

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



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



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



Enforcement of competition laws and policies 3

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➤Measures against violations

Administrative Measures
 Civil Measures
 Criminal Measures



>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



≻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

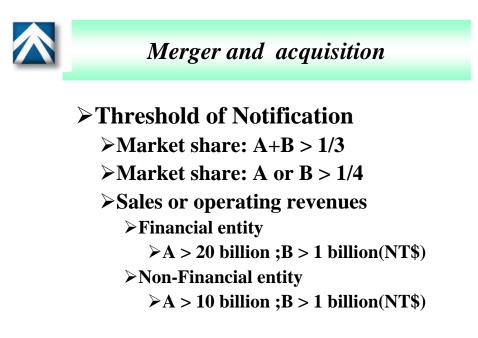
- ≻3 years imprisonment
- ≻Detention
- >Not more than 100 million NTD \$



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





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





≻Manner

- ≻Lectures
- ➤Internships
- ≻Training courses
- Seminar Co-hold with OECD since 1999

≻Target

>Indonesia, Mongolia, Thailand, Vietnam

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≻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



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%