not received any.

Article 10. When selling products or services through exhibitions, business operators (hereinafter the “Exhibitioners”) shall provide the below documents of proof before participating for review by the event planner:
1.Documents proving a business permit issued by the competent authority of the relevant industry if the business operated by the Exhibitioner is subject to approval by such authority.
2.Documents showing security for contract performance if the products or services sold by the Exhibitioner are subject to security to guarantee contract performance in accordance with applicable laws.

The event planner of an exhibition shall examinate relevant certified documents submitted by Exhibitioners. If after assessment it is deemed that the vendor fails to meet the requirements of the preceding paragraph, the event planner shall reject the Exhibitioners’ application to be an Exhibitor in this event.

If the event planner discovers during an exhibition that any product or service sold by any Exhibitioner is damaging to consumer interests and the event is held in-person, it shall give immediate notice to the enforcement authority or the consumer ombudsmen.

Article 11. To research, review, and promote the City's consumer protection projects, the Government has established the Taichung City Government Consumer Protection Commission, which shall be in charge of the following matters:
1.Reviewing consumer protection projects.
2.Coordinating consumer protection projects and measures with the enforcement authorities.
3.Supervising the enforcement authorities in the performance of their duties.

Article 12. The Government shall establish the Taichung City Government Consumer Dispute Mediation Commission, consisting of 7-21 commissioners, to handle the mediation of the City's consumer disputes. The term of such commissioners shall be two years, and commissioners may be consecutively re-elected.

The senior consumer ombudsmen of the highest grade level shall be the chair of the commission in the preceding paragraph, and the Government shall appoint representatives of the City Government, representatives recommended by consumer protection groups, representatives of professional groups to which business

operators belong or to which they are related, and scholars and experts to act as commissioners.

The number of representatives of consumer protection groups and the number of representatives of the professional groups to which business operators belong or to which they are related as referred to in the preceding paragraph shall be equal.

Article 13. The City Government's consumer service center and the enforcement authorities may conduct the following consumer education and promotion matters:

1.Publicizing consumer warnings in the media or on the internet and distributing and disseminating such warnings.
2.Holding consumer rights education or promotion activities.
3.Issuing consumer promotion publications.
4.Conducting the enhancement of consumer protection intelligence trainings and lectures for public servants in the Government and its subordinate organizations.
5.Promoting consumer protection regulations and ideas to relevant business operators.
6.Publicizing all information related to consumers on the internet or in the media in a timely manner.

Article 14. In handling any consumer dispute where there are 20 or more victims in the same event of cause, with the consent of victim-consumers, each enforcement authority or the Legal Bureau may ask a consumer protection group under paragraph 1, Article 49 of the Consumer Protection Act to assist with the filing of a class action suit.

When a class action is filed by a consumer protection group under the previous paragraph, the enforcement authority or the Legal Bureau may subsidize the cost required for the lawsuit.

Article 15. To protect consumer interests, each enforcement authority or the consumer ombudsmen officer may conduct examination and testing on the products or services provided by business operators.

Examination or testing referred to in the preceding paragraph may be entrusted to consumer protection groups, professional organizations, or other public or private institutions or organizations that possess relevant testing equipment.

Each institution, organization, or group entrusted to conduct testing in the preceding paragraph may request appropriate fees.

Article 16. If the enforcement authority or consumer ombudsmen believes that a product or service provided by a business operator may endanger consumers' health and safety or property, such authority shall immediately conduct an investigation. After the investigation is complete, the authority may publicize the processes and results of the investigation. Before such publication, the authority shall give the business operator an opportunity to explain.

If the investigation results referred to in the preceding paragraph reveal that there is or there may be a danger to consumer’s life health, safety or property, the enforcement authority or consumer ombudsmen shall order such business operator to immediately remedy the situation within a time limit, recall or destroy such products or services, or, where necessary, order such business operator to cease the design, production, manufacturing, processing, importation, or distribution of such products or rendering of such services, or take other necessary action.

Article 17. If the enforcement authority or consumer ombudsmen believes that a product or service provided by a business operator has caused or may cause material injury or damage to consumers, and such circumstances constitute an emergency, then, in addition to the

actions to be taken pursuant to the preceding article, such enforcement authority shall publicize such business operator's name, address, and products or services through the media, or take other necessary action.

Article 18.　The enforcement authority or consumer ombudsman shall deal with consumer dispute cases, and upon discovering a business operator has engaged in any of the following inappropriate marketing behavior, the enforcement authority or consumer ombudsman may refer such cases to the relevant authority for further handling:
1.When conducting door-to-door sales, provides a service, examination, or gift that is free of charge in name where it actually constitutes a sale of products or services.
2.Conduct, language, or advertisement causes consumers to mistakenly believe the business operator's personnel to be from a government agency, public interest group, or another business operator, and consequently the consumer enters into a transaction with such business operator.
3.Conduct, language, or advertisement causes consumers to mistakenly believe that the consumer has a legal obligation to purchase, install, or use a product or service, or that he/she has received the permit, approval, authorization, or recommendation of a government agency, public interest group, or another business operator, and the consumer consequently enters into a transaction with such business operator.
4.Lying in such a way that jeopardizes the transaction order or display of false advertising or misleading representation.

