

人工智慧基本法草案總說明及草案條文

總說明

我國於2018年，已以邁向智慧國家為五大施政目標之一，而人工智慧是智慧革命之重要關鍵。

二十一世紀初期，於電腦軟體、硬體發達及資訊、通訊科技日趨成熟之今日，人工智慧已具備成熟發展之條件；而人工智慧之研發及利用，對於國家未來發展影響甚鉅，非但是科學技術之革新，亦將改變各種產業發展及人類生活形式，因此許多先進國家均就人工智慧持續投入大量資源，作為鞏固國家在全球科技地位之戰略目標。

近年，為達成人工智慧發展目標，先進國家均陸續制定人工智慧相關政策及法規，並積極落實，期望取得先機，例如美國「聯邦人工智慧應用監管指引(Guidance for Regulation of Artificial Intelligence Applications)」、歐盟「人工智慧法草案(Artificial Intelligence Act)」、德國「聯邦政府人工智慧策略要點(Eckpunkte der Bundesregierung für eine Strategie Künstliche Intelligenz)」、日本「為執行人工智慧原則之治理指引(AI原則実践のためのガバナンス・ガイドライン)」、韓國「智慧資訊化基本法(Framework Act on Intelligent Informatization)」、中國大陸「新一代人工智能發展規劃」等；面對人工智慧發展之國際競爭環境，我國不落人後，本院亦於2018年核定「臺灣人工智慧行動計畫」，培育人工智慧人才及研發深耕，鏈結智慧製造、醫療及其他產業，期許我國邁向尖端智慧國家之林。

隨著人工智慧之應用擴大，其所引發之負面效應及風險，亦不容忽視。如隱私侵害、偏見歧視、不公平競爭、安全性疑慮、工作變遷等已然出現。是故，除了兼顧技術深耕及產業發展外，更應完善運作環境，將道德倫理、法制整備、資料處理及社會變遷等議題，納入人工智慧發展政策。為了形塑可受信任之人工智慧發展環境，實現人工智慧之多元利用，必須推動制定人工智慧通用法制之基本法，俾使我國高科技發展得以呼應當前之國際規範趨勢。爰參酌外國立法例，兼顧國內產業發展脈動，擬具「人工智慧基本法」草案，共計二十四條，其要點如下：

- 一、本法之立法目的、主管機關及名詞定義。（草案第一條至第三條）
- 二、定明政府應以跨領域或國際合作之方式，落實人工智慧發展之主要政策，由中央主管機關擬訂發展計畫報行政院核定，中央目的事業主管機關應配合擬訂或訂定法規或具體方案，辦理所定事項。（草案第四條及第五條）

原文請參見：張麗卿等，臺灣人工智慧基本法制定之必要與倡議，月旦法學雜誌，340期，2023年9月，79-101頁。

- 三、中央政府應持續確保預算經費符合推行政策所需，並結合財稅及金融優惠制度，積極協助、輔導人工智慧產業鏈。（草案第六條及第七條）
- 四、人工智慧之研發及利用，應以人為本、普惠人民及永續發展為目標，符合自主、保密、安全、包容及透明等基本原則。（草案第八條）
- 五、關於人工智慧資料之蒐集、處理及利用，應建立必要之保護及監督機制。（草案第九條）
- 六、人工智慧之研發及利用，應落實對於需要協助族群、勞工權益、公平交易秩序之保護，並建立必要之救濟、補償及保險制度。（草案第十條至第十三條）
- 七、人工智慧之研發及利用，應符合國家標準或相關法規。（草案第十四條）
- 八、政府對於人工智慧研發及利用之潛在風險，應建立風險評估及監管機制，以確保人工智慧可受信任。（草案第十五條）
- 九、為確保人工智慧之品質，應訂定品質管理機制，定期進行安全性、穩定性、可追溯性與可解釋性之評估及監督。（草案第十六條）
- 十、為確保人工智慧之安全性，其研發者、提供產品或服務之自然人、法人、機關、機構或團體，有提出並公開技術文件之義務，經評估有風險者，有提出安全監測計畫之義務。高風險人工智慧之安全監測計畫應經核定，並於上市或提供服務後，定期向目的事業主管機關提出安全監測報告。（草案第十七條及第十八條）
- 十一、發生嚴重影響人民安全或健康之情事時，提供者有即時通報義務。（草案第十九條）
- 十二、為有效達成促進人工智慧發展之目的，政府應給予獎勵、補助，並應規劃辦理人工智慧創新實驗環境，強化對中小企業提供者及使用者之協助，鼓勵產業自行制定產業指引及行為規範。（草案第二十條至第二十二條）
- 十三、各級政府應於本法施行後，依本法規定檢討並修訂、廢止或改進所主管之法規及行政措施。（草案第二十三條）
- 十四、本法自公布日施行。（草案第二十四條）

人工智慧基本法草案

條 文	說 明
<p>第一條（立法目的）</p> <p>為建設智慧國家，促進人工智慧產業發展，建構人工智慧安全環境，保障人民基本權利，增進社會福祉，提升國際影響力，特制定本法；本法未規定者，適用其他法律之規定。</p>	<p>一、鑑於人工智慧發展之國際趨勢，相關研發及利用涉及諸多領域，應有整體規劃之必要。</p> <p>二、政府及民間應協力合作，共同促進人工智慧產業發展，建構人工智慧安全環境，保障人民基本權利，增進社會福祉，提升國際影響力，俾利達成智慧國家之建設，爰制定本法。</p> <p>三、關於本法及其他法律之適用，本法有規定者，應優先適用本法之規定；本法未規定，其他法律有規定者，適用其他法律之規定。例如：人工智慧產業之研發或利用過程可能對環境造成嚴重不良影響或有危害之虞，本基本法未就環境保護及產業發展發生衝突之情形作相關規定，應適用環境基本法第三條但書規定，「經濟、科技及社會發展對環境有嚴重不良影響或有危害之虞者，應環境保護優先」。</p>
<p>第二條（主管機關）</p> <p>本法所稱主管機關：在中央為數位發展部；在地方為直轄市、縣（市）政府。</p> <p>本法所定事項，涉及各目的事業主管機關職掌者，由各該目的事業主管機關辦理。</p>	<p>一、數位發展部之設立目的，為促進數位經濟發展，加速國家數位轉型，建設智慧國家。依數位發展部組織法第二條可知，數位發展部掌理國家數位發展政策之擘劃，建構數位科技應用與創新發展環境及人才培育，促進數位經濟產業，以及數位發展國際合作等事項，均與人工智慧發展有密切關係。人工智慧作為數位科技發展之重要部分，與數位發展部之職掌有密切關係，故以數位發展部為主管機關。</p> <p>二、人工智慧之發展，中央及地方應協力合作，故在地方，以直轄市、縣（市）政府為地方主管機關。又，為顧及各種事業發展之特性，應由各該目的事業主管機關辦理本法所定事項。</p>
<p>第三條（人工智慧之定義）</p> <p>本法所稱人工智慧，指接收人類或機器資料輸入，以下列各款全部或部分方式，實現預測、建議、決策或其他特定目的之軟體、硬體及其他相關之系統：</p> <p>一、使用監督式學習、非監督式學習、強化學習或其他利用資料建立模型之機器學習方式。</p>	<p>一、本條規範之人工智慧，係指使用可以體現或模仿人類行為及反應之方式，作為預測、建議或決策等特定目的之軟體、硬體或其他開發中之系統。</p> <p>二、第一款為「機器學習」之方式。機器學習之方式繁多，諸如監督式學習、非監督式學習、強化學習或其他機器學習方式（如深度學習或建立類似架構之模型），皆屬</p>

