

Directions of joint negotiation meeting of Industrial Cooperation Requirements

工業合作需求聯合談判會議作業要點

I. Basis

一、依據

The "Regulations on operating Industrial Cooperation" of the Ministry of National Defense reviewed and approved by the Executive Yuan through the YUAN-TAI-FANG-TZU Letter No. 1100013559 dated May 13, 2021.

行政院 110 年 5 月 13 日院臺防字第 1100013559 號函核備國防部「工業合作作業規定」。

II. Purpose

二、目的

To effectively achieve the purpose of industrial cooperation, it is advisable to consult with potential foreign suppliers on the required items and categories of execution of industrial cooperation before military procurement, and to confirm whether the required items and contents decided by the industrial cooperation requirements examine meeting can be implemented or how to implement in full. These key points are hereby formulated.

為有效達成工業合作之目的，於軍購前宜與國外潛在商源就工業合作需求項目、執行方式等先行協商，以確認工業合作需求審議會決議之需求項目與內容是否可執行或如何具體執行，特訂定本要點。

III. Negotiation Principle

三、談判原則

(1) Before the meeting, we should inform potential foreign suppliers of the exact industrial cooperation required items and contents resolved in our Industrial

Cooperation requirements examine meeting.

我方應於會議前以適當之方式使國外潛在商源確知我方「工業合作需求審議會議」決議之工業合作需求項目及內容。

- (2) If it is a non-governmental project, potential foreign suppliers shall cooperate with the Industrial Development Bureau of the Ministry of Economic Affairs to handle the investment promotion briefing and select suitable potential domestic recipients.

若屬民間承接項目，國外潛在商源須配合經濟部工業局辦理招商說明會，遴選適切之潛在國內承接單位。

- (3) The "Cost of the ICP Plan" proposed by potential foreign suppliers shall comply with the budget and a consensus reached with the conclusion of our "review meeting of technic and intellectual property".

國外潛在商源所提之「工業合作個案執行成本」應符合預算且與我方「技術與智財價值審議」會議結論達成共識。

- (4) Industrial cooperation cases do not include hardware. If listed as a necessary and self-owned basic energy for potential foreign suppliers, the domestic recipients shall make its own investment.

工業合作個案不包含硬體設備；若為國外潛在商源納列為必要且自有之基礎能量，應由承接單位自行投資。

- (5) Major projects of the ICP plan and summary description of the ICP specific project submitted by potential foreign suppliers shall align with the requirements examine meeting conclusions.

國外潛在商源所提之工業合作個案規劃摘要及工業合作個案計畫書，其大項目應符合需求審議會議之結論。

IV. Negotiation

四、談判作業

(1) The director of the Department of the procurement project responsible unit is the chairman of the meeting, and may authorize the deputy director to preside over the meeting as needed.

國軍建案單位業務主管為本會議主席，得視需要授權副主管代理主持會議。

(2) The procurement project responsible unit (including planning departments) and domestic recipients are negotiating members of this meeting. According to individual cases, the procurement project responsible unit may add the National Chung-Shan Institute of Science & Technology, the Ministry of National Defense, the Ministry of Economic Affairs and relevant ministries as negotiating members to assist the Armed Forces Project and Procurement Unit to carry out negotiations.

國軍建案單位（含計畫部門）及承接單位為本會議談判成員；國軍建案單位得視個案需要，增列國家中山科學研究院、國防部相關聯參、經濟部及相關部會為談判成員，輔助國軍建案單位執行談判任務。

(3) Before or during the meeting, we should confirm in an appropriate manner that the representatives of potential foreign suppliers have representative authority.

於會議進行前或進行中，我方應以適當之方式確認國外潛在商源之出席代表有代表權限。

(4) After agreeing the requirements of industrial cooperation, potential foreign suppliers shall propose a summary description of the ICP specific project (as Annex), and write ICP Plan.

國外潛在商源於同意工業合作需求後，應提出工業合作個案規劃摘要（如附件），並據以撰寫工業合作個案計畫書。

(5) According to the conclusion of the joint negotiate meeting, the procurement project responsible unit may require potential foreign suppliers to complete ICP Plan within a certain period of time. The Ministry of National Defense and the Ministry of Economic Affairs shall then invite the procurement project responsible unit, the relevant General Staff Headquarters of the Ministry of National Defense (the

Deputy Chiefs of Logistics, and the Deputy Chiefs of Communications and Electronics), the Ministry of Science and Technology, NCSIST and other units to evaluate and examine the technical value and intellectual property rights.

