

Fair Trade Act

CHAPTER I GENERAL PRINCIPLES

Article 1

This Act is enacted for the purposes of maintaining trading order, protecting consumers' interests, ensuring free and fair competition, and promoting economic stability and prosperity.

Article 2

The term "enterprise" as used in this Act refers to any one of the followings:

1. a company;
2. a sole proprietorship or partnership;
3. any other person or organization engaging in transactions through the provision of goods or services.

A trade association organized by businesses, or any other organization lawfully established to promote the interests of its members is deemed as an enterprise as referred to in this Act.

Article 3

The term "trading counterpart" as used in this Act means any supplier or purchaser that engages in or concludes transactions with an enterprise.

Article 4

The term "competition" as used in this Act means any conduct of two enterprises or more than two to compete for trading opportunities in the same market with one or more enterprises through offering more favorable price, quantity, quality, service or any other terms.

Article 5

The term "relevant market" as used in this Act means a geographic area or a coverage wherein enterprises compete in respect of particular goods or services.

Article 6

The term "competent authority" as used in this Act means the Fair Trade Commission.

For any matter provided for in this Act that involves the authorities of any other ministries or commissions, the competent authority may consult with such other ministries or commissions to deal therewith.

CHAPTER II RESTRAINTS OF COMPETITION

Article 7

The term "monopolistic enterprise" as used in this Act means any enterprise that faces no competition or has a dominant position to enable it to exclude competition

in the relevant market.

Two or more enterprises shall be deemed monopolistic enterprises if they do not in fact engage in price competition with each other and they as a whole have the same status as the enterprise defined in the preceding paragraph.

Article 8

An enterprise shall not be deemed a monopolistic enterprise as defined in the preceding article if none of the following circumstances exists:

1. the market share of the enterprise in the relevant market reaches one half of the market;
2. the combined market share of two enterprises in the relevant market reaches two thirds of the market; and
3. the combined market share of three enterprises in the relevant market reaches three fourths of the market.

Under any of the circumstances set forth in the preceding paragraph, where the market share of any individual enterprise does not reach one tenth of the relevant market or where its total sales in the preceding fiscal year are less than the threshold amount as publicly announced by the competent authority, such enterprise shall not be deemed as a monopolistic enterprise.

An enterprise exempted from being deemed as a monopolistic enterprise by any of the preceding two paragraphs may still be deemed a monopolistic enterprise by the competent authority if the establishment of such enterprise or any of the goods or services supplied by such enterprise to the relevant market is subject to legal or technological restraints, or there exists any other circumstance under which the supply and demand of the market are affected and the ability of others to compete is impeded.

Article 9

Monopolistic enterprises shall not engage in any one of the following conducts:

1. directly or indirectly prevent any other enterprises from competing by unfair means;
2. improperly set, maintain or change the price for goods or the remuneration for services;
3. make a trading counterpart give preferential treatment without justification; or
4. other abusive conducts by its market power.

Article 10

The term "merger" as used in this Act means any one of the following conditions:

1. where an enterprise and another enterprise are merged into one;
2. where an enterprise holds or acquires the shares or capital contributions of another enterprise to an extent of more than one third of the total number of voting

shares or total capital of such other enterprise;

3. where an enterprise is assigned by or leases from another enterprise the whole or the major part of the business or assets of such other enterprise;

4. where an enterprise operates jointly with another enterprise on a regular basis or is entrusted by another enterprise to operate the latter's business; or

5. where an enterprise directly or indirectly controls the business operation or the appointment or discharge of personnel of another enterprise.

In computing the shares or capital contributions referred to in subparagraph 2 of the preceding paragraph, the shares or capital contributions held or acquired by an enterprise that is controlled by, controlling, or affiliated with the acquiring enterprise, and by an enterprise where both it and the acquiring enterprise are controlled by the same enterprise or enterprises shall be included.

Article 11

Any merger that falls within any of the following circumstances shall be filed with the competent authority in advance:

1. as a result of the merger the enterprise(s) will have one third of the market share;
2. one of the enterprises in the merger has one fourth of the market share; or
3. sales for the preceding fiscal year of one of the enterprises in the merger exceeds the threshold amount publicly announced by the competent authority.

The threshold amount of the sales referred to in Subparagraph 3 of the preceding paragraph shall include the sales amount of an enterprise that is controlled by, controlling, or affiliated with the enterprise in the merger, and of an enterprise where both it and the enterprise in the merger are controlled by the same enterprise or enterprises. The calculation method shall be publically announced by the competent authority.

A person or a group that has controlling interest in an enterprise is deemed as an enterprise pertinent to the provisions of this Act with regards to merger.

The controlling interest as referred to in the preceding paragraph means that the person or the group, as referred to in the preceding paragraph, and their related persons, hold a majority of the total number of outstanding voting shares or the total capital of the said enterprise.

The scope of the related persons as referred to in the preceding paragraph is defined as follows:

1. The same natural person, and the natural person's spouse, as well as the person's blood relatives within the second degree of kinship.
2. An enterprise in which the person, referred to in the preceding subparagraph, holds more than one half of the total number of outstanding voting shares or total capital.

3. An enterprise in which the person, referred to in Subparagraph 1, acts as its chairman, president or the director representing a majority of directors.

4. The same group and its representative, manager, or any other person with representing authority, and his/her spouse, as well as his/her blood relatives within the second degree of kinship.

5. The same group and the enterprise in which the natural person of the preceding subparagraph holds more than one half of the total number of outstanding voting shares or total capital.

The sales amount as referred to in Paragraph 1 Subparagraph 3 shall be announced separately by the competent authority in different industries.

Enterprises shall not proceed to merge within a period of 30 working days starting from the date the competent authority accepts the complete filing materials, provided that the competent authority may shorten or extend the period as it deems necessary and notifies in writing the filing enterprise of such change.

Where the competent authority extends the period in accordance with the proviso of the preceding paragraph, such extension may not exceed 60 working days; for cases of extension, decisions on the filing shall be made in accordance with the provisions of Article 13.

Where the competent authority fails to notify of the extension as referred to in the proviso of Paragraph 7 or make any decision as referred to in the preceding paragraph before the period expires, the enterprises may proceed to merge provided that the merger may not proceed under any of the following circumstances:

1. Where the filing enterprises consent to a further extension of the period.
2. Where the filing contains any false or misleading item.

The competent authority may ask for external opinions for the merger filed, and if necessary, entrust the academic research institutions to provide the opinion of the industrial economic analysis. Provided that one of the enterprises in the merger does not agree to the merger, the competent authority shall provide the cause of the merger to it and ask for its opinion.

