

**Questioning the Reasonableness of the Merger Regulation in Taiwan's Fair Trade Act:
With a Focus on the Merger Categories and Substantive Elements**

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Abstract

Many of the paragraphs of the merger regulation in Taiwan's Fair Trade Act were introduced to the Act with reference to their counterparts in foreign competition laws. However, the similarities between them are sometimes in the wording, and not in the spirit and effects of those paragraphs. By adopting a comparative law methodology, this article explores the problems arising from the interpretations and applications of some important stipulations of the merger regulation in Taiwan's Fair Trade Act, including the definition of "control" in defining the categories which should be subjected to the merger regulation, "efficiency" claims or the defense of a merger prohibition and corrective remedies which are necessary to counterbalance or prevent possible anti-competitive effects. This article concludes by emphasizing that some of the paragraphs should be revised as soon as possible as Taiwan's competition authority aspires to play a leading role in the world economy and global competition network.

Keywords: Fair Trade Act, Corrective Remedies, Control, Efficiency Claims, Merger Regulation.