

Content

Title :	Act for the Establishment of the National Atomic Research Institute 
Date :	2023.06.21
Legislative :	June 21st, 2023 HUA-ZONG-YI-YI-ZI-No.11200051801
Content :	<p>Chapter I General Provisions</p> <p>Article 1 In order to promote the technological development of nuclear safety, radiation protection and peaceful use of atomic energy, the National Atomic Research Institute (hereinafter referred to as the Institute) is hereby established and this Act is enacted.</p> <p>Article 2 This Institute is a non-departmental public body and Nuclear Safety Commission is the supervisory authority of the Institute. .</p> <p>Article 3 The Institute is in charge of the following affairs: 1.Research and development of nuclear safety technology. 2.Research and development of radiation protection technology. 3.Research and development of radioactive waste treatment, storage and disposal technologies and decommissioning technology for nuclear facilities. 4.Research and development of atomic energy in life sciences, agriculture and industry. 5.Research on the application of nuclear medicine and medical devices. 6.Research on the application of new energy technology and systems. 7.Research and development of interdisciplinary system integration with engineering analysis and applied technology related to the above six subparagraphs. 8.Exchange, cooperation, transfer, services, industrial applications and manufacturing, processing, supply, and promotion services of domestic and foreign technologies related to Subparagraphs 1 to 6. 9.Other matters related to the purpose of establishing the Institute.</p> <p>Article 4 The Institute is funded by: 1.Government appropriations and donations (subsidies); 2.Donations from domestic and foreign public or private organizations, groups, and individuals; 3.Income from commissioned research and other services provided by the Institute; 4.Income from operations and research accomplishments; 5.Other income. The government appropriations and donations (subsidies) funding mentioned in Subparagraph 1 of the preceding paragraph shall include personnel expenses, matters assigned to the Institute by relevant competent authorities, decommissioning, cleaning</p>

and rehabilitation of various nuclear facilities of the Institute, treatment, storage and disposal of radioactive waste, maintenance of important facilities such as buildings and fixed equipment and other necessary expenses for atomic energy technology research and development.
The donations mentioned in Subparagraph 2 of Paragraph 1 shall be regarded as equivalent to donations to the government.

Article 5

The Institute's Charter, personnel management, accounting system, internal control, audit procedures, and other regulations shall be adopted. After being approved by its Board of Directors, these shall be reported to the supervisory authority for reference.
The Institute may adopt the rules and regulations governing the public functions it performs within the scope of relevant laws and regulations, and shall submit them to the Board of Directors for approval and thereafter submit them to the supervisory authority for reference.

Chapter II Organization

Article 6

The Institute has a Board of Directors consisting of eleven to fifteen Directors selected among the following people by the supervisory authority and appointed by the president of the Executive Yuan. The same shall apply to their dismissal:

1. Representatives of relevant governmental agencies (entities). The Deputy Heads or appointed representatives overseeing the affairs of the Nuclear Safety Commission, Ministry of Economic Affairs, National Science and Technology Council and Ministry of National Defense shall serve as ex-officio Directors.
2. Scholars and experts with rich experience in research and development of atomic energy and its applied science and technology at home and abroad.
3. Experts in the operation and management of private enterprises, or public figures who have significant contributions to the Institute.

The number of Directors specified in Subparagraph 1 of the preceding paragraph shall not be less than one-half of the total number of Directors.
The number of each gender of the Directors specified in Paragraph 1 shall not be less than one-third of the total number of Directors.

Article 7

The Institute shall have neither less than three nor more than five Supervisors.
The Supervisors shall be nominated by the supervisory authority and appointed by the president of the Executive Yuan. In the event of the dismissal, the same procedure shall be followed. The Supervisors shall be nominated among the following people:

1. Representatives of relevant governmental agencies (entities).

2. Scholars and experts with rich experience in research and development of atomic energy and its applied science and technology at home and abroad.
3. Scholars and experts in the related fields of law, accounting, and finance.

A Standing Supervisor shall be elected among the Supervisors.