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<p>二、使用各種知識表示方式建立之知識庫系統，以推理引擎進行歸納、演繹、反證或其他模仿人類邏輯推理能力之方式。</p> <p>三、使用統計、搜尋、剖析、優化或其他方法，建立決策或推理模型之方式。</p> <p>四、使用前三款以外之模仿人類思考及反應模式，進行感知、規劃、推理、學習、溝通、修正或其他之方式。</p>	<p>之。</p> <p>三、第二款係指前款機器學習外，其他得以體現人工智慧之方式。所謂「知識表示(knowledge representation)」係指描述、呈現知識之表達文字、圖型；知識庫則是以歸納(induction)、演繹或推理(deduction)、反證法(contradiction)等計算方式，以推理(演繹)引擎，實現類似人類之邏輯推理(logic inference)能力。</p> <p>四、第三款所稱「統計」，指統計學習及推理；另，「搜尋(search)、剖析(parsing)或優化(optimization)」，指搭配由人為或機器學習所建立之搜尋策略、剖析規則、目標函數等運作之方式。</p> <p>五、第四款為概括條款，指非前三款所體現之人工智慧方式，只要有使用其他仿效人類思考及反應模式，進行感知、規劃、推理、學習、溝通、修正或其他方式，亦為本法所稱之人工智慧。</p>
<p>第四條（推動人工智慧主要政策）</p> <p>政府應落實下列人工智慧發展之主要政策，並重視跨領域及國際合作：</p> <p>一、促進人工智慧研發創新。</p> <p>二、重視人工智慧基本教育。</p> <p>三、培育人工智慧專業人才。</p> <p>四、推動人工智慧產業發展。</p> <p>五、深化人工智慧產學合作。</p> <p>六、鼓勵人工智慧發展投資。</p> <p>七、建立資訊通訊基礎設施。</p> <p>八、其他人工智慧發展政策。</p>	<p>一、為因應人工智慧產業發展趨勢，政府應加速推動人工智慧及產業發展，建構完善之產業環境，透過跨領域及國際合作之方式，維繫我國在全球產業價值鏈之關鍵地位。</p> <p>二、人工智慧之主要政策應在於促進人工智慧之研發創新，重視人工智慧之專業教育及基本教育，開設人工智慧課程，開展國際交流合作，培育與人工智慧有關之科技、工程、電腦、法律、社會、文化等多方面人才，從事人工智慧研發及利用之人員，推動人工智慧產業發展，以及協助人工智慧產業及學術機構進行產學合作。</p> <p>三、政府應鼓勵投資，並強化資訊、通訊基礎設施，營造適合人工智慧發展之環境。</p>
<p>第五條（發展計畫）</p> <p>中央主管機關應依前條政策，擬訂人工智慧發展計畫，報行政院核定，並定期檢討修正。</p> <p>中央目的事業主管機關應依前項計畫，擬訂或訂定法規或具體方案，辦理本法所定事項。</p>	<p>一、為落實第四條人工智慧之主要政策，促進人工智慧之發展，推動跨領域及國際合作，適時因應人工智慧發展可能附隨之負面效應及風險，應由中央主管機關統籌擬訂發展計畫，參考科學技術基本法第十條及中醫藥發展法第五條規定，為第一項規定。</p> <p>二、為落實推動人工智慧政策發展，各中央目的事業主管機關應配合辦理本法所定事</p>

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	項，為第二項規定。
<p>第六條（政府預算經費之確保） 中央政府應於國家財政能力範圍內，寬列預算，採取必要措施，持續確保經費符合推行人工智慧政策發展所需。</p>	<p>政府應積極落實本法第四條人工智慧之主要政策；惟政策之推動，有賴持續投入穩定且充足之資源，故參考中醫藥發展法第四條及文化創意產業發展法第八條之規定，明定政府應寬列經費，確保落實人工智慧政策之經費穩定充足。</p>
<p>第七條（財稅及金融優惠） 中央政府應積極協助、輔導人工智慧產業，結合財稅及金融優惠制度，提供產業穩健發展，培植國內人工智慧人才及產業鏈，促成人工智慧及經濟發展。</p>	<p>一、政府應積極投入資源發展人工智慧，促成人工智慧產業發展經濟規模，鞏固我國在數位科技產業鏈之全球地位，故參考海洋基本法第九條規定，於本條規定政府應建構健全之產業環境，持續培育人才完備人工智慧產業鏈。</p> <p>二、所稱財稅及金融優惠制度，係指所涉中央目的事業主管機關依第五條第二項辦理之具體人工智慧發展相關措施。為保留其廣泛適用性，於本法揭示原則性、綱要性之精神。</p>
<p>第八條（研發及利用之基本原則） 人工智慧之研發及利用，應以人為本、普惠人民及永續發展為目標，並遵行下列基本原則：</p> <p>一、自主原則：尊重人性尊嚴及個人自主。</p> <p>二、保密原則：尊重人民隱私及營業秘密。</p> <p>三、安全原則：保障人民生命、身體、自由及財產之安全。</p> <p>四、包容原則：重視多元包容，確保公平，避免歧視。</p> <p>五、透明原則：強化可解釋性及可追溯性，確保問責可能性。</p>	<p>一、人工智慧研發及利用之倫理原則，應以人為本，非僅為特定人或事業謀求利益，更應重視永續發展理念，使全體國人均能享受人工智慧研發及利用之益處，形成人工智慧發展之正循環。</p> <p>二、人工智慧之研發及利用，應確保人性尊嚴與個人自主控制及監督之權利。</p> <p>三、人工智慧之研發及利用，涉及個人隱私及營業秘密，對相關資料之蒐集及處理，應採取尊重及保護措施。</p> <p>四、人工智慧之研發及利用，應確保其安全可靠，以避免造成人民重要權益之侵害。</p> <p>五、人工智慧之研發及利用，應重視多元價值觀，避免人工智慧因身分、性別、種族、年齡等因素，造成歧視或偏見。</p> <p>六、人工智慧之研發及利用，為使人民信賴，應具有可解釋性及可追溯性，確保人民知悉人工智慧之決策內容，並提高問責之可能性。</p>
<p>第九條（保護及監督機制） 人工智慧資料之蒐集、處理及利用，應審酌人民隱私、資訊自主及產業發展之均衡維護，建立必要之保護及監督機制。</p>	<p>人工智慧資料之蒐集、處理及利用，對人民隱私、個人資料有重大影響，政府應平衡其與人工智慧相關產業之發展，建立必要之保護及監督機制。</p>
<p>第十條（保護需要協助族群） 人工智慧之研發及利用，應優先考量身心</p>	<p>一、人工智慧之研發及利用，可能造成社會資源分配不平等，或因而加深身心障礙者、</p>

