

FAIR TRADE COMMISSION

EXECUTIVE YUAN, R.O.C.

行政院公平交易委員會

行政院公平交易委員會

編著者 行政院公平交易委員會
發行人 湯金全
發行所 行政院公平交易委員會
台北市濟南路一段2-2號12-14樓
電話：(02)2351-7588
網址：http://www.ftc.gov.tw
印刷 冠順印刷事業有限公司
台北市和平東路一段87號2樓
電話：(02)3322-2236
工本費 新臺幣 216元
出版日期 96年5月 初版

Fair Trade Commission, Executive Yuan, R.O.C.

Written by Fair Trade Commission, Executive Yuan
Publisher Tang, Jinn-Chuan
Publishing House Fair Trade Commission, Executive Yuan
12-14F, No. 2-2, Sec. 1, Jinan Road,
Taipei, Taiwan, R.O.C.
Tel : 886-2-2351-7588
http://www.ftc.gov.tw
Printing Guan Shun Print Co., Ltd.
2F, No 87, Hu Ping, E. Road,
Taipei, Taiwan, R.O.C.
Tel :886-2-3322-2236

GPN : 1009601189
ISBN : 978-986-00-9666-8(平裝)



行政院公平交易委員會

FAIR TRADE COMMISSION, EXECUTIVE YUAN, R.O.C.

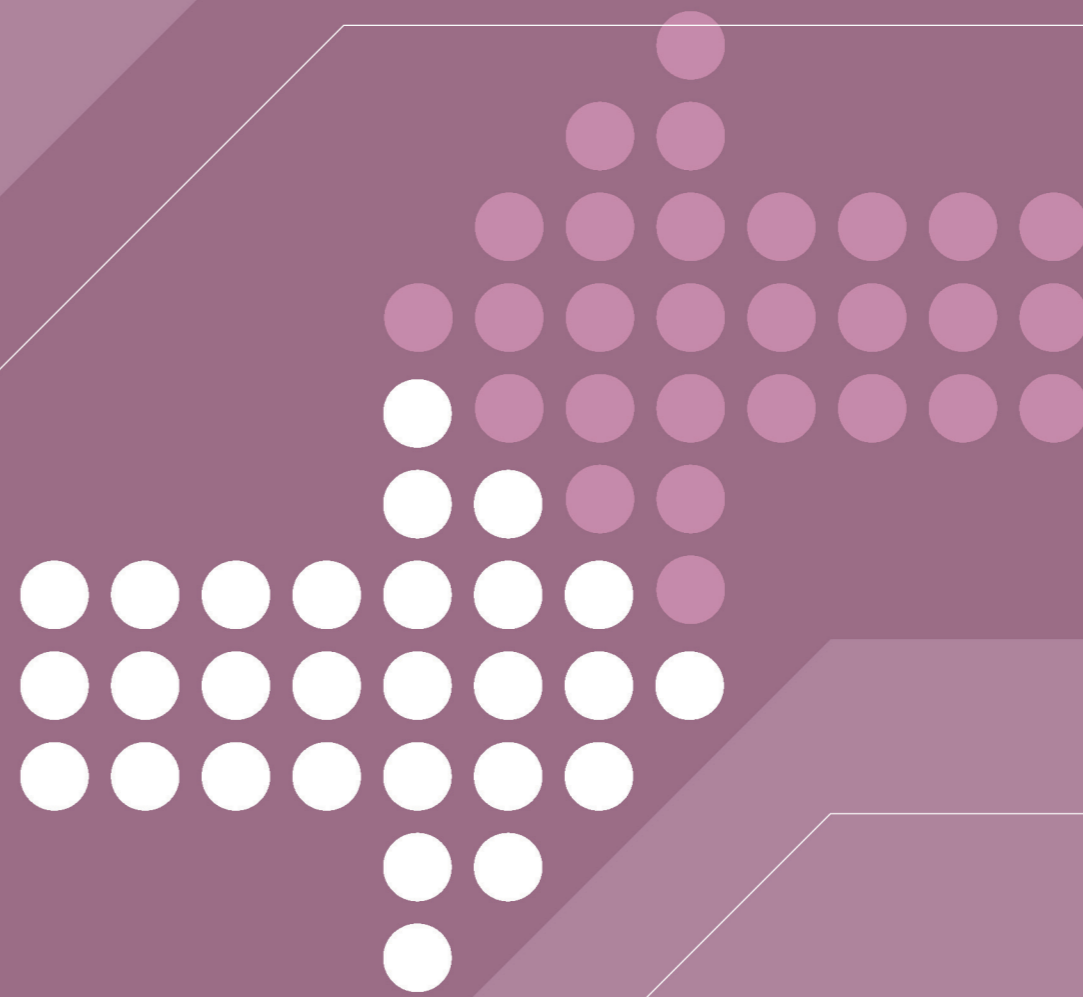
台北市中正區(10051)濟南路一段2-2號12-14F
電話：(02)2351-7588
網址：http://www.ftc.gov.tw

ISBN 978-986-00-9666-8



9 789860 096668

GPN : 1009601189
工本費：新臺幣216元

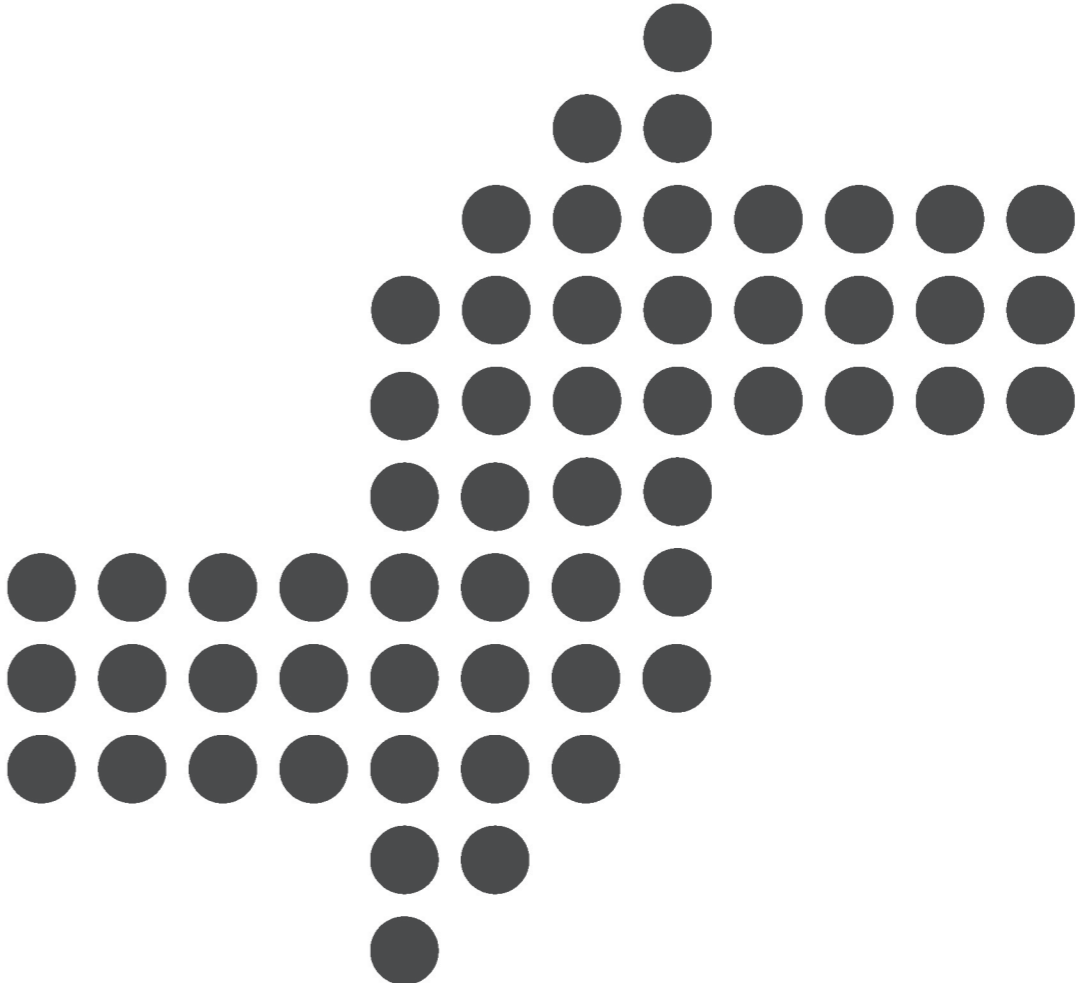




FAIR
TRADE
COMMISSION

EXECUTIVE YUAN, R.O.C.

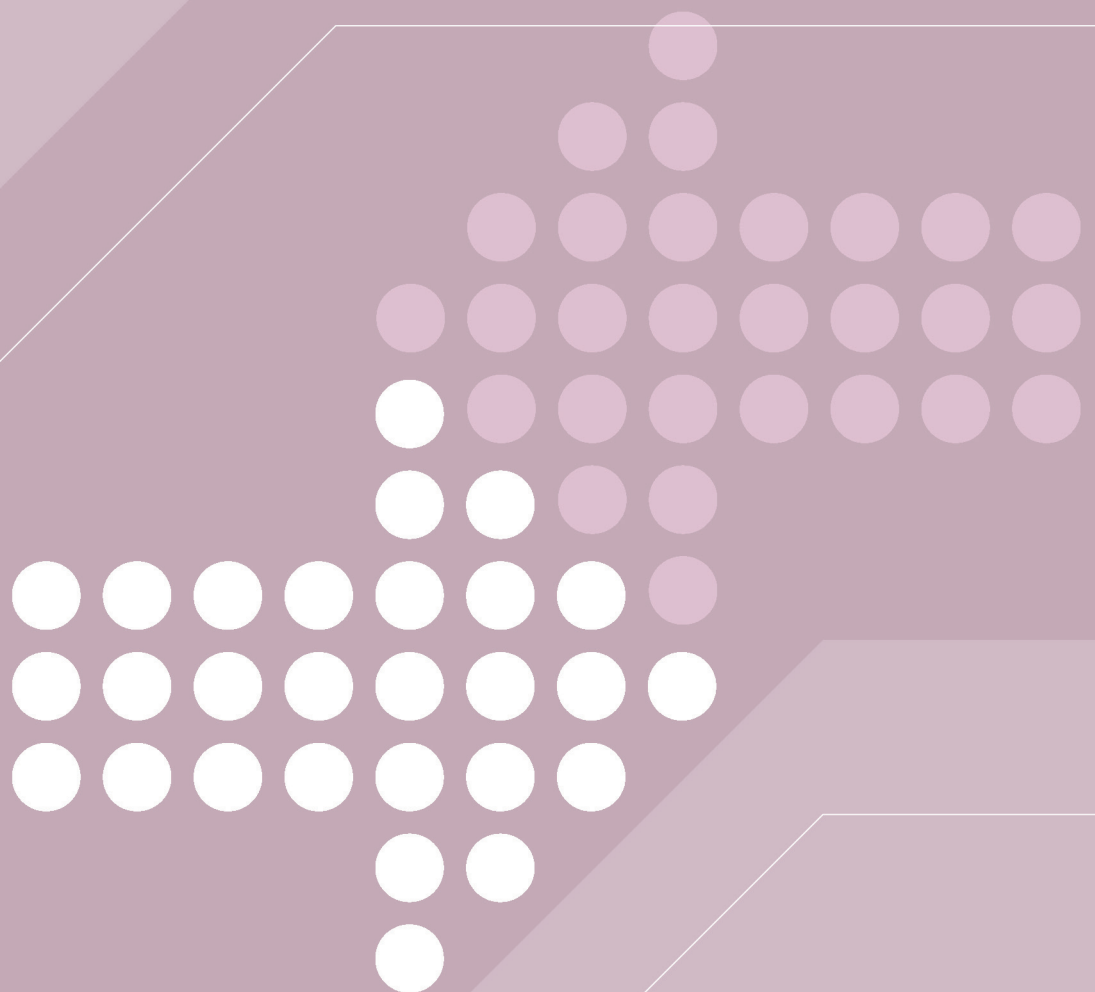
行政院公平交易委員會



FAIR
TRADE
COMMISSION

EXECUTIVE YUAN, R.O.C.

