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## **Global cartel enforcement report Taiwan**

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The fines imposed by the Taiwan Fair Trade Commission (**TFTC**) in 2018 for cartel infringements remained low at NTD600,000 (around USD20,000). This is a slight increase from 2017, but a significant decrease from the record-breaking amount in 2015 when the TFTC handed down a NTD 5.8bn (around USD194m) fine on ten international capacitor suppliers for price-fixing. In 2018, the TFTC closed only one cartel case, which involved two local port service providers engaged in bid-rigging activities. No leniency case was reported this year.

In the past few years, the TFTC has continued to advocate that it should be equipped with the power to search and seize (ie conduct dawn raids). This proposal was first raised as an amendment to the Taiwan Fair Trade Act (**TFTA**) in February 2015 but failed to pass the Legislative Yuan's final review due to concerns that it was unconstitutional. Although the majority of other global competition authorities have the power to conduct dawn raids, whether the TFTC will benefit from this power remains to be seen as there are strong objections to it on the grounds of the separation of powers between administrative agencies and judicial authorities. Another interesting development was the proposed draft bill to amend Article 41 of the TFTA regarding the statute of limitations. The proposed amendment would significantly prolong the time period for the TFTC to conduct investigations and impose sanctions on anti-competitive conduct, including cartel activities. The draft bill is subject to the approval of the Executive Yuan and will then undergo three readings by the Legislative Yuan.