Article 19.　When dealing with a consumer dispute, if the enforcement authority or consumer ombudsman finds that a business operator has engaged in any of the following ways, such enforcement authority or consumer ombudsman may publicize such business operator's name, address, the product or service in the dispute, and the particular problematic conduct of the business operator on the internet or in the media:
1.After the enforcement authority or consumer ombudsman has summoned the business operator to a meeting to clarify the facts of a consumer dispute or to negotiate a resolution, such business operator fails without just cause to appoint personnel to attend such meeting.
2.After reaching an agreement in a consumer dispute negotiation as referred to in the preceding subparagraph, the business operator fails without just cause to carry out such agreement.
3.The business operator refuses to accept the return of products or the rescission of a contract in accordance with paragraph 1 of Article 19 of the Consumer Protection Act.
4.The business operators breaches the Consumer Protection Act or this Self-Government Ordinance with a clear increase in the number of consumer complaints or disputes that are not duly handled.

Article 20.　The enforcement authority shall designate specific personnel to carry out consumer protection matters and relevant contact work.

Article 21.　If the enforcement authority or consumer ombudsman investigates a business operator outside the jurisdiction of the City, such enforcement authority or consumer ombudsman shall inform or conduct such investigation along with the competent authority or consumer ombudsman of jurisdiction for assistance.

Article 22.　As required in the investigation or handling of any unforeseen and material consumer incident, each enforcement authority or the consumer ombudsmen may ask the Police Department of Taichung City Government or relevant authorities to assign personnel for assistance.

Article 23. When necessary, an enforcement authority or consumer ombudsman may entrust a consumer protection group to handle the following matters:
1.Conducting surveys, comparisons, inspections, or research into the prices, quality, and labeling of products or services.
2.Conducting surveys, performing analysis, and drawing conclusions with respect to consumer opinions.
3.Disseminating information to consumers.

Article 24. If required in the exercise of the duties under the Consumer Protection Act or this self-government ordinance, each enforcement authority may seek assistance from the consumer ombudsmen.

If deemed necessary by the consumer ombudsmen, the consumer ombudsmen may exercise the duties under the Consumer Protection Act or this self-government ordinance together with the enforcement authority.

If the enforcement authority and the consumer ombudsmen disagree on any matter in the exercise of their duties under the preceding two paragraphs, the Legal Bureau may seek a decision from the Government.

In conducting an investigation or handling a case in accordance with the Consumer Protection Act or this self-government ordinance, each enforcement authority shall give notice to the consumer ombudsmen of the handing process and result.

Article 25. With the approval of the mayor, each enforcement authority or the Legal Bureau may issue awards, certificates, medals, or cash to any organization or individual with good performance in assisting the City with the promotion of consumer protection work.

If the workers in the preceding paragraph belong to consumer protection groups, appropriate subsidies may be provided.

Article 26. As required in the handling of consumer disputes, the consumer ombudsmen may ask the enforcement authority and consumer ombudsmen for personnel to assist.

Article 27. No authority nor the Legal Bureau shall disclose, unduly use, or provide to any other person any information learned from the handling of a consumer dispute case that should be kept confidential in accordance with the law. Any event involving criminal liability shall be forwarded to the judicial authority for further handling.

Article 28. Any business operator that uses any standardized contract in breach of the mandatory provisions and prohibitory provisions of standardized contracts under paragraph 1, Article 4 shall be penalized in accordance with Article 56-1 of the Consumer Protection Act.

Article 29. A fine of between NT$30,000 and NT$100,000 shall be imposed on any event planner who breaches Article 10.

Article 30. When a business operator breaches any of the below provisions, an order shall be issued to remedy the situation before a deadline. If not remedied in a timely manner, a fine of between NT$30,000 and NT$100,000 shall be imposed. Multiple penalties may be imposed for multiple offenses.
1.Breach of paragraph 4 or 5 of Article 4.
2.Breach of Article 5, 6, 7, or 8.

Article 31. When a business operator falls under any of the circumstances under subparagraph 4, Article 19 and if the event is material, each enforcement authority or the consumer ombudsmen may issue a notice to remedy the situation before a deadline. If not

corrected in a timely manner, a public announcement as a consumer warning may be displayed at the business operator’s business place for 30 days.

Article 32. A fine of between NT$30,000 and NT$100,000 shall be imposed on any business operator who refuses, evades, or obstructs the public announcement by the enforcement authority or the consumer ombudsmen in accordance with the previous article. The same is applicable to any business operator who covers, relocates, or hides the public announcement or engages in a similar act to render the announcement unidentifiable by the general public.

Article 33. A business operator who refuses, evades, or obstructs any investigations conducted by the enforcement authority or the consumer ombudsman in accordance with paragraph 1 of Article 16 shall be punished pursuant to Article 57 of the Consumer Protection Act.

Article 34. A business operator who fails to comply with orders issued by the enforcement authority or the consumer ombudsman in accordance with paragraph 2 of Article 16 shall be punished pursuant to Article 58 of the Consumer Protection Act.

Article 35. In the event of a situation listed in Article 17 arising with respect to a business operator, in addition to the required dispositions in accordance with Article 17, the business operator may also be punished pursuant to Article 59 of the Consumer Protection Act.

Article 36. The investigations, dispositions, and penalties pursuant to this Self-Government Ordinance shall be conducted and issued by each enforcement authority and consumer ombudsman in the name of the competent authority.

Article 37. This Self-Government Ordinance is effective from the date of publication

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