行政院公平交易委員會



目次

Table of Contents

Fair
Trade
Commission

主任委員的話	A Word from the Chairman	02
壹 沿革	I Milestones	06
貳 組織與職掌	II Organization and Duties	08
參 委員及委員會議	III Commissioners and the Commissioners' Meeting	11
肆 業務及行政單位	IV Departments and Administrative Support Office	18
伍 當前工作重點及未來展望	V Key Aspects of Current Work and Future Outlook	22
陸 公平交易法與案件處理	VI The Fair Trade Law and Case Handling	26
柒 服務資訊	VII Service Information	38
本會出版品取得方式	How to Subscribe FTC's Publication	42

主任委員的話

我國公平交易法於80年2月4日制定通過，隔年同日生效實施。公平交易法的立法宗旨在維護交易秩序與消費者利益，確保公平競爭，促進經濟之安定與繁榮，藉由公平交易法的實施，為國內市場建立公平合理的競爭規則。81年1月27日行政院公平交易委員會（以下簡稱本會）依法設立，肩負起擬訂競爭政策及執行公平交易法的重要責任。成立以來，秉持「切實依法行政、促進經濟發展、維護公共利益、順應國際趨勢」的施政原則，在全體同仁的努力與社會各界的支持下，積極推動各項業務，特別在建立公平交易制度、執行公平交易法規、宣導公平交易法與推展國際交流合作等方面，累積了豐碩的成果。

一、建立公平交易制度

建立完備的公平交易制度，是本會賴以永續發展的基石。在完備法規制度方面，自82年起，本會即著手進行公平交易法修法工作，88年2月完成第一次重大的修法，接續分別於89年4月及91年2月完成第二次及第三次的修法，同時也研訂與修正了60餘項案件處理原則，使公平交易法之規範，能適切配合國家經濟發展所需，同時使本會執法的公平性及透明化更行增進。此外，在推動解除管制方面，自83年起，本會即著手擬訂專案計畫，組成專案小組，積極協調各主管機關，檢討不符

競爭精神的法規，全面修正並解除各種不當管制及市場參進障礙。再者，也進一步放寬對事業結合行為的管制，由「事前申請許可制」改採「事前申報異議制」，事業結合應向本會提出申報之銷售金額標準（即「結合門檻」），亦由原採「單一門檻制」，改為「高低雙門檻制」等，俾使管制趨於明確、合理，以順應經濟全球化的趨勢。



二、執行公平交易法規

自81年1月至96年4月底止，各類收辦案件總計29,698件，其中檢舉案20,871件、申請聯合案147件、申請或申報結合案6,290件（其中結合申報案281件）、請釋案2,390件；辦結案件29,306件，平均結案率為98.68%。其中經本會認定違反公平交易法而加以處分者，截至96年4月底止，計2,731件。其間，本會曾以處理水泥業者聯合壟斷案，榮獲英國「全球競爭評論」月刊（Global Competition Review）評定為年度最佳執行競爭法團隊（Team of the Year）；

A Word from the Chairman

The Fair Trade Law of the Republic of China (R.O.C.) was enacted on February 4, 1991 and went into effect on the same date one year later. The aim of the law is to maintain trading order, protect consumer interests, ensure fair competition, promote economic stability and prosperity, and provide fair and reasonable competition rules. The Fair Trade Commission, Executive Yuan (FTC) was established in accordance with the Fair Trade Law on January 27, 1992 and charged with the important mission of formulating competition policy and enforcing the Fair Trade Law. Ever since its establishment, the FTC has vigorously carried out its duties in line with the administrative principles of "earnestly administering the law, supporting economic development, serving the public interest, and keeping abreast of international trends". Thanks to the hard work of our colleagues and support from all quarters of society, we have made great progress in our efforts to establish a fair trading system, enforce fair trade laws and regulations, promote greater awareness and acceptance of the Fair Trade Law, and develop international exchange and cooperation.

a. Establishing a Fair Trading System

Establishing a fully developed fair trading system is the foundation for the sustainable development of the FTC. We focus on two main objectives: (1) the complete establishment of a strong legal system; and (2) deregulation. As to the first objective, the FTC has been working since 1993 to amend the Fair Trade Law. We completed the first major amendment of the law in February 1999, followed by the second and third amendments in April 2000 and February 2002, respectively. We also enacted and amended more than sixty case handling guidelines. These changes have brought the Fair Trade Law in line with the needs of today's economy and have enhanced the fairness and transparency of the FTC's enforcement work. As for the promotion of deregulation, the FTC launched a special deregulation project in 1994 and subsequently established an ad hoc task force, both with the aim of actively collaboration with other government agencies to examine laws and regulations running counter to the spirit of competition, and with an eye to amending or eliminating all inappropriate regulations and market entry barriers. Moreover, we further lifted the restrictions on the enterprise merge by changing the system from the pre-merger approval system to the pre-merger notification system. As to the sales volume for filing pre-merger notification, the FTC also adopted "high and low double threshold system" to replace "single threshold system", so the merger control will become more specific, reasonable and abreast of the trend of economic globalization.

b. Enforcing Fair Trade Law and Regulations

Between January 1992 and April 2007, the FTC handled a total of 29,698 cases, including 20,871 complaints; 147 applications for approval of concerted action; 6,290 merger applications or filings (with 281 merger filings); and 2,390 requests for interpretation. The number of cases that have been successfully closed stands at 29,306 with an average success rate of 98.68%. As of the end of April 2007, 2,731 cases had resulted in dispositions issued against respondents found in violation of the Fair Trade Law. During this period, the FTC was reviewed as the "Team of the Year" by the British monthly magazine *Global Competition Review* for handling cement cartel case.

另對非法多層次傳銷、不實廣告之規範與查處，以及影響社會大眾權益或公共利益之重大案件，本會均適時主動立案調查，以確保市場公平競爭，保障消費大眾權益。

三、宣揚公平交易法

本會秉持「宣導重於處分」執法原則，採多元化管道宣揚公平交易理念，自成立迄今，業舉辦近1,800場宣導說明會、40期公平交易法研習班、80餘場「公平交易法訓練營」等，務使國內產、官、學各界充分瞭解並確實守法；另更完成「協助產業建立自發的業界自律規範」計畫，協助事業擬訂守法準則，建立自律機制；此外，本會亦分別設置會本部服務中心、競爭政策資料及研究中心、南區服務中心，以及網際網路線上服務中心等多個服務據點，提供民衆各項公平交易法相關資訊及資料之諮詢與查詢服務；同時也藉由製作廣播廣告、定期出版中英文競爭通訊、編印發送各式文宣資料、新聞電子報等多方管道，增進社會大眾對公平交易法之認識。

四、推動國際交流合作

本會自成立以來，致力推展國際事務，包括積極派員參與各項國際會議；與各國競爭法主管機關舉行雙邊會議；簽訂競爭法合作協議；建置「APEC競爭政策資料庫」；接受OECD對我國競爭法及政策同儕檢視；定期舉辦競爭法及競爭政策國際研討會等。近年來，本會更積極扮演技術協助者的角色，例如定期與經濟合作發展組織（OECD）合辦「競爭政策國際研討會」。另亦透過講師的派遣、提供長短期實習或訓練課程、舉行研討會、提供競爭法之參考資料，協助東南亞國家建立競爭法制。

當前經濟發展已邁向知識化與全球化，本會於訂定競爭政策時，更需兼顧國際趨勢與產業發展。展望未來，本會將體察時代脈與環境需求，建構公平競爭的環境，以維護市場交易秩序與消費者利益，促進經濟的安定與繁榮。

主任委員

湯金全

Additionally, in order to maintain a fair trading environment, the FTC has appropriately initiated investigations on illegal multi-level sales, false advertisement, and major cases that are particularly damaging the public interests.

c. Promoting Fair Trade Law

The FTC has been practicing in accordance with the principle that "promotion prevails over punishment" and has been promoting the concept of fair trade through a diverse range of channels. Since its establishment, the FTC has held almost 1,800 promotion conferences; 40 training courses on the Fair Trade Law; and more than 80 batches of the Fair Trade Law training camp to make sure that the domestic industries, governments and academia fully understand and comply with the law. We also completed the plan of "Assisting Industries in Establishing Spontaneous Self-Regulated Rules" and helped enterprises enact law-abiding rules and establish self-regulated mechanisms. In addition, the FTC respectively established FTC Service Center, Competition Policy Information and Research Center, Southern Region Service Center, and an online service center to provide the public with inquiry and consultation services regarding any and all information and materials related to the Fair Trade Law. The FTC also employs broadcasting advertisement, publishes periodic bilingual competition publications, and prints and delivers diverse written materials and newsletters to improve the public's awareness about the Fair Trade Law.

d. Developing International Exchange and Cooperation

The FTC has done its part from day one to facilitate closer international cooperation on competition issues. We frequently dispatch personnel to attend international conferences, engage in bilateral consultations with competition authorities from other countries, sign cooperation agreements on the competition law, compile the APEC Competition Policy and Law Database, receive the peer review of competition laws and policies given by the Organization for Economic Cooperation and Development (OECD), and hold international seminars on competition laws and policies regularly. In recent years, we have successfully played the role of an active facilitator on a number of occasions. For example, we have jointly held the International Competition Policy Seminar in cooperation with OECD on a regular basis. The FTC also provides assistance to the countries in Southeast Asia to help them formulate competition regulations through dispatching trainers, providing internship or training courses, holding seminars, providing materials of competition laws for reference.

The advance of economic globalization and the rise of the knowledge-based economy make it more important for us to take international trends and industrial development into account when designing competition policy. The FTC will work to respond to the needs of this changing world and establish an environment in which fair competition thrives. By means of these measures, we aim to maintain market-trading order, protect the consumer interests, and promote economic stability and prosperity.

Chairman

Jinn - Chuan Tang

壹_沿革

80年02月04日	總統令公布「公平交易法」
81年01月13日	總統令公布「行政院公平交易委員會組織條例」
81年01月27日	行政院公平交易委員會正式成立
81年02月01日	公平交易委員會第一屆委員就任
81年02月04日	公平交易法生效施行
84年02月01日	公平交易委員會第二屆委員就任
87年02月01日	公平交易委員會第三屆委員就任
88年02月03日	總統令公布修正公平交易法部分條文
88年06月16日	多層次傳銷管理辦法修正發布
88年08月30日	公平交易法施行細則修正發布
89年04月26日	總統令公布修正公平交易法第9條
90年02月01日	公平交易委員會第四屆委員就任
91年02月06日	總統令公布修正公平交易法部分條文
91年04月24日	多層次傳銷管理辦法修正發布
91年06月19日	公平交易法施行細則修正發布
92年11月26日	多層次傳銷管理辦法修正發布
93年02月01日	公平交易委員會第五屆委員就任
93年12月24日	多層次傳銷管理辦法修正發布
96年02月01日	公平交易委員會第六屆委員就任

I_ Milestones

Fair
Trade
Commission

February	4, 1991	Fair Trade Law promulgated by Presidential decree
January	13, 1992	Fair Trade Commission Organic Statute promulgated by Presidential decree
January	27, 1992	Fair Trade Commission officially established
February	1, 1992	First-term Commissioners of Fair Trade Commission commence duties
February	4, 1992	Fair Trade Law takes effect
February	1, 1995	Second-term Commissioners of Fair Trade Commission commence duties
February	1, 1998	Third-term Commissioners of Fair Trade Commission commence duties
February	3, 1999	Amended Fair Trade Law promulgated by Presidential decree
June	16, 1999	Amended Supervisory Regulations Governing Multi-Level Sales announced
August	30, 1999	Amended Enforcement Rules to the Fair Trade Law announced
April	26, 2000	Amended Article 9 of Fair Trade Law promulgated by Presidential decree
February	1, 2001	Fourth-term Commissioners of Fair Trade Commission commence duties
February	6, 2002	Amended Fair Trade Law promulgated by Presidential decree
April	24, 2002	Amended Supervisory Regulations Governing Multi-Level Sales announced
June	19, 2002	Amended Enforcement Rules to the Fair Trade Law announced
November	26, 2003	Amended Supervisory Regulations Governing Multi-Level Sales announced
February	1, 2004	Fifth-term Commissioners of Fair Trade Commission commence duties
December	24, 2004	Amended Supervisory Regulations Governing Multi-Level Sales announced
February	1, 2007	Sixth-term Commissioners of Fair Trade Commission commence duties

貳_組織與職掌

公平交易委員會（簡稱本會或公平會）成立於81年1月27日，隸屬行政院，為我國競爭政策與公平交易法的主管機關，依法掌理擬訂公平交易政策及法規，以及調查處理事業各種妨礙競爭的行為，包括獨占、結合及聯合等限制競爭行為及不公平競爭行為。

公平交易法所規定的事項，若涉及他部會的職掌，依法由公平會商同各該部會辦理；公平會對直轄市、縣(市)主管機關執行公平交易法所定事項，有指示、監督之責。

職掌

依公平交易法規定，公平會的職掌包括：

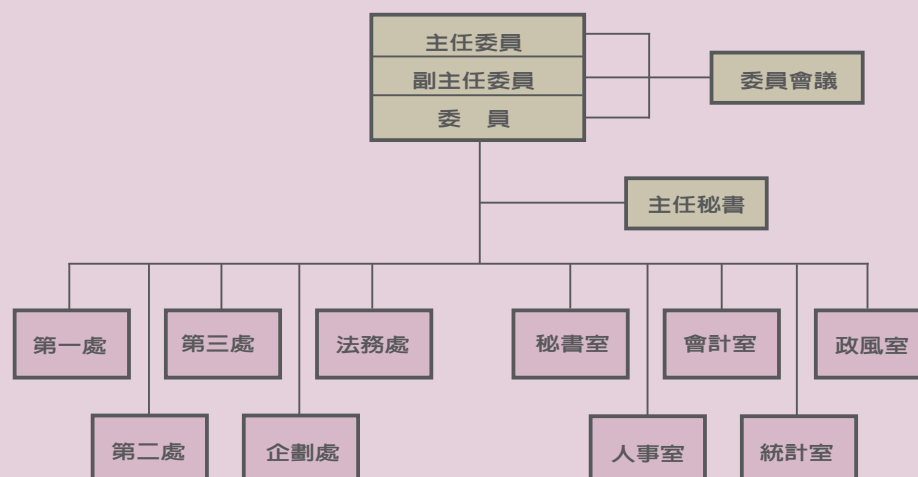
- (一) 關於公平交易政策及法規之擬訂事項；
- (二) 關於審議本法有關公平交易事項；
- (三) 關於事業活動及經濟情況之調查事項；
- (四) 關於違反本法案件之調查、處分事項；
- (五) 關於公平交易之其他事項。

另依據公平交易法第26條規定：「公平交易委員會對於違反本法規定，危害公共利益之情事，得依檢舉或職權調查處理。」第28條：「公平交易委員會依法獨立行使職權，處理有關公平交易案件所為之處分，得以委員會名義行之。」

組織

本會的組織，目前設置有委員會議及5個業務處，以及統計室、秘書室、人事室、會計室、政風室等5個行政單位。

本會組織圖



II _Organization and Duties

The Fair Trade Commission (FTC) was established on January 27, 1992 and is under the jurisdiction of the Executive Yuan (the Cabinet). The FTC is the central competent authority in charge of competition policy and Fair Trade Law in Taiwan. It is charged with drafting fair trade policy, laws, regulations, and investigating and handling various activities impeding competition, such as monopolies, mergers, concerted actions, and other restraints on competition or unfair trade practices on the part of enterprises.