The competent authority shall make a decision of the merger of the proviso of the preceding paragraph in accordance with the provisions of Article 13.

Article 12

The provisions of Paragraph 1 of the preceding Article shall not apply to any of the following circumstances:

1. Where any of the enterprises participating in a merger, or its 100% held subsidiary, already holds no less than 50% of the voting shares or capital contribution of another enterprise in the merger and merges such other enterprise.
2. Where enterprises of which 50% or more of the voting shares or capital

contribution are held by the same enterprise merge.

3. Where an enterprise assigns all or a principal part of its business or assets, or all or part of any part of its business that could be separately operated, to another enterprise newly established by the former enterprise solely.

4. Where an enterprise, pursuant to the proviso of Article 167, Paragraph 1 of the Company Act or Article 28-2 of the Securities and Exchange Act, redeems its shares held by shareholders so that its original shareholders' shareholding falls within the circumstances provided for in Article 10, Paragraph 1, Subparagraph 2 herein.

5. Where a single enterprise reinvests to establish a subsidiary and holds 100% shares or capital contribution of such a subsidiary.

6. Any other designated type of merger promulgated by the competent authority.

Article 13

The competent authority may not prohibit any of mergers filed if the overall economic benefit of the merger outweighs the disadvantages resulted from competition restraint.

The competent authority may impose conditions or undertakings in any of the decisions it makes on the filing cases referred to in Article 11, Paragraph 8 herein in order to ensure that the overall economic benefit of the merger outweighs the disadvantages resulted from competition restraint.

Article 14

The term "concerted action" as used in this Act means that competing enterprises at the same production and/or marketing stage, by means of contract, agreement or any other form of mutual understanding, jointly determine the price, technology, products, facilities, trading counterparts, or trading territory with respect to goods or services, or any other behavior that restricts each other's business activities, resulting in an impact on the market function with respect to production, trade in goods or supply and demand of services.

The term "any other form of mutual understanding" as used in the preceding Paragraph means other than contract or agreement, a meeting of minds whether legally binding or not which would in effect lead to joint actions.

The mutual understanding of the concerted action may be presumed by considerable factors, such as market condition, characteristics of the good or service, cost and profit considerations, and economic rationalization of the business conducts.

The act of a trade association or other groups, as referred to in Article 2 Paragraph 2, to restrict activities of enterprises by means of its charter, a resolution of a general meeting of members or a board meeting of directors or supervisors, or any other means, to restrict activities of enterprises is also deemed as concerted action as used in this Act.

Article 15

No enterprise shall engage in any concerted action; unless the concerted action that meets one of the following requirements is beneficial to the economy as a whole and in the public interest, and the application with the competent authority for such concerted action has been approved:

1. unifying the specifications or models of goods or services for the purpose of reducing costs, improving quality, or increasing efficiency;
2. joint research and development on goods, services, or markets for the purpose of upgrading technology, improving quality, reducing costs, or increasing efficiency;
3. each developing a separate and specialized area for the purpose of rationalizing operations;
4. entering into agreements concerning solely the competition in foreign markets for the purpose of securing or promoting exports;
5. joint acts in regards to the importation of foreign goods, or services for the purpose of strengthening trade;
6. joint acts limiting the quantity of production and sales, equipment, or prices for the purpose of meeting the demand orderly, because of economic downturn, that the enterprises in the same industry have difficulty to maintain their business or encounter a situation of overproduction;
7. joint acts for the purpose of improving operational efficiency or strengthening the competitiveness of small and medium enterprises ; or
8. joint acts required for the purposes of improving industrial development, technological innovation, or operational efficiency.

After receipt of the application referred to in the preceding paragraph, the competent authority shall make a decision within three months, the period of which may be extended once if necessary.

Article 16

The competent authority may impose conditions or undertakings in the approval it grants pursuant to the provisions of the preceding article.

The approval shall specify a time limit not exceeding five years. The enterprises involved may, with justification, file a written application for an extension thereof with the competent authority within three to six months prior to the expiration of such period; provided, however, that the term of each extension shall not exceed five years.

Article 17

After a concerted action is approved, the competent authority may revoke the approval, alter the contents of the approval, or order the enterprises involved to cease from continuing the conduct or rectify its conduct, or to take necessary

corrective actions, because the cause for approval no longer exists, the economic condition changes, the enterprises involved engage in any conduct beyond the scope of approval, or violate the conditions or undertakings which the competent authority imposed pursuant to Paragraph 1 of the preceding Article.

Article 18

The competent authority shall voluntarily make public the approvals, and their relevant conditions, undertakings, and time limits, referred to in the preceding three articles.

Article 19

An enterprise shall not impose restrictions on resale prices of the goods supplied to its trading counterpart for resale to a third party or to such third party for making further resale. However, those with justifiable reasons are not subject to this limitation.

The provision of the preceding paragraph shall apply *mutatis mutandis* to services provided by an enterprise.

Article 20

No enterprise shall engage in any of the following acts that is likely to restrain competition:

1. causing another enterprise to discontinue supply, purchase or other business transactions with a particular enterprise for the purpose of injuring such particular enterprise;
2. treating another enterprise discriminatively without justification;
3. preventing competitors from participating or engaging in competition by inducement with low price, or other improper means;
4. causing another enterprise to refrain from competing in price, or to take part in a merger, concerted action, or vertical restriction by coercion, inducement with interest, or other improper means;
5. imposing improper restrictions on its trading counterparts' business activity as part of the requirements for trade engagement.

CHAPTER III UNFAIR COMPETITION

Article 21

No enterprise shall make or use false or misleading representations or symbols on the matter that is relevant to goods and is sufficient to affect trading decisions on goods or in advertisements, or in any other way make it known to the public.

The matter, referred to in the preceding paragraph that is relevant to the goods, and is sufficient to affect trading decisions, includes: price, quantity, quality, content, production process, production date, valid period, method of use, purpose of use, place of origin, manufacturer, place of manufacturing, processor, place of processing,

and any other relevant item that has touting effects.

No enterprise shall sell, transport, export or import goods bearing false or misleading representations referred to in the preceding paragraph.

The preceding three paragraphs shall apply mutatis mutandis to services provided by an enterprise.

Where any advertising agency makes or designs any advertisement that it knows or should have known to be misleading, it shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. Where any advertising medium communicates or publishes any advertisement that it knows or should have known to be likely to mislead the public, it shall be jointly and severally liable with the advertiser for the damages arising therefrom. Where any endorser provides any testimonials that he knows or should have known to be likely to mislead the public, he shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. However, endorsers who are not celebrities, specialists or organizations shall be held jointly and severally liable with the advertiser for only up to 10 times of the reward they have received from the advertiser.

