

**The French Views on the Reasons for Establishing Independent
Administrative Agencies and the Controversies over Their
Composition: With Comments on Interpretation No. 613 of the
Grand Justices Council of R.O.C.**

*Chwen-Wen Chen**

Abstract

The institution of independent administrative agencies in Taiwan has been a subject of intense controversy, with the Justices penning Interpretation No. 613 in response. But the interpretation did not seem have its affect on quelling disputes that arises in practical operation of politics, and its contents seems to be lacking at various points. This article will focus on the core controversies of this interpretation, with problems in the composition of independent administrative agencies, the principle of administrative unity, and the doctrine of political accountability.

From the perspective of comparative law, Western democracies, in their need to establish independent administrative agencies, are also plagued with various difficulties due to their respective constitutionalism. This article will take France, as their constitutional make-up closest resembles ours, and discuss their solution to the application of independent administrative agencies under the constitution. Under the French constitution, there had never been any controversies over the power to appoint personnel; they even developed multiple models of appointment.

Although concrete institutions may broaden our perspectives, the analysis of backgrounds and developmental trends would be more helpful in grasping the entire scope of controversies. Therefore this article will begin with the

* Associate Professor, Department of Politics Science, National Taiwan University; Associate Research Fellow, Institutum Iurisprudentiae, Academia Sinica.
Email: chwenwen@ntu.edu.tw

introduction of institutional backgrounds and organizational characteristics of the agencies then proceed to point out present disputes over the establishment of independent administrative agencies, which is mainly the contention for democratic power. Other areas, such as pursuit of international competitiveness and the protection of human rights, are still wanting for the development of independent administrative agencies in the future.

Keywords: independent administrative agency, independent agency, the principle of administrative unity, the principle of hierarchy, the doctrine of political accountability, J.Y. interpretation no. 613, the power to appoint personnel, administrative reserve, the core areas of the executive power