The number of each gender of the Supervisors specified in Paragraph 1 shall not be

less than one-third of the total number of Supervisors.

Article 8

The term of office of each Director or Supervisor is three years. Directors or

Supervisors may be reappointed once upon the expiration of the original term of

office. The number of reappointments shall exceed one-third of the total number

of Directors or Supervisors, and shall not exceed two-thirds of the total number

of individuals.

According to Subparagraph 1, Paragraph 1 of Article 6 and Subparagraph 1, Paragraph 1

of Article 7, the Directors or Supervisors acting on behalf of government agencies

shall be replaced if their government positions are changed, and shall not be bound

by the restriction on the times of reappointment specified in the preceding paragraph.

If there is a vacancy existing in the Directors and Supervisors appointed according

to Subparagraphs 2 and 3 of Paragraph 1 of Article 6 and Subparagraphs 2 and 3 of Paragraph 1

of the preceding Article before the expiration of their terms of office, the vacancy

shall be filled through the selection by the supervisory authority and the appointment

by the president of the Executive Yuan, and the term of office of the new Director or Supervisor

shall continue until the expiration of the term of office of the original Director or Supervisor.

The methods of selection, dismissal and supplementary appointment of Directors and Supervisors

of the Institute, as well as other relevant matters, shall be determined by the supervisory authority.

Article 9

The Institute shall have one Chairperson of the Board of Directors, nominated by the

supervisory authority among the Directors, and appointed by the president of

the Executive Yuan. In the event of the dismissal, the same procedure shall be followed.

The regulations governing the method of appointment, dismissal, and replacement of

the Chairperson, and other associated matters shall be prescribed by the supervisory authority.

The Chairperson is in charge of all affairs of the Institute internally and represents the

Institute externally as well. If the Chairperson cannot exercise the authority for any

reason whatsoever, the Director designated by the Chairperson shall act on behalf of

the Chairperson, but if the designation cannot be made, the person being elected by

the Directors among themselves shall act on behalf of the Chairperson.

The Chairperson may not exceed the age of sixty-five at the first term of

office. If the Chairperson reaches the age of seventy before the expiration of the term of office, the Chairperson shall be replaced immediately. However, if there are special considerations that have been approved by the Executive Yuan, the aforementioned limitations shall not apply.

Article 10

The Board of Directors has the following authorities:

- 1.To deliberate on development objectives and plans.
- 2.To deliberate on the annual business plans.
- 3.To deliberate on the annual budget and the financial statements.
- 4.To deliberate on the Institute' s internal rules and regulations.
- 5.To deliberate on the disposal or the creation of any encumbrance of real estate owned by the Institute.
- 6.To approve the appointment and dismissal of the Institute President
- 7.To deliberate on matters that this Act stipulates shall be decided by the Board of Directors.
- 8.To deliberate on other major matters.

Article 11

The Board of Directors shall meet once every three months; when necessary, an extraordinary meeting may be convened by the Chairperson, who will chair the meeting. Meetings of the Board of Directors shall be attended by more than half of the Board members, and resolutions shall be approved by more than half of the Board members who are present at the meeting. However, resolutions regarding specified in Subparagraphs 1 to 7 of the previous Article shall be approved by more than half of all the Board members.

Article 12

The Supervisors have the following authorities:

- 1.Review and pass the annual financial statements;
- 2.Oversee the Institute' s business and financial affairs;
- 3.Audit the financial books, documents, and property records of the Institute.
- 4.Review or audit other important matters.

Supervisors shall exercise authority independently; Standing Supervisors shall represent the Board of Supervisors at meetings of the Board of Directors.

Article 13

A Director or Supervisor shall not be a spouse or relative by blood or marriage within three degrees of kinship to any Directors or Supervisors.

Article 14

Matters concerning the avoidance of conflicts of interest for Directors, Supervisors, the President, or individuals in equivalent positions, as well as their related parties, shall be handled under the provisions of the Act on Recusal of Public Servants Due to Conflicts of Interest.

The person who breaches the preceding paragraph shall be liable for the damages caused thereby to the Institute.

