

Presidential Decree

On the 6th of January 2016

Hua-Zong-1-Yi No. 10400154541

Radio and Television Act

Promulgated on the 6th of January 2016

Issue Date

Amendment to Articles 1 through Article 3, Article 5, Article 5-1, Article 13, Article 16, Article 19, Article 21, Article 33, Article 34, Article 36, Article 43, Article 44, Article 45, Article 45-1, Article 45-3 and Article 50 and addition of Articles 34-1 through Article 34-3, Article 44-2; deletion of Article 5-2, Article 6, Article 29-1, Article 45-2 and Article 49 promulgated by Presidential Decree No. 10400154541 on January 6, 2016

Article 1 This Act is enacted to promote the healthy development of radio/television businesses; ensure media professionalism and independence; protect the audiovisual rights and interests of the public