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## **An Analysis of the Factors Influencing Attached Restraint Conditions and Prohibited Combination Cases in Cross-Strait Business**

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### **Abstract**

This paper aims to explore the factors influencing attached restraint conditions and prohibited combination cases in cross-Strait business. It differs from most previous related documents which have only been concerned with regulations involving individual laws on combinations or cross-Strait legal comparisons. The study refers to documents related to the Fair Trade Law and the Antitrust Law in constructing influential factors, including an overall economic benefit, a disadvantage resulting from competition restraints, a competition effect, and their analysis units. The relationships among influential factors are validated by a content analysis and a regression. A research sample of 50 cases of combinations, including 25 cases for Taiwan and 25 cases for the Mainland, is sourced from the Taiwan Fair Trade Commission and the Commerce Department of the Mainland and statistical analysis is conducted as part of the examination. The results provide evidence of a positive and significant relationship between the overall economic benefit and the competition effect, and a negative and significant relationship between the disadvantages resulting from the competition restraint and the competition effect. They also substantiate the explanatory capabilities of the regression model in that the influential factors of the Taiwan cases are superior to those of the Mainland cases. The weight in terms of the disadvantages resulting from the competition restraint as compared with the competition effect is greater than the overall economic benefit compared to the competition effect in the Taiwan cases, but the opposite result occurs in the Mainland cases. The findings can serve as valuable reference for the authorities handling the cross-Strait Competition Law and for businesses dealing with related combination cases.

**Keywords:** Overall Economic Benefit, Disadvantage Resulting from Competition Restraint, Competition Effect, Antitrust Law, Fair Trade Law.

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