A person articulated in Paragraph 1 against the regulations of the Act on Recusal of Public Servants Due to Conflicts of Interest shall be punished under the Act, and, in

addition, the supervisory authority may take appropriate punishment. The disposal of violations shall be determined by the supervisory authority.

Article 15

The Directors and Standing Supervisors shall attend Board meetings in person, and shall not appoint proxies to attend.

Article 16

A person to whom any of the following circumstances applies may not be hired as a

Director or Supervisor:

1. Commencement of guardianship or assistance remains in force;
2. A conviction mandating imprisonment has been handed down and probation has not yet been granted;
3. A bankruptcy declaration has been filed, or where following the Consumer Debt Clearance Act a judge has mandated to commence the debt clearance process but where rights have not yet been restored.
4. Deprivation of civil rights that has not yet been restored.

A Director or Supervisor to whom any of the circumstances listed in the preceding paragraph pertains, or who without valid reason fails to attend the meetings of the Board of Directors three times, shall be dismissed.

A Director or Supervisor to whom any of the following circumstances applies may be dismissed:

1. Proven immoral behavior detrimental to the image of the Institute;
2. Where work has been performed unsatisfactorily or duties have been neglected to seriously infringe upon the terms of employment;
3. Where the Institute has not met the standards laid out by the supervisory authority for its annual performance review two years in a row;
4. Where there has been a proven contravention of the Civil Service Administrative Neutrality Act;
5. Where there has been proven lobbying or favors concerning matters under the individual's purview, or where an individual has used his/her official capacity to accept bribery or gifts such that the public interest or the interests of the Institute have been harmed;
6. Where it is proven that the Institute's property has been used for other than official use;
7. A Director or Supervisor who is found by concrete evidence to have violated the provisions of recusal in case of conflicts of interest in Article 13 or Paragraph 1 of Article 14.
8. Other conduct unbecoming of a Director or Supervisor.

For any of these situations mentioned in the preceding paragraph, the supervisory authority shall give the concerned individuals the opportunity to state their opinions and defend themselves before dismissal.

Article 17

Adjunct Directors or Supervisors shall receive no remuneration.

Article 18

The Institute shall appoint one full-time President, proposed by the Chairperson of the Board of Directors and hired upon approval by the Board of Directors.

The same procedure shall be followed for the President's dismissal. The President subject to the directions and supervision of the Board of Directors, shall implement the Institute's business, and supervise the Institute's personnel. Regulations governing Directors and the Chairperson of the Board of Directors, namely those under Paragraph 4 of Article 9, Article 13, Article 16, and Subparagraph 6 of Article 19, shall apply mutatis mutandis to the President.

Chapter III Business and Supervision

Article 19

The scope of supervision of the Institute carried out by the supervisory authority shall be limited to:

1. Approving the development goals and plans;
2. Approving or filing for reference the Institute's rules, annual business plan and budget, annual achievements report, and financial statement reports;
3. Examining the Institute's property and finances;
4. Evaluating business performance.;
5. The appointing and dismissing of Directors and Supervisors, and rendering opinions thereon.
6. Meting out punishment to Directors and Supervisors who have infringed upon relevant regulations;
7. Dismissing, changing, abolishing, requiring timely improvements, halting the execution of duties, and other punishments where the constitution, laws, and regulations are breached by the Institute.
8. Approving the disposal of or the creation of encumbrance over the real estate owned by the Institute;
9. Other supervisory duties under the law.

Article 20

The supervisory authority shall invite representatives of relevant agencies, scholars and experts, and upstanding members of the public to conduct performance evaluations of the Institute. Among these, the number of scholars and experts, and upstanding members of the public shall account for no less than one-half of the total. The methods, procedures, and other relevant matters for the performance evaluation mentioned in the preceding paragraph shall be determined by the supervisory authority.

Article 21

The content of the performance evaluation mentioned in the preceding Article shall cover:

1. A review of the annual achievements report of the Institute.
2. An assessment of the operational performance and achievement rate of the Institute.
3. An assessment of the achievement rate of the Institute's annual self-funding targets.
4. Recommendations on budget allocation to the Institute.
5. Other related matters.