As for any matters provided for in this Law that concern other ministries and commissions, the FTC may consult with such ministries and commissions to deal with them. The FTC shall have the responsibility to direct and supervise competent metropolitan and county (city) authorities in administering their matters arising under the Fair Trade Law.

Duties

The duties of the FTC, as provided for under the Fair Trade Law, include the following:

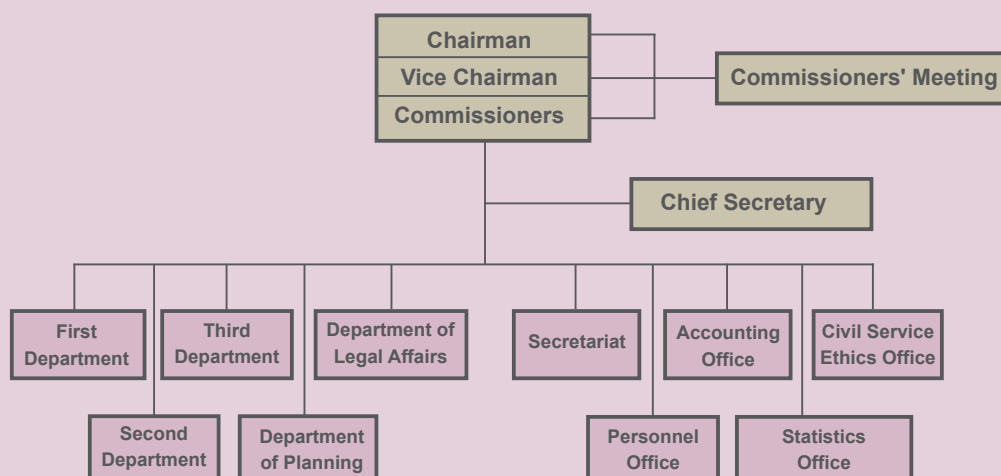
- (1) preparation and formulation of fair trade policy, laws and regulations;
- (2) review of any fair trade matters related to this Law;
- (3) investigation of activities of enterprises and economic conditions;
- (4) investigation and disposition of any case violating this Law; and
- (5) any other matters related to fair trade.

According to Article 26 of the Fair Trade Law, "The Fair Trade Commission may investigate and handle, upon complaints or ex officio, any violation of the provisions of this Law that harms the public interest." Article 28 states: "The Fair Trade Commission shall carry out its duties independently in accordance with the law and may dispose of the cases in respect of fair trade in the name of the Commission."

Organization

The FTC can generally be divided into the Commissioners' Meeting and the following departments and administrative support offices: First Department, Second Department, Third Department, Department of Planning, Department of Legal Affairs, Secretariat, Personnel Office, Accounting Office, Statistics Office, and Civil Service Ethics Office.

Organizational Structure of the FTC



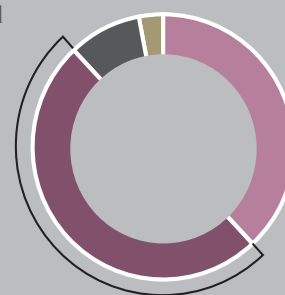
人力 | Human Resources

本會法定員額列有180至242人，截至96年4月底實際職員總數為211人。

The FTC is by law allocated a quota of 180 to 242 personnel; it actually had 211 personnel at the end of April 2007.

1. 依學歷統計分析 | Educational background of FTC personnel

- 研究所以上占38% / Master's degree or higher: 38%
- 學士學位占50% / Bachelor's degree: 50%
- 專科程度占9% / Junior college: 9%
- 高中(職)占3% / High school, vocational high school: 3%



2. 依年齡統計分析 | Age of FTC personnel

- 29歲以下占7% / 29 or younger: 7%
 - 30至39歲占37% / 30 - 39: 37%
 - 40至49歲占38% / 40 - 49: 38%
 - 50歲以上占18% / 50 or older: 18%
- (平均年齡38歲) (Average age: 38)



3. 依專業背景統計分析 | Specialization of FTC personnel

- 法律53人占25% / Law: 53 persons (25%)
- 經濟35人占16% / Economics: 35 persons (16%)
- 其他121人占58% / Others: 121 persons (58%)
(企管、資訊、統計、會計等)
(The "Others" category includes business administration, information, statistics, accounting, and other fields.)



參_委員及委員會議

職權

委員會議是本會最高的決策機關，其職權包括：

1. 關於公平交易政策之審議。
2. 關於公平交易行政計畫之審議、考核。
3. 關於執行公平交易法之公告案、許可案、處分案之審核。
4. 關於公平交易法規之審議。
5. 委員提案之審議。
6. 其他依法應由委員會議決議事項。

特色

本會委員及委員會組織具有下列特色：

1. 委員會的運作採合議制。由於公平交易法是一部法理頗高的財經法規，為能充分考量、融合各方意見，使相關案件的處理，均能符合立法的要求，公平會採合議制，為行政院各委員會中，極少數採合議制的委員會。
2. 公平會置委員九人，均為專任，任期三年，任滿得連任。其中一人為主任委員，特任，綜理會務；一人為副主任委員，襄助主任委員處理會務。九位委員均由行政院院長提請總統任命之。
3. 委員須超出黨派之外，依法獨立行使職權，不受政黨活動影響。
4. 委員具有同一黨籍者，不得超過委員總額二分之一。
5. 委員的任用，應具備法律、經濟、財稅、會計或管理等相關學識及經驗。

III_Commissioners and the Commissioners' Meeting

Functions

Meetings of the Commissioners is the highest policy-making organ of the FTC; it shall be charged with the disposition of matters regarding the following:

1. the review of fair trade policies;
2. the deliberation over and review of the administration of fair trade programs;
3. the review of cases related to the public notice, approval, and disposition under the Fair Trade Law;
4. the deliberation over matters arising under the Fair Trade Law and regulations;
5. the review of proposals presented by any of the Commissioners; and
6. other matters requiring resolution at meetings of Commissioners as prescribed by law.

Features

The FTC's Commissioners' Meeting has the following features:

1. The FTC is among the small minority of Cabinet commissions run by a collegial system. Since the Fair Trade Law is a sophisticated commercial law, to ensure that opinions from all sectors are considered and that cases are thereby handled in conformity with legislative intent, FTC decisions are based on a majority vote of the Commissioners.
2. The FTC shall have nine full-time Commissioners, who shall each serve a three-year term and may be re-appointed for one more term. Of the Commissioners, one shall be appointed Chairman of the Commission, and shall have the rank of a Special Appointment Official who shall supervise all the affairs of the FTC, and one shall be appointed Vice Chairman of the FTC, and shall assist the Chairman in administering the affairs of the FTC. All Commissioners shall be recommended by the Premier and appointed by the President.
3. Commissioners shall be beyond party affiliations and shall act independently in performing their duties under the law, free from the influence of any political party.
4. The number of Commissioners within the same political party shall not be more than one-half of the total number of Commissioners.
5. Only persons well-versed and experienced in law, economics, finance, tax, accounting or management shall be appointed as Commissioners of the FTC.

委員依法獨立行使職權 委員會採合議制運作

Nine Commissioners are the members to collectively and independently make decisions for the Commission



後排站立/The Back Row

張委員 懿云	陳委員 志民	林委員 益裕	謝委員 易宏	林委員 欣吾
Dr. Chang, Yie-Yun	Dr. Chen, Chih-Min	Mr. Lin, Yi-Yu	Dr. Hsieh, Yi-Hong	Dr. Lin, Hsin-Wu

前排坐姿/The Front Row

周委員 雅淑	湯主任委員 金全	余副主任委員 朝權	黃委員 美瑛
Ms. Chou, Ya-Shu	Mr. Tang, Jinn-Chuan	Dr. Yu, Chao-Chuan	Dr. Huang, Mei-Ying



湯主任委員 金全
Mr. Tang, Jinn-Chuan, Chairman

學歷

- 輔仁大學法律學系學士
- 臺灣大學法律學系研究所碩士
- 63年司法人員乙等特考推事檢察官類科及格

經歷

- 嘉義地檢署檢察官
- 嘉義地方法院法官
- 高雄地檢署檢察官
- 第4、5屆立法院立法委員
- 法務部政務次長
- 高雄市政府副市長

Education

- Master, College of Law, National Taiwan University
- LL. B., Law School, Fu-Jen Catholic University

Experience

- Deputy Mayor, Kaohsiung City
- Political Deputy Minister, Ministry of Justice
- Legislator, the Legislative Yuan
- City Representative, Kaohsiung City
- Judge, Taiwan Chiayi District Court
- Public Prosecutor, Chiayi and Kaohsiung District Prosecutors Office
- Adjunct Lecturer, Central Police University



副主任委員簡歷

Vice Chairman

學歷

- 臺灣大學地質學系理學士
- 政治大學企管研究所碩士、博士。

經歷

- 總統府顧問
- 私立東吳大學商學院院長
- 私立東吳大學會計研究所所長
- 私立東吳大學企管系講師、副教授、教授
- 台中縣太平鄉公所秘書
- 大成長城股份有限公司營業課長、推廣課長、總經理室專員
- 中國生產力中心、聯華電子公司、旭麗電子公司及哈佛企管顧問公司顧問
- 財政部證管會上市上櫃審議委員
- 中國造船公司董事
- 台灣證券交易所所有價證券上市審議委員
- 行政院公平交易委員會第5屆委員並為副主任委員

委員簡歷

Commissioners

學歷

- 臺灣大學法律學系學士

經歷

- 第12、13屆臺北縣議會議員
- 第12屆台北縣汐止鎮鎮長
- 第4、5屆立法院立法委員
- 台灣女性權益促進會理事長
- 行政院公平交易委員會第5屆委員



余副主任委員 朝權
Dr. Yu, Chao-Chuan
Vice Chairman



周委員 雅淑
Mr. Chou, Ya-Shu
Commissioner

Education

- Ph.D., Business Administration, National Cheng-chi University
- MBA, National Cheng-chi University
- B.S., School of Science, National Taiwan University

Experience

- Commissioner, Fair Trade Commission (2004 February-2005 March)
- Advisor to the President Office of R.O.C.
- Dean, School of Business, Soochow University
- Director, Graduate Program of Accounting, Soochow University
- Professor, Business Administration, Soochow University
- Secretary, Taipin Township, Taichung County
- Sales Supervisor, Great Wall Enterprise Co., Tainan
- Consultant, China Productivity Center
- Commissioner, Taiwan Stock Exchange Corporation
- Director, China Shipbuilding Corporation
- Visiting Scholar, Columbia University, U.S.A.