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<p>障礙者、高齡者、兒童及其他需要協助族群之權益。</p>	<p>高齡者及兒童等需要協助族群，在社會上或經濟上被孤立之問題。</p> <p>二、基於包容原則，人工智慧之研發及利用，應優先考量身心障礙者、高齡者及兒童等需要協助族群權益之保護。</p>
<p>第十一條（保障勞工權益） 各級政府應就人工智慧利用所致之非自願性失業者，依其工作能力，予以輔導就業。</p>	<p>為減緩人工智慧對勞動市場之衝擊，政府應就人工智慧利用所致之非自願性失業，適時提供就業輔導，並依相關勞動法規，保障勞工權益。</p>
<p>第十二條（保護公平交易） 政府應防止人工智慧之研發或利用者，以其優勢地位為資料之不當蒐集、處理、利用，或從事不公平競爭，確保交易秩序及消費者權益。</p>	<p>政府為確保交易秩序及消費者權益，應防止人工智慧之研發或利用者，以其優勢地位進行不當資料蒐集或實行不公平競爭。</p>
<p>第十三條（救濟、補償及保險制度） 政府應審酌人工智慧研發及利用所生之風險，建立必要之救濟、補償及保險制度。</p>	<p>人工智慧具有相當程度之風險，若正常或合理使用人工智慧受有損失，應有救濟管道，故政府應審酌人工智慧難以預測之風險，建立必要之救濟、補償及保險制度。</p>
<p>第十四條（合於規範標準） 人工智慧之研發及利用，應符合國家標準或相關法規；未訂有國家標準或相關法規未規定者，依各目的事業主管機關所認定得採行之其他先進國家標準或國際標準。</p>	<p>人工智慧之研發及利用，與人民權益息息相關，應符合國家標準或國內相關法規。至於國內未訂有國家標準或相關法規未規定者，依各目的事業主管機關所認定得採行之其他先進國家標準或國際標準，俾維護人民基本權利。</p>
<p>第十五條（風險評估及監管機制） 政府應控制人工智慧研發及利用之潛在風險，就人工智慧風險訂定分級及判定原則，並建立風險評估及監管機制，進行適當管制。</p>	<p>一、人工智慧之發展迅速且利用場域多元，其研發及利用提升產業競爭力，對社會及環境產生明顯之效益，但同時也具有複雜性、不透明性、資料依賴性等特性，可能涉及大量消費者之種族、膚色、基因資料、生物辨識資料、健康、性別、刑事犯罪紀錄、宗教、家庭背景、社經地位等個人資訊，亦可能是系統性監控大型公眾可近用空間，其所產生之後果，可能侵害人民基本權利或造成不利之影響。</p> <p>二、參考歐盟2021年《人工智慧法案—主席國妥協文本(Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts)》草案，以及美國《2022年演算法課責法(Algorithmic Accountability Act of 2022)》草案之規定，為平衡人工智慧新科技可能帶來之風險，避免過度限制或阻礙新技術之</p>

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	<p>發展，政府應建立風險評估及監管機制，依風險特定及高低程度，進行適當管制。</p> <p>三、政府於建立風險評估及監管機制時，宜參酌歐盟2021年《人工智慧法案—主席國妥協文本》草案，其第二章第五條將最高風險之人工智慧規定為「被禁止之人工智慧」（包含為執法之目的，在公共場所使用即時遠程生物特徵之辨識系統等），其他非屬該條所定之「被禁止之人工智慧」者，則依其風險高低而有不同之監督管理措施。</p>
<p>第十六條（品質管理機制）</p> <p>政府應訂定人工智慧品質管理機制，定期進行安全性、穩定性、可追溯性與可解釋性之評估及監督。</p>	<p>一、鑑於人工智慧之風險及特性，政府應有義務督促及監督業者，訂定人工智慧之品質管理機制。</p> <p>二、為能有效監督及避免人工智慧之風險，政府所訂定之品質管理機制，應包含定期評估人工智慧是否安全、穩定及可追溯。例如，為有效監控高風險人工智慧之研發及利用，確保其安全性及可追溯性，各目的事業主管機關可於國家標準或通用規格規定應具備自動記錄功能，或保存自動生成之日誌。</p>
<p>第十七條（技術文件及安全監測計畫）</p> <p>人工智慧於上市或提供服務前，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應向中央目的事業主管機關提出符合法規規定之技術文件，並予公開。</p> <p>人工智慧之研發及利用，經評估有風險者，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應向各目的事業主管機關提出安全監測計畫；其為高風險者，應經核定後，始得為之。</p>	<p>一、為確保人工智慧之安全性，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應向中央各目的事業主管機關提出符合法規規定之技術文件。例如，利用人工智慧開發之藥品或結合人工智慧運用之醫療器材，為能讓政府適當監管，相關技術文件，應有必要提供予中央目的事業主管機關知悉。另，基於人工智慧之透明性及可解釋性之確保，相關技術文件應予公開，惟涉及營業秘密或專利技術之內容，依相關法令之規定，自當不予公開。</p> <p>二、再者，為確保人工智慧研發及利用之安全性，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應向各目的事業主管機關提出安全監測計畫。例如，新開發之藥品上市後，臨床上為能確保病人藥物使用安全，主管機關及業者應當進行藥品上市後之安全及風險等監控事宜。衡酌人工智慧之運用，與醫療之不可預測性等相近，相關風險之控管，中央目</p>