Article 22

The Institute's development goals and plans shall be submitted to the

supervisory authority for approval. The annual business and budget are to be sent to the supervisory authority for reference after it is approved by the Board of Directors.

Article 23

Within two months after the end of the Institute's fiscal year, it shall present its annual achievements report and financial statement report to a certified public accountant for audit and attestation, following which these are to be reviewed by the Board of Directors. After being approved by the Board of Supervisors, these reports are to be sent to the supervisory authority for future reference and to the auditing authority. The financial statement report mentioned in the preceding paragraph may be audited by the auditing authority. The audit report may be sent to the supervisory authority or other related agency for any necessary action.

Chapter IV: Personnel and Protection of Current Employees' Rights and Interests

Article 24

Personnel shall be hired to work at the Institute in line with the rules concerning personnel management of the Institute. They shall not be considered public servants. Their rights and duties are to be stipulated in their contracts. A spouse or relative by blood or marriage within three degrees of kinship of a Director or Supervisor shall not hold a position in general affairs, accounting or personnel at the Institute. The Chairperson and the President shall not hire his/her spouse or relative by blood or marriage within three degrees of kinship as an employee of the Institute.

Article 25

Before the implementation of this regulation, the existing personnel employed by the Institute of Nuclear Energy Research (hereinafter to as the "Original Authority") under the relevant civil service employment laws shall be transferred to continue their employment at this Institute on the date of the institution's restructuring, and shall retain their status as civil servants (hereinafter referred to as "Retained Employees"). Matters pertaining to their appointment, service, penalties, evaluation, training and education, remuneration, insurance, protection of rights, right of assembly, retirement, severance, survivor relief and welfare shall be governed by the civil service laws that were originally applicable. Notwithstanding, where any matter is not governed by the aforementioned laws, the Executive Yuan and the Examination Yuan shall prescribe separate regulations for such matters. The management of the Retained Employees that are personnel officers; budget, accounting and statistics officers; ethics officers, shall be the same as that of the civil servants Except for the head of the Institute, employees described in the two

preceding paragraphs may use the originally applicable organizational act when applying for promotions and qualification screening. Employees described in Paragraphs 1 and 2 of this Article may take on a position in the Institute at any time by applying for retirement or severance under the appropriate civil service retirement or severance laws. Such persons shall not receive an additional lump sum relief payment equivalent to seven months of salary and shall be subject to the personnel management regulations enforced by the Institute.

Article 26

Where a civil servant of the Original Authority declines to be transferred to the Institute, the supervisory authority shall assist the civil servant in transferring to another position, or the civil servant may apply for retirement or severance on the date of the restructuring of the authority under the originally applicable laws and receive an additional lump sum relief payment equivalent to seven months of salary. Notwithstanding, if this civil servant has reached the mandatory retirement age, he or she will receive an additional payment calculated based on the number of months of his/her early retirement. Within seven months from the effective date of retirement or dismissal mentioned in the preceding paragraph, if the personnel is reappointed to one of the positions listed in Paragraph 1, Article 77 of the Public Servants' Retirement, Dismissal, and Severance Pay Act (hereinafter referred to as the "Severance Pay Act"), and their monthly salary exceeds the statutory minimum wage, the reappointing agency shall deduct the severance pay equivalent to the number of months of retirement or dismissal and collect the remaining amount, which shall be returned to the supervisory authority. The lump sum relief payment in the two preceding paragraphs shall refer to the civil servants' basic (seniority) pay, technical or professional allowance and supervisory differential pay at the month of effective retirement or severance.