Education

- LL.B., Department of Law, National Taiwan University

Experience

- Councilor of Taipei County Council
- Supervisor of Hsichih City, Taipei County
- Legislator, Legislative Yuan

學歷

- 臺灣大學農業經濟學系學士、研究所碩士
- 美國喬治亞大學經濟系博士

經歷

- 國立臺北大學經濟系教授兼系主任
- 行政院公平交易委員會第5屆委員

學歷

- 中興大學農業經濟學系學士、研究所碩士
- 81年特種考試公平交易管理人員考試乙等考試經濟行政科及格

經歷

- 經濟部物價督導會報專員、科長、專門委員、副組長、組長（兼行政院公平交易委員會籌備期間法制組組長）
- 行政院公平交易委員會副處長、處長、主任秘書



黃委員 美瑛
Dr. Huang, Mei-Ying
Commissioner



林委員 益裕
Mr. Lin, Yi-Yu
Commissioner

Education

- Ph.D., Economics, University of Georgia, U.S.A.
- M.S., Agricultural Economics, National Taiwan University
- B.S., Agricultural Economics, National Taiwan University

Experience

- Director, Department of Economics, National Taipei University
- Director, Taiwan Development and Research Center, National Taipei University
- Professor, Department of Economics, National Taipei University
- Professor, Department of Economics, National Chung-Hsing University
- Councilor, Council for Economic Planning and Development, Executive Yuan (the Cabinet)

Education

- M.A., Agricultural Economics, National Chung-Hsing University
- B.A., Agricultural Economics, National Chung-Hsing University

Experience

- Chief Secretary (2001 February-2007 January), Director (1996 October-2001 January), Deputy Director (1992 January-1996 September), Fair Trade Commission, Executive Yuan (the Cabinet)
- Director (1988 October-1991 December), Deputy Director (1987 February -1988 September), Senior Specialist (1984 September-1987 January), Section Chief (1980 March-1984 August), Specialist (1978 July-1980 February), Commodity Price Supervisory Board, Ministry of Economic Affairs

學歷

- 臺灣大學法律學系學士
- 東吳大學法律學系碩士
- 美國杜克大學法學碩士
- 美國西北大學法學博士

經歷

- 淡江大學公行系副教授
- 中原大學財經法律學系副教授

學歷

- 臺灣大學法律學系學士
- 美國史丹福大學法學碩士、博士

經歷

- 東吳大學法律學系副教授



陳委員 志民
Dr. Chen, Chih-Min
(Andy)
Commissioner



謝委員 易宏
Dr. Hsieh, Yi-Hong
Commissioner

Education

- SJD, School of Law, Northwestern University, U.S.A.
- LL.M., School of Law, Duke University, U.S.A.
- LL.M., School of Law, Soochow University
- LL.B., Department of Law, National Taiwan University

Experience

- Associate Professor of Law, Tamkang University
- Assistant Professor of Law, Tamkang University
- Adjunct Professor of Law, National Chiao-Tung University
- Adjunct Professor of Law, Soochow University
- Advisor and Consultant, Competition Policy Information and Research Center of the Fair Trade Commission

Education

- J.S.D., School of Law, Stanford University, U.S.A.
- LL.M., School of Law, Stanford University, U.S.A.
- LL.B., Department of Law, National Taiwan University

Experience

- Associate Professor, School of Law, Soochow University
- Lecturer, Training Institute for Judges and Prosecutors
- Lecturer, Taipei Bar Association
- Associate, Cleary Gottlieb Steen & Hamilton, New York
- Commissioner, The Bankruptcy Law Revision Committee, Judicial Yuan, Taiwan

學歷

- 輔仁大學法律學學士
- 德國慕尼黑大學法學博士

經歷

- 輔仁大學財經法律學系教授

學歷

- 政治大學企業管理學系學士
- 臺灣大學經濟學系碩士、博士
- 芝加哥大學經濟系訪問學人

經歷

- 財團法人台灣經濟研究院研三所兼任副所長
- 財團法人台灣經濟研究院研究員兼研三所所長



張委員 懿云
Dr. Chang, Yie-Yun
Commissioner



林委員 欣吾
Dr. Lin, Hsin-Wu
(Xin-Wu)
Commissioner

Education

- Ph.D., Law school, University of Munich, Germany
- LL.B., Law school, Fu-Jen Catholic University

Experience

- Professor of Law, Fu-Jen Catholic University

Education

- Ph.D, Economics, National Taiwan University
- M.A., Economics, National Taiwan University
- B.A., Business Administration, National Chen-Chi University

Experience

- Researcher and Director of Research Division III, Taiwan Institute of Economic Research
- Associate Researcher and Director of Research Division III, Taiwan Institute of Economic Research
- Associate Researcher and Deputy Director of Research Division III, Taiwan Institute of Economic Research
- Visiting Scholar, Washington College of Law at American University, U.S.A.
- Visiting Scholar, University of Chicago, U.S.A.

肆_業務及行政單位

業務及行政單位

本會業務及行政單位，分設有第一處、第二處、第三處、企劃處及法務處等5個業務單位及秘書室、統計室、人事室、會計室及政風室等5個行政單位。

■第一處

掌理下列事業關於獨占、結合及聯合行為之調查處理事項：

- 1.農、林、漁、牧、狩獵業。
- 2.商業。
- 3.運輸、倉儲及通信業。
- 4.金融、保險、不動產及工商服務業。
- 5.社會服務及個人服務業。

■第二處

掌理下列事業關於獨占、結合及聯合行為之調查處理事項：

- 1.礦業及土石採取業。
- 2.製造業。
- 3.水電燃氣業。
- 4.營造業。
- 5.其他相關或不能歸類之行業。

IV_Departments and Administrative Support Office

Departments and Administrative Support Offices

The FTC can be divided into the following departments and administrative support offices: First Department, Second Department, Third Department, Department of Planning, Department of Legal Affairs, Secretariat, Personnel Office, Accounting Office, Statistics Office, and Civil Service Ethics Office.

■ First Department

The First Department shall investigate and process matters relating to monopolies, mergers, and concerted actions by enterprises in the following sectors:

1. agriculture, forestry, fishery, animal husbandry, and hunting businesses;
2. commercial business;
3. transportation, warehousing, and communications businesses;
4. finance, insurance, real-estate, and industrial/commercial services; and
5. social and personal services.

■ Second Department

The Second Department shall investigate and process matters relating to monopolies, mergers, and concerted actions by enterprises in the following sectors:

1. mining and earth/gravel excavating businesses;
2. manufacturing business;
3. water, electricity, and fuel gas businesses;
4. construction business; and
5. other related or non-classifiable businesses.



■第三處

掌理下列事項：

- 1.關於限制轉售價格行為之調查處理事項。
- 2.關於妨礙公平競爭行為之調查處理事項。
- 3.關於仿冒行為之調查處理事項。
- 4.關於虛偽不實或引人錯誤之表示、表徵及廣告行為之調查處理事項。
- 5.關於損害他人營業信譽行為之調查處理事項。
- 6.關於多層次傳銷行為之調查處理事項。
- 7.關於其他足以影響交易秩序之欺罔或顯失公平行為之調查處理事項。

■企劃處

掌理下列事項：

- 1.關於公平交易政策之研擬事項。
- 2.關於應依公平交易法公告事項。
- 3.關於公平交易業務研究發展與管制考核事項。
- 4.關於國內外公平交易資料之蒐集及經濟分析事項。
- 5.其他有關公平交易企劃事項。

■法務處

掌理下列事項：

- 1.關於公平交易法規之研擬修訂事項。
- 2.關於公平交易法令之諮詢事項。
- 3.關於公平交易法制問題之研究事項。
- 4.關於罰鍰之執行事項。
- 5.關於刑事違法案件移送事項。

■行政單位

秘書室：掌理議事、文書、印信、出納、庶務、公共關係及不屬於各處、室事項。

統計室：依法辦理統計事項及本會資訊系統之建立與維護事項。

人事室：依法辦理人事管理事項。

會計室：依法辦理歲計、會計事項。

政風室：依法辦理政風事項。

■ Third Department

The Third Department shall be charged with investigating and processing the following:

1. restrictions on resale prices;
2. interference with fair competition;
3. counterfeiting;
4. false, untrue, or misleading presentations and advertisements;
5. acts causing injury to another person's business reputation;
6. multi-level sales; and
7. matters related to deceptive or obviously unfair acts that are sufficient to affect trading order.

■ Department of Planning

The Department of Planning shall be charged with the following matters:

1. preparing and formulating fair trade policies;
2. issuing public notices under the Fair Trade Law;
3. conducting research/development and controlling or reviewing matters related to fair trade;
4. collecting domestic and foreign fair trade information and rendering economic analysis; and
5. handling other matters related to the planning of fair trade.

■ Department of Legal Affairs

The Department of Legal Affairs shall be charged with the following matters:

1. preparing and formulating fair trade rules and regulations and amendments thereof;
2. consulting laws and regulations related to fair trade;
3. studying and researching legal systems related to fair trade;
4. carrying out the execution of fines; and
5. handling the referral of criminal offenders for prosecution.

■ Administrative Support Offices

1. The Secretariat shall be charged with meetings, clerical matters, use of the official seal, receipts and disbursements, general affairs, and public relations as well as matters not relating to other Departments.
2. The Statistics Office administers statistical affairs and establishes and maintains the data systems.
3. The Personnel Office administers personnel affairs.
4. The Accounting Office administers the annual budget and accounting affairs.
5. The Civil Service Ethics Office administers anti-corruption work.

伍_當前工作重點及未來展望

一、加強法規整合與制度建立，確立公平競爭守則

為塑造我國自由、公平的競爭環境，本會將繼續推動公平交易法修法工作，並加強與其他部會協調溝通，共同推動法制建設，使我國競爭法規能和國際先進國家同步發展。

此外，由於聯合行為日趨隱密，取締蒐證日益困難，本會也將借鏡其他國家的執法經驗，引進「寬恕政策」調查機制，促使聯合行為參加人自發性提供違法事證，以節省調查成本，及時嚇阻不法聯合行為。

為建立透明化的執法標準，本會亦將持續檢討研修相關競爭規範及案件處理原則，確立執法準則，使行政程序透明化、標準化及合理化，並加強與事業建立良互關係，俾使業界瞭解及知所遵循。

二、落實案件查處與行為規整，維護市場交易秩序

調查審議公平交易法案件是本會主要工作，對事業違反限制競爭及不公平競爭行為，均將依公平交易法嚴格查處，以維護市場競爭秩序；此外，本會仍將繼續掌握國內各產業態，注意輿論關切議題，取締影響交易秩序之行為，尤其對涉及重大公共利益與社會大眾矚目案件，將更適時主依職權進行調查，採「積極查處，有效規整」，並發揮本會的「組織力」、「執行力」與「團結力」，有效掌握案件審理時效，冀盼運用有限人力，維護市場交易秩序，保障社會大眾權益。

V_ Key Aspects of Current Work and Future Outlook

1. Enhancing Regulation Integration and System Establishment to Firmly Enact Fair Competition Rules

In order to create a free and fair competition environment for our country, the FTC will continue to proceed with the amendment of the Fair Trade Law and enhance the coordination and communication with other ministries/commissions to jointly promote the establishment of legal systems and have our competition laws and regulations develop simultaneously with other advanced countries.

In addition, since concerted action has become more and more concealed, law enforcement and evidence gathering have also become more difficult nowadays. As a result, the FTC will learn enforcement experiences from other countries and introduce the "leniency policy" to urge the participants of concerted action to spontaneously provide evidence of illegal acts. By the means of this policy, the FTC will be able to cut down the costs for investigation and deter illegal concerted action in a timely manner.

To establish transparent enforcement standards, the FTC will continue to review related competition regulations and case handling guidelines to assure the transparency, standardization and reasonableness of the administrative procedure enhancing the positive interaction with enterprises as well as their understanding of and compliance with the regulations.

2. Fully Implementing Case Investigation and Disposition to Maintain Market-Trading Order

Investigating and reviewing cases subject to the Fair Trade Law are the main tasks of the FTC. The FTC strictly investigates and punishes all behaviors of restrictive and unfair competition by the enterprises to maintain market competition order. Moreover, the FTC will pay attention to the trends of each domestic industry and issues concerning the public and will deter any act affecting trading order, especially cases involved with major public interests. The FTC will also be more initiative about ex officio investigation. Through "actively investigating and effectively governing" and the FTC's power to organize, execute, and unite, the FTC will be able to control the timing of case review more efficiently, utilize limited manpower well, maintain market-trading order, and protect the interests of the public.

三、強化部會溝通與政策調和，提升產業經營效率

公平交易法之規範範圍甚廣，在執法過程中，不免涉及他部會的產業政策及經濟法規而有競合情形。多年來，在各部會鼎力配合下，多能順利將自由、公平的競爭精神納入政策並加以執行；為建立新經濟時代的公平競爭環境，除執行公平交易法外，尚有賴各部會產業政策與經濟法規之整體配套，本會將加強與各部會的溝通，共同努力將自由、公平的競爭精神納入政策與執行，也持續檢討妨礙競爭的法規，去除不必要的市場參進障礙，以提升產業經營效率及國家整體競爭力。

四、傾聽民意及瞭解民情，塑造優質競爭文化

本會職責在維護交易秩序與消費者利益，並致力塑造優質的競爭文化。因此，本會除將依法查處事業不當之獨占、結合、聯合、限制競爭、不公平競爭等行為外，更將悉心洞察民衆的需求與意見，對足以影響社會大眾權益及公共利益之重大案件，主動積極立案查察，一旦查獲具體違法事證，即依公平交易法嚴加處分，有效維護市場交易秩序，保障消費者權益。

五、推展國際交流與技術援助，共創區域經濟繁榮

在經濟全球化的影響下，反競爭行為亦已日趨國際化，有必要透過國際組織、雙邊或多邊交流合作妥為因應。本會身為世界競爭群落的一員，將持續以參與國際組織活動，推動相關國際合作與交流，進行雙邊交流合作等方式，積極與各國競爭法主管機關建立對話平台，有效打擊國際卡特爾，並針對與我國有密切地緣或貿易關係之東南亞國家提供競爭法技術援助，共創區域經濟之繁榮。

3. Strengthening Communications and Policy Integration with Other Ministries/Commission to Improve Industry Operating Efficiency

The Fair Trade Law encompasses issues rather extensively. During the enforcement of the Fair Trade Law, it is inevitable to be involved with the industrial policy and economic regulations of other ministries/commissions. For the past several years, with the cooperation of each ministry/commission, the spirit of free and fair competition has been able to be included in the policy of another ministry/commission and thereby enforced. In order to create a fair competition environment for the new economy era, in addition to the enforcement of the Fair Trade Law, the industrial policy and economic regulations of other ministries/commissions shall also be coordinated. The FTC will strengthen the communications with other ministries/commissions to jointly make effort to include the spirit of free and fair competition in the policy and enforce the same accordingly. The FTC will also continue to review regulations that impede competition and eliminate unnecessary market entry barriers to promote industry operating efficiency and overall national competitiveness.