國軍建案單位依據工業合作需求談判結果，要求國外潛在商源於一定時限內完成合於工業合作需求之工業合作個案計畫書。再由國防部與經濟部共同邀集國軍建案單位、國防部相關聯參（後次室、通次室）、科技部、中科院等單位，進行技術價值與智慧財產權評估審查。

- (6) If it's a non-governmental project, individual meetings shall be held, and foreign potential foreign suppliers or domestic recipients may be notified in an appropriate manner during or after the meeting.

如屬民間承接項目，得個別召開會議，並得於會中或會後以適當之方式通知國外潛在商源或國內承接單位。

V. Negotiation Schedule

五、談判時程

- (1) Within one month (before January of the current year of Y-3) following receipt of the minutes of the industrial cooperation requirements examine meeting, the procurement project responsible unit shall complete the corresponding English description in the industrial cooperation demand statement, and notify potential foreign suppliers of the confirmation contents in advance.

國軍建案單位應於收到工業合作需求審議會會議紀錄後 1 個月內（Y-3 年當年度 1 月前），將工業合作需求說明表補齊相應之英文說明，先行通知各國外潛在商源確認內容。

- (2) Now more than two years shall pass from the time when a joint negotiate meeting with potential foreign suppliers is held to the time when ICP Agreement is signed. 我方與國外潛在商源召開聯合談判會議時起至簽署工業合作協議書止，以不逾 2 年為限。

(3) Within 11 months (before the end of December of the current year of Y-3), the procurement project responsible unit shall complete all industrial cooperation demand negotiations and confirm ICP plan with potential foreign suppliers.

國軍建案單位應於 11 個月內 (Y-3 年當年度 12 月底前)，與國外潛在商源完成所有工業合作需求談判及個案計畫書之確認。

(4) If there is no consensus between the " Cost of the ICP Plan " by potential foreign suppliers and the conclusion of our "review meeting of technic and intellectual property", the joint negotiate meeting shall be reconvened without changing the items. No more than two consultation meetings may be held prior.

倘國外潛在商源所提之「工業合作個案執行成本」與我方「技術與智財價值審議」會議結論未達成共識，應在不更動項目內容之前提下重新召開聯合談判會議協商，且前開協商會議以不超過 2 次為原則。

(5) If the cooperation case plan cannot be negotiated with potential foreign suppliers within the time limit, or no consensus has been reached after the two negotiations mentioned in the preceding paragraph, or there is no suitable domestic undertaking unit for the civil undertaking project after the recruitment (selection) of the business, The Industrial Cooperation Requirements Examine Meeting should be hold to review the industrial cooperation needs.

工業合作個案計畫書與國外潛在商源無法於時限內完成談判，或經前項協商 2 次仍未達成共識，或民間承接項目經招 (選) 商無適宜之國內承接單位等案件，應召開工業合作需求審議會議審議。

(6) The period of convening the industrial cooperation requirements examine meeting mentioned in the preceding paragraph shall also be included in the two-year period of Article 5 (2) of these directions.

前項再召開工業合作需求審議會議之期間，亦計入本作業要點第五條 (二) 之二年期間內。

VI. This directions should be announced and implemented after being approved by the

Industrial Cooperation Policy Advisory Committee of the Ministry of Economic Affairs and National Defense, the same applies when revised.

本要點經經濟部國防部工業合作政策指導委員會核定後公布施行，修訂時亦同。

工業合作個案執行規劃摘要表

Summary description of the ICP Specific Project 【Annex】

個案名稱 Project Title	
國外工合承商 Contractor	
國外合作廠商 Service Provider(s)	
國內承接單位 Domestic Recipient(s)	
計畫摘要 Project Summary	
計畫範疇 Project Scope	
計畫內容 Project Description	
計畫期程 Project Schedule	
交付項目 Deliverable(s)	
預期效益 benefit	
執行成本 Cost	