

Subject :

In the matter of the application for leasing (purchase) and fiduciary operations between Legislators, members of the Control Yuan, and public officials or their related parties of the Executive Yuan, Ministry of Finance and subordinate functionaries that supervise the operation of state-owned enterprises, and the National Property Administration and its subordinate administrative offices and branches, being found in violation of Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest, would the effect of the agreement be governed by Article 71 of the Civil Code and Article 15 of this law in the aspect of the period of prescription for discretion?

Description :

In the violation of Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest in the effect of the act of transaction, this law does not regulate if the aforementioned agreements should be nullified, thereby the Civil Code shall govern to determine if these agreements should be nullified. In addition, the provision regulates the transactions under private law and the time point of transaction under private law should be determined by the formal establishment of the agreement at which point the period of prescription shall be taken into account.