4. Listening to and Understanding the Public to Shape Quality Competition Culture

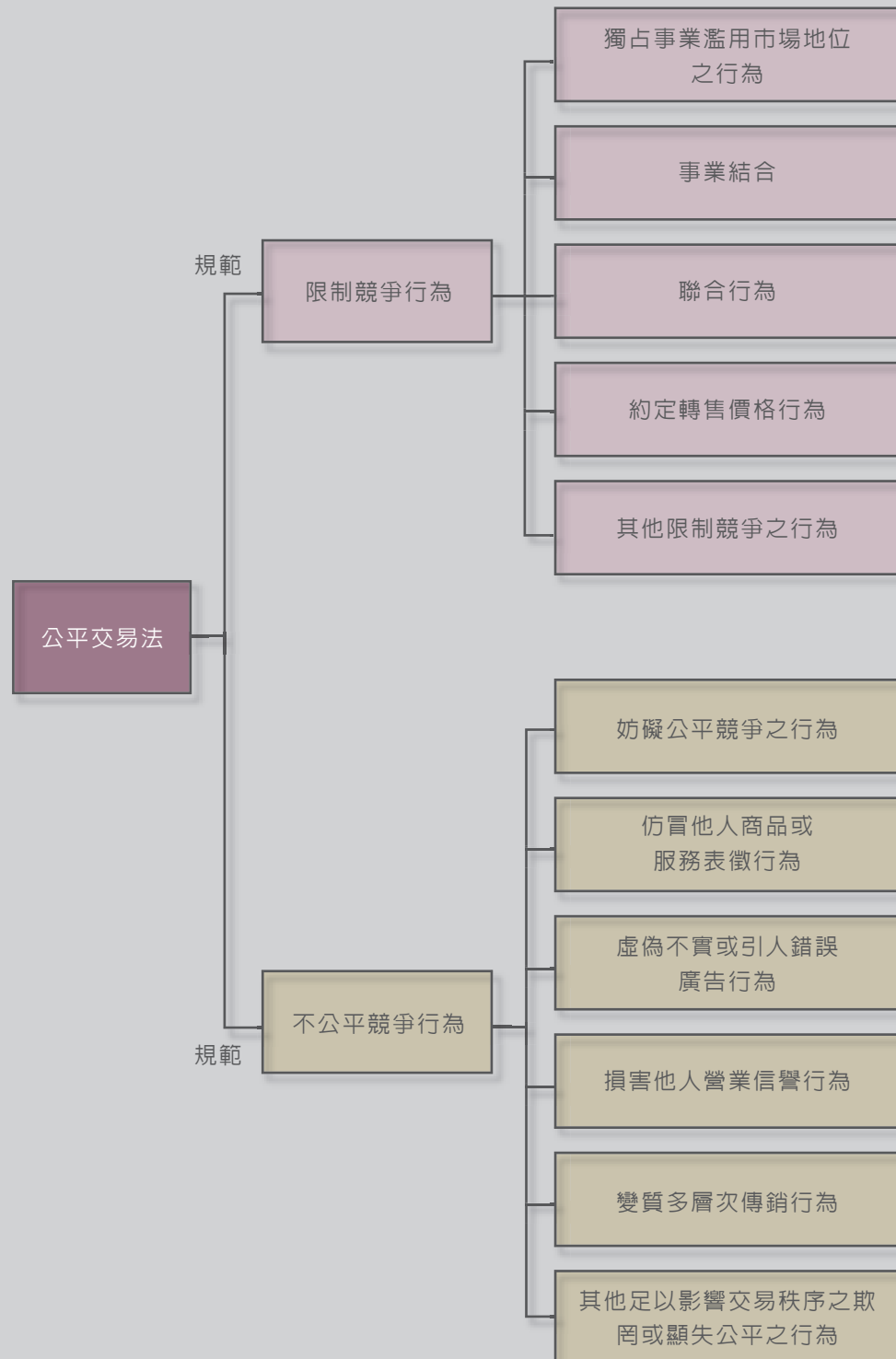
The FTC's duties are to maintain trading order and consumer interests and nurture a superior competition culture. Therefore, in addition to investigating improper monopoly, merger, concerted action, restrictive competition, and unfair competition of enterprises, the FTC will also observe the needs and opinions of the public and initiate investigations on major cases that will affect the rights and interests of the public with fairly strict dispositions in accordance with the Fair Trade Law to effectively maintain market-trading order and protect consumer rights and interests.

5. Developing International Exchange and Technical Support to Jointly Create Regional Economic Prosperity

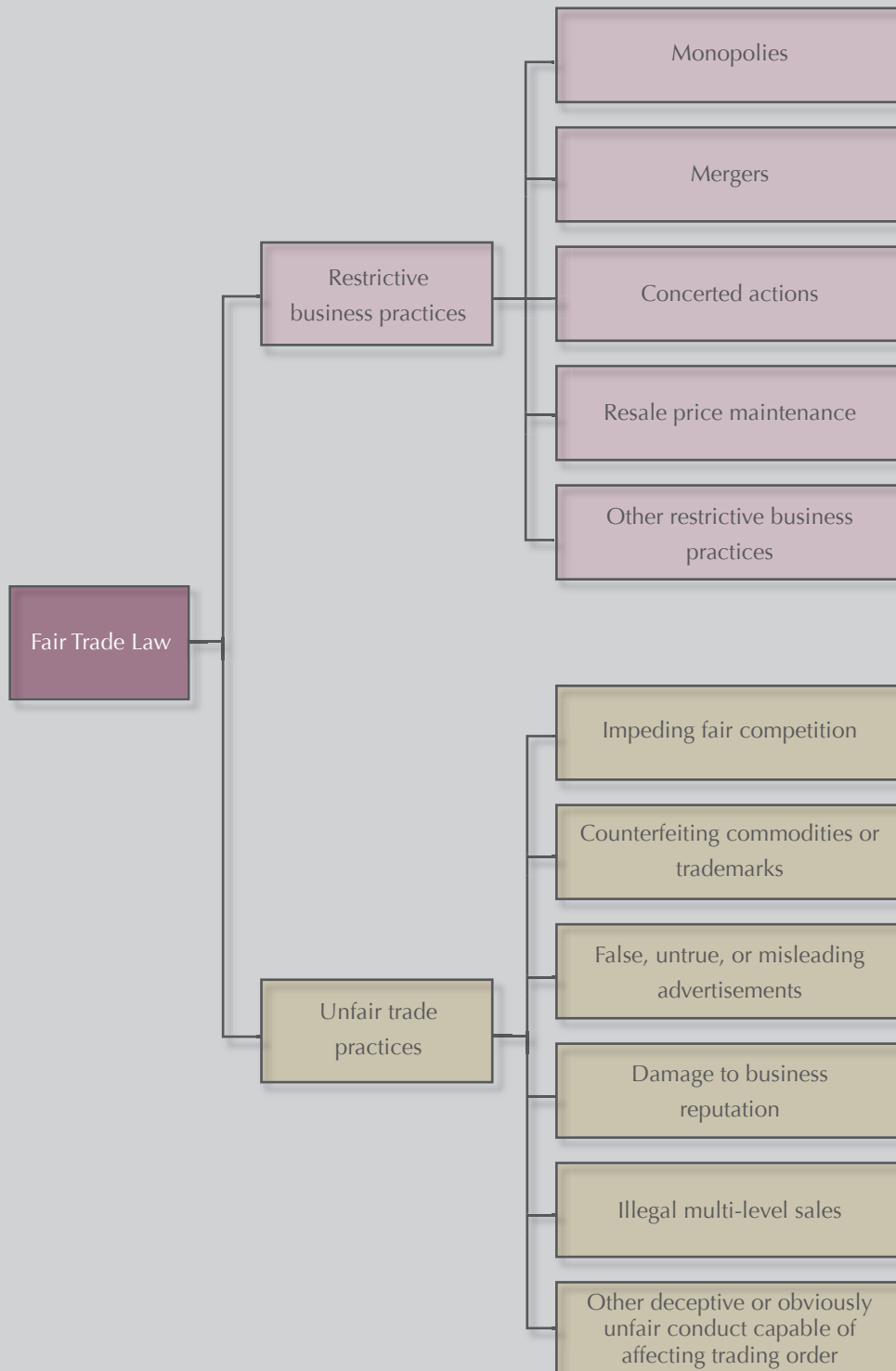
Under the influence of economic globalization, actions of anti-competition have become international. It is necessary to react to such actions through international organizations and bilateral or multilateral cooperation. As a member of the global competition community, we will continue to effectively deter international cartel through participating in international organizations, promoting relevant international and bilateral cooperation and exchange, and actively establishing conversation platforms with the competition authorities of other countries. We will also provide technical support related to competition laws to those Southeast Asia countries with whom we have close geographic or trading relationship to jointly create regional economic prosperity.

