

# 條約及協定處理準則

中華民國八十一年二月十九日外交部外(81)條二字第八一三〇四一〇三號令訂定發布全文十六條

中華民國八十三年三月十一日外交部外(83)條二字第八三三〇六〇〇一號令修正發布全文十九條

中華民國九十一年四月十日外交部外條一字第〇九一〇一〇五七六四〇號令修正發布第十一條條文

中華民國九十三年十二月十五日外交部外條二字第〇九三〇一二三四四六〇號令修正發布第十四條條文

中華民國九十八年五月五日外交部外條二字第〇九八二四〇三四四五〇號令修正發布第十一條條文

- 第一條 為釐定條約及協定之處理程序，特訂定本準則。
- 第二條 中央各機關或其授權之機構或團體與外國政府、國際組織或外國政府授權之機構簽訂條約或協定，依本準則之規定處理。
- 第三條 本準則所稱條約，係指左列國際書面協定：
- 一、具有條約或公約之名稱者。
  - 二、定有批准條款者。
  - 三、內容直接涉及國家重要事項且具有法律上之效力者。
  - 四、內容直接涉及人民權利義務且具有法律上之效力者。
- 本準則所稱協定，係指前項條約以外之國際書面協定，不論其名稱及方式為何。
- 第四條 條約內容如涉及領土之變更，應依憲法第四條規定辦理。
- 第五條 條約及協定由外交部主辦。
- 條約或協定之內容具專門性、技術性，以主管機關簽訂為宜者，得經行政院同意，由其主辦。
- 第六條 由外交部主辦之條約或協定，其內容涉及其他機關之業務者，外交部應就該案件隨時與有關機關聯繫，或請其派員參與。
- 前條第二項之主辦機關於研擬草案或對案及談判過程中，應與外交部密切聯繫，必要時並得請外交部派員協助。其正式簽署時，外交部得派員在場並注意約本文字、格式及簽名是否正確合宜。

- 第七條 主辦機關於條約草案內容獲致協議前，得先就談判之總方針及原則，與立法院相關委員會協商。
- 第八條 條約或協定草案內容獲致協議時，除事先獲行政院授權或時機緊迫者外，主辦機關應先報請行政院核可，始得簽訂。
- 第九條 條約案經簽署後，主辦機關應於三十日內報請行政院核轉立法院審議。但條約案未具有條約或公約名稱，且未定有批准條款，而有左列情形之一者，依第十條規定程序辦理：
- 一、經法律授權簽訂者。
  - 二、事先經立法院同意簽訂者。
  - 三、內容與國內法律相同者。
- 第十條 協定應於簽署後三十日內報請行政院核備；除內容涉及國家機密或有外交顧慮者外，並應於生效後，送立法院查照。
- 第十一條 定有批准條款之條約案，經立法院審議通過，咨請總統批准時，主辦機關應即送外交部報請行政院轉呈總統頒發批准書，完成批准手續。
- 條約完成批准手續並互換或存放批准書生效後，由總統公布施行。但情形特殊者，得由總統完成批准手續後公布。
- 第十二條 條約或協定之約本，應同時以中文及締約他方之官方文字作成，兩種文本同等作準。必要時，可附加雙方同意之第三國文字作成之約本，並得約定於條約或協定之解釋發生歧異時，以第三種文本為準。
- 專門性及技術性之條約或協定約本，締約各方得約定僅使用某一國際通用文字作成。
- 第十三條 條約或協定之附加議定書、附加條款、簽字議定書、解釋換文、同意紀錄或附錄等文件，均屬構成條約或協定之一部分，應予併同處理。
- 第十四條 條約及協定生效後，外交部應彙整正本逐一編列號碼，並應刊登公報及定期出版，以利查考。
- 第五條第二項之主辦機關應會同外交部製作條約或協定備簽正本，正本經簽署後，屬我方保存者應送外交部保存。
- 前項主辦機關致送對方簽約國之換文正本，應於簽署後攝製影印本並註明「本件與簽字正本無異」後，連同我方之簽字正本，於三十日內送外交部保存。
- 條約或協定之批准書、接受書或加入書，其須交存國外機關保存者，應將經認證之該項文書影印本，於三十日內送交外交部保存。
- 第十五條 中央各機關或其授權之機構或團體與外國政府、國際組織、外國政府授權之機構、民間團體或私人就商業交易簽訂重要契約，必要時，應先通知外交部，並於簽訂後將有關文件資料送外交部存查。

中央各機關或其授權之機構或團體，對於簽訂之國際書面協議係屬協定或契約之性質發生疑義時，由外交部會同法務部及相關主管機關認定之。

第十六條 第五條第二項所定之條約或協定生效後，外交部得請主辦機關提供實施情況之有關資料；其有修訂、廢止或發生爭議時，主辦機關應會同外交部處理之。

第十七條 辦理及參與條約案、協定案草擬、協商、談判或簽署之人員，應依規定保守祕密；違反者，依法懲處；其涉有刑責者，並移送司法機關處理。

第十八條 條約及協定處理作業應注意事項，由外交部定之。

第十九條 本準則自發布日施行。

**MEMORANDUM OF UNDERSTANDING FOR COOPERATION IN THE FIELDS OF  
COMMUNICATIONS REGULATION BETWEEN NATIONAL  
COMMUNICATIONS COMMISSION OF TAIWAN AND  
COMMUNICATIONS REGULATORY COMMISSION OF MONGOLIA**

