

Taiwan Agricultural Import Right and Administrative Contract

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Abstract

This article mainly reviews and comments on Taiwan's agricultural import contracts and administrative litigation cases derived from the contracts. Qualification of the contract and arguments from both parties in the administrative litigation process are of concern. Specific issues are as the following,

1. Characterization of the sale tender contract. Is the contract private contract or administrative contract?

2. Does the principle of legal reservation still apply to administrative contract?

3. Is this kind of adhesion contract obviously unfair to one party so it should be void?

4. The administrative agency did not inform the contracting party important information beforehand. Is this against of the principle of good faith?

5. Does the principle of trust-in-protection apply to administrative contract?

6. Does termination of the sale tender contract ahead of time constitute a breach of contract?

7. Does Taiwan's unexpected joining to WTO constitute a change of the condition?

This is an article with legal analysis and the author's comments on decisions from Taipei Administrative High Court and Taipei Administrative Supreme Court. (Case numbers are respectively 92 No.5733 and 95 No.00815)

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