

## **Directions Governing Application and Establishment of Satellite Broadcasting Business and Foreign Satellite Broadcasting Business**

National Communications Commission Tong-Chuan-In-Zi No. 10141011630 Amended

1. These Directions were established by the National Communications Commission (hereinafter referred to as the NCC) to manage the application and establishment of satellite broadcasting businesses and foreign satellite broadcasting businesses.
2. In order to encourage public participation and compile more diverse views, the NCC shall establish a Review Committee (hereinafter referred to as the Review Committee) to review applications for the establishment of a satellite broadcasting or foreign satellite broadcasting business. The Review Committee shall comprise of thirteen to fifteen members; the tenure of each member shall be two years. The committee members of the first appointment after the amendments of these Directions, among six to seven of whom, their tenure is one year.

The Review Committee shall comprise of the following members:

- (1) Eight to nine experts and/or scholars;
  - (2) Three to four representatives of public organizations;
  - (3) Two representatives of the NCC (excluding the convener).
3. The Review Committee shall incorporate one convener to be responsible for convening and presiding the review meeting. The convener shall be assigned by the NCC chairperson, and shall not participate in the vote at the meeting.  
When the convener is unable to preside the meeting, one of the committee members shall be nominated to preside the meeting.  
When the convener leaves his or her position due to unforeseen circumstances, the NCC chairperson shall assign a new convener.
  4. The meeting shall be convened only if more than half of the committee members are present at the meeting; decisions have to be approved by two-thirds of the committee members present.
  5. In any of the following circumstances, a committee member shall exclude his or her involvement in the meeting:
    - (1) Where the committee member himself or his spouse, former spouse or unmarried spouse is the director, supervisor or manager of the business under application;
    - (2) Where the committee member's blood relative within the fourth degree or relative by marriage within the third degree, or a person having previously such relationship is the director, supervisor or manager of the business under application;
    - (3) Where the committee member is currently working, or during the past two years has worked, in the business or acts/ has acted as its consultant under application.
  6. The business shall submit its application, as well as the required supporting materials and documents, in accordance with the items listed in the application and establishment proposal of Attachments 1 and 2 (two hard copies; one soft copy).

- (1) The required supporting materials and documents for the application of a satellite broadcasting program supplier (including domestic, foreign) are listed as Attachment 1.
  - (2) The required supporting materials and documents for the application of a direct satellite broadcasting service operator (including domestic, foreign) are listed as Attachment 2.
7. The NCC shall first conduct a review of the submitted materials. Where the legal documents have not been submitted in full, the NCC shall inform the business to submit the required documentation within a prescribed period of time. The business shall be granted only one opportunity to remedy an incomplete application. In the case where the business fails to submit the required documentation within the prescribed period of time or is deemed to have submitted insufficient documentation, its application shall be invalidated in accordance with Article 6(3) of the Satellite Broadcasting Act.
8. The Review Committee shall conduct a preliminary examination of the application and the supporting materials and documents, and, after proposing its suggestions, it shall forward the application to the Committee Meeting for final approval.  
For the need of review, the Review Committee or the committee members may visit the business under application or request it to attend an interview at the meeting.
9. The Review Committee shall conduct a review of the application, supporting materials, and business plan, and shall mark the application and documentation checklist in Attachments 13 and 14 with scores.
  - (1) The application and documentation checklist for a satellite broadcasting program supplier (including domestic, foreign) are listed as Attachment 13.
  - (2) The application and documentation checklist for a direct satellite broadcasting service operator (including domestic, foreign) are listed as Attachment 14.
10. When the application is deemed as qualified by two-thirds of present committee members, permission shall be recommended. The application shall be deemed as qualified upon obtaining a score of 60 percent or more.