

The Bureau of Energy under Taiwan's Ministry of Economic Affairs issued the 離岸風力發電規劃場址申請作業要點 on July 2, 2015. The original Chinese text appears at https://web3.moeaboe.gov.tw/ECW/populace/Law/Content.aspx?menu_id=2870. This is Eiger's unofficial English translation prepared for the convenience of the firm's clients and friends.

Translation by [Po-Hsiang OU](#) and [Yun-Yun WU](#)

Offshore Wind Farm Site Application Regulations	
Effective Date: July 2, 2015	
Article 1	The Bureau of Energy of the Ministry of Economic Affairs has established these regulations specifically to assist enterprises in preparing applications for the development and operation of offshore wind farms and for the bidding for developmental sites.
Article 2	The governmental authority referred to in these regulations is the Bureau of Energy (hereafter the "Bureau"), Ministry of Economic Affairs.
Article 3	<p>(1) An applicant applying for a developmental site should meet one of the following requirements:</p> <ul style="list-style-type: none"> (a) If an applicant is an already established electricity enterprise and holds an electricity license as per the Electricity Act (2014), then the applicant must hold a capital investment of at least 5 percent of the total capital investment of the project being bid; and (b) If an applicant is a new entrant to the electricity industry in Taiwan, the applicant must be a company limited by shares and have established a preparatory office of a company limited by shares. The preparatory office or one of its founders must hold a capital investment of at least 5 percent of the total capital investment of the project being bid. <p>(2) Except as stated in Article 3(1), an applicant's capital investment holding shall be accumulated and calculated as follows:</p> <ul style="list-style-type: none"> (a) The applicant's accumulated capital investment should be in a percentage proportion to the total capital investment of the project being bid as stated above; and (b) At each stage of the approved renewable energy power plant, the applicant's capital investment holding should be in a percentage proportion to the total capital investment of the project being bid as stated above.

	<p>(3) The total capital investment as stated in Article 3(1) and (2)(a) should be calculated by multiplying the cost of setting up the offshore wind farm (a fixed amount determined and published by the Bureau in the year of application) and the total electricity capacity of the wind farm being applied for.</p> <p>(4) An applicant's capital holding, as stated in Article 3(1) and (2), and financial (capability) should be proved by documents such as:</p> <ul style="list-style-type: none"> (a) The company's registered total paid-up capital, if the applicant is an already established electricity enterprise; (b) The preparatory office's bank statements, or its founder's bank statements or registered total paid-up capital, depending on the status (legal or natural person) of the founder.
<p>Article 4</p>	<p>Each project applied for should have an electricity capacity of not less than 100,000 kilowatts, and the electricity capacity from each square kilometer of the developed site should not be less than 5,000 kilowatts.</p>
<p>Article 5</p>	<p>(1) The developmental sites applied for should in principle be those potential sites designated in Attachment 1 to these regulations. If an applicant decides to develop an area outside the designated areas, the applicant must present sufficient reasons and explanations for its decision.</p> <p>(2) Plans for the developmental sites applied for must meet the requirements set out in Attachment 2 to these regulations.</p>
<p>Article 6</p>	<p>(1) Site applications will be accepted from October 2, 2015 to December 31, 2017.</p> <p>(2) An applicant should deliver a completed application package, based on Article 7, to the Bureau before 5 p.m. of the application deadline. Delivery can be effected by personal delivery or by post. The time at which the package has been delivered to and is received by the Bureau counts.</p>
<p>Article 7</p>	<p>(1) An applicant should submit the following documents with its application. The contents of these documents should meet the requirements set out in Attachment 3 to these regulations.</p> <ul style="list-style-type: none"> (a) A completed site application form; (b) Records and related records of the applicant company or preparatory office; (c) Financial proof and documents evidencing the applicant's capital holding; (d) Maps indicating the location of the wind farm project; (e) Plans and design blueprints of the wind turbines; (f) Agreement for the Bureau to process information submitted; (g) Affidavit certifying that the applicant has understood and filed an application in accordance with these regulations;

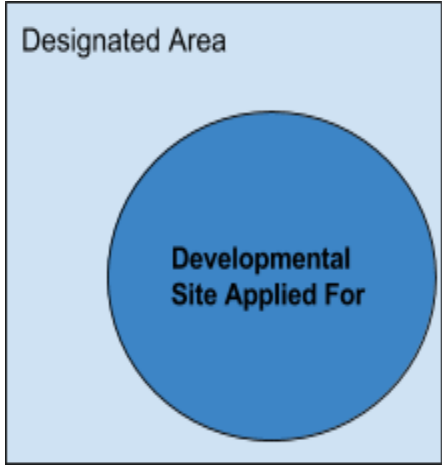
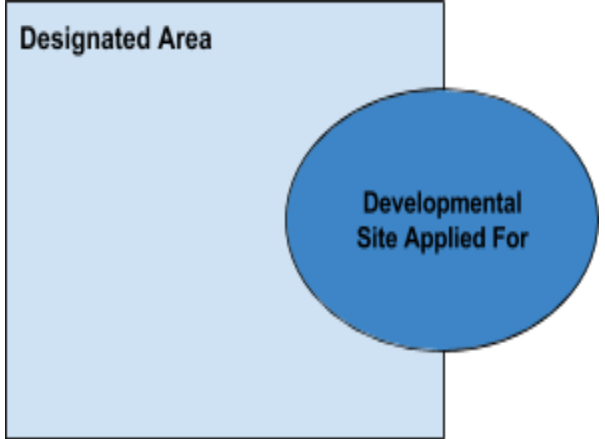