陸_ 公平交易法與案件處理

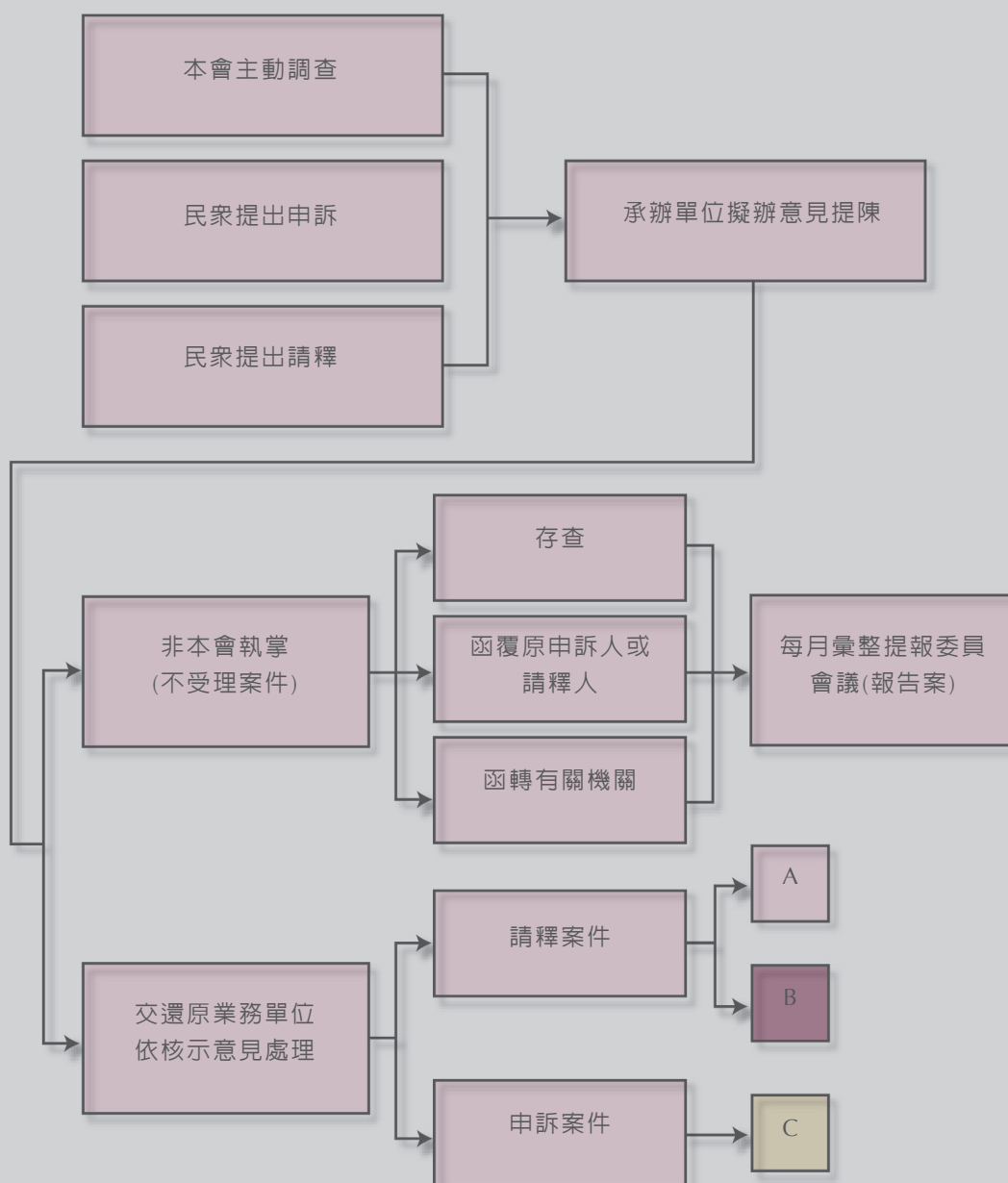
公平交易法架構



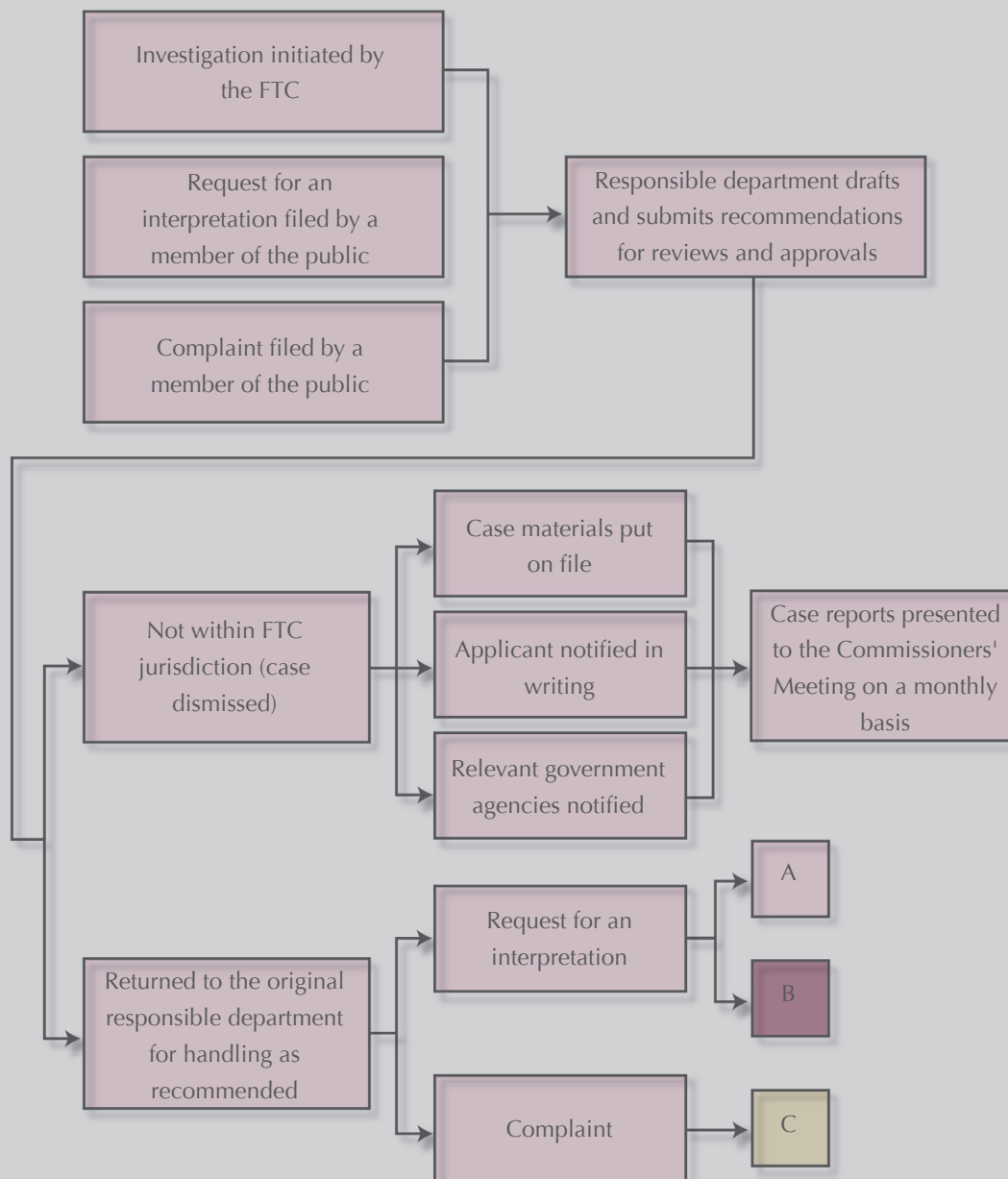
Regulatory Framework of the Fair Trade Law

