

Ethics Guidelines for Civil Servants

Executive Yuan
Republic of China

1. The Executive Yuan (hereinafter referred as “the Yuan”) has established these Guidelines to ensure that civil servants in its employ carry out their duties with integrity, fairness and unselfish motive in accordance with laws and regulations and, thereby, to maintain the Government's good reputation.
2. For the purposes of these Guidelines, the following definitions shall apply:
 - (a) **Civil servants** means personnel whose conditions of employment are governed by the Civil Service Act.
 - (b) **Having vested interests in civil servants’ official duties** means any of the following relationships of individuals, juridical persons, groups or other parties with the Yuan, including its subordinate agencies:
 - (1) having business dealings with the Yuan, carrying out projects under the Yuan’s supervision or being subsidized by the Yuan;
 - (2) seeking to gain, or having gained, a contractual relationship with the Yuan in connection with executing projects, supplying goods or providing other services;
 - (3) being likely to benefit from or be adversely affected by the Yuan’s business decisions and by the implementation or non-implementation of such decisions.
 - (c) **Standard limit on normal courtesy gratuities** means a maximum of NT\$3,000 in gratuities that a civil servant may accept on a single occasion, and a maximum of NT\$10,000 per year from the same source, in the course of non-official dealings.
 - (d) **Ceremonial protocol in the conduct of official duties** means activities that, in accordance with common courtesy, customary protocol or local customs, must be conducted either domestically or abroad in the course of meeting with or receiving foreign dignitaries or in order to carry forward government business or facilitate discussions.
 - (e) **Entreaties or lobbying** means communications/contacts with civil servants which involve substantive aspects of the Yuan’s or its subordinate agencies’ business decisions or the implementation or non-implementation of such decisions, and which have the potential of causing such decisions and the

implementation or non-implementation of them to violate laws or be otherwise improper, thus adversely impacting the legitimate powers and duties of the government agencies in question.

3. Civil servants shall perform their duties in accordance with the law and in an impartial manner that serves the public interest. They shall not take advantage of their official powers, procedures or opportunities to seek illegitimate gain for themselves or others.
4. Civil servants shall not demand, solicit or accept financial/material gratuities from parties that have vested interests in the civil servants' official duties. Gratuities may be accepted, however, under any of the following conditions where it is an unsolicited occurrence and will not influence the receiver's exercise of official powers or performance of official duties:
 - (a) The gratuity is given and received within the context of ceremonial protocol in the conduct of official duties.
 - (b) The gratuity is given by a government superior as a reward, as assistance in time of hardship, or as an expression of consolation.
 - (c) The market value of the gratuity, from a single party, does not exceed NT\$500, or, if given collectively by more than one party, does not exceed NT\$1,000.
 - (d) In instances where the gratuity is given in connection with wedding engagements, weddings, giving birth, moving to a new residence, taking up a new position, being promoted or transferred, retiring, resigning from or otherwise leaving one's professional position; or in connection with the injury, illness or death of the recipient or the recipient's spouse or immediate relative; and where the market value of the gratuity does not exceed the normal range customarily given under such circumstances.
5. Civil servants shall deal with gratuities in accordance with the following procedures.
 - (a) Except under the circumstances cited in the preceding paragraph, gratuities offered or given to civil servants by parties that have vested interests in the civil servants' official duties shall be refused or returned, and such occurrences shall be reported in writing by the civil servants to their supervisors and to their agencies' ethics offices. If they are unable to return such gratuities, they shall turn them over to their agencies' ethics offices for disposition within three days of receipt thereof.
 - (b) Except in the case of gratuities given by relatives or close friends, in instances where the market value of gratuities given to civil servants by those who have no vested interest in their

performance of official duties exceeds the standard limit on normal courtesy gratuities, recipients of such gratuities shall, within three days of receipt thereof, report such occurrences in writing to their supervisors and, when deemed necessary, to their agencies' ethics offices.

Government ethics offices shall propose in writing appropriate methods of disposing of the aforesaid improper gratuities in consideration of their nature and market value, such as by retaining them after paying for them, making them public property or donating them to charitable organizations. Upon approval of such methods by the agencies' responsible officials, the gratuities shall be disposed of accordingly.

