Regulations for the Examination of Financial Holding Company Merger Cases

Article 1

These Regulations are formulated pursuant to the provisions of Article 9 Paragraph 2 of the Financial Holding Company Act.

Article 2

If the circumstance, as described in Article 10 Paragraph 1 and any of the subparagraphs outlined in Article 11 Paragraph 1 of the Fair Trade Act, applies to the establishment of a financial holding company, a merger notification should be submitted to the Fair Trade Commission in compliance with relevant provisions of the Fair Trade Act prior to the merger.

The provisions as described in the preceding Paragraph are not applicable under the circumstances as described in Article 12 of the Fair Trade Act.

Article 3

Upon receiving the application for the establishment of a financial holding company, the Financial Supervisory Commission should advise the applicant to submit a merger notification to the Fair Trade Commission in the event that the provisions as described in the preceding Paragraph are applicable.

In reviewing a merger notification submitted in accordance with the provisions as described in Paragraph 1 of the preceding Article, the Fair Trade Commission may consult with and obtain the opinions of the Financial Supervisory

Commission. The Financial Supervisory Commission should be informed in writing of any relevant resolutions or decisions made by the Fair Trade Commission on the said case.

Article 4

In the event that a merger notification to the Fair Trade Commission is required, pursuant to Article 2 of these Regulations, the notifying parties must conform to the format set forth by the Fair Trade Commission and submit all relevant information with the merger notification.

Article 5

When a business submits a merger notification, the Fair Trade Commission will not only conduct a review with reference to the factors listed in "Fair Trade Commission Guidelines on Handling Merger Filings", the following factors will also be taken into consideration:

1. The impact on the stability and the integrity of the financial markets.
2. The impact on the availability and convenience of financial services.
3. The impact on the innovation of financial services.
4. Policy made by the competent authority relevant to the financial industry.

Article 6

These Regulations are effective on the date of promulgation.

金融控股公司結合案件審查辦法

中華民國90年10月24日行政院公平交易委員會會銜財政部以（90）公壹字第9009484-007號、台財融（一）第0901000167號令訂定發布全文14條

中華民國91年3月27日行政院公平交易委員會會銜財政部以公壹字第0910001903號、台財融（一）字第0911000182號令修正發布

中華民國103年3月25日公平交易委員會會銜金融監督管理委員會以公服字第10312602011號、金管銀法字第10300055351號令修正發布

中華民國104年7月9日公平交易委員會會銜金融監督管理委員會以公服字第10412605701號、金管銀法字第10400147271號令修正發布

第一條

本辦法依金融控股公司法第九條第二項規定訂定之。

第二條

金融控股公司之設立有公平交易法第十條第一項及第十一條第一項各款規定情形之一者，應於結合前依公平交易法相關規定向公平交易委員會提出申報。

前項規定於公平交易法第十二條情形不適用之。

第三條

金融監督管理委員會於收受金融控股公司設立申請時，應告知申請人如有本辦法前條適用情形，應向公平交易委員會提出申報。

公平交易委員會為審理依前條第一項規定提出之申報案件，得徵詢金融監督管理委員會意見。對於該案件所為之相關決議或決定，公平交易委員會應函告金融監督管理委員會。

第四條

依本辦法第二條規定須向公平交易委員會提出申報者，應依公平交易委員會所定格式提出事業結合申報書並檢具相關資料。

第五條

事業提出結合申報，公平交易委員會除依「公平交易委員會對於結合申報案件之處理原則」所列考量因素進行審理外，得審酌以下因素：

一、對於金融市場穩定性及健全性之影響。

二、對於金融服務普及性及近便性之影響。

三、對於金融服務創新之影響。

四、金融相關主管機關之政策。

第六條

本辦法自發布日施行。