

Content

Title :	Operational Directions for Oral Argument in Administrative Appeal Cases of the Ministry of Economic Affairs <b>Ch</b>
Date :	2000.07.04
Legislative :	Enacted and promulgated No.089195688 on July 4, 2000
Content :	<p>1. These Operational Directions are formulated by this Ministry for conducting oral argument proceedings set forth in Article 65 of the Administrative Appeal Act.</p> <p>2. For the protection of the interests of the relevant parties, enhancement of facts discovery, and clarification of issues, this Ministry may, when it deems necessary after review of an administrative appeal case by virtue of its official duties, notify the administrative appellant, the intervenor, or the aforesaid parties' representative(s), administrative appeal representative, assistant and staff assigned by the agency by which the administrative action was made to proceed an oral argument at the assigned date and place.</p> <p>An oral argument may also be conducted pursuant to the preceding paragraph upon application by the administrative appellant or the intervenor if it is deemed necessary after review. The application for an oral argument may be denied with the reason of denial stated if it is deemed unnecessary.</p> <p>3. The following persons may participate in an oral argument proceeding:</p> <p>(1) The members of the administrative appeal review committee and the related personnel of this Ministry.</p> <p>(2) The appointed representative of the agency by which the administrative action was made and the personnel of any other related agencies.</p> <p>(3) The administrative appellant, the intervenor, or the aforesaid parties' representative(s), administrative appeal representative, and assistant.</p> <p>(4) Any other persons who are notified to be present.</p> <p>In the event that an administrative appeal is filed jointly by multiple appellants and a representative of them is elected or appointed, the oral argument shall be conducted by the elected or appointed representative(s) on behalf of all administrative appellants.</p> <p>4. In those cases where an oral argument is to be held, a written notification of the oral argument shall be made to each person who shall participate in the oral argument proceeding no later than ten days prior to the assigned date of the oral argument; provided, however, that in the event the person to be notified has no domestic domicile or place of residence or business, nor a representative, an earlier notification may be made.</p> <p>The notification referred to in the preceding paragraph shall set forth the following:</p> <p>(1) The subject matter of the case.</p> <p>(2) The date, time and place of the oral argument.</p> <p>(3) The items to be brought to the oral argument, including the personal identification document, pleading document for the oral argument, and the relevant evidence or sample, etc.</p> <p>(4) That the appearance shall be made in person or by a representative; where a representative is appointed, the power of attorney or other documentation setting forth the authority of representation shall be submitted.</p>

(5)The consequences of failure to appear.

5.The oral argument participants referred to in Subparagraphs 2 through 4, Paragraph 1 of Point 3 hereof shall arrive at and report to the assigned place ten minutes prior to the assigned time for the oral argument stated in the notification, and shall present the notification and documentation proving the personal identity or the authority of representation for inspection and examination. In the event any such person fails to present the documentation required in the preceding paragraph or the documentation presented is unqualified, such person shall be requested to cure the deficiency, or be prohibited to participate in the oral argument if such deficiency is not cured within an appropriate period of time.

6.In the event that an oral argument participant referred to in Subparagraphs 2 through 4, Paragraph 1 of Point 3 fails to appear at the assigned time, the chairperson of the proceeding may begin or conclude the procedure regardless of such absence unless a request for adjournment has been made and considered to be reasonable by this Ministry.

The request for adjournment referred to in the preceding paragraph shall be in writing or via facsimile transmission and must be received by this Ministry at least three days prior to the assigned time for the oral argument. Only one request for adjournment shall be allowed.

7.The oral argument participants shall abide by the rules of order at the venue and follow the chairperson's direction to make statements. The chairperson may take any necessary measure in the event that the proceeding is obstructed by any attendant, and may order the expulsion of such person

if the circumstances of the obstruction are severe.

The oral argument participants referred to in Subparagraphs 2 through 4, Paragraph 1 of Point 3 hereof may not request to record or videotape the proceeding.

8.A transcript of the oral argument shall be made and included in the dossier for those cases where an oral argument proceeding is held.

The transcript set forth in the preceding paragraph shall be made in accordance with the provisions of Article 16 of the Operation Regulations for Administrative Appeals Review Committee of the Executive Yuan and Administrative Agencies at All Levels.

The objection made by the participant during the oral argument proceeding and the disposition thereof by the chairperson shall be recorded in the oral argument transcript as well.

9.The affairs set forth in these Operational Directions shall be controlled and managed by the administrative appeal review committee of this Ministry pursuant to this Ministry's functional division of responsibilities.