


Content

Title :	Operational Directions for Statement of Opinion in Administrative Appeal Cases of the Ministry of Economic Affairs 
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 the statement of opinion proceedings set forth in Paragraph 2 and Paragraph 3 of Article 63 of the Administrative Appeal Act (hereinafter referred to as the “Act”).</p> <p>2. This Ministry may, when it deems that a statement of opinion is necessary for understanding the merit of the administrative appeal case or improving the efficacy of administrative appeal review, notify the administrative appellant, the intervenor, or an interested third party to appear at an assigned time and place to make a statement of opinion.</p> <p>3. The administrative appellant or the intervenor may file an application for statement of opinion with the reason in support of the application annexed thereto in accordance with Paragraph 3 of Article 63 of the Act.</p> <p>The application for statement of opinion referred to in preceding paragraph shall set forth therein the name, age, domicile or place of residence, and phone number, etc. together with the reason for such application.</p> <p>4. This Ministry may deem an application for statement of opinion lacking of good reason and deny it if any of the following circumstances exists:</p> <p>(1) Failure to provide the reason for the administrative appeal.</p> <p>(2) Failure to annex the supporting reason to the application for statement of opinion.</p> <p>(3) The subject matter of the application for statement of opinion is apparently irrelevant to the merit of the administrative appeal case.</p> <p>(4) No need for further statement of opinion since the merit of the administrative appeal case is already clear.</p> <p>(5) The applicant makes a duplicate application after he or she failed to appear at the assigned time and place to make a statement of opinion without cause and did not make a legitimate request for an adjournment.</p> <p>(6) There exists any other circumstance similar in nature to those set forth in Article 103 of the Administrative Procedure Act.</p> <p>5. The following persons may attend a statement of opinion proceeding:</p> <p>(1) The members of the administrative appeal review committee and the relevant personnel.</p> <p>(2) The administrative appellant, the intervenor, the interested third party, and their respective representative(s).</p> <p>In the event that an administrative appeal is filed jointly by multiple appellants and a representative of them has been elected or appointed, the statement of opinion shall be made by the elected or assigned representative(s) on behalf of all administrative appellants.</p>

6. For the purpose of conducting the statement of opinion proceeding, this Ministry shall notify the person making the statement of opinion to attend for the statement in writing setting forth the following:

(1) The date, time and place to make the statement of opinion.

(2) The subject matter of the statement of opinion.

(3) The personal identification document, a brief setting forth the content of the statement, and other relevant files and evidence shall be brought to the statement of opinion.

The statement of the opinion proceeding shall take place at the time and place assigned by this Ministry.

If the person making the statement of opinion fails to appear at the assigned time, this Ministry may proceed the review regardless of such absence unless a request for an adjournment with reasonable ground has been made.

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 one day prior to the assigned time for the statement of opinion. Only one request for adjournment shall be allowed.

7. The person attending the statement of opinion referred to in Subparagraph 2, Paragraph 1 of Point 5 shall present the personal identification document for inspection and examination. In the event such person fails to present the required documentation, or the documentation presented is unqualified, such person shall be requested to cure the deficiency, or be prohibited to make the statement of opinion if such deficiency is not cured within an appropriate period of time.

8. The time for statement of opinion shall be limited to thirty minutes. Such time may be extended if necessary.

9. The person attending the statement of opinion referred to in Subparagraph 2, Paragraph 1 of Point 5 hereof may not request to record or videotape, etc. of the proceeding. In the event of any improper statement or other behavior, this Ministry may suspend the statement, stop the improper act, or order the expulsion of such person.

10. The proceeding for statement of opinion shall be transcribed into record setting forth the date, time and place of the statement of opinion, the persons attending the proceeding, and the subject matters of the statement of opinion, etc. and be included in the dossier.

11. A statement of opinion proceeding may be merged into an oral argument and be conducted as an oral argument proceeding.

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