The endorser set forth in the preceding paragraph shall refer to any person or organization, other than the advertiser, who expresses opinions, trust, findings, or results of personal experiences with regard to the goods or services .

Article 22

No enterprise shall have any of the following acts with respect to the goods or services it supplies:

1. using in the same or similar manner in the same or similar category of merchandize, the personal name, business or corporate name, or trademark of another, or container, packaging, or appearance of another's goods, or any other symbol that represents such person's goods, commonly known to the public, so as to cause confusion with such person's goods; or selling, transporting, exporting, or importing goods bearing such representation; or
2. using in the same or similar manner in the same or similar category of services, the personal name, business or corporate name, or service mark of another, or any other symbol that represents such person's business or services, commonly known to the public, so as to cause confusion with the facilities or activities of the business or service of such person;

The provisions of the preceding paragraph are not applicable to the personal name, business or corporate name, or trademark of another, or container, packaging, or appearance of another's goods, or any other symbol that represents such person's goods, as referred to in the preceding paragraph, if that enterprise has obtained a

legally registered trademark.

The provisions of Paragraph 1 shall not apply to any one of the following:

1. using in an ordinary manner the generic name customarily associated with the goods or services, or the representation customarily used in the trade of the same category of goods or services; or selling, transporting, exporting or importing goods or services bearing such name or representation;
2. using in good faith one's own name, or selling, transporting, exporting or importing goods or services bearing such name;
3. using, with good faith, in the same or similar manner the representation referred to in the first or second subparagraph of the first paragraph before such representation having become commonly known to the public, or using such representation by any successor that acquires such representation together with the business from a bone fide user; or selling, transporting, exporting or importing goods or services bearing such representation.

Where any enterprise has any of the acts set forth in the second or third subparagraphs of the preceding paragraph which is likely to cause confusion or mistake concerning the origins of such goods or services with another enterprise, the latter enterprise may request the former to add appropriate distinctive labeling, unless the former only transports such goods.

Article 23

No enterprise shall compete for trading opportunities by means of improper offerings of gifts or prizes.

The competent authority shall enact the regulations with regard to the scope of gifts or prizes, amount of improper offering and other related matters.

Article 24

No enterprise shall, for the purpose of competition, make or disseminate any false statement that is capable of damaging the business reputation of another.

Article 25

In addition to what is provided for in this Act, no enterprise shall otherwise have any deceptive or obviously unfair conduct that is able to affect trading order.

CHAPTER IV INVESTIGATION AND SANCTION PROCEDURES

Article 26

The competent authority may investigate and handle, upon complaints or ex officio, any involvement in the violation of the provisions of this Act that harms the public interest.

Article 27

In conducting investigations under this Act, the competent authority may proceed in accordance with the following procedures:

1. to notify the parties and any related third party to appear to make statements;
2. to notify the parties and any related third party to submit books and records, documents, and any other necessary materials or exhibits; and
3. to dispatch personnel for any necessary onsite inspection of the office, place of business, or other locations of the parties and any related third party.

The competent authority may seize articles obtained from the investigation that may serve as evidence. The scope, and duration of holding the seized articles are limited to the need of investigation, inspection, verification, or any other purpose of preserving evidence.

Any person, subject to an investigation conducted by the competent authority pursuant to the provisions of Paragraph 1, shall not evade, obstruct, or refuse to cooperate without justification.

An investigator carrying out his/her duties under this Act shall present the documents supporting such duties; the person to be investigated may refuse the investigation where the investigator fails to present such documents.

Article 28

In conducting investigations into an enterprise's conduct that may violate the provisions of the Act, if such enterprise makes commitments to take specific measures to cease and rectify its alleged illegal conduct within the time prescribed by the competent authority, the competent authority may suspend the investigation. In the situation referred to in the preceding paragraph, the competent authority shall monitor whether such enterprise fulfills its commitments.

If the enterprise has fulfilled its commitments by taking specific measures to cease and rectify its alleged illegal conduct, the competent authority may decide to terminate the investigation. However, under any of the following circumstances, the investigation shall be resumed:

1. The enterprise fails to fulfill its commitments.
2. There is a significant change to the facts upon which the decision to suspend the investigation was based.
3. The decision to suspend the investigation was based on incomplete or misleading information provided by the enterprise.

The limitation on the power to impose sanctions, under the circumstance as described in Paragraph 1, interrupts on the day of suspending the investigation. Where the competent authority resumes the investigation, the limitation on the power to impose sanctions shall start on the date of the following day when the investigation is resumed, which shall be added to the period of time elapsed prior to suspending the investigation.

CHAPTER V COMPENSATION FOR DAMAGES

Article 29

If any enterprise violates any of the provisions of this Act and thereby infringes upon the rights and interests of another, the injured may request the removal of such infringement; if there is a likelihood of infringement, prevention may also be claimed.

Article 30

Any enterprise that violates any of the provisions of this Act and thereby infringes upon the rights and interests of another shall be liable for the damages arising therefrom.

Article 31

In response to the request of the person being injured as referred to in the preceding article, a court may, taking into consideration of the nature of the infringement, award compensation more than the actual damages if the violation is intentional; provided that no award shall exceed three times of the amount of damages that is proven.

Where the infringing person gains from its act of infringement, the injured may request to assess the damages exclusively based on the monetary gain to such infringing person.

Article 32

No claim for damages as prescribed in this Chapter shall be allowed unless the right is exercised within two years after the claimant knows the act and the person liable for the damages; nor shall the claim be allowed after the lapse of ten years from the time of infringing conduct is committed.

Article 33

In filing a suit with a court in accordance with this Act, the injured may request the content of the judgment to be published in a newspaper at the expenses of the infringing party.

CHAPTER VI PUNISHMENT

Article 34

If any enterprise violating the provisions of Articles 9 or Article 15 is ordered by the competent authority pursuant to paragraph 1 of Article 40 to cease therefrom, rectify its conduct, or take necessary corrective action within the time prescribed in the order, and after the lapse of such period, shall such enterprise fail to cease therefrom, rectify such conduct, or take any necessary corrective action, or after its ceasing therefrom, shall such enterprise have the same or similar violation again, the actor shall be punished by imprisonment for not more than three years or detention, or by a fine of not more than one hundred million New Taiwan Dollars, or by both.