	<p>(h) Opinions of regulatory bodies and/or related associations on nearby flight routes, radar, military, building restrictions, boating safety, marine and nature preservation and safety, fishery and mineral rights; and</p> <p>(i) Other documents as requested by the Bureau.</p>
<p>Article 8</p>	<p>(1) The Bureau will consider and examine applications in the order they are submitted, and conduct a formality examination of an applicant's eligibility, proposed electricity capacity and project site selection.</p> <p>(2) In considering the aforementioned formality examination, the distance between the center of a wind turbine and the border of the neighbouring developmental site should not be less than six times the diameter of the turbine's wind blades. The Bureau may request explanations or other requirements as necessary.</p> <p>(3) The Bureau will notify the applicant if the applicant does not meet eligibility or project capacity requirements, or if the application is incomplete, and will give the applicant an opportunity to correct those deficiencies. The Bureau will not accept an application that is incomplete or has not been corrected before the application deadline.</p> <p>(4) If an application is complete and satisfies the requirements for a formality examination stated in these regulations, the Bureau will notify the applicant and acknowledge the application.</p>
<p>Article 9</p>	<p>(1) If there are two or more applicants for a particular developmental site, the Bureau may acknowledge all applications, either at the same time or in the order of the applications. The Bureau, however, will notify all applicants separately.</p> <p>(2) Subject to Article 9(1), the applicant who first receives approval or conditional approval of its Environmental Impact Assessment (the "EIA"), may apply to the Bureau to register its proposed project. However, if an applicant does not receive an EIA or receives an EIA after a competing bidder, any acknowledgment given by the Bureau will become void.</p> <p>(3) If competing applicants receive their EIAs on the same day (i.e., the results and approval of the EIAs are published on the same day), the applicant who has submitted its application first may proceed to apply for registration of the proposed project. Any acknowledgment given to an applicant who has submitted its application after the competing applicant will become void.</p>
<p>Article 10</p>	<p>(1) Once an applicant receives an approved or conditionally approved EIA, the applicant must give written notice to the Bureau within 3 days of its receipt.</p> <p>(2) Once the Bureau has received the written notice, the Bureau will issue a formal letter of acknowledgement to the applicant and will notify the National Property Administration of the Ministry of Finance of it.</p>

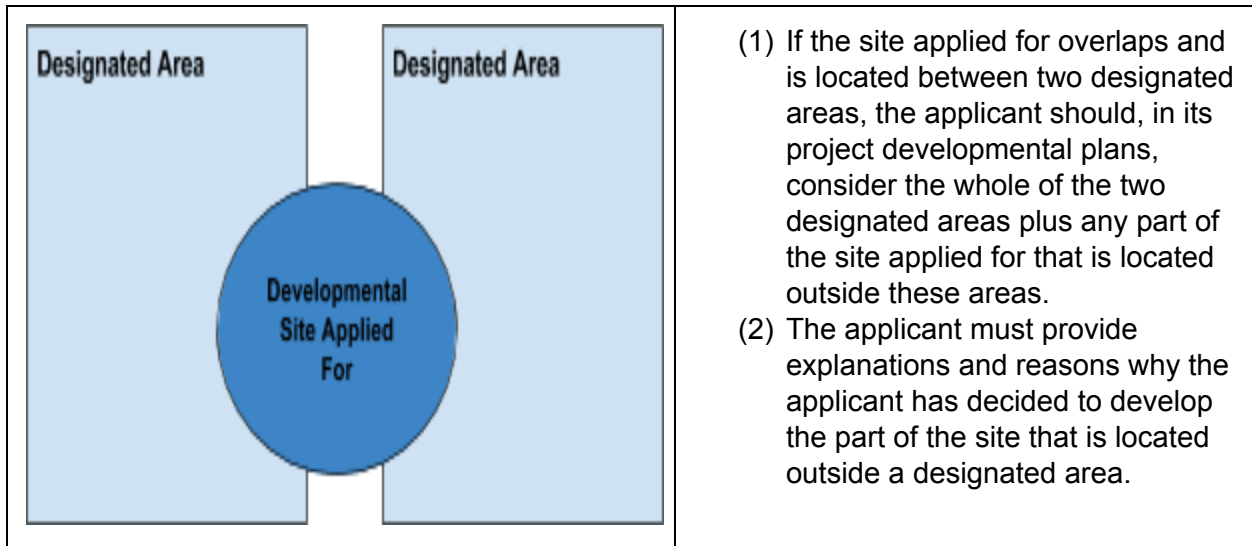
Article 11	<p>(1) If an applicant, after receiving the Bureau's notice of acknowledgment or formal letter of acknowledgment, due to restrictions of law, EIA results or for any other reason not of the applicant's doing, is required to change the area of the developmental site for which it has applied, the applicant must apply to and receive approval from the Bureau in order to make changes.</p> <p>(2) If the proposed changes cause the project's electricity capacity to deviate from the requirements under Article 4, the Bureau may refuse such changes.</p>
Article 12	<p>(1) If any of the following circumstances occurs, a received notice or formal letter of acknowledgment will become void, and the Bureau will notify the National Property Administration of the Ministry of Finance of it:</p> <ul style="list-style-type: none">(a) The applicant does not receive an approved or conditionally approved EIA before December 31, 2017;(b) The applicant does not register the proposed project before December 31, 2019; or(c) The electricity capacity of the registered project is less than 100,000 kilowatts, or each square kilometer of the proposed development has an electricity capacity of less than 5,000 kilowatts.