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	<p>的事業主管機關協力應要求上開人員提供安全監測計畫。高風險人工智慧之安全監測應更嚴格，故其安全監測計畫，應經目的事業主管機關核定。</p>
<p>第十八條（安全監測報告） 高風險人工智慧於上市或提供服務後，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應定期向目的事業主管機關提出安全監測報告。</p>	<p>一、為因應人工智慧應用之風險及變動性，確保其上市或提供服務後仍符合本法相關規定以及確保安全無虞，主管機關應有必要適時掌握人工智慧之研發、產品與服務之風險及安全。</p> <p>二、據此，人工智慧之研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應有義務定期向目的事業主管機關提出安全監測之報告，以利目的事業主管機關得確實掌握人工智慧於上市或提供服務後，能持續監管其潛在之風險。</p>
<p>第十九條（嚴重不良事件通報） 人工智慧於研發、上市或提供產品、服務後，發生嚴重影響人民生命、身體、自由或財產之情事，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，應立即通報目的事業主管機關。</p>	<p>為控制人工智慧之風險，人工智慧於研發中、上市或提供產品、服務後，發生嚴重影響人民生命、身體、自由或財產之情事時，參考食品衛生安全管理法第7條第5項，食品業者於發現產品有危害衛生安全之虞時，應通報直轄市、縣（市）主管機關之規定，如人工智慧之利用發生上述情形，其研發者，或提供產品、服務之自然人、法人、機關、機構或團體，亦負擔即時通報義務。</p>
<p>第二十條（獎勵） 政府對於從事人工智慧研究或推動著有功績之自然人、法人、機構或團體，應給予獎勵，並表揚之。</p>	<p>各目的事業主管機關對於相關事項得進行獎勵。相關事項包括：產業之研發創新、技術移轉；政府、產業、學術及研究機構之合作；政府及企業投入學校人才之培育；國際人才之引進等人工智慧發展事項。從事人工智慧研究或施行之機構、人員，對人工智慧之發展有相當貢獻者，政府應予獎勵及表揚。</p>
<p>第二十一條（創新實驗環境） 中央目的事業主管機關應建構人工智慧完善且安全之創新實驗環境，輔導相關產業實施實驗；並對符合中小企業發展條例之中小企業，採取適當之補助措施。</p>	<p>一、人工智慧創新技術及服務上市前，政府應設置創新實驗環境，提供相關研發及利用之安全場域及實驗空間，以妥善評估創新技術之潛在效益及風險，必要時，得排除相關法規之限制。在現行法下，金融科技發展與創新實驗條例、無人載具科技創新實驗條例，對於人工智慧創新實驗之監理沙盒(Regulatory Sandbox)場域，均以「創新實驗環境」稱之，故本法從之。</p> <p>二、為促進人工智慧產業發展，政府應協助相關產業進入人工智慧監理沙盒實驗。因中小企業之規模與大型企業存有現實差距，</p>

條 文	說 明
	為鼓勵中小企業投入人工智慧產業，政府應對符合相關條件之中小企業，提供積極輔及補助措施。至於中小企業之條件、資格，依中小企業發展條例之規定。
<p>第二十二條（促進產業訂定指引及規範）</p> <p>政府應促進相關產業自行訂定產業指引及行為規範。</p> <p>前項指引及規範之訂定，應由人工智慧之研發者，或提供產品、服務之自然人、法人、機關、機構或團體及其他利害關係人共同參與。</p>	<p>一、基於專業考量，人工智慧企業及機構對其領域特性、產業需求及應用風險最為熟悉，政府應鼓勵及促進多元參與，合作訂定符合產業現況及執行需求之指引及規範。</p> <p>二、與人工智慧研發及利用相關之研發者，或提供產品、服務之自然人、法人、機關、機構或團體及其他利害關係人，應共同參與討論人工智慧相關產業指引及行為規範之訂定，廣泛匯聚各利害關係人之意見，促進產業之合理規範及健全發展，最佳化產品與服務之標準、實踐及監督。</p>
<p>第二十三條（各級政府完備法規）</p> <p>政府應依本法規定，檢討所主管之法規及行政措施；有妨礙人工智慧政策推動、不符合本法規定或無法規可資適用者，應自本法施行後三年內，完成法令之制（訂）定、修正或廢止，及行政措施之改進。</p> <p>前項法規完成制（訂）定、修正前，由主管機關會商中央目的事業主管機關依本法規定解釋、適用。</p>	<p>一、為落實本法，確保人工智慧政策有效推動發展，政府應主動檢討相關法規及行政措施，是否符合人工智慧政策之推動，故參考海洋基本法第十六條規定，於第一項明定期限檢討法規。</p> <p>二、依第一項規定應制（訂）定、修正前之相關法規，於未完成法定程序前，為使人工智慧相關事務能符合本法規定，參考海洋基本法第十六條第二項規定，於第二項明定由主管機關會商中央目的事業主管機關，依本法規定解釋、適用之。</p>
<p>第二十四條（施行日期）</p> <p>本法自公布日施行。</p>	明定本法之施行日期。

General Explanation of the Artificial Intelligence Basic Act Draft

General Explanation

In 2018, the proposed “Smart Taiwan Plan” has been one of the five primary policy goals, and the artificial intelligence (hereinafter AI) is a key player in the intelligence revolution of the Taiwan government.

In the early 21st century, as computer software and hardware are well developed, and as information and communication technologies are getting more and more sophisticated, the time is ripe for advanced AI development; the development and application of AI will have a significant impact on the future of a State, not only on the innovation of science and technology, but also the development of various industries and our way of life. Therefore, many advanced countries have been making massive investments in AI, so as to achieve the strategic goals of consolidating their global leadership in science and technology .

In recent years, in order to achieve AI development goals, advanced countries have successively enacted AI-related policies and regulations and implementing them proactively, aiming to gain a competitive edge. Such examples include the USA’s “Guidance for Regulation of Artificial Intelligence Applications,” the EU’s draft “Artificial Intelligence Act,” Germany’s “Key points for a Federal Government Strategy on Artificial Intelligence,” Japan’s “Governance Guidelines for Implementation of AI Principles,” Korea’s “Framework Act on Intelligent Informatization,” and China’s “Next Generation Artificial Intelligence Development Plan.” Facing the global competition in AI, Taiwan shall not fall behind: the Executive Yuan rolled out the “AI Taiwan Action Plan” in 2018 to develop AI talents, facilitate the research and development of AI, and connect AI with smart manufacturing, healthcare, and other industries, so as to make Taiwan one of the leading smart countries.

As the application of AI grows , the negative effects and risks caused by AI cannot be ignored. Several issues have already arisen, such as privacy violations, bias and discrimination, unfair competition, security concerns, and job replacement. Therefore, in addition to facilitating technology and industrial development, more emphasis should be put on the improvement of the operating environment and issues such as ethics, legal system, data processing, and social changes should be address in AI development policies. To shape an environment that encourage the development of trustworthy AI and accordingly implement various uses of AI, it is necessary to promote the

enactment of a basic law that provides the legal framework for AI, so as to align our high-tech development with the current trend of the international regulatory framework. Accordingly, referring to foreign legislation while balancing the momentum of domestic industry development, the draft “Artificial Intelligence Basic Law” with a total of 24 articles was proposed. The highlights are given as follows:

1. The legislative purpose of the Act, competent authorities, and the definition of terminology (Articles 1 to 3).
2. It is specified that the government shall implement the primary policies for the development of AI through interdisciplinary and international cooperation. The central competent authority shall formulate an AI development plan and submit for approval by the Executive Yuan. The central authorities in charge of relevant matters shall cooperate in formulating or promulgate regulations or specific programs to implement the plan, and address the matters covered under this Act (Articles 4 and 5).
3. The central government shall constantly ensure the funds meet the financial demand for the implementation of AI policies, and assist and guide the companies in the AI industrial chain by providing preferential tax and financial treatments (Articles 6 and 7).
4. The research, development and application of AI shall be carried out with an aim to fulfill human-centered, inclusive, and sustainable values, and comply with the principles of autonomy, confidentiality, safety, inclusion, and transparency (Article 8).
5. Necessary protection and supervision mechanisms shall be established regarding the collection, processing, and application of personal data for AI (Article 9).
6. The research, development, and application of AI shall be carried out in line with the protection of the groups in need of assistance, the rights and interests of laborers, and fair trade. Necessary relief, compensation, and insurance mechanisms shall be established (Articles 10 to 13).
7. The research, development, and application of AI shall comply with national standards or relevant regulations (Article 14).
8. In response to potential risks arising from the research, development and application of AI, the government shall establish risk assessment and control mechanisms to ensure the trustworthiness of AI (Article 15).
9. To assure the quality of AI, an AI quality management mechanism shall be established to conduct regular assessments and supervision of the safety, stability, traceability, and explainability of AI (Article 16).
10. To ensure the safety of AI, developers of AI, or the natural person, juridical person, agency,

institution or association providing AI products or services have an obligation to submit and disclose technical documentation. When being assessed to be of risk, the said developers, natural person, juridical person, agency, institution or association have an obligation to submit a safety monitoring plan; when being assessed to be high-risk, the said developers, natural person, juridical person, agency, institution or association shall submit the safety monitoring plan for prior approval, and regularly submit safety monitoring reports to the competent authority in charge of relevant matters after the entry into market or deployment of high-risk AI products or services. (Articles 17 and 18).

11. Providers have an obligation to immediately notify the authorities in charge of relevant matters in case of any serious adverse impact on people's safety and health. (Article 19).
12. To effectively promote the development of artificial intelligence, the government shall provide rewards and subsidies, create an environment for AI innovation experiments, enhance assistance to small and medium enterprises, and encourage the establishment of the guidelines and codes of conduct for the industry by the industry. (Articles 20 to 22).
13. After the implementation of this Act, governments at all levels shall review, revise, abolish, or amend the governing laws, regulations and administrative measures in accordance with the provisions of this Act (Article 23).
14. This Act shall be enforced from the date of promulgation (Article 24).

Artificial Intelligence Basic Act Draft

Article	Explanation
<p>Article 1 (Legislative Purpose)</p> <p>This Act is enacted to build a smart state, facilitate the development of the artificial intelligence industry, and construct an environment that ensures the safety of artificial intelligence, so as to protect fundamental human rights, promote social welfare, and increase international influence; matters not provided for herein shall be governed by the provisions of other acts.</p>	<ol style="list-style-type: none"> 1. Considering the rapid development of artificial intelligence worldwide, and the interdisciplinary nature of the research and applications of artificial intelligence, there is a need for a comprehensive planning in this regard. 2. This Act is formulated to facilitate public-private cooperation in fostering the development of the artificial intelligence industry, and in constructing an environment that ensures the safety of artificial intelligence applications, so as to protect fundamental human rights, promote social welfare, build a smart country, and strengthen international influence. 3. Concerning the application of this Act and other laws, the provisions of this Act shall take precedence as specified herein; if not stipulated in this Act, the provisions of other laws shall apply. For example, if the research and applications of artificial intelligence will have, or likely to have significant negative impacts on the environment that are not covered by this Act, the proviso in Article 3 of the Basic Environmental Act should be applied under such a scenario, which states the following “[h]owever, in the event that economic, technological, or social development has a seriously negative impact on the environment or endangers the environment, the protection of the environment shall prevail.”
<p>Article 2 (Competent Authorities)</p> <p>The term “competent authorities” referred to in this Act are the Ministry of Digital Affairs at the central level, municipal governments at the municipal level, and county (city) governments at the county (city) level.</p> <p>Matters stipulated in this Act which are concerned with the competences of the competent authorities for other purposes shall be handled by those authorities for other purposes.</p>	<ol style="list-style-type: none"> 1. The Ministry of Digital Affairs was established to foster the growth of the digital economy, accelerate national digital transformation, and build a smart country. In addition, according to Article 2 of the Organization Act of the Ministry of Digital Affairs, the Ministry is responsible for formulating national digital development policies, establishing the environment and cultivating talents for the development of digital technology’s application and innovation, promoting the digital economy industry, and advancing the international cooperation of digital development, all of which are closely connected to the development of

Article	Explanation
	<p>artificial intelligence. Since artificial intelligence is of crucial importance in the development of digital technology, it is closely related to the competencies of the Ministry of Digital Affairs, thereby rendering it the appropriate competent authority.</p> <p>2. As the joint efforts of central and local governments are essential to the development of artificial intelligence, municipality and county (city) governments are designated as the competent authorities at the local level. Moreover, to address the distinct needs of various industries, matters stipulated in the Act shall be managed by the competent authorities for other purposes.</p>
<p>Article 3 (Definition of Artificial Intelligence)</p> <p>The term “artificial intelligence” in this Act refers to software, hardware, and other related systems that receive data input from humans or machines, and perform prediction, recommendation, decision-making, or other specific objectives via the following approaches in whole or in part:</p> <ol style="list-style-type: none"> 1. Using supervised learning, unsupervised learning, reinforcement learning, or other data-driven machine learning methods; 2. Using knowledge-based systems built upon various knowledge representation methods and employing inference engines to perform induction, deduction, contradiction, or other methods that emulate human capacities of logical inference; 3. Using statistics, search, parsing, optimization, or other methods to build decision-making or inference models; and 4. Using other methods that emulate human reasoning and reaction to perceive, plan, learn, communicate, revise, or engage in other similar conducts. 	<ol style="list-style-type: none"> 1. The term “artificial intelligence” as defined in this Article refers to the software, hardware, or other development systems that utilize approaches capable of embodying or emulating human behavior and reactions for specific purposes such as prediction, recommendation, or decision-making. 2. Subparagraph 1 of this Article refers to “machine learning” approaches. Machine learning methods, including supervised learning, unsupervised learning, reinforcement learning, or other machine learning methods (e.g., deep learning or the construction of similar model architectures) all fall under this category. 3. Subparagraph 2 of this Article refers to other approaches that demonstrate artificial intelligence capabilities which fall outside the machine learning methods identified in the previous Subparagraph. “Knowledge representation” refers to expressive text or graphics used to describe and present knowledge, while the term “knowledge bases” refers to methods that employ computational methods such as induction, deduction, inference, and contradiction – to realize human-like logic inference capabilities through inference (deductive) engines. 4. In Subparagraph 3 of this Article, the term “statistics” refers to statistical learning and inference; in addition, the terms “search,”