Article 35

The competent authority may grant exemption from or reduction of fines to be

imposed in accordance with paragraph 1 and 2 of Article 40 on enterprises in violation of Article 15 but meeting one of the following conditions:

1. The enterprise files a complaint or informs the competent authority in writing about the concrete illegal conduct of the concerted action in which it has partaken and also submits the evidence and assists the investigation before the competent authority is aware of the said illegal conduct or initiated an investigation in accordance with this Act.
2. The enterprise reveals the concrete illegal conduct as well as submits the evidence and assists the investigation during the period in which the competent authority investigates the said illegal conduct in accordance with this Act.

The competent authority shall enact the regulations with regard to the eligibility of the subjects to whom the preceding paragraph applies, the criteria of the said fine reduction and exemption and the number of enterprises to be granted the said fine reduction or exemption, evidence submission, identity confidentiality, and other matters in relation to the enforcement.

Article 36

If any enterprise violating the provisions of Article 19 or Article 20 is ordered by the competent authority pursuant to paragraph 1 of Article 40 to cease therefrom, rectify its conduct, or take necessary corrective action within the time prescribed in the order, and after the lapse of such period, shall such enterprise fail to cease therefrom, rectify such conduct, or take necessary corrective action, or after its ceasing therefrom, shall such enterprise have the same or similar violation again, the actor shall be punished by imprisonment for not more than two years or detention, or by a fine of not more than fifty million New Taiwan Dollars, or by both.

Article 37

Shall any enterprise violate the provisions of Article 24, the actor shall be punished by imprisonment for not more than two years or detention, or by a fine of not more than fifty million New Taiwan Dollars, or by both.

If any representative, agent, employee or other worker of a juristic person commits an offense referred to in the provisions of Article 24 while executing his/her duties, not only the actor shall be punished in accordance with the provision of the preceding paragraph, the juristic person shall also be fined as prescribed in the preceding paragraph.

No action shall be brought against the violation referred to in the preceding two paragraphs unless there is a complaint filed.

Article 38

Where any other laws provide for more severe punishment than those prescribed in Article 34, Article 36 and Article 37, the provisions of such other laws shall apply.

Article 39

Where any enterprise(s) proceeds with a merger in violation of Paragraph 1 or Paragraph 7 of Article 11 herein, or proceeds with a merger despite that the competent authority decides upon the filing to prohibit such merger, or fails to perform the undertakings required as pursuant to Paragraph 2 of Article 13, the competent authority may prohibit such merger, prescribe a period for such enterprise(s) to split, to dispose of all or a part of the shares, to transfer a part of the operations, or to remove certain persons from their positions, or make any other necessary dispositions, and may impose an administrative penalty of no less than two hundred thousand and no more than fifty million New Taiwan Dollars upon such enterprise(s).

Where any enterprise(s) proceeds with a merger under the circumstances where the filing contains any false or misleading items, the competent authority may prohibit such merger, prescribe a period for such enterprise(s) to split, to dispose of all or a part of the shares, to transfer a part of the operations, or to remove certain persons from positions, or make any other necessary dispositions, and may impose an administrative penalty of no less than one hundred thousand and no more than one million New Taiwan Dollars upon such enterprise(s).

Where any enterprise violates the disposition made by the competent authority pursuant to the provisions of the preceding two paragraphs, the competent authority may order for dissolution, suspension or termination of business operation.

The period for suspension of business operation ordered pursuant to the preceding paragraph shall be limited to six months each.

Article 40

The competent authority may order any enterprise that violates Article 9, Article 15, Article 19 and Article 20 to cease therefrom, rectify its conduct or take necessary corrective action within the time prescribed in the order; in addition, it may assess upon such enterprise an administrative penalty of not less than one hundred thousand nor more than fifty million New Taiwan Dollars. Shall such enterprise fails to cease therefrom, rectify the conduct or take any necessary corrective action after the lapse of the prescribed period, the competent authority may continue to order such enterprise to cease therefrom, rectify the conduct or take any necessary corrective action within the time prescribed in the order, and each time may successively assess thereupon an administrative penalty of not less than two hundred thousand nor more than one hundred million New Taiwan Dollars until its ceasing therefrom, rectifying its conduct or taking the necessary corrective action.

The competent authority may impose an administrative penalty up to 10% of the total sales income of an enterprise in the previous fiscal year without being subject

to the limit of administrative fine set forth in the preceding paragraph if the enterprise is deemed by the central competent authority as in serious violation of Articles 9 or 15.

The competent authority shall enact the regulations with regard to the calculation of the total sales of the previous fiscal year, definition of serious violations, and calculation of administrative penalties.

Article 41

The power to impose sanctions pursuant to the provisions of the preceding two Articles is expired upon the lapse of five years.

Article 42

The competent authority may order any enterprise that violates Article 21, Article 23 to Article 25 to cease therefrom, rectify its conduct or take necessary corrective action within the time prescribed in the order; in addition, it may assess upon such enterprise an administrative penalty of not less than fifty thousand nor more than twenty-five million New Taiwan Dollars. Shall such enterprise fails to cease therefrom, rectify the conduct or take any necessary corrective action after the lapse of the prescribed period, the competent authority may continue to order such enterprise to cease therefrom, rectify the conduct or take any necessary corrective action within the time prescribed in the order, and each time may successively assess thereupon an administrative penalty of not less than one hundred thousand nor more than fifty million New Taiwan Dollars until its ceasing therefrom, rectifying its conduct or taking the necessary corrective action.

Article 43

If any trade association or organization as referred to in Article 2 Paragraph 2 violates the provisions of this Act, the competent authority may impose a penalty on any member who participated in such violation. However, if the member is able to demonstrate that the member has no knowledge of the violation, or did not participate in the mutual understanding, did not implement, or ended such violation prior to the investigation conducted by the competent authority, the member may not be punished.

Article 44

Shall any person subject to any investigation, conducted by the competent authority pursuant to the provisions of Article 27, violate the provisions of Article 27 Paragraph 3, the competent authority may impose an administrative penalty of no less than fifty thousand and no more than five hundred thousand New Taiwan Dollars. Shall such person continue to evade, interfere or refuse to cooperate without justification upon another notice, the competent authority may continue to issue notices of investigations, and may impose consecutively thereupon an administrative penalty of

no less than one hundred thousand and no more than one million New Taiwan Dollars each time until such member accepts the investigation, appears to respond, or renders relevant materials like books and records, documents, or exhibits.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 45

No provision of this Act shall apply to any proper conduct in connection with the exercise of rights pursuant to the provisions of the Copyright Act, Trademark Act, Patent Act or other Intellectual property laws.

Article 46

The Act has precedence over other laws with regards to the governance of any enterprise's conduct in respect of competition. However, this stipulation shall not be applied to where other laws provide relevant provisions that do not conflict with the legislative purposes of this Act.