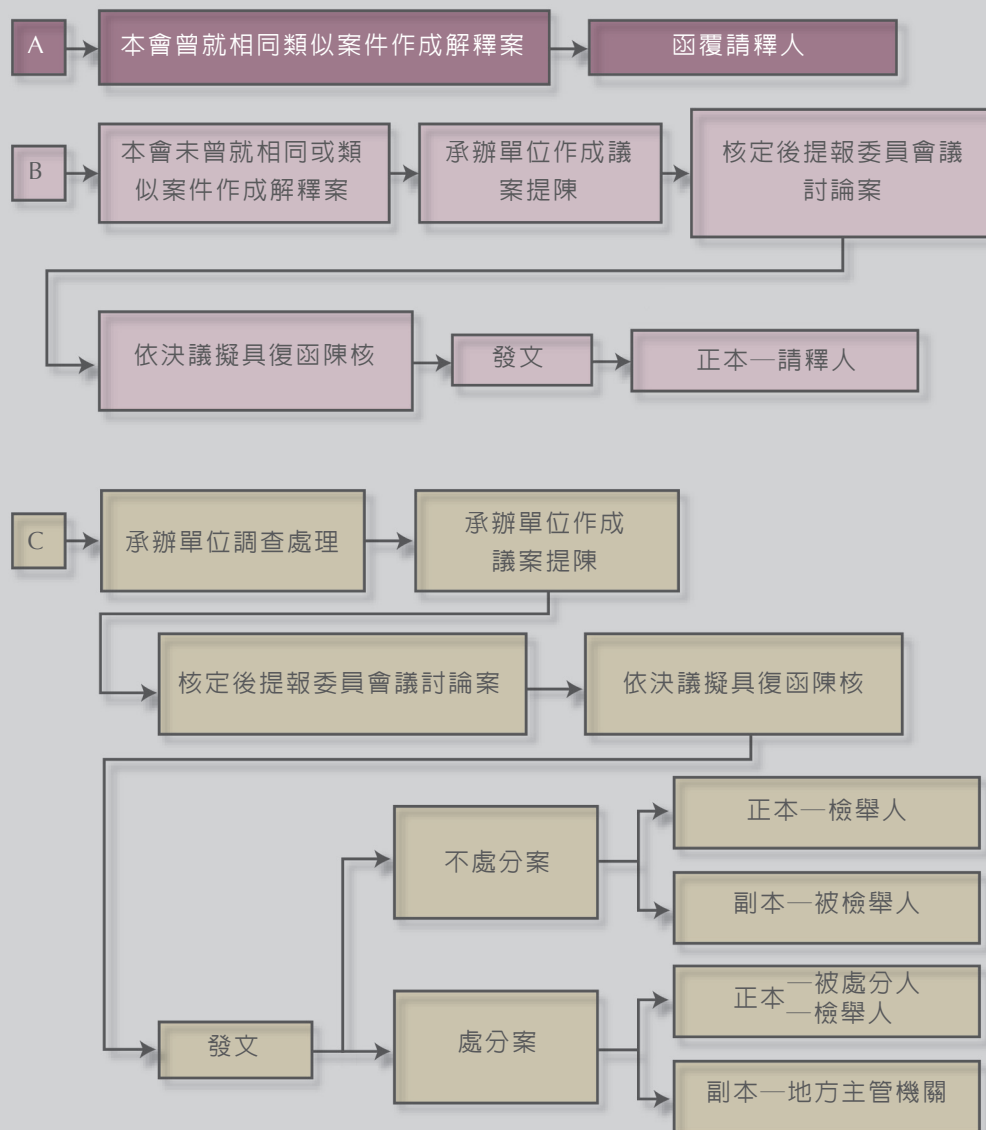


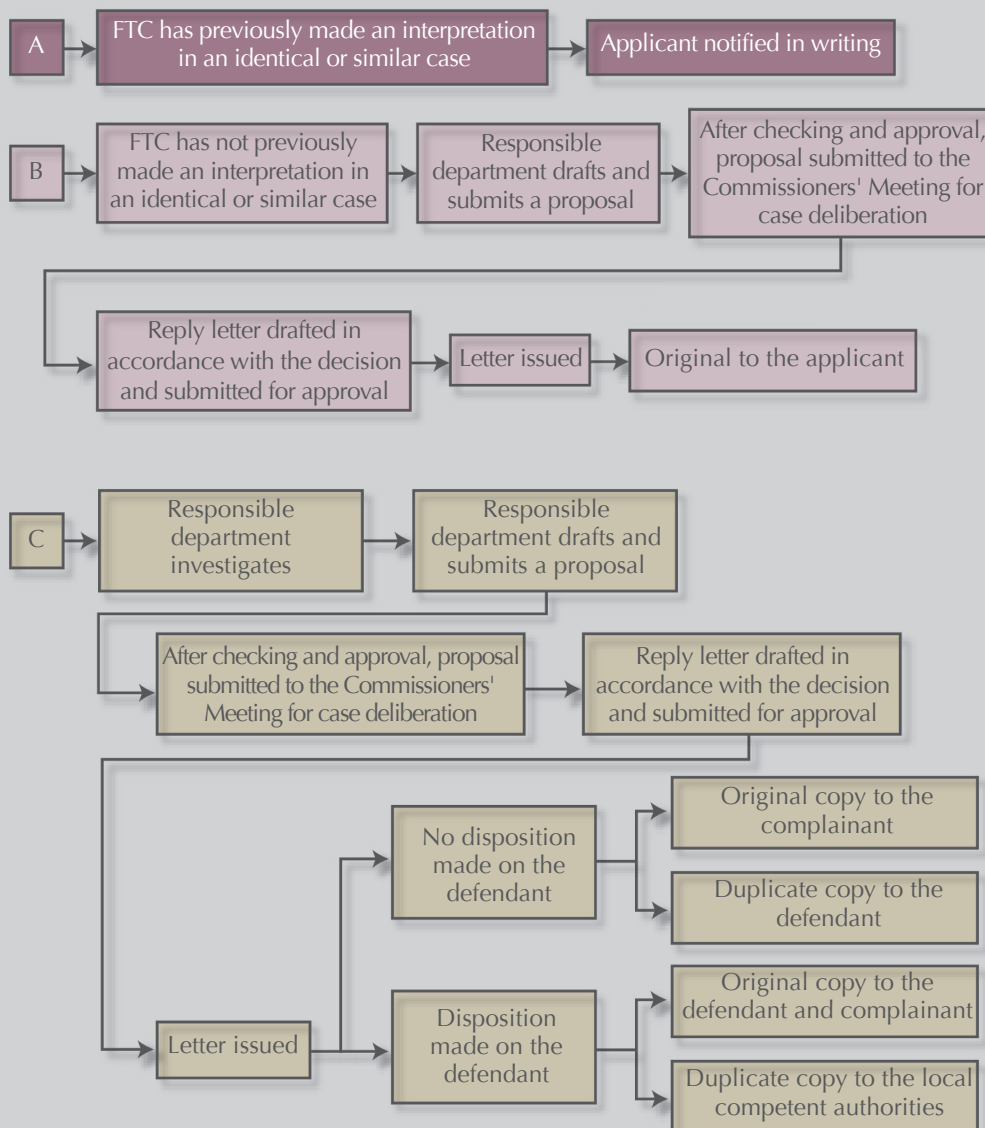
案件處理流程
 申訴及解釋案件處理流程



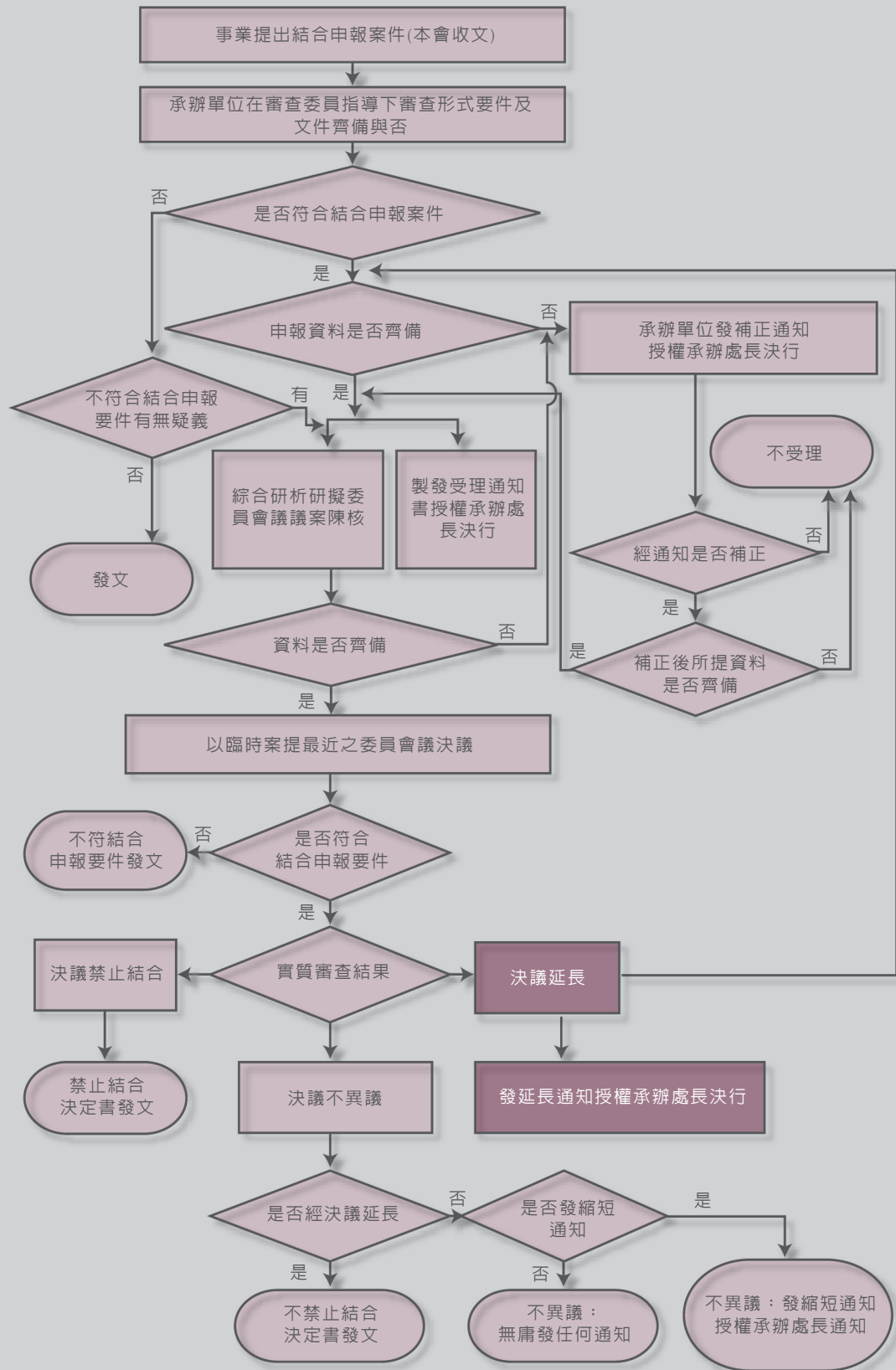
Case Handling Procedures
Procedures for Handling Complaints and Requests for Interpretations of the Law



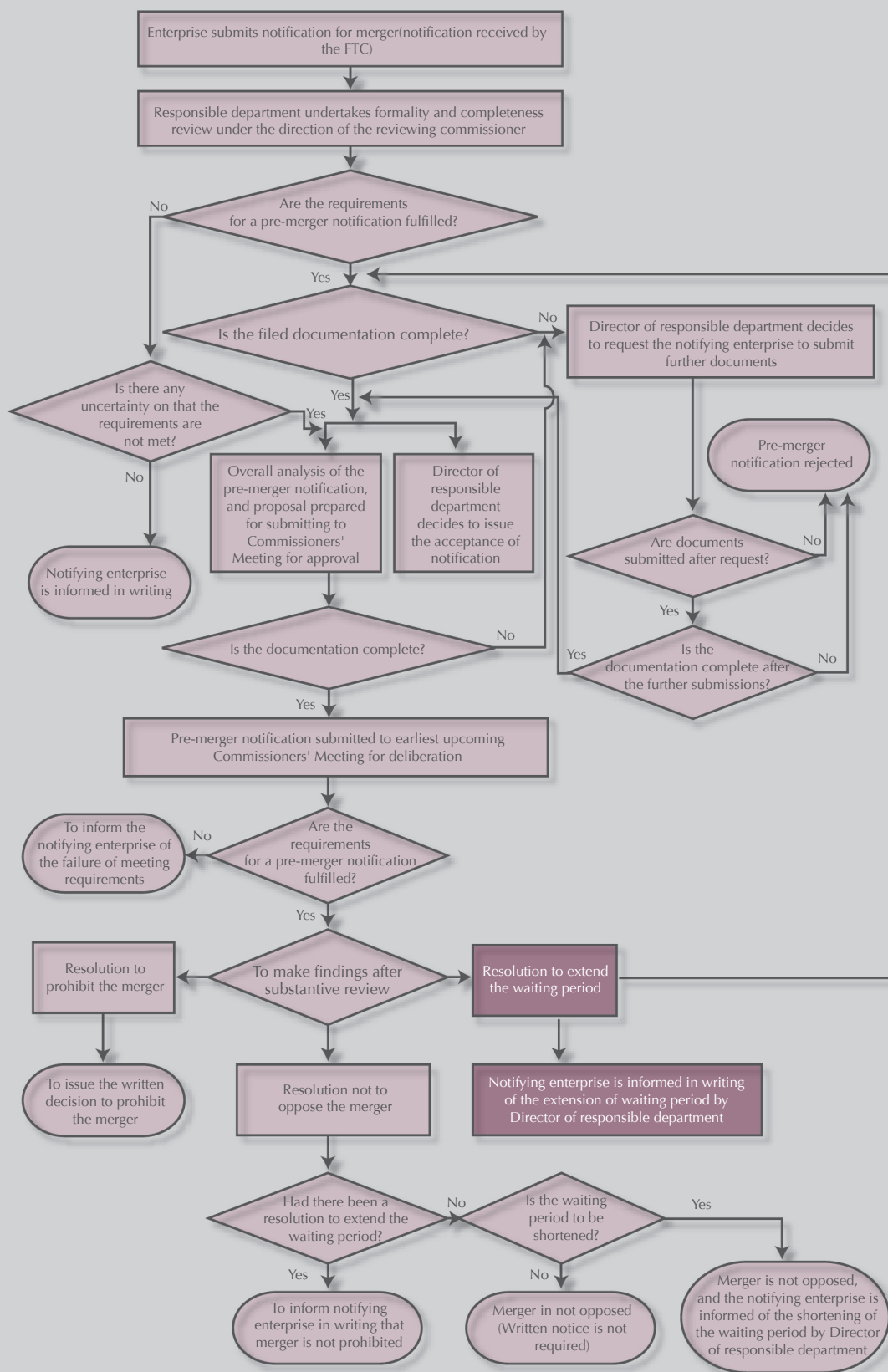




結合申報案件處理流程



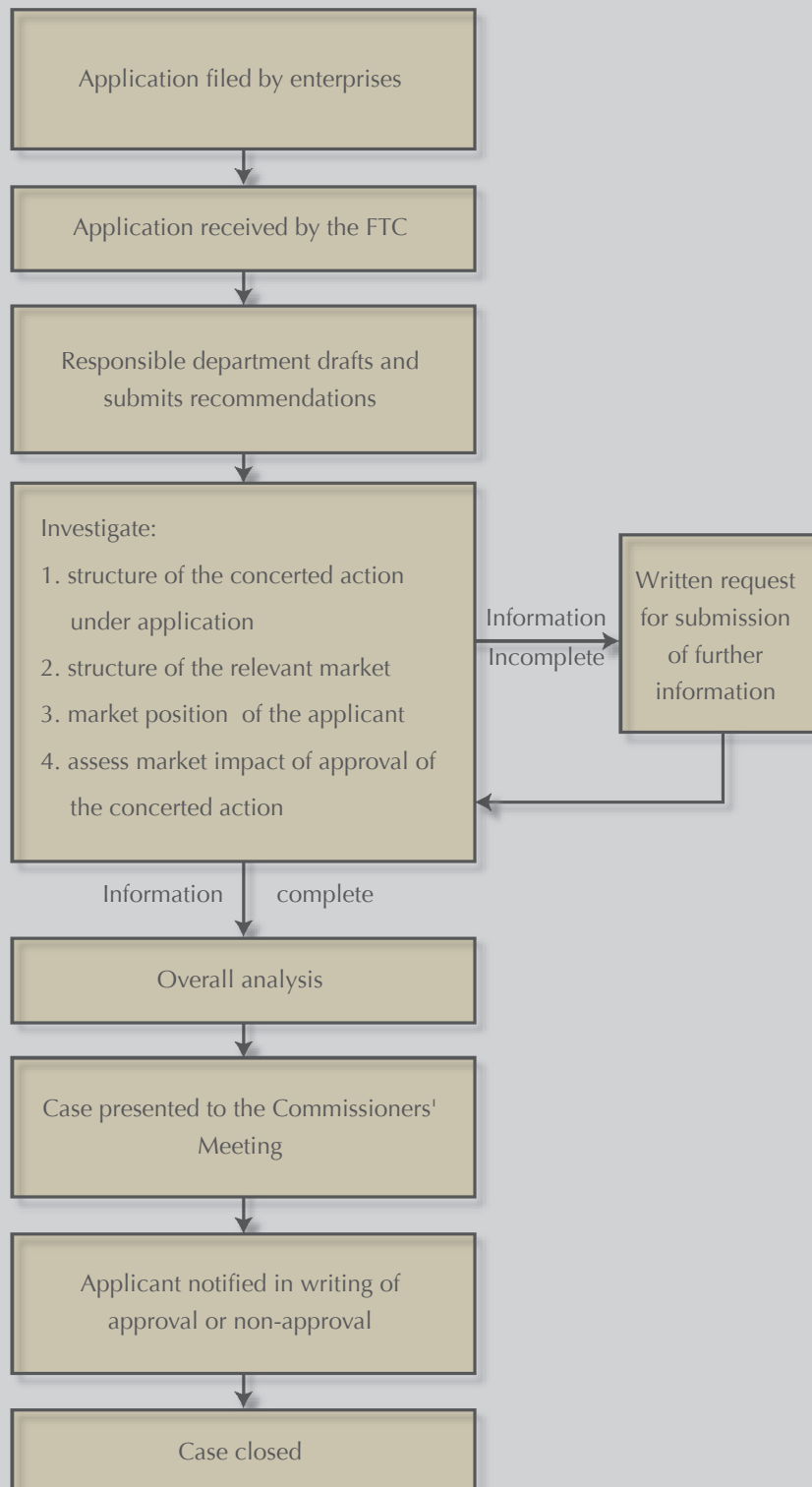
Procedures for Pre-Merger Notification by Enterprises



