

Content

Title :	Directions for Conducting Arbitration and Enforcing Arbitral Awards under Investment Treaties or Agreements Ch
Date :	2013.12.31
Legislative :	MOEA Document No. Jing Fa Zi 10200714960 dated December 31, 2013
Content :	<p>1. These Directions are established for the purpose of conducting arbitration proceedings and enforcing arbitral awards related to investment disputes between the R.O.C. government and foreign investors arising from investments by the latter in the territory of the R.O.C. in accordance with investment treaties/agreements.</p> <p>2. Definitions of terms used in these Directions are as follows:</p> <p>(1) Investment treaty/agreement (treaties/agreements): refers to treaties, agreements or arrangements for free trade promotion, economic cooperation or investment protection that are signed between R.O.C. central government agencies or their authorized institutions or organizations, and foreign governments, international organizations or institutions authorized by foreign governments, that include arbitration clauses for settling investment disputes between the R.O.C. government and foreign investors.</p> <p>(2) Investment: refers to investment as defined in investment treaties/agreements.</p> <p>(3) Foreign investor(s): refers to investors, as defined in investment treaties/agreements, that invest in the territory of the R.O.C.</p> <p>(4) Dispute(s): refers to investment disputes between the R.O.C. government and foreign investors involving rights and obligations of the R.O.C. government and foreign investors under investment treaties/agreements.</p> <p>(5) Arbitration proceeding(s): refers to arbitration proceedings that are conducted in accordance with clauses in investment treaties/agreements that provide for the arbitration of investment disputes between the R.O.C. government and foreign investors.</p> <p>3. MOEA shall handle the following matters:</p> <p>(1) To exercise the right of consenting to the submission of the dispute to arbitration in accordance with investment treaties/agreements.</p> <p>(2) To submit to arbitration, with the foreign investor as the respondent party, in accordance with investment treaties/agreements.</p> <p>(3) To appoint arbitrators or exercise the right of consenting to the appointment in accordance with investment treaties/agreements.</p> <p>(4) To dispatch personnel on behalf of R.O.C. to participate in arbitration proceedings and conduct</p>

necessary

actions in accordance with investment treaties/agreements.

(5) To request for the annulment of, interpretation on or amendment to arbitral awards, or for the stay of the

enforcement of arbitral awards in accordance with investment treaties/agreements.

(6) To take other necessary measures for conducting arbitration proceedings and executing provisions of these

Directions.

In the event of investment disputes involving the authorities of other ministries and/or local governments,

the MOEA may form administrative coordinating teams whose members consist of personnel from the relevant

ministries and/or the local governments.

The aforementioned administrative coordinating team members are without pay; however, any expenses incurred in

relation to the implementation of these Directions shall be borne by the MOEA.

4. Arbitral awards resulting in obligations for monetary payment and/or the return of property that is to be

borne by the R.O.C government shall be performed by the MOEA, unless the performance of which may be denied or

exempted in accordance with investment treaties/agreements or relevant international norms.