Article 47

Any unrecognized foreign juristic person or organization may file a complaint for public prosecution, private prosecution, or civil action pursuant to the provisions of this Act; provided, however that any national or organization of the Republic of China in the country of such foreign juristic person or organization must be entitled to the right of the kind in accordance with any treaty, or any law, regulation, or custom of such country; or through any agreement entered into by any organization(s) or institution(s) and approved by the competent authority, for mutual protection.

Article 47-1

To strengthen the investigation and sanction over concerted actions and promote the healthy development of market competition, the competent authority may set up an anti-trust fund.

Capital sources of the preceding anti-trust fund are as follows:

1. 30% of the fines imposed according to the Act;
2. Interests accrued on the fund;
3. Budgetary allocations;
4. Other relevant incomes.

The fund under Paragraph 1 shall be used for the following purposes :

1. Rewards for the reporting of illegal concerted actions;
2. Promotion of cooperation, investigation and communication matters with international competition law enforcement agencies;
3. Subsidies to the related expenses incurred from litigations associated with the Act and rewards reporting of illegal actions;
4. Deployment and maintenance of databases in relation to the Competition Law;
5. Research and development on the systems in association with the Competition

Law;

6. Education and advocacy of the Competition Law;

7. Other necessary expenditures to maintain the market order.

The previous paragraph governing the scope of reporting reward, the qualifications of informer, the criteria of rewarding, the procedures of rewarding, the revocation, abolishment and recovery of reward, and the maintenance of confidentiality of the informer's identity shall be determined by the competent authority.

Article 48

Where disposition or decisions made by the competent authority pursuant to this Act are objected or challenged, the procedures for administrative litigation shall apply directly.

Where administrative appeal cases are not concluded prior to the enactment of the amendment of this Act, they shall be concluded in accordance with the Administrative Appeal Act.

Article 49

The enforcement rules of this Act shall be made and promulgated by the competent authority.

Article 50

This Act takes effect on the date of promulgation, except Articles 10 and 11, which were amended on January 22, 2015, shall take effect thirty days from the date of promulgation.

🏠 首頁 › 法規資訊 › 本會主管法規 › 公平交易法規 › 公平交易法
› 公平交易法條文

公平交易法

中華民國80年2月4日總統華總一義字第0704號令制定公布全文49條，
並自81年2月4日施行

中華民國88年2月3日總統華總一義字第8800025770號令修正公布增訂
第23條之1至23條之4；並修正第10條、第11條、第16條、第18條至第
21條、第23條、第35條至第37條、第40條至第42條、第46條及第49條
條文

中華民國89年4月26日總統華總一義字第8900104450號令修正公布第9
條條文

中華民國91年2月6日總統華總一義字第09100025040號令公布增訂第5
條之1、第11條之1、第27條之1及第42條之1；並修正第7條、第8條、
第11條至第17條、第23條之4及第40條條文

中華民國99年6月9日總統華總一義字第09900140691 號令修正公布第
21條條文

中華民國100年11月23日總統華總一義字第10000259771號令公布增訂
第35條之1；並修正第21條及第41條條文

中華民國104年2月4日總統華總一義字第10400014311號令修正公布全
文50條

中華民國104年6月24日總統華總一義字第10400073861號令公布增訂
第47條之1條文

中華民國106年6月14日總統華總一義字第10600073211號修正公布第
11條條文

第一章 總則

第一條 （立法宗旨）

為維護交易秩序與消費者利益，確保自由與公平競爭，促進經
濟之安定與繁榮，特制定本法。

第二條 （事業之定義）

本法所稱事業如下：

- 一、公司。
 - 二、獨資或合夥之工商行號。
 - 三、其他提供商品或服務從事交易之人或團體。
- 事業所組成之同業公會或其他依法設立、促進成員利益之團體，視為本法所稱事業。

第三條 （交易相對人之定義）

本法所稱交易相對人，指與事業進行或成立交易之供給者或需求者。

第四條 （競爭之定義）

本法所稱競爭，指二以上事業在市場上以較有利之價格、數量、品質、服務或其他條件，爭取交易機會之行為。

第五條 （相關市場之定義）

本法所稱相關市場，指事業就一定之商品或服務，從事競爭之區域或範圍。

第六條 （主管機關）

本法所稱主管機關為公平交易委員會。
本法規定事項，涉及其他部會之職掌者，由主管機關商同各該部會辦理之。

第二章 限制競爭

第七條 （獨占之定義）

本法所稱獨占，指事業在相關市場處於無競爭狀態，或具有壓倒性地位，可排除競爭之能力者。
二以上事業，實際上不為價格之競爭，而其全體之對外關係，具有前項規定之情形者，視為獨占。

第八條 （獨占事業之認定標準）

事業無下列各款情形者，不列入前條獨占事業認定範圍：

- 一、一事業於相關市場之占有率達二分之一。
- 二、二事業全體於相關市場之占有率達三分之二。
- 三、三事業全體於相關市場之占有率達四分之三。

有前項各款情形之一，其個別事業於相關市場占有率未達十分之一或上一會計年度事業總銷售金額未達主管機關所公告之金額者，該事業不列入獨占事業之認定範圍。

事業之設立或事業所提供之商品或服務進入相關市場，受法令、技術之限制或有其他足以影響市場供需可排除競爭能力之情事者，雖有前二項不列入認定範圍之情形，主管機關仍得認定其為獨占事業。

第九條（獨占事業禁止行為）

獨占之事業，不得有下列行為：

- 一、以不公平之方法，直接或間接阻礙他事業參與競爭。
- 二、對商品價格或服務報酬，為不當之決定、維持或變更。
- 三、無正當理由，使交易相對人給予特別優惠。
- 四、其他濫用市場地位之行為。

第十條（結合之定義）

本法所稱結合，指事業有下列情形之一者：

- 一、與他事業合併。
- 二、持有或取得他事業之股份或出資額，達到他事業有表決權股份總數或資本總額三分之一以上。
- 三、受讓或承租他事業全部或主要部分之營業或財產。
- 四、與他事業經常共同經營或受他事業委託經營。
- 五、直接或間接控制他事業之業務經營或人事任免。

計算前項第二款之股份或出資額時，應將與該事業具有控制與從屬關係之事業及與該事業受同一事業或數事業控制之從屬關係事業所持有或取得他事業之股份或出資額一併計入。

第十一條（事業結合之申報門檻、等待期間及其例外）

事業結合時，有下列情形之一者，應先向主管機關提出申報：

- 一、事業因結合而使其市場占有率達三分之一。
- 二、參與結合之一事業，其市場占有率達四分之一。
- 三、參與結合之事業，其上一會計年度銷售金額，超過主管機關所公告之金額。

