



Asia-Pacific
Economic Cooperation

2007/SOM1/CPDG/011

Agenda Item: 9

Updates and Development of Competition Policy and Regulatory Reform

Purpose: Information

Submitted by: Chinese Taipei



**Competition Policy and Deregulation Group
Meeting
Canberra, Australia
23 - 24 January 2007**



***Up-dates and Development of Competition
Policy and Regulatory Reform
– Chinese Taipei***

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APEC CPDG Meeting
Canberra, 23-24 January 2007



***Changes regarding
competition laws and policies***

- **Amendment of legislation**
 - **Specify Standards of Merger Control**
 - **Adopting a Leniency Policy**
 - **Setting Exemption for R&D and Innovation**
 - **Adjusting Fines to Reflect Circumstances**



Changes regarding competition laws and policies

➤ Bilateral or regional cooperation agreements

- **Australia (Australian Competition and Consumer Commission, ACCC)**
- **New Zealand (New Zealand Commerce Commission)**
- **France (Conseil De La Concurrence)**
- **Other Asia-Pacific region friends**

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Enforcement of competition laws and policies

➤ Measures against violations

- **Administrative Measures**
- **Civil Measures**
- **Criminal Measures**

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Enforcement of competition laws and policies

➤ **Administrative Measures(1)**

General

- **Cease the violating action**
- **Rectify its conduct**
- **Corrective action**
- **50 thousand -25 million NTD\$**
- **100 thousand -50 million NTD \$**

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Enforcement of competition laws and policies

➤ **Administrative Measures(2)**

Merger

- **Split**
- **Dispose shares**
- **Transfer operation**
- **Remove persons from positions**
- **Any other necessary dispositions**

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Enforcement of competition laws and policies

➤ **Civil Measures**

- **Demanding prevention**
- **Removal of infringement**
- **Compensation for damages**
 - **More than actual damages**
 - **Not exceed 3 times of damages**

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Enforcement of competition laws and policies

➤ **Criminal Measures**

- **3 years imprisonment**
- **Detention**
- **Not more than 100 million NTD \$**

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Merger and acquisition

- **Merger types**
 - **Merged into one**
 - **Holding or acquiring the shares or capital contributions**
 - **Assigned by or leases from the major part of business or properties**
 - **Operated jointly or entrusted**
 - **Directly or indirectly control**

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Merger and acquisition

- **Threshold of Notification**
 - **Market share: $A+B > 1/3$**
 - **Market share: A or $B > 1/4$**
 - **Sales or operating revenues**
 - **Financial entity**
 - **$A > 20$ billion ; $B > 1$ billion(NT\$)**
 - **Non-Financial entity**
 - **$A > 10$ billion ; $B > 1$ billion(NT\$)**

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Waiting period and reviewing standard

- **Waiting period**
 - **Normally: 30-day**
 - **Further investigation: 60-day**
- **Reviewing Standard**
 - **Overall economic benefit**
 - **Lessening competition**

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The role in the implementation of other policies

- **Article 46 of Fair Trade Law**
 - **Original edition**
 - **1999 amendment**
- **Negotiate with other regulatory sector**
- **Exemption: IPR**

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Technical assistance activities

- **Manner**
 - Lectures
 - Internships
 - Training courses
 - Seminar – Co-hold with OECD since 1999
- **Target**
 - Indonesia, Mongolia, Thailand, Vietnam

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Resources of our authorities

- **Budget**
 - 350 million NT\$ in recent years
 - Declining slightly
- **Numbers of official : 209 persons**
 - Commissioners : 9
 - Enforcement : 88
 - Planning : 26
 - Legal affairs : 21
 - Other supporting : 65

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Resources of our authorities

➤ **Educational background**

➤ **Master's degree : 29%**

➤ **Bachelor's degree : 55%**

➤ **Age**

➤ **Under 29 : 10%**

➤ **30-39 : 42% ; 40-49 : 32%**

➤ **Specialization**

➤ **Law : 28% ; Economy : 16%**

➤ **Statistics, Accounting, etc : 56%**

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