Article 27

Where the employment contract of a current contract-based worker hired by the Original Authority according to the Contract-based Worker Employment Act or the Executive Yuan and Subordinate Agencies Contracted-Employment Regulations (hereinafter referred to as the "Original Authority' s Contract-based Worker") has not expired, and this worker declines to be transferred to the Institute and resigns from the position on the date of the restructuring of the authority, he/she will be subject to the Regulations of Granting Severance Savings Fund for Contract Employees of Government Agencies and Public Schools and will receive an additional lump sum remuneration equivalent to seven months of salary according to his/her salary of the last month before his/her resignation. Notwithstanding, if the contract

of the worker is soon to expire, he/she will receive a remuneration calculated based on the number of months of his/her early termination of employment. Within seven months from the effective date of resignation, if the personnel is reappointed to one of the positions listed in Paragraph 1, Article 77 of Severance Pay Act, and their monthly salary exceeds the statutory minimum wage, the reappointing agency shall deduct the severance pay equivalent to the number of months of resignation and collect the remaining amount, which shall be returned to the supervisory authority. An Original Authority's Contract-based Worker who is transferred to the Institute on the date of the restructuring of the authority shall apply for resignation on the same day, and according to the Regulations of Granting Severance Savings Fund for Contract Employees of Government Agencies and Public Schools without an additional remuneration equivalent to seven months of salary, and the worker shall be employed according to the personnel regulations enforced by the Institute.

Article 28

Where a current janitor (including technician or driver) of the Original Authority (hereinafter referred to as "Original Authority's Janitor") declines to be transferred to the Institute, the supervisory authority shall assist the janitor in transferring to another position, or the janitor may apply for retirement or severance under the originally applicable laws on the date of the restructuring of the authority and receive a lump sum relief payment equivalent to seven months of salary. Notwithstanding, if the janitor has reached the mandatory retirement age, he/she will receive an additional lump sum relief payment calculated based on the number of months of his/her early retirement. If the personnel referred to in the preceding paragraph, within seven months from the effective date of retirement or severance, assume any of the positions listed in the first paragraph of Article 77 of the Severance Pay Act, and if the total monthly remuneration exceeds the statutory minimum wage, the reappointing agency shall deduct the total amount of consolation funds equivalent to the number of months of retirement and severance. The remaining balance shall be confiscated and remitted to the supervisory authority. The lump sum relief payment in the two preceding paragraphs shall refer to the janitor's basic (seniority) pay and professional differential pay at the month of effective retirement or severance. An Original Authority's janitor who is transferred to the Institute on the date of the restructuring of the authority shall apply for retirement or severance on the same day under the originally applicable laws without an additional lump sum relief payment equivalent to seven months of salary and be employed according to the personnel management regulations enforced by the Institute.

Article 29

The additional expenses required to pay the severance-related allowances for the restructuring

of the original authority may be adjusted and covered within the original budget scope by the original authority or its supervisory authority. Such adjustments are not subject to the limitations stated in Article 62 and Article 63 of the Budget Act.

Article 30

Neither the lump sum relief payment nor the monthly remuneration mentioned in this Act shall apply to a person who has received additional payment due to his/her retirement, severance or resignation in coordination with the downsizing, merging, subordinating, restructuring or abolition of an authority (entity) or school according to the relevant laws and regulations.

Article 31

Where a person who is suspended or terminated from duty (including pending removal from duty) or takes an unpaid leave is transferred to the Institute due to the restructuring of the Original Authority, the Original Authority shall list the names and hand over the list to the Institute to continue the enforcement. If a person taking unpaid leave applies for early reinstatement, the application shall be approved. A person, who resumes his/her position and/or resumes receiving his/her salary declines to be transferred, the provisions of Article 26 may be applied mutatis mutandis, and the supervisory agency shall assist in his/her placement or handle retirement or severance, along with the payment of additional severance allowances.

Chapter V Accounting and Finance

Article 32

The fiscal year adopted by the Institute shall be the same as that followed by the government. The accounting system of the Institute shall be based on the Regulations for Establishment of the Non-Departmental Public Bodies' Accounting System. The Institute's financial statements shall be audited and attested by a certified public accountant.

Article 33

The original authority or its supervisory authority may approve and disburse allocations by making adjustments within the original scope of the budget at the year of the establishment of the Institute without being subject to the stipulations of Articles 62 and 63 of the Budget Act.