前項第三款之銷售金額，應將與參與結合之事業具有控制與從屬關係之事業及與參與結合之事業受同一事業或數事業控制之從屬關係事業之銷售金額一併計入，其計算方法由主管機關公告之。

對事業具有控制性持股之人或團體，視為本法有關結合規定之事業。

前項所稱控制性持股，指前項之人或團體及其關係人持有他事業有表決權之股份或出資額，超過他事業已發行有表決權之股份總數或資本總額半數者。

前項所稱關係人，其範圍如下：

- 一、同一自然人與其配偶及二親等以內血親。
- 二、前款之人持有已發行有表決權股份總數或資本總額超過半數之事業。
- 三、第一款之人擔任董事長、總經理或過半數董事之事業。
- 四、同一團體與其代表人、管理人或其他有代表權之人及其配偶與二親等以內血親。
- 五、同一團體及前款之自然人持有已發行有表決權股份總數或資本總額超過半數之事業。

第一項第三款之銷售金額，得由主管機關擇定行業分別公告之。

事業自主管機關受理其提出完整申報資料之日起算三十工作日內，不得為結合。但主管機關認為必要時，得將該期間縮短或延長，並以書面通知申報事業。

主管機關依前項但書延長之期間，不得逾六十工作日；對於延長期間之申報案件，應依第十三條規定作成決定。

主管機關屆期末為第七項但書之延長通知或前項之決定者，事業得逕行結合。但有下列情形之一者，不得逕行結合：

- 一、經申報之事業同意再延長期間。
- 二、事業之申報事項有虛偽不實。

主管機關就事業結合之申報，得徵詢外界意見，必要時得委請學術研究機構提供產業經濟分析意見。但參與結合事業之一方不同意結合者，主管機關應提供申報結合事業之申報事由予該事業，並徵詢其意見。

前項但書之申報案件，主管機關應依第十三條規定作成決定。

第十二條（結合申報之除外適用）

前條第一項之規定，於下列情形不適用之：

一、參與結合之一事業或其百分之百持有之子公司，已持有他事業達百分之五十以上之有表決權股份或出資額，再與該他事業結合者。

二、同一事業所持有有表決權股份或出資額達百分之五十以上之事業間結合者。

三、事業將其全部或主要部分之營業、財產或可獨立營運之全部或一部營業，讓與其獨自新設之他事業者。

四、事業依公司法第一百六十七條第一項但書或證券交易法第二十八條之二規定收回股東所持有之股份，致其原有股東符合第十條第一項第二款之情形者。

五、單一事業轉投資成立並持有百分之百股份或出資額之子公司者。

六、其他經主管機關公告之類型。

第十三條（結合申報案件之決定及附款）

對於事業結合之申報，如其結合，對整體經濟利益大於限制競爭之不利益者，主管機關不得禁止其結合。

主管機關對於第十一條第八項申報案件所為之決定，得附加條件或負擔，以確保整體經濟利益大於限制競爭之不利益。

第十四條（聯合行為之定義）

本法所稱聯合行為，指具競爭關係之同一產銷階段事業，以契約、協議或其他方式之合意，共同決定商品或服務之價格、數量、技術、產品、設備、交易對象、交易地區或其他相互約束事業活動之行為，而足以影響生產、商品交易或服務供需之市

場功能者。

前項所稱其他方式之合意，指契約、協議以外之意思聯絡，不問有無法律拘束力，事實上可導致共同行為者。

聯合行為之合意，得依市場狀況、商品或服務特性、成本及利潤考量、事業行為之經濟合理性等相當依據之因素推定之。

第二條第二項之同業公會或其他團體藉章程或會員大會、理、監事會議決議或其他方法所為約束事業活動之行為，亦為本法之聯合行為。

第十五條（聯合行為之禁止、例外許可及其核駁期限）

事業不得為聯合行為。但有下列情形之一，而有益於整體經濟與公共利益，經申請主管機關許可者，不在此限：

一、為降低成本、改良品質或增進效率，而統一商品或服務之規格或型式。

二、為提高技術、改良品質、降低成本或增進效率，而共同研究開發商品、服務或市場。

三、為促進事業合理經營，而分別作專業發展。

四、為確保或促進輸出，而專就國外市場之競爭予以約定。

五、為加強貿易效能，而就國外商品或服務之輸入採取共同行為。

六、因經濟不景氣，致同一行業之事業難以繼續維持或生產過剩，為有計畫適應需求而限制產銷數量、設備或價格之共同行為。

七、為增進中小企業之經營效率，或加強其競爭能力所為之共同行為。

八、其他為促進產業發展、技術創新或經營效率所必要之共同行為。

主管機關收受前項之申請，應於三個月內為決定；必要時得延長一次。

第十六條（聯合行為許可之附款及許可期限）

主管機關為前條之許可時，得附加條件或負擔。

許可應附期限，其期限不得逾五年；事業如有正當理由，得於

期限屆滿前三個月至六個月期間內，以書面向主管機關申請延展；其延展期限，每次不得逾五年。

第十七條 （得廢止、變更聯合行為許可之情形）

聯合行為經許可後，因許可事由消滅、經濟情況變更、事業逾越許可範圍或違反主管機關依前條第一項所附加之條件或負擔者，主管機關得廢止許可、變更許可內容、令停止、改正其行為或採取必要更正措施。

第十八條 （聯合行為許可事項之公開）

主管機關對於前三條之許可及其有關之條件、負擔、期限，應主動公開。

第十九條 （限制轉售價格）

事業不得限制其交易相對人，就供給之商品轉售與第三人或第三人再轉售時之價格。但有正當理由者，不在此限。
前項規定，於事業之服務準用之。

第二十條 （其他限制競爭行為）

有下列各款行為之一，而有限制競爭之虞者，事業不得為之：

- 一、以損害特定事業為目的，促使他事業對該特定事業斷絕供給、購買或其他交易之行為。
- 二、無正當理由，對他事業給予差別待遇之行為。
- 三、以低價利誘或其他不正當方法，阻礙競爭者參與或從事競爭之行為。
- 四、以脅迫、利誘或其他不正當方法，使他事業不為價格之競爭、參與結合、聯合或為垂直限制競爭之行為。
- 五、以不正當限制交易相對人之事業活動為條件，而與其交易之行為。