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	<p>“parsing,” and “optimization” refer to the application of search strategies, parsing rules, objective functions, and other techniques established by human or machine learning.</p> <p>5. Subparagraph 4 of this Article is a general provision that refers to artificial intelligence approaches not specified in the three preceding Subparagraphs. As long as other methods emulating human reasoning and reaction patterns are employed for perception, planning, inference, learning, communication, correction, or other similar conducts, they are also considered artificial intelligence under this Act.</p>
<p>Article 4 (Primary Policies for Promoting Artificial Intelligence)</p> <p>The government shall implement the following primary policies for the development of artificial intelligence, with an emphasis on interdisciplinary and international cooperation:</p> <ol style="list-style-type: none"> 1. Facilitate the research, development, and innovation of artificial intelligence; 2. Value fundamental education on artificial intelligence; 3. Cultivate artificial intelligence professionals; 4. Promote the development of the artificial intelligence industry; 5. Deepen industry-academia collaboration on artificial intelligence; 6. Encourage investment in the development of artificial intelligence; 7. Construct information and communication technology infrastructure; and 8. Implement other policies for the development of artificial intelligence. 	<ol style="list-style-type: none"> 1. To address the development trends of the artificial intelligence industry and secure our country's crucial position in the global industrial value chain, the government should accelerate the promotion of artificial intelligence and the development of related industries, and establish an enabling environment for the artificial intelligence industry through interdisciplinary and international cooperation. 2. The primary focus of artificial intelligence policies should be placed on facilitating related research, development, and innovation; prioritizing basic and professional education in the field; offering artificial intelligence courses; fostering international exchange and cooperation; nurturing talents in various related disciplines such as technology, engineering, computer science, law, society, and culture; training personnel engaged in artificial intelligence research, development, and application; driving the growth of the artificial intelligence industry; and supporting industry-academia collaboration between artificial intelligence industries and academic institutions. 3. The government shall encourage investment in and improvement to information and communication infrastructure to foster an environment that is conducive to the development of artificial intelligence.
<p>Article 5 (Development Plan)</p>	<ol style="list-style-type: none"> 1. To implement the artificial intelligence policy

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<p>The central competent authority shall formulate an artificial intelligence development plan based on the policies stipulated as per Article 4 and submit for approval by the Executive Yuan, and review the plan on a regular basis.</p> <p>The central authority in charge of relevant matters shall formulate or promulgate regulations or specific programs to implement the plan adopted as per the preceding paragraph to address matters covered under this Act.</p>	<p>priorities outlined in Article 4, foster the development of artificial intelligence, advance interdisciplinary and international collaboration, and timely address the potential negative effects and risks associated with the development of artificial intelligence, this Article consults Article 10 of the Fundamental Science and Technology Act and Article 5 of the Chinese Medicine and Pharmacy Development Act, and stipulates in the first Paragraph that the central competent authority shall coordinate and formulate a development plan.</p> <p>2. To support the 2. implementation of artificial intelligence policies, the second Paragraph of this Article stipulates that the central authorities in charge of relevant matters shall collaborate in managing the matters regulated by this Act.</p>
<p>Article 6 (Assurance of Government Budget and Funding)</p> <p>The central competent authority shall, within the financial capacity of the state, devote sufficient budgets and take necessary measures to meet the financial demand for the implementation of artificial intelligence policies.</p>	<p>The government shall spare no effort in implementing the artificial intelligence policies outlined in Article 4 of this Act. To ensure stable and sufficient financing for the effective implementation of artificial intelligence policies, this Article consults Article 4 of the Chinese Medicine and Pharmacy Development Act, and Article 8 of the Development of the Cultural and Creative Industries Act, and explicitly stipulates that the government shall increase the number of dedicated budget items.</p>
<p>Article 7 (Taxation and Financial Preferences)</p> <p>The central competent authority shall actively assist and guide the artificial intelligence industry by providing preferential tax and financial treatments to facilitate steady development of the industry, and cultivating local artificial intelligence professionals the related industrial chain, so as to promote the development of the artificial intelligence and economic growth.</p>	<p>1. Recognizing the need for Taiwan’s government to actively invest resources in the development of artificial intelligence, the government shall build economies of scale in artificial intelligence, and consolidate Taiwan’s position in the global digital supply chain. This Article consults Article 9 of the Ocean Basic Act and stipulates that the government should build a sound industrial environment and continue to cultivate talents to complete the artificial intelligence industry chain.</p> <p>2. The preferential tax and financial treatments refer to specific measures related to the development of artificial intelligence implemented by the central authority in charge of relevant matters pursuant to Article 5, Paragraph 2 of this Act. To preserve the broad applicability of the mechanisms, this Act</p>

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	merely provides revealed the spirit of principle and a general framework.
<p>Article 8 (The Basic Principle of the Research and Development as Well as Utilization)</p> <p>The research, development, and application of artificial intelligence shall be carried out with an aim to fulfill human-centered, inclusive, and sustainable values, and comply with the following basic principles:</p> <ol style="list-style-type: none"> 1. The principle of autonomy: Respecting human dignity and individual autonomy. 2. The principle of confidentiality: Respecting people's privacy and trade secrets. 3. The principle of safety: Safeguarding the safety of people's lives, body, liberty and property. 4. The principle of inclusion: Highlighting diversity and inclusion, ensuring fairness, and preventing discrimination. 5. The principle of transparency: Strengthening explainability and traceability, and ensuring the possibility of accountability. 	<ol style="list-style-type: none"> 1. Human-centered values, instead of the benefits of a certain person or enterprise, shall be put as the core ethical principle during the research, development, and applications of artificial intelligence; in addition, sustainable development of artificial intelligence shall be emphasized to ensure that fellow citizens enjoy the benefits of the research, development, and application of artificial intelligence, so as to create a virtuous cycle around the development of artificial intelligence. 2. Human dignity and the right of individuals to self-control and supervision shall be ensured during the research, development, and applications of artificial intelligence. 3. Whenever the research, development, and applications of artificial intelligence involve privacy and trade secrets, respectful and protective measures shall be taken during the collection and processing of the relevant information. 4. The Safety and reliability of artificial intelligence shall be ensured during the research, development, and applications of artificial intelligence to prevent the infringement of people's important rights. 5. Diversity shall be highlighted during the research, development, and applications of artificial intelligence to prevent discrimination or prejudice caused by artificial intelligence based on identity, gender, race, age, among other factors. 6. To gain people's trust in the research, development, and applications of artificial intelligence, explainability and traceability shall be guaranteed to ensure that people understand the decision-making of artificial intelligence while increasing accountability.
<p>Article 9 (Protection and Supervision Mechanisms)</p> <p>When collecting, processing, and using personal data for artificial intelligence, people's rights to privacy and information autonomy shall be weighed against the development the industry, and necessary</p>	<p>The collection, processing and use of personal data for the development of artificial intelligence may have a significant impact on people's privacy and data, so the government should strike a balance between data protection and the development of the</p>