Article 34

Public property used by the Institute for operation purposes may be purchased by itself, or donated, leased, or provided for use free of charge to the Institute by governmental agencies; in the case of donation, it shall not be subject to Articles 25 and 26 of the Budget Act, Articles 28 and 60 of the National Property Act. The public land price in the preceding paragraph shall be the announced current land value.

The price for constructional improvements on the land shall be the assessed value provided for that year by the taxation authority. Where no such assessed value is

available, the price shall be appraised by the agency having managerial responsibility over public property.

The properties purchased by the Institute with funding from a budget allocated by governmental agencies for designated purposes shall be deemed public properties. Except for the public properties leased or provided for use free of charge as outlined in Paragraph 1 and the public properties prescribed in the preceding paragraph, all of the properties acquired by the Institute shall be deemed private properties.

The Institute shall be registered as the manager of the public properties which are provided for use free of charge in Paragraph 1 and the public properties prescribed in Paragraph 3, and all profits arising from the properties shall be deemed income of the Institute without being subject to the restrictions specified in Paragraph 1 of Article 7 of the National Property Act.

The regulations governing matters related to management, use, and profits shall be prescribed by the supervisory authority.

Upon the abolishment of the use of public properties, the properties shall be handed over to the public property management authorities at the relevant level of government.

Where the Institute no longer needs to use the donated public properties, it shall return the properties to the donating authority and shall not dispose of the properties arbitrarily.

Article 35

A government authority's approval and disbursement of allocations for the Institute shall be governed by the legal budgetary procedure and supervised by the audit authority.

Where the budget allocated to the Institute, as specified in the preceding paragraph, is more than 50 percent of the annual budgetary income of the Institute in a given year, the supervisory authority shall submit an annual budgetary statement of the Institute to the Legislative Yuan for review and approval.

The Institute shall prescribe rules and regulations on income and expenditure management for the use and management of its income and shall file the rules and regulations to the supervisory authority for future reference.

Article 36

Debt incurred by the Institute shall be limited to self-liquidating loans, which shall be submitted to the supervisory authority for approval in advance. Where debts cannot be self-liquidated in line with budgetary expenditures, the Institute shall review and propose improvement measures to the supervisory authority for approval.

Article 37

The Institute shall conduct procurement based on the principles of openness and fairness.

The Government Procurement Act shall not apply to the procurement, except for the circumstances set forth in the treaties or agreements which are concluded by the Republic of China or in Article 4 of Government Procurement Act. The rules and regulations for

the procurement shall be submitted to the competent supervisory authority for approval. The procurement referred to in the preceding paragraph shall be handled in accordance with Article 4 of the Government Procurement Law. However if any other law provides otherwise, its provisions shall prevail.

Article 38

Information concerning the Institute shall be made public in line with the Freedom of Government Information Law. The Institute shall make public its annual financial report, annual business information, and annual performance evaluation report. The supervisory authority shall provide an analysis of the Institute's annual performance evaluation report and send it to the Legislative Yuan for its reference. Where necessary, the Legislative Yuan may request that the head of the supervisory authority lead the Chairperson of the Board of Directors, the President of the Institute, or related supervisors to the Legislative Yuan for interpellation concerning the operations of the Institute.

Chapter VI Supplementary Provisions

Article 39

Where there are objections to administrative decisions made by the Institute, an appeal may be filed to the supervisory authority under the terms of the Administrative Appeal Act.

Article 40

Where the Institute cannot meet the objectives of its establishment due to a change of circumstances or poor performance, its supervisory authority shall apply to the Executive Yuan for its dissolution. Where the Institute is dissolved, the retained employees shall be assisted by the supervisory authority in being transferred to other positions, or apply for retirement or severance according to applicable civil servant laws and regulations. Employment contracts with other persons shall be terminated, and the remaining assets shall be turned over to the treasury with all debts generally assumed by the supervisory authority.

Article 41

The commence date of this Act shall be determined by the Executive Yuan.

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