The National Communications Commission of Taiwan and Communications Regulatory Commission of Mongolia, hereinafter referred to collectively as "the Participants" and separately as "the Participant",

GUIDED by the desire to establish cooperation and exchange in the field of communications regulation between Taiwan and Mongolia,

RECOGNIZING the importance of the development of communications for promoting trade and technical exchanges, as well as the economic, social, and cultural development of both economies,

RECOGNIZING the importance of cooperation between the Participants based on principles of equality, reciprocity and mutual benefit,

Have reached the following understanding:

1. In accordance with the legislation and regulations of each Participant, and acting within their respective framework of powers and responsibilities, the participants will cooperate to promote the development of communications in Taipei and Ulaanbaatar.
2. The Participants have identified the following areas of common interest for exchange and cooperation:
  - a. Communications regulatory policy and regulations;
  - b. Radio frequency monitoring and inspection, Number Management, interconnection, wireless communications and licensing;
  - c. Multilateral issues;
  - d. Other areas in communications as mutually decided upon by the Participants.

3. Cooperation in the field of communications between the Participants may take the following forms:
  - a. The exchange of information and materials on communications subjects of common interest, and the establishment of channels for exchanges of information as appropriate;
  - b. The provision of opportunities for each Participant to become acquainted with the organizational structure, statutes, regulations, policies, methods and procedures of the other Participant;
  - c. The facilitation of exchange of communications-related technical personnel, specialists, and delegations;
  - d. The facilitation of joint research projects;
  - e. The joint organization of technical seminars, symposia and meetings;
  - f. The facilitation of arrangements for training and other assistance in communications;
  - g. Other forms of cooperation adopted by both Participants.
4. Each Participant will designate a contact point to be responsible for the promotion of the cooperation and activities between the Participants. In this instance, the cooperating agency for the National Communications Commission will be the Department of Planning, National Communications Commission in Taipei, and the cooperating agency for Communications Regulatory Commission of Mongolia will be the Legal, Information and Administration Department.
5. The Participants will establish a cooperative committee to review the progress of cooperative activities under this Memorandum of Understanding (MOU) and to discuss other issues relating to this MOU. The committee will be composed of representatives designated by the Participants and will meet in turn in Taipei and in Ulaanbaatar at a mutually acceptable time.
6. The Participants will encourage contact between the government agencies, research institutes, corporations and other relevant organizations, and the conclusion of

implementing agreements or arrangements between them which will provide the details of the cooperative activities under this MOU.

7. The cooperative activities carried out under this MOU will be subject to the availability of funds and human resources of the Participants, and will be mutually accepted. Each Participant will bear the travel, accommodation and other related costs of its own personnel. With respect to other activities, including the undertaking of demonstrations, training, field trials or joint development projects, the sharing of costs involved will be mutually decided on a case-by-case basis.
8. This MOU may be supplemented with "Implementing Arrangements" on specific activities and matters of cooperation.
9. Neither Participant will disclose nor distribute any information that is supplied or marked "confidential" by the originating Participant except as and to the extent authorized by the originating Participant.
10. This MOU will come into effect on the date of its signature and will remain in effect for a period of five (5) years unless amended, renewed or terminated in accordance with this paragraph. This MOU may be amended or renewed at any time upon the mutual consent of the Participants in writing. Either Participant may terminate this MOU at any time by providing the other Participant with three (3) months' written notice.
11. The amendment or termination of this MOU will not affect the terms of those activities which are in progress at the time of the notification of amendment or termination of the MOU.

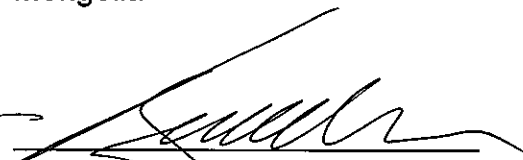
In witness whereof, the undersigned, being duly authorized, have signed this MOU.

Done at Taipei on the 29th day of March, 2010, in the English language, made two copies.

For the National Communications  
Commission of Taiwan

For the Communications  
Regulatory Commission of  
Mongolia

  
Dr. Bonnie Peng


  
Mr. B. Boldbaatar

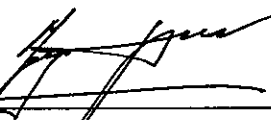
Witnessed by the

Witnessed by the

Taipei Trade and Economic  
Representative Office in  
Ulaanbaatar

Ulaanbaatar Trade and Economic  
Representative Office in Taipei

  
Mr. Tseng Yee-Min

  
Mr. M. Chojdorj