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protection and supervision mechanisms shall be established.	artificial intelligence industry, and establish necessary protection and supervision mechanisms.
<p>Article 10 (The Protection for Groups in Need for Assistance)</p> <p>The rights of people with disabilities, the elders, children, and the disadvantaged shall be given priority consideration in the research, development, and applications of artificial intelligence.</p>	<ol style="list-style-type: none"> 1. The research, development, and applications of artificial intelligence may cause unequal distribution of social resources, or aggravate the problems of social or economic isolation of the disadvantaged groups, including inter alia people with disabilities, the elders, children. 2. Based on the principle of inclusion, the protection for the rights of the disadvantaged, including inter alia people with disabilities, the elders, children, shall be given priority consideration in the research, development, and applications of artificial intelligence.
<p>Article 11 (The Protection for the Rights and Interests of Laborers)</p> <p>Government at all levels shall provide employment assistance based on personal skills for people in the state of involuntary unemployment caused by the use of artificial intelligence</p>	<p>In order to mitigate the impact of artificial intelligence on the labor market, the government should provide timely employment assistance for people in the state of involuntary unemployment caused by the use of artificial intelligence, and protect workers' rights in accordance with relevant labor laws and regulations.</p>
<p>Article 12 (The Protection for Fair Trade)</p> <p>The government shall prevent the researcher, developer, or user of artificial intelligence from abusing the dominant position to collect, process, and use data in an improper way or engage in unfair competition, so as to maintain trading order and protect consumers' interests.</p>	<p>The government shall maintain trading order and protect consumers' interests by preventing the researcher, developer, or user of artificial intelligence from abusing the dominant position to engage in improper collection of data or unfair competition.</p>
<p>Article 13 (The Systems of Relief, Compensation and Insurance)</p> <p>The government shall consider the risks arising from the research, development, and applications of artificial intelligence, and establish necessary relief, compensation, and insurance mechanisms therein.</p>	<p>Since the operation of artificial intelligence involves a certain level of risks, mechanisms for claiming relief should be in place in case of damage caused by normal or reasonable use of artificial intelligence; therefore, the government should consider the unpredictable risks of artificial intelligence and establish necessary relief, compensation and insurance mechanisms accordingly.</p>
<p>Article 14 (Compliance with Normative Standards)</p> <p>The research, development, and applications of artificial intelligence shall comply with national standards or relevant regulations; in cases where there isn't any national standard or relevant regulation; standards recognized by other</p>	<p>The research, development, and applications of artificial intelligence are closely related to people's rights, so the relevant process should comply with national standards or relevant domestic regulations. In case that there is no applicable national standards or relevant regulations in Taiwan, the standards</p>

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<p>progressive countries approved by competent authorities for other purposes will apply.</p>	<p>adopted by other progressive countries or international organizations and approved by competent authorities for other purposes will apply, so as to safeguard the fundamental rights of the people.</p>
<p>Article 15 (Risk Assessment and Supervision Mechanism)</p> <p>The government shall control potential risks arising from the research, development, and application of artificial intelligence by formulating risk classification and evaluation criteria for artificial intelligence risks, establishing risk assessment and control mechanisms, and carrying out appropriate regulatory measures.</p>	<ol style="list-style-type: none"> 1. Artificial intelligence is now under rapid development and applied in multiple fields; the research, development, and applications of which can enhance industrial competitiveness and produce obvious benefits to the society and the environment. However, it also displays characteristics such as complexity, opacity, and data dependence, while its development involves a large number of consumers' personal data in categories such as race, skin color, genetic data, biometric data, health, gender, criminal records, religion, family background, and socioeconomic status, etc. Artificial intelligence may also be used for mass surveillance. As a result, artificial intelligence may infringe upon people's fundamental rights or cause adverse effects. 2. In order to mitigate the risks caused by new artificial intelligence technologies while avoiding disproportionately restricting or hindering the development of new technologies, this Article consults the draft of "Artificial Intelligence Act - Presidency Compromise Text (Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts)" (European Union, 2021), as well as the provisions of the draft of "Algorithmic Accountability Act of 2022" (United States, 2022), and accordingly stipulates that the government should establish risk assessment and supervision mechanisms, and take appropriate regulatory measures based on the specificity and level of risks. 3. When the government establishes risk assessment and control mechanism, it is advisable to consult Title 2, Article 5 of the draft of the "Artificial Intelligence Act - Presidency Compromise Text" (European Union, 2021), which stipulates that the

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	<p>artificial intelligence applications with the highest level risk are deemed “prohibited artificial intelligence practices” (including but not limited to the use of real-time remote biometric identification systems in public places for the purpose of law enforcement), and those that are not in the scope of the “prohibited artificial intelligence practice” shall be regulated and supervised based on their respective risk levels.</p>
<p>Article 16 (Quality Management Mechanism)</p> <p>The government shall establish artificial intelligence quality management mechanisms and accordingly conduct regular assessments and supervision of the safety, stability, traceability, and explainability of artificial intelligence.</p>	<ol style="list-style-type: none"> 1. In view of the risks and characteristics of artificial intelligence, the government have the obligation to urge and supervise the industry, and formulate a quality management mechanism for artificial intelligence. 2. In order to effectively supervise and prevent the risks of artificial intelligence, the quality management mechanism formulated by the government should include periodical assessment of the safety, stability, and traceability of artificial intelligence. For example, for the purpose of effectively monitoring the research, development, and applications of high-risk artificial intelligence to ensure its safety and traceability, competent authorities for other purposes may require the establishment of automatic recording functions or the storage of automatically generated logs in the corresponding national standards or general specifications.
<p>Article 17 (Technical Documents and Safety Monitoring Plan)</p> <p>Prior to the entry into market or deployment of artificial intelligence products or services, the developer of artificial intelligence, or the natural person, juridical person, agency, institution, or association providing products or services, shall submit technical compliance documents to the central authority in charge of relevant matters and make them available to the public.</p> <p>If the research, development, and application of artificial intelligence are assessed to be of risk, the developer of artificial intelligence, or the natural person, juridical person, agency, institution or association providing products or services, shall</p>	<ol style="list-style-type: none"> 1. To ensure the safety of artificial intelligence, the developer of artificial intelligence, or the natural person, juridical person, agency, institution, or associations providing products or services, shall submit technical compliance documents to the central authorities for in charge of relevant matters. For example, to ensure effective supervision on the drugs developed with or medical devices equipped with artificial intelligence, relevant technical documents should be submitted to the said central competent authority. In addition, to ensure the transparency and interpretability of artificial intelligence, relevant technical compliance documents should be disclosed, unless the contents involve trade