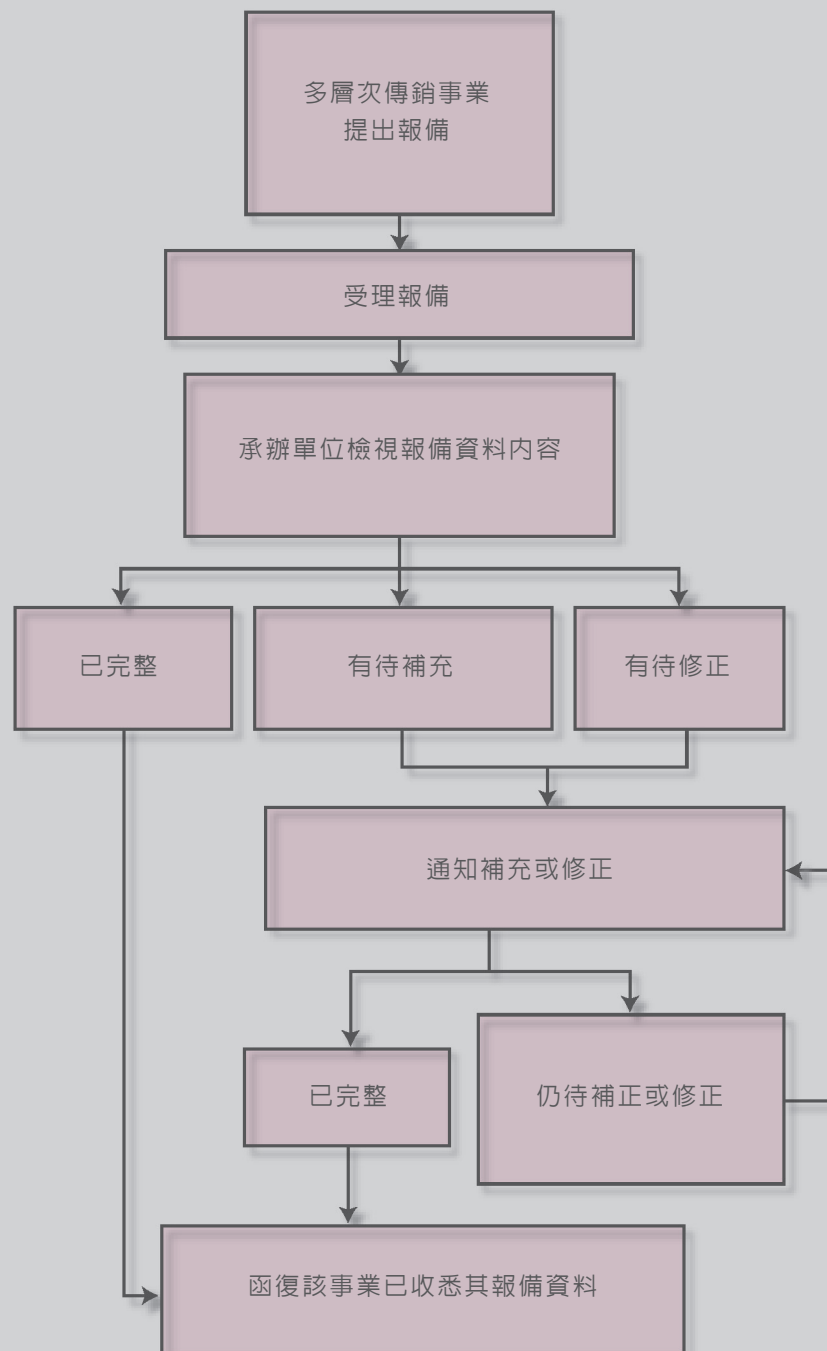
聯合申請案件處理流程



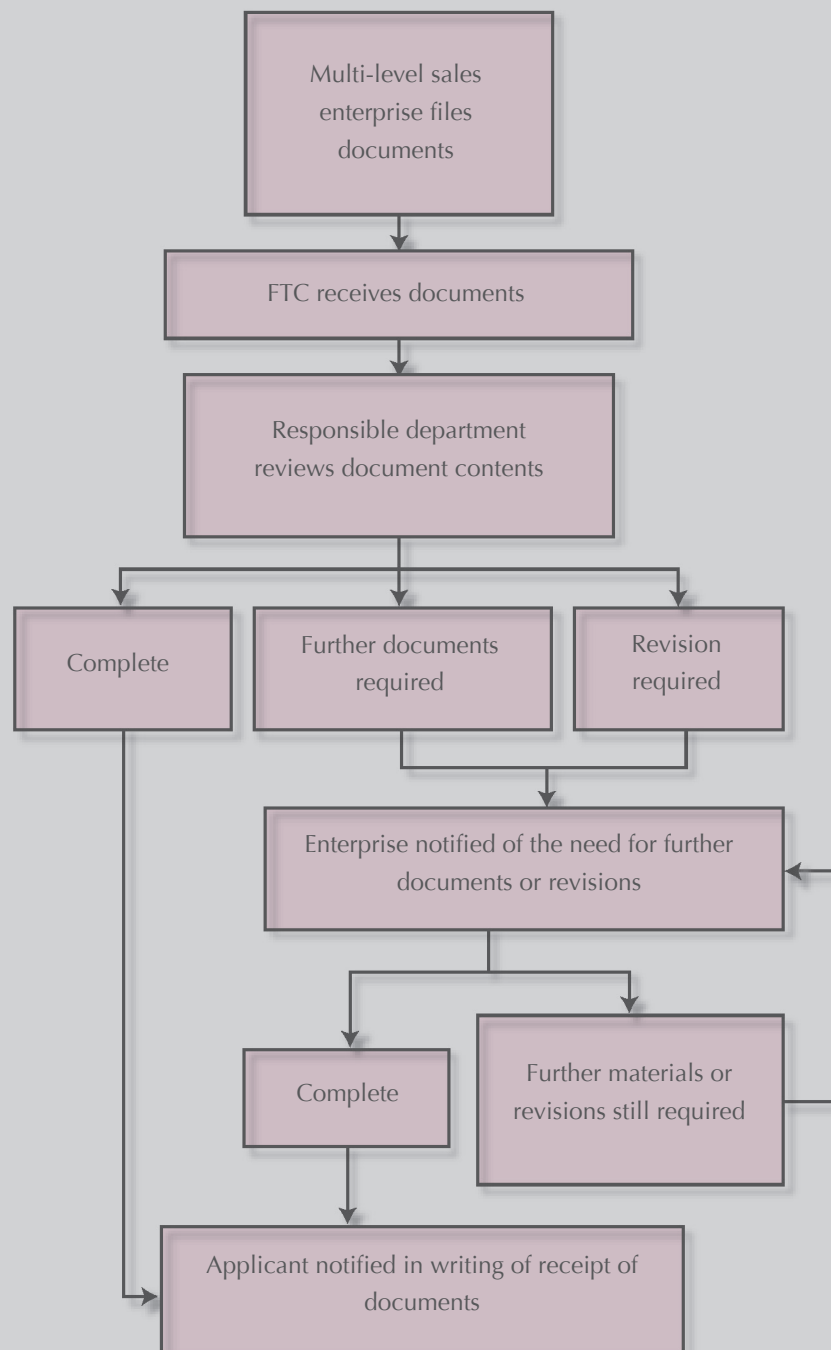
Procedures for Handling Applications for Concerted Actions among Enterprises



多層次傳銷事業報備案件作業流程



Procedures for Handling Document Filing by Multi-Level Sales Enterprises



柒_服務資訊

本會服務中心

為處理民衆反映及諮詢事項，本會設置有「服務中心暨專線電話」，每天派有專人輪值服務中心，提供各項服務。

服務項目

1. 公平交易法解說
2. 申請事項的解說
3. 宣導資料的提供
4. 反映案件的受理

地址與電話

服務專線：(02)2351-7588 轉 380
(02)2351-7567

地 址：台北市中正區(10051)濟南路一段2之2號13樓



南區服務中心

為擴大本會為民服務效益，加強中南部地區之便民服務，適時掌握地區產業動態，本會於88年7月起，派員進駐「行政院南部聯合服務中心」，設置服務窗口，提供各項服務。

服務項目

1. 有關申訴違反公平交易法令案件及結合申報、聯合行為申請案件之受理服務。
2. 有關公平交易法令之解說與諮詢服務事項。
3. 宣導資料之提供服務事項。
4. 有關產業交易行為之輔導協調服務事項。
5. 其他有關公平交易委員會業務之連繫服務事項。

地址與電話

服務專線：(07) 213-5265

地 址：高雄市前金區成功一路436號5樓

FTC Service Center

To field input and inquiries from the public, the FTC has established a Service Center. The center has a full-time staff (FTC personnel appointed on a rotating basis) and offers a range of services.

Services

1. Liaison work regarding cases on application, complaints or pleading
2. Explanation of the Fair Trade Law
3. Provision of educational materials
4. Other services

Address and Telephone

Telephone: 886-2-2351-7588 ext. 380
886-2-2351-7567

Address: 13F, No. 2-2, Sec. 1, Jinan Road, Taipei, Taiwan (R.O.C.)

Southern Region Service Center

To increase the efficiency of FTC services to citizens, strengthen the convenience of FTC services to citizens in southern Taiwan, and to always keep abreast of the direction of change in regional industries, beginning in July 1999 the FTC stationed personnel in the Executive Yuan's Southern Region Associated Services Center and set up a service desk for the provision of a number of services.

Services

1. Services pertaining to the processing of complaints regarding fair trade law violations, pre-merger notification, and to applications for the approval of concerted actions
2. Explanation and inquiry services pertaining to fair trade law and regulations
3. Provision of educational materials
4. Consultative services pertaining to industry trade practices
5. Liaison services pertaining to other affairs of the FTC

Address and Telephone

Telephone: 886-7-213-5265

Address: 5F, No. 436, Chengchung 1 Road, Chienjin District, Kaohsiung, Taiwan (R.O.C.)

競爭政策資料及研究中心

為提供國內外各界有關競爭政策與競爭法之專業諮詢、研究及訓練服務，本會於86年1月27日成立「競爭政策資料及研究中心」，並對外開放使用。

服務項目

- | | |
|---------|-----------|
| 1. 開放閱覽 | 4. 提供研究服務 |
| 2. 圖書借閱 | 5. 提供訓練服務 |
| 3. 網路諮詢 | 6. 其他相關服務 |

地址與電話

服務專線：(02) 2397-0339轉213
(02) 2327-8129

地 址：台北市中正區(10051)北平東路30號2樓

電子郵件信箱：cpirc@ftc.gov.tw



Competition Policy Information and Research Center

The Competition Policy Information and Research Center was established by the FTC on January 27, 1997 to provide professional consultation, research, and training services related to competition policy and law. The facilities are open for use by the public.

Services

1. Open reading
2. Book loans
3. On-line consultation
4. Research services
5. Training services
6. Other services

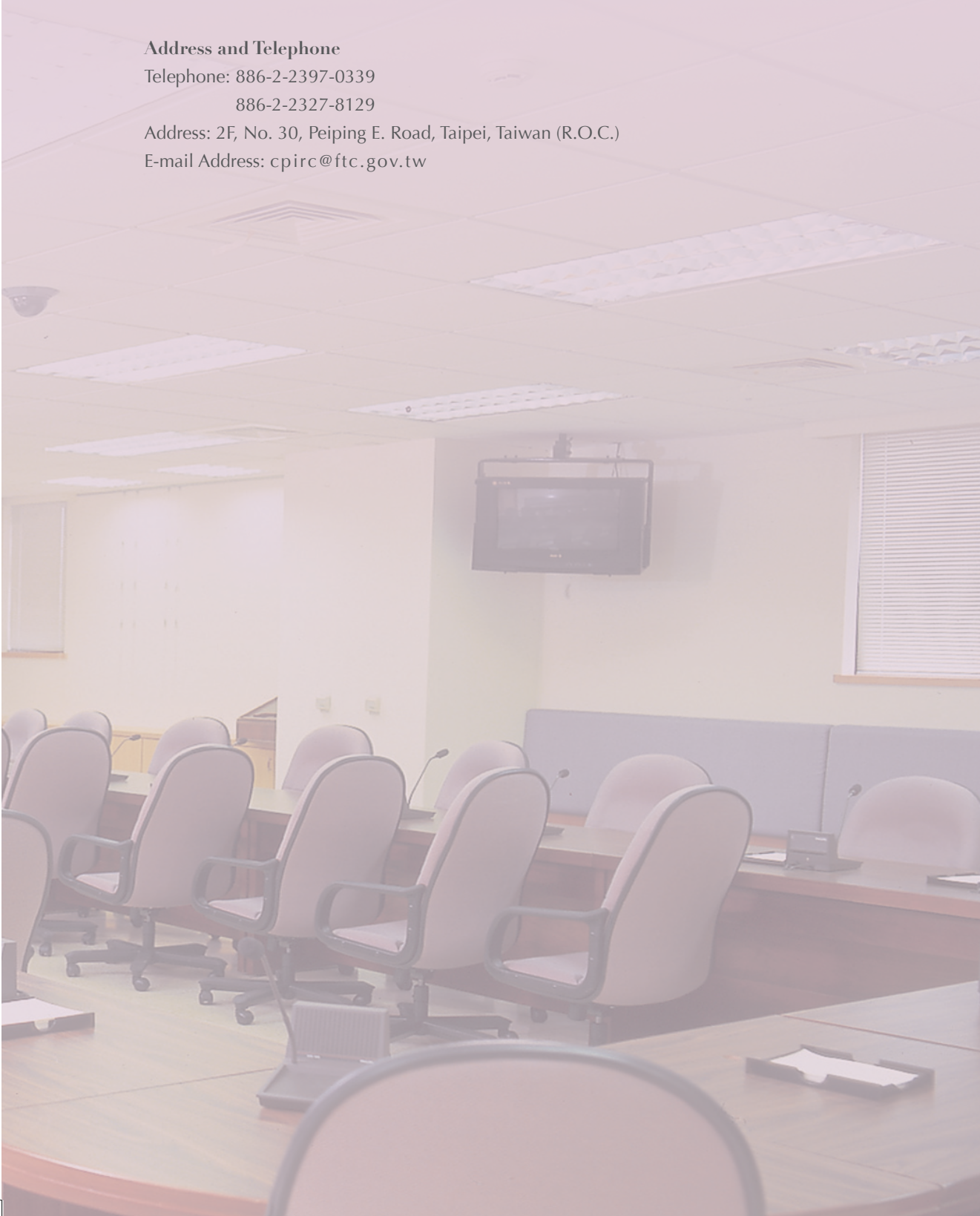
Address and Telephone

Telephone: 886-2-2397-0339

886-2-2327-8129

Address: 2F, No. 30, Peiping E. Road, Taipei, Taiwan (R.O.C.)

E-mail Address: cpirc@ftc.gov.tw



公平會出版品取得方式

贈閱：來函、電洽或親至本會服務中心索取

限贈：來函索取

借閱：親至本會「競爭政策資料及研究中心」查閱

出售：郵政劃撥 帳戶：行政院公平交易委員會 帳號：16128636

至本會服務中心或下列政府出版品展售中心購買

五南文化廣場 台中縣太平市新福路558號 (04) 2395-3100

國家書坊台視總店 台北市八德路三段10號 (02) 2578-1515

How to Subscribe FTC's Publication

1. All publications for “Free” are available at the Fair Trade Commission: 13F, No. 2-2, Jinan Road, Sec. 1, Taipei, Taiwan (R.O.C.) or by calling +886-2-23517588 ext. 380.
2. All FTC's publications are available for reference at the Competition Policy Information and Research Center (CPIRC) : 2F, No.30, Peiping East Road, Taipei, Taiwan (R.O.C.)
3. All publication for sale can be bought or ordered directly at the following bookstores:
 - (1) Wu-Nan Company
No. 558, Sinfu Rd., Taiping City, Taichung County 411 Taiwan (R.O.C.)
Tel: +886-4-23953100
Fax: +886-4-2258234
Website: <http://www.govbook.com.tw>
 - (2) Taiwan Television Bookstore
No.10, Pateh Rd., Sec. 3, Taipei, Taiwan
Tel: +886-2-25781515
Fax: +886-2-25799623
Website: <http://www.govbook.com.tw>