第三章 不公平競爭

第二十一條 （不實廣告）

事業不得在商品或廣告上，或以其他使公眾得知之方法，對於與商品相關而足以影響交易決定之事項，為虛偽不實或引人錯誤之表示或表徵。

前項所定與商品相關而足以影響交易決定之事項，包括商品之價格、數量、品質、內容、製造方法、製造日期、有效期限、使用方法、用途、原產地、製造者、製造地、加工者、加工地，及其他具有招徠效果之相關事項。

事業對於載有前項虛偽不實或引人錯誤表示之商品，不得販賣、運送、輸出或輸入。

前三項規定，於事業之服務準用之。

廣告代理業在明知或可得而知情形下，仍製作或設計有引人錯誤之廣告，與廣告主負連帶損害賠償責任。廣告媒體業在明知或可得而知其所傳播或刊載之廣告有引人錯誤之虞，仍予傳播或刊載，亦與廣告主負連帶損害賠償責任。廣告薦證者明知或可得而知其所從事之薦證有引人錯誤之虞，而仍為薦證者，與廣告主負連帶損害賠償責任。但廣告薦證者非屬知名公眾人物、專業人士或機構，僅於受廣告主報酬十倍之範圍內，與廣告主負連帶損害賠償責任。

前項所稱廣告薦證者，指廣告主以外，於廣告中反映其對商品或服務之意見、信賴、發現或親身體驗結果之人或機構。

第二十二條（仿冒）

事業就其營業所提供之商品或服務，不得有下列行為：

一、以著名之他人姓名、商號或公司名稱、商標、商品容器、包裝、外觀或其他顯示他人商品之表徵，於同一或類似之商品，為相同或近似之使用，致與他人商品混淆，或販賣、運送、輸出或輸入使用該項表徵之商品者。

二、以著名之他人姓名、商號或公司名稱、標章或其他表示他人營業、服務之表徵，於同一或類似之服務為相同或近似之使用，致與他人營業或服務之設施或活動混淆者。

前項姓名、商號或公司名稱、商標、商品容器、包裝、外觀或其他顯示他人商品或服務之表徵，依法註冊取得商標權者，不適用之。

第一項規定，於下列各款行為不適用之：

一、以普通使用方法，使用商品或服務習慣上所通用之名稱，或交易上同類商品或服務之其他表徵，或販賣、運送、輸出或輸入使用該名稱或表徵之商品或服務者。

二、善意使用自己姓名之行為，或販賣、運送、輸出或輸入使用該姓名之商品或服務者。

三、對於第一項第一款或第二款所列之表徵，在未著名前，善意為相同或近似使用，或其表徵之使用係自該善意使用人連同其營業一併繼受而使用，或販賣、運送、輸出或輸入使用該表徵之商品或服務者。

事業因他事業為前項第二款或第三款之行為，致其商品或服務來源有混淆誤認之虞者，得請求他事業附加適當之區別標示。但對僅為運送商品者，不適用之。

第二十三條（不當贈品贈獎）

事業不得以不當提供贈品、贈獎之方法，爭取交易之機會。

前項贈品、贈獎之範圍、不當提供之額度及其他相關事項之辦法，由主管機關定之。

第二十四條（營業誹謗）

事業不得為競爭之目的，而陳述或散布足以損害他人營業信譽之不實情事。

第二十五條（其他欺罔或顯失公平行為）

除本法另有規定者外，事業亦不得為其他足以影響交易秩序之欺罔或顯失公平之行為。

第四章 調查及裁處程序

第二十六條（調查之發動）

主管機關對於涉有違反本法規定，危害公共利益之情事，得依檢舉或職權調查處理。

第二十七條（調查之程序）

主管機關依本法調查，得依下列程序進行：

- 一、通知當事人及關係人到場陳述意見。
- 二、通知當事人及關係人提出帳冊、文件及其他必要之資料或證物。
- 三、派員前往當事人及關係人之事務所、營業所或其他場所為必要之調查。

依前項調查所得可為證據之物，主管機關得扣留之；其扣留範圍及期間，以供調查、檢驗、鑑定或其他為保全證據之目的所必要者為限。

受調查者對於主管機關依第一項規定所為之調查，無正當理由不得規避、妨礙或拒絕。

執行調查之人員依法執行公務時，應出示有關執行職務之證明文件；其未出示者，受調查者得拒絕之。

第二十八條（中止調查之要件及程序）

主管機關對於事業涉有違反本法規定之行為進行調查時，事業承諾在主管機關所定期限內，採取具體措施停止並改正涉有違法之行為者，主管機關得中止調查。

前項情形，主管機關應對事業有無履行其承諾進行監督。

事業已履行其承諾，採取具體措施停止並改正涉有違法之行為者，主管機關得決定終止該案之調查。但有下列情形之一者，應恢復調查：

- 一、事業未履行其承諾。
- 二、作成中止調查之決定所依據之事實發生重大變化。
- 三、作成中止調查之決定係基於事業提供不完整或不真實之資訊。

第一項情形，裁處權時效自中止調查之日起，停止進行。主管機關恢復調查者，裁處權時效自恢復調查之翌日起，與停止前已經過之期間一併計算。

第五章 損害賠償

第二十九條（除去侵害請求權及防止侵害請求權）

事業違反本法之規定，致侵害他人權益者，被害人得請求除去之；有侵害之虞者，並得請求防止之。

第三十條 （ 損害賠償責任 ）

事業違反本法之規定，致侵害他人權益者，應負損害賠償責任。

第三十一條 （ 賠償額之酌定 ）

法院因前條被害人之請求，如為事業之故意行為，得依侵害情節，酌定損害額以上之賠償。但不得超過已證明損害額之三倍。

侵害人如因侵害行為受有利益者，被害人得請求專依該項利益計算損害額。

第三十二條 （ 消滅時效 ）

本章所定之請求權，自請求權人知有行為及賠償義務人時起，二年間不行使而消滅；自為行為時起，逾十年者亦同。

第三十三條 （ 判決書之登載新聞紙 ）

被害人依本法之規定，向法院起訴時，得請求由侵害人負擔費用，將判決書內容登載新聞紙。

第六章 罰則

第三十四條 （ 獨占及聯合行為之刑事責任 ）

違反第九條或第十五條規定，經主管機關依第四十條第一項規定限期令停止、改正其行為或採取必要更正措施，而屆期未停止、改正其行為或未採取必要更正措施，或停止後再為相同違反行為者，處行為人三年以下有期徒刑、拘役或科或併科新臺幣一億元以下罰金。

