

Review Meeting Minutes of the Response Sheet for the Concluding Observations and Recommendations of the international Review of the ROC's Second Report under the UNCAC

- I.** Time: August 14, 2023 (Monday) 2:00 p.m.
- II.** Location: Conference Room 1, Agency Against Corruption, Ministry of Justice
- III.** Convener: Lo Ping-Cheng, Minister without Portfolio
Records: Yuan Fang-Chun, Chen Ya-Chieh
- IV.** Attendees: As shown on the sign-in sheet
- V.** Conclusion:

There were 30 items regarding the [Response Sheet to the Concluding Observations and Recommendations of the International Review for the ROC's Second Report under the UNCAC]. After reviewing each item at this meeting, the following conclusions were reached:

 - 1.** Item 1: The Ministry of Economic Affairs and the Ministry of National Defense are requested to deliberate whether the industrial cooperation process, aside from sensitive contents, can be appropriately disclosed to the outside world at the Industrial Cooperation Policy Guidance Meeting and provide additional explanations in the response sheet.
 - 2.** Items 2, 29, and 30 are consolidated for review:
 - (1)** Ask the Agency Against Corruption, Ministry of Justice (hereinafter the "AAC"), and collaborate with the Ministry of Foreign Affairs to develop anti-corruption ambassador selection methods regarding ambassador-at-large qualifications.
 - (2)** The Ministry of Foreign Affairs is also requested to assess the inclusion of "gender equality and human rights issues" in the mission of the ambassador-at-large and consult with the Executive Yuan's Department of Gender Equality (行政院性別平等處) as

well as the Department of Human Rights and Transitional Justice (行政院人權及轉型正義處) to assist in developing qualifications and expanding the soft power of international diplomacy.

3. Item 3:

- (1) Handle according to the response sheet contents submitted by the main and co-organizing agencies.
- (2) Request the AAC and the Public Construction Commission of Executive Yuan (hereinafter the “Public Construction Commission”) to deliberate the feasibility of interconnected use of the authorization management database to facilitate risk management and contact private entities to learn about private sector risk management and control database practices to drive technological growth on both sides. (Note: Consolidated with item 8 for handling)

4. Item 4: Handle according to the response sheet contents submitted by the main and co-organizing agencies.

5. Items 5 and 21 are consolidated for review:

- (1) The AAC is requested to refer to the members’ opinions, actively respond to the content related to the anonymous reporting channels in Item 5, and update the discussion methods and the Whistleblower Protection Project meeting progress in the corresponding items.
- (2) Request the AAC to provide relevant provisions or measures for whistleblower protection in our country’s existing laws (such as franchised business law) and add them to Item 21 of the response sheet.

6. Item 6: Handle according to the response sheet contents submitted by the main and co-organizing agencies.
7. Items 7, 10, and 27 are consolidated for review: The Ministry of Economic Affairs is requested to consider and evaluate the future amendment direction of the “Company Act” regarding Beneficial Ownership declaration and conform to international trends.
8. Item 8:
 - (1) Request the main and co-organizing agencies to refer to the members’ opinions and review whether there are franchised businesses of similar nature (such as public and private hospitals or teaching hospitals) or other high-risk operations for integrity, and add integrity risk assessment and control measures to the response sheet. Also, ask the AAC to assist in the overall inventory.
 - (2) Request the AAC to add the “Integrity Assessment Quantitative Indicator Data Collection Platform” contents to the response sheet.
 - (3) Request the AAC to develop a risk assessment and identification mechanism, consider combining the authorization management database in Item 3 for shared applications, and timely introduce the Government Procurement Integrity Platform when screening high-risk cases.
9. Item 9:
 - (1) Request the Ministry of Justice (Department of Legal Affairs) to find out whether other countries have established independent agencies to handle disputes or complaints regarding government information disclosure. According to committee member Lin Chih-Chieh’s recommendations, evaluate whether to establish a

mechanism to quickly and efficiently handle disputes encountered when people apply for government information disclosure.

- (2) Request the Ministry of Justice (Department of Legal Affairs) to deliberate with the National Development Council as soon as possible on the feasibility of expanding the soon-to-be-established Personal Data Protection Commission to handle disputes or complaints about government information disclosure.

10. Item 11: Request the Financial Supervisory Commission to re-examine various corporate governance evaluation indicators, conduct reviews and adjustments, and improve substantial benefits.

11. Item 12: Handle according to the response form contents submitted by the main and co-organizing agencies.

12. Item 13: Handle according to the response sheet contents submitted by the main organizing agency.

13. Item 14:

- (1) Handle according to the response sheet contents submitted by the main agency.
- (2) Request the Ministry of Justice (Department of Prosecutorial Affairs) to include Paragraph 3 of Article 11, recommended for deletion by the member, which stipulates that only commercial activities constitute transnational bribery, for follow-up discussion during the Anti-Corruption Act law revision meeting. Please also review other provisions as a whole.

14. Items 15 and 17 are consolidated for review:

- (1) Request the Ministry of Justice (Department of Prosecutorial Affairs) to verify the cases mentioned in Item 15 of the response sheet and determine whether they fit the context of the problem or

provide additional explanation via notes.

(2) Request the Ministry of Justice (Department of Prosecutorial Affairs) to provide a supplementary explanation of our nation's current system for legal person administrative penalties and confiscation of illegal gains from the third parties in Item 17's response sheet contents.

15. Item 16: Handle according to the response sheet contents submitted by the main organizing agency.
16. Item 18: Handle according to the response sheet contents submitted by the main organizing agency.
17. Item 19: Handle according to the response sheet contents submitted by the main organizing agencies.
18. Item 20: Handle according to the response sheet contents submitted by the main and co-organizing agencies.
19. Item 22: Request the main organizing agency, the Ministry of Justice, to add discussions regarding the victim's status in private sector corruption (such as special breach of trust) cases in legal practice.
20. Item 23: Handle according to the response sheet contents submitted by the main organizing agency.
21. Article 24: Request the secretariat (the AAC) to include the National Police Agency, Ministry of the Interior, as a co-organizer for this item.
22. Item 25: Combine with Item 28 for review: Handle according to the response sheet contents submitted by the main organizing agency.
23. Item 26: Handle according to the response sheet contents submitted by the main and co-organizing agencies.

- 24.** Request the relevant agencies to amend the response sheet contents according to this meeting's resolutions and deliver the summary to the AAC via email before August 25, 2023. After the review committee confirms the content, request the AAC to submit the revised response sheet to the Executive Yuan for approval before the end of September 2023.
 - 25.** After the Executive Yuan has approved the response sheet, the AAC shall coordinate with the National Development Council to build a response sheet tracking and management examination area in the "Government Project Management Network" (GPMnet) to facilitate follow-up tracking and management.
- VI.** Extraordinary motion: The AAC proposed to recommend to provide a "self-assessment checklist" for the expert of the ROC's third Report under the UNCAC review committee.

Resolution:

- 1.** Passed without objection.
- 2.** Request the AAC to properly plan and hold the "UNCAC Self-Assessment Checklist Preparation Workshop" at the end of this year, invite experts and scholars to provide guidance, and request the relevant agencies to cooperate in the process.

VII. Meeting Adjourned. (5:10 p.m.)