6. Civil servants shall be deemed to have received financial or material gratuities under any of the following circumstances:
 - (a) The recipients of such gratuities are the civil servants' spouses or immediate blood relatives, or members of the civil servants' collectively supported households.
 - (b) The recipients of such gratuities are third persons who later transfer them to civil servants or persons with whom they have the foresaid relationships.
7. Civil servants are prohibited from taking part in dinner parties or other entertainment activities at the invitation of those who have vested interests in their official duties. Exceptions to this prohibition include the following circumstances:
 - (a) Civil servants are obligated to do so as a matter of ceremonial protocol in the conduct of official duties.
 - (b) Such activities are held in conjunction with traditional festivals and are open to participation of the public at large.
 - (c) Participation in such activities is arranged by one's superior as a reward or expression of consolation.
 - (d) Such activities are arranged in connection with wedding engagements, weddings, giving birth, moving to a new residence, taking up a new position, being promoted or transferred, retiring, resigning from or otherwise leaving one's professional position, and their market values do not exceed the standard limit on normal courtesy gratuities.

Further, civil servants shall avoid accepting invitations to take part in social activities which, although not involving the hosts' vested interests in the civil servants' official duties, nevertheless are clearly inappropriate in consideration of the latter's official positions and responsibilities.

8. Civil servants shall not go to inappropriate places except as required by the conduct of necessary official business with their supervisors' approval, or when required for other legitimate reasons. Civil servants shall not engage in improper contacts with parties that have vested interests in their official duties.
9. While on official study tours, inspection tours or business trips, or while participating in conferences in an official capacity, civil servants shall not accept invitations to take part in dinner parties or other entertainment activities provided by related organizations; but they may accept simple meals, accommodations or transportation when deemed necessary in the course of carrying out their official duties,
10. Civil servants are permitted to take part in activities described in Subparagraphs 1 and 2, Paragraph 1 of Article 7 of these Guidelines only after submitting written proposals to, and receiving the approval of, their supervisors, and after notifying their ethics offices of their plans.
11. When encountering entreaties or lobbying, civil servants shall report such occurrences within three days to their supervisors and inform their ethics offices of them.
12. Upon receiving notification of civil servants' acceptance of gratuities such as monetary or material gifts, meals or other entertainment, or of instances of entreaties or lobbying, ethics offices of the Yuan's subordinate agencies shall file formal records of such occurrences.
13. Unless otherwise stipulated by laws and regulations, civil servants shall not concurrently engage in part-time work in either the public or private sector.
14. Remuneration received by civil servants for taking part in gatherings in capacities such as speakers, symposium panelists, seminar presenters or expert appraisers/judges shall not exceed NT\$5,000 per hour.
Remuneration accepted by civil servants for preparing manuscripts in connection with the aforementioned activities shall not exceed NT\$2,000 per 1,000 Chinese characters.
Civil servants are permitted to take part in events such as those mentioned in Paragraph 1 of this article organized by parties that have vested interests in their official duties, or upon the request of such parties, only after submitting written proposals to, and receiving the approval of, their supervisors, and after their ethics offices have been informed and have filed appropriate records.
15. As the rules of these Guidelines concerning notification of ethics offices and reporting to supervisors apply to the head officials of government agencies, head officials shall directly notify ethics offices of their plans.

- 16.** Civil servants shall avoid involvement in private financial loaning/borrowing operations, forming or participating in private credit associations, or acting as financial guarantors or guarantors of others' conduct. In the event civil servants find it necessary to engage in such activities, they shall inform their agencies' ethics offices.

Agency heads and section supervisors shall endeavor to strengthen mechanisms for assessing the ethical integrity of their subordinates and take timely action to address instances of abnormal financial or living conditions.

- 17.** The ethics office of each agency shall appoint a specialist responsible for explaining these Guidelines and how they apply to specific cases, as well as for providing other ethics-related consultative services. If points of doubt arise in the course of providing such services, ethics offices may refer the issues in question to higher-level ethics organizations for disposition.

In the preceding paragraph, "higher-level ethics organization" refers to the ethics office of the next-higher division of government that exercises direct administrative authority over the referring agency. If an agency is not under the administrative authority of a higher-level division of government, then its ethics office shall exercise the powers stipulated by these Guidelines with respect to higher-level ethics organizations.

In the preceding paragraph, agency that is "not under the administrative authority of a higher-level division of government" is a Cabinet-level department of government under the Executive Yuan.

- 18.** In the case of agencies that have not yet established an ethics office, the affairs that these Guidelines specify as the responsibility of ethics offices shall be handled by personnel in other positions who double as ethics specialists, or by a person appointed by the head of the agency.
- 19.** Civil servants who are found to have violated these Guidelines shall be disciplined in accordance with pertinent regulations. Cases in which civil servants are believed to have committed criminal acts shall be referred to the courts.
- 20.** Each agency, in accordance with its particular needs, is authorized to set ethical standards and rules stricter than those outlined in these Guidelines.
- 21.** Central government and local government agencies not under the authority of the Yuan may utilize the rules outlined in these Guidelines