第三十五條 （ 寬恕條款 ）

違反第十五條之事業，符合下列情形之一，並經主管機關事先同意者，免除或減輕主管機關依第四十條第一項、第二項所為之罰鍰處分：

一、當尚未為主管機關知悉或依本法進行調查前，就其所參與

之聯合行為，向主管機關提出書面檢舉或陳述具體違法，並檢附事證及協助調查。

二、當主管機關依本法調查期間，就其所參與之聯合行為，陳述具體違法，並檢附事證及協助調查。

前項之適用對象之資格要件、裁處減免之基準及家數、違法事證之檢附、身分保密及其他執行事項之辦法，由主管機關定之。

第三十六條 （限制轉售價格及其他限制競爭行為之刑事責任）

違反第十九條或第二十條規定，經主管機關依第四十條第一項規定限期令停止、改正其行為或採取必要更正措施，而屆期未停止、改正其行為或未採取必要更正措施，或停止後再為相同違反行為者，處行為人二年以下有期徒刑、拘役或科或併科新臺幣五千萬元以下罰金。

第三十七條 （營業誹謗之刑事責任）

違反第二十四條規定者，處行為人二年以下有期徒刑、拘役或科或併科新臺幣五千萬元以下罰金。

法人之代表人、代理人、受僱人或其他從業人員，因執行業務違反第二十四條規定者，除依前項規定處罰其行為人外，對該法人亦科處前項之罰金。

前二項之罪，須告訴乃論。

第三十八條 （與其他刑事法律競合時之適用）

第三十四條、第三十六條、第三十七條之處罰，其他法律有較重之規定者，從其規定。

第三十九條 （違法結合之行政責任）

事業違反第十一條第一項、第七項規定而為結合，或申報後經主管機關禁止其結合而為結合，或未履行第十三條第二項對於結合所附加之負擔者，主管機關得禁止其結合、限期令其分設事業、處分全部或部分股份、轉讓部分營業、免除擔任職務或為其他必要之處分，並得處新臺幣二十萬元以上五千萬元以下

罰鍰。

事業對結合申報事項有虛偽不實而為結合之情形者，主管機關得禁止其結合、限期令其分設事業、處分全部或部分股份、轉讓部分營業、免除擔任職務或為其他必要之處分，並得處新臺幣十萬元以上一百萬元以下罰鍰。

事業違反主管機關依前二項所為之處分者，主管機關得命令解散、勒令歇業或停止營業。

前項所處停止營業之期間，每次以六個月為限。

第四十條 （獨占、聯合、限制轉售價格及其他限制競爭行為之行政責任）

主管機關對於違反第九條、第十五條、第十九條及第二十條規定之事業，得限期令停止、改正其行為或採取必要更正措施，並得處新臺幣十萬元以上五千萬元以下罰鍰；屆期仍不停止、改正其行為或未採取必要更正措施者，得繼續限期令停止、改正其行為或採取必要更正措施，並按次處新臺幣二十萬元以上一億元以下罰鍰，至停止、改正其行為或採取必要更正措施為止。

事業違反第九條、第十五條，經主管機關認定有情節重大者，得處該事業上一會計年度銷售金額百分之十以下罰鍰，不受前項罰鍰金額限制。

前項事業上一會計年度銷售金額之計算、情節重大之認定、罰鍰計算之辦法，由主管機關定之。

第四十一條 （限制競爭行為之裁處權時效）

前二條規定之裁處權，因五年期間之經過而消滅。

第四十二條 （不公平競爭行為之行政責任）

主管機關對於違反第二十一條、第二十三條至第二十五條規定之事業，得限期令停止、改正其行為或採取必要更正措施，並得處新臺幣五萬元以上二千五百萬元以下罰鍰；屆期仍不停止、改正其行為或未採取必要更正措施者，得繼續限期令停止、改正其行為或採取必要更正措施，並按次處新臺幣十萬元

以上五千萬元以下罰鍰，至停止、改正其行為或採取必要更正措施為止。

第四十三條（同業公會或其他團體之成員併罰規定）

第二條第二項之同業公會或其他團體違反本法規定者，主管機關得就其參與違法行為之成員併同罰之。但成員能證明其不知、未參與合意、未實施或在主管機關開始調查前即停止該違法行為者，不予處罰。

第四十四條（拒絕調查之行政責任）

主管機關依第二十七條規定進行調查時，受調查者違反第二十七條第三項規定，得處新臺幣五萬元以上五十萬元以下罰鍰；受調查者再經通知，無正當理由規避、妨礙或拒絕者，主管機關得繼續通知調查，並按次處新臺幣十萬元以上一百萬元以下罰鍰，至接受調查、到場陳述意見或提出有關帳冊、文件等資料或證物為止。

第七章 附則

第四十五條（正當行使權利而不適用本法之情形）

依照著作權法、商標法、專利法或其他智慧財產權法規行使權利之正當行為，不適用本法之規定。

第四十六條（本法為競爭基本法）

事業關於競爭之行為，優先適用本法之規定。但其他法律另有規定且不牴觸本法立法意旨者，不在此限。

第四十七條（互惠原則）

未經認許之外國法人或團體，就本法規定事項得為告訴、自訴或提起民事訴訟。但以依條約或其本國法令、慣例，中華民國人或團體得在該國享受同等權利者為限；其由團體或機構互訂保護之協議，經主管機關核准者亦同。

第四十七條之一（反托拉斯基金）

主管機關為強化聯合行為查處，促進市場競爭秩序之健全發展，得設立反托拉斯基金。

前項基金之來源如下：

- 一、提撥違反本法罰鍰之百分之三十。
- 二、基金孳息收入。
- 三、循預算程序之撥款。
- 四、其他有關收入。

第一項基金之用途如下：

- 一、檢舉違法聯合行為獎金之支出。
- 二、推動國際競爭法執法機關之合作、調查及交流事項。
- 三、補助本法與涉及檢舉獎金訴訟案件相關費用之支出。
- 四、辦理競爭法相關資料庫之建置及維護。
- 五、辦理競爭法相關制度之研究發展。
- 六、辦理競爭法之教育及宣導。
- 七、其他維護市場交易秩序之必要支出。

前項第一款有關檢舉獎金適用之範圍、檢舉人資格、發給標準、發放程序、獎金之撤銷、廢止與追償、身分保密等事項之辦法，由主管機關定之。

第四十八條 （免除訴願程序）

對主管機關依本法所為之處分或決定不服者，直接適用行政訴訟程序。

本法修正施行前，尚未終結之訴願事件，依訴願法規定終結之。

第四十九條 （施行細則）

本法施行細則，由主管機關定之。

第五十條 （施行日期）

本法除中華民國一百零四年一月二十二日修正之第十條及第十一條條文自公布三十日後施行外，自公布日施行。