Attachment 1: Maps of Potential Developmental Sites

[Translation omitted]

Attachment 2: Developmental Site Planning Requirements

Type of Developmental Site Applied For	Site Planning Requirements
	<ul style="list-style-type: none"> (1) If the site applied for lies within a designated area, the applicant should, in its project developmental plans, consider the whole of the designated area in its developmental plans, and not just the site area applied for. (2) If the designated area is divided into different zones, the applicant should still consider the entire area of the designated area.
	<ul style="list-style-type: none"> (1) If part of the site applied for is located outside a designated area, the applicant should, in its project developmental plans, consider the whole of the designated area plus the area located outside the designated area. (2) The applicant should also provide explanations and reasons why the applicant would like to develop the part located outside the designated area.
	<ul style="list-style-type: none"> (1) If the site applied for is located outside a designated area, the applicant should, in its project developmental plans, consider only the area located outside the designated area. (2) The applicant must provide explanations and reasons why the applicant has decided to develop a site that is located outside a designated area.



- (1) If the site applied for overlaps and is located between two designated areas, the applicant should, in its project developmental plans, consider the whole of the two designated areas plus any part of the site applied for that is located outside these areas.
- (2) The applicant must provide explanations and reasons why the applicant has decided to develop the part of the site that is located outside a designated area.

Attachment 3: Content Requirements of the Documents Listed in Article 7 of the Regulations

1. Offshore wind farm site application form: See standard form in Attachment 3-1.
2. Records and related records of the applicant company or preparatory office:
 - a. For applicants which are already an established electricity enterprise - Electricity license, registration records and documents of the applicant company limited by shares, unexpired registration records of the company's preparatory office as issued by the Ministry of Economic Affairs, GUI application (tax application) approval letter and "tax account notice/application", and documents that prove the identity of the authorized company representative and owners (i.e., directors) of the company.
 - b. For applicants which are preparatory offices or their founders - Records on investors, agreements of partners or anyone who is involved in the venture. Have these agreements notarized, and the agreements should indicate that the people involved should bear responsibility to third parties jointly, and prove authority and scope of authority to represent the company.
3. Financial proof and documents evidencing the applicant's capital holding: Must satisfy the requirements set out under Articles 3 and 4 of the regulations.
4. Maps indicating the location of the wind farm project: this must be based on the navigation map of the ROC Navy published by the Maritime and Atmospheric Bureau of the Navy Command, and use a maximum scale with TWD97 (Taiwan Datum 1997) two degree zone transverse mercator projection, to indicate the perimeter of the site and the distribution of turbines (with coordinates of each turbine).
5. Plans and design blueprints of the wind turbines: Same requirements as Point 4 above.
6. Agreement for the Bureau to process information submitted: See standard form in Attachment 3-2.
7. Affidavit certifying that the applicant has understood and filed an application in accordance with these regulations: See standard form in Attachment 3-3.
8. Letters of opinion from regulatory bodies and/or related associations on nearby flight routes, radar, military, building restrictions, boating safety, marine and nature preservation and safety, fishery and mineral rights.
9. Other documents as requested by the Bureau.

Attachment 3-1: Offshore Wind Farm Site Application

[Translation omitted]

Attachment 3-2: Information Usage and Processing Agreement

[Translation omitted]

Attachment 3-3: Affidavit Standard Form

[Translation omitted]

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