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<p>submit a safety monitoring plan to the competent authorities for other purposes; in the case of being assessed to be high-risk, the safety monitoring plan shall not proceed until acquiring approval.</p>	<p>secrets or patents that are free from disclosure as protected by relevant laws and regulations.</p> <p>2. Furthermore, in order to ensure the safety of artificial intelligence research, development, and applications, the developer of artificial intelligence, or the natural person, juridical person, agency, institution or association providing products and services, shall submit a safety monitoring plan to competent authorities for other purposes. For example, to ensure the safety of patients taking newly developed or launched drugs, the competent authority and the drug company should monitor the safety and risks of the drug after its debut. Considering that the use of artificial intelligence shares similar unpredictability with medical treatment, the central competent authority in charge of relevant matters should cooperate with the above-mentioned stakeholders demand the establishment of a safety monitoring plan to control related risks. Likewise, closer monitoring should be applied to high-risk artificial intelligence, so the safety monitoring plan should be approved in advance by the competent authority in charge of relevant matters before the provision of products or services in this regard.</p>
<p>Article 18 (Safety Monitoring Report)</p> <p>The developer of artificial intelligence, or natural person, juridical person, agency, institution, or association providing the products and services, shall regularly submit safety monitoring reports to the authority in charge of relevant matters after the entry into market or deployment of high-risk artificial intelligence products or services.</p>	<p>1. Considering the risks and variability of artificial intelligence applications, the competent authority should be able to maintain real-time control of the risks and safety of research and development, as well as the products and services of artificial intelligence, so as to ensure artificial intelligence applications comply with related provisions of this Act and safety requirements.</p> <p>2. Accordingly, the developer of artificial intelligence, or the natural person, juridical person, agency, institution or association providing products or services, shall be obliged to submit safety monitoring reports to the authority in charge of relevant matters on a regular basis, so that the said authority can have a solid control of the potential risks of artificial intelligence products or services after they are marketed or</p>

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	provided.
<p>Article 19 (The Notification for Serious Adverse Event)</p> <p>In case of any serious adverse impact on people’s lives, bodies, liberty, or property caused by artificial intelligence, either during the research and development or after the products or services are launched into market or deployed, the developer of artificial intelligence, or the natural person, juridical person, agency, institution or association providing products or services shall immediately notify the authorities in charge of relevant matters.</p>	<p>Aiming to control the risk of artificial intelligence, if any serious adverse situations that may impact people’s lives, bodies, liberty, or property occurs during the research and development, or after the products or services are launched or provided, the Article consults Article 7, Paragraph 5 of the Act Governing Food Safety and Sanitation, which has it that: “[u]pon discovery that food products may be harmful to sanitation and safety, the food business shall report to the municipal or county/city competent authority,” and accordingly places the responsibility on the developer or natural person, juridical person, institution, organization or association providing the products or services to notify timely if the aforementioned situation happens.</p>
<p>Article 20 (Reward)</p> <p>The government shall provide incentives for the natural person, juridical person, institution, or association committing in the research or promotion of artificial intelligence, and publicly reward and commend those that have outstanding achievements.</p>	<p>Competent authorities for other purposes may provide incentives for the following deeds: the research, development, innovation, and technology transfer regarding artificial intelligence; cooperation between the government, industry, academic and research institutions; investment by the government or enterprises in the cultivation of talents; introduction of foreign talents; and other efforts that is conducive to the development of artificial intelligence. The government shall grant and publicly bestow award to the people and institutions that participate in the development of artificial intelligence and made special contribution in this regard.</p>
<p>Article 21 (Innovative Experimentation)</p> <p>The central authority in charge of relevant matters shall create a sound and safe environment for the experimentation involving innovative artificial intelligence technologies, and guide related industries to engage in the experimentation in this regard. Subsidies shall be provided to small and medium enterprises as defined by the Act for Development of Small and Medium Enterprises.</p>	<p>1. The government shall create a safe environment for innovative experimentation involving the research, development, and applications of innovative artificial intelligence technologies and services, so that the potential benefits and risks of innovative technologies can be properly evaluated before its launch; relevant laws can be exempted when necessary. In line with the Financial Technology Development and Innovative Experimentation Act and the Unmanned Vehicles Technology Innovative Experimentation Act, this Act follows suit and refer to regulatory sandbox as</p>

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	<p>the “environment for experimentation involving innovative technologies.”</p> <p>2. The government shall assist related industries in the application of artificial intelligence regulatory sandbox, so as to promote the development of the artificial intelligence industry. In addition, noticing the substantial gap in the scale between small and medium enterprises (SMEs) and large corporations, the government shall encourage SMEs to invest in the artificial intelligence industry by providing assistance and subsidies to SMEs that meet the requirements. The standards for identifying SMEs herein shall refer to the provisions of the Act for Development of Small and Medium Enterprises.</p>
<p>Article 22 (The Promotion of the Industry to Establish Guidelines and Norms)</p> <p>The government shall promote the establishment of the guidelines and codes of conduct for the industry by the industry.</p> <p>The establishment of the guidelines and codes as per the preceding paragraph shall be engaged by the developer of artificial intelligence, or the natural person, juridical person, agency, institution, or association providing products and services, as well as the stakeholders.</p>	<p>1. Considering that enterprises and institutions developing artificial intelligence are most familiar with the characteristics, needs and risks involving the development of the technology, the government should encourage and promote multi-party engagement in the establishment of guidelines and codes that reflect the status quo and meet the needs of the industry.</p> <p>2. The developers related to the research, development and application of artificial intelligence, or the natural persons, person, agency, institution, or association that providing products and services, as well as the stakeholders should be involved in the discussion on the establishment of industry guidelines and codes of conducts on artificial intelligence, so as to aggregate the opinions of stakeholders, that contributes to the rational governance and sound development of the industry, as well as the optimization of the standards, practices and supervision related to products and services.</p>
<p>Article 23 (The Laws and Regulations Completed by Government Entities at All Levels)</p> <p>Governments at all levels shall review the governing laws, regulations, and administrative measures in accordance with the provisions of this Act; any laws and regulations hindering the</p>	<p>1. In order to implement the Act and ensure the effective promotion and development of artificial intelligence policies, the government shall actively review whether relevant laws, regulations and administrative measures are in line with the promotion of artificial intelligence policies; accordingly, this Article consults Article 16 of the</p>

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<p>promotion of artificial intelligence policies, or inconsistent with the provisions of the Act, shall be corrected by enactment (formulation), amendment or abolition, and administrative measures shall be improved, within three years after the implementation of the Act. Where applicable laws and regulations are not in place, the same clause shall apply. Before the laws and regulations as per the preceding paragraph are enacted (formulated) or amended, the laws and regulations should be interpreted and applied by the competent authorities in cooperation with the central authority in charge of relevant matters in accordance with the provisions of this Act.</p>	<p>Ocean Basic Act and explicitly stipulates the time limit for the review of laws and regulations in paragraph 1 of this Article.</p> <p>2. To ensure that affairs related to artificial intelligence conform with the provisions of the Act, this Article consults Article 16, paragraph 2 of the Ocean Basic Act and expressly stipulates that the laws and regulations should be interpreted and applied by the competent authority in cooperation with the central authority in charge of relevant matters in accordance with the provisions of the Act Before the relevant laws and regulates are enacted (formulated) or amended as per paragraph 1 of this Article.</p>
<p>Article 24 (Effective Date of this Act) This Act shall be enforced from the date of promulgation.</p>	<p>The effective date of this Act is hereby stipulated.</p>