

## **The legislation plan and regulations reorganization plan of National Communications Commission for 2017**

The legislation plan of the NCC for 2017 includes 2 statutes, 20 regulations, and 5 administrative rules.

### **I. Titles and summary of amendments of the 2 statutes:**

	Titles of Statutes	Summary of Amendments
1	Telecommunications Management Act (New)	With reference to the convergence management models adopted by advanced countries, considering the development of telecommunication industries in our country, and with a progressive forward-thinking view, the bill of this Act introduces a new regulatory structure of hierarchical convergence. Through the transition of laws, free entry into the market will be encouraged, archaic preference for strict regulatory will be abandoned, and telecommunication enterprises will be granted more flexibility in operation; moreover existing international practices will also be utilized to provide enterprises with SMP asymmetrical regulatory measures to correct market structure and adjust operational behavior with view to establishing a sound market environment so that telecommunication enterprises may compete fairly.
2	Digital Communications Act (New)	<p>The draft of the Act introduces principles of “internet governance” in line with international trends to govern distribution and access of digital telecommunication, related measures undertaken by service providers and users, and other measures related to an “open government.”</p> <p>Doing so, encourages various stakeholders to engage in a diverse, fair, and open environment in order to determine the most effective governance mechanism that meets interests of the majority and respects the minority. And then, move forward</p>

		progressively to develop a governance mechanism that enables self-regulation and self-control as a key role so as to encourage greater innovation by enterprises, bringing more benefits to end users.
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## II. Titles and summary of amendments of the 20 regulations:

	Titles of Regulations	Summary of Amendments
1.	Regulations for Administration of Mobile Communications Businesses(Amendment)	<p>1. Enhance information security management and preventive capabilities of operators.</p> <p>2. Safeguard the data of telecommunication users and network safety.</p> <p>3. Monitor and ensure that operators respond rapidly in the case of disasters or serious incidents causing failure of telecommunication lines and equipment in order to protect users' consumer rights.</p>
2.	Regulations for Administration of the Third Generation Mobile Communications Business (Amendment)	(Same as above)
3.	Regulations for Administration of Mobile Broadband Businesses (Amendment)	(Same as above)
4.	Regulations for Administration on Fixed Network Telecommunications Business (Amendment)	(Same as above)
5.	Enforcement Regulations for Telecommunications Enterprises' Administering of Enquiries by Competent Authorities for Communications Records (Amendment)	Under the precondition of complying with the Communication Security and Surveillance Act and the Personal Information Protection Act, the Enforcement Regulations for Telecommunications Enterprises' Administering of Enquiries by Competent Authorities for Communications Records, as well as the Enforcement Regulations for Telecommunications Enterprises' Administering

		of Enquiries by Competent Authorities for Communications Data will be reviewed to determine inconsistent or incomplete regulation with view to recommending amendments.
6.	Enforcement Regulations for Telecommunications Enterprises' Administering of Enquiries by Competent Authorities for Communications Data (Amendment)	(Same as above)
7.	Administrative Regulations on Radio Waves (Amendment)	<p>1.Adjust the fundamental structure of administrative regulations and revise regulations on allocation, assignment, and cancellation of radio waves, etc.</p> <p>2.Amend determination criteria, measures concerning the management of interference and relevant principles, and relevant rules on composition and assignment of radio stations' identification signals, call signs, and identification codes, etc.</p>
8.	Regulations Supervising Internet Protocol Address and Domain Name Registration Management Services (Amendment)	<p>1. Considering that international organizations allow new domain names of gTLD, current regulations will be reviewed to cope with new trend of international development.</p> <p>2. Representative administrative agencies of domain names registration in our country will be expressly included in these Regulations for control.</p>
9.	Administrative Regulations On Amateur Radios (Amendment)	<p>1.Regulations with regards to Telegraphy Examination (Morse code) and granting of qualification certificates will be abolished.</p> <p>2. Subjects and question numbers of written examination for Class 1, 2, and 3, and regulations concerning question pools and sets will also be revised by reference to modification of ITU-RM.1544.</p> <p>3. Regulations with regards to the effective period of license for Amateur Radios operators will be revised.</p>

10.	Regulations for Administration of Mobile Broadband Businesses (Amendment)	Business items, scope, schedules and company numbers for opening of Type-1 Telecommunication Enterprise Business will be modified; regulations on the methods of price bidding, effective term of license, and those relevant to 3G transfer will be added and modified.
11.	Regulations on Organization and License of Government Established TV Enterprises (New)	Plan to establish relevant regulations on the organization and application of government established TV enterprises.
12.	Administrative Regulations on the Establishment of Radio and TV Broadcast Stations (Amendment)	Add a clause stipulating that when there is special needs at specific sites, proviso protection against interruption of the second adjacent channel may be excluded from application.
13.	Regulations for Administration of Base Stations of Mobile Communications Network Businesses (Amendment)	<ol style="list-style-type: none"> <li>1. Base stations and small cell access points shall be classified and regulated in accordance with radio frequency.</li> <li>2. A new clause added requiring enterprises to improve base stations in accordance with the necessities of emergency responses.</li> </ol>
14.	Notices on items which station licenses are not required (Amendment)	Small cell access points will be waived from the requirement of establishment permission just as femtocell access points.
15.	Low-power Radio-frequency Devices Technical Specifications(Amendment)	In order to manage the frequency spectrum plan for low-power devices of the Internet of Things (IoT), the Frequency Allocation table of the R.O.C. clearly prescribes that low-power IoT devices shall meet specific technical specifications and qualification standards.
16.	Regulations Governing Building Telecommunication Equipment and Space Appliance Using (Amendment)	Clear stipulations prescribing that when cable TV system operators introduce their systems into buildings to provide cable TV service, building constructors and owners shall set up specific equipment and required space.
17.	Technical Specifications for Installation of the Telecommunications Facilities Inside/Outside the Buildings(Amendment)	(Same as above)

18.	Regulations Governing Network Interconnection among Telecommunications Enterprises(Amendment)	Plan to add a clause prescribing that rates of mobile communication network connection announced by NCC shall also be applied to mobile broadband business operators.
19.	Regulations on Compliance Approval and Regulatory Certification Body of Controlled Telecommunications Radio-Frequency Devices (Amendment)	<ol style="list-style-type: none"> <li>1. To meet needs of monitoring and regulatory practices, approval methods for some controlled telecommunications radio-frequency devices may be simplified; simplified declaration of conformity will be added accordingly.</li> <li>2. Restrictions on qualifications of applicants for compliance approval of controlled telecommunications radio-frequency devices will be relaxed.</li> <li>3. To cope with modification of controlled telecommunications radio-frequency devices' compliance approval regulations, part of control will be undertaken by ex post control; the applicant shall undertake greater burden of proof. Therefore, among other relevant new regulations, if applicants do not cooperate with the audit conducted by NCC, approval licenses will be withdrawn.</li> </ol>
20.	Regulations on Examination and Issuance of Web Accessibility Conformance for Websites of all Levels of Government Agencies, Institutes and Schools (Amendment)	<ol style="list-style-type: none"> <li>1. This will be included in regulations reorganization plan of 2017.</li> <li>2. This item is completed.</li> <li>3. Examination criteria for websites accessibility conformance will be prescribed.</li> <li>4. Procedures on fixation of web accessibility conformance labels and effective terms will be prescribed.</li> <li>5. Regulations on sample inspection of granted conformance labels to be applied after publication and enforcement of new version of design specification for accessible websites will be prescribed.</li> </ol>

### III. Titles and summary of amendments of the 5 administrative rules

	Titles of Administrative Rules	Summary of Amendment Points
1.	Procedural Guidelines on Deliberation and Authorization of Internal Units by the National	<ol style="list-style-type: none"> <li>1. Administration plan and multilateral (bilateral) trade negotiations.</li> <li>2. To cope with amendment of Radio and Television Act, Cable Radio and Television Act, and Satellite Broadcasting Act.</li> </ol>

	Communications Commission(Amendment)	<p>3. Involves issues of National security.</p> <p>4. Assignment of radio frequencies.</p> <p>5. Utilization, change, cancellation and withdrawn of telecommunication numbers.</p> <p>6. Transfer of shares.</p> <p>7.Guidelines on the application for operation permission and renewal of license made by domestic and foreign satellite broadcasting TV enterprises.</p> <p>8. Simplify administrative process.</p>
2.	Procedural Guidelines on Review of Application for the Establishment of Broadcasting Enterprises (New)	<p>1. Different application and permission process will be provided for broadcasting enterprises of different sizes: a different review process and statistical rationalization methods of review commissioners' scoring, and criteria of qualified are clearly prescribed by reference to size such as regional enterprises or community enterprises.</p> <p>2. As electromagnetic wave frequencies are public resource, and to recognize diverse ideas of society, the review undertaken by civic organizations is introduced by reference to establishment of Advisory Committee on Content by the Office of Communication, Ofcom to collect comments from civic organizations. These new also clearly prescribe guidelines for the composing scholars and experts and representatives of civic organizations, who are not allowed to discuss review for individual cases.</p> <p>3.To increase transparency of the review process, stipulations clearly prescribe items of qualification examinations and matters to be investigated, and items of business operation plans and reference criteria of review.</p>
3.	Procedural Guidelines on Measurement Service for Electromagnetic Wave Frequencies of Stations of Type I Telecommunications Business (Amendment)	<p>1. The "service desk" will be modified to be one stop procedural platform, and enforcement is entrusted directly to measurement agencies.</p> <p>2. Measurement agencies shall have more than two sets of measurement equipment, more than two measurement technicians, and such measurement technicians shall attend training of non-ionizing radiation measurements held by the Environmental Protection Administration, Executive Yuan at suitable times.</p> <p>3. Affair related to conducting measurements have been entrusted directly to measurement agencies; abnormal situations or incompliance</p>

		will be reported directly to telecommunication enterprises for handling.
4.	Technical Guidelines on Information Security Measurement for Software Preinstalled in Smart Phone Systems (New)	These Technical Guidelines on Information Security Measurement for Software Preinstalled in Smart Phone Systems will be enacted by reference to international standards and practices of the EU and US. The guidelines stipulate regulations on determination of security levels after security measurement of software preinstalled in smart phones systems, the items of inspection for each level, the measurement requirement for each item of inspection, measurement methods, and determination criteria, etc.
5.	Rules on Web Accessibility 2.0 (New)	In order to enforce Regulations on Examination and Issuance of Web Accessibility Conformance for Websites of all Levels of Government Agencies, Institutes and Schools in accordance with authorization by Paragraph 2, Article 52-2 of People with Disabilities Rights Protection Act, it is necessary to promulgate web accessibility rules to serve as the basis of NCC undertaking the inspection of websites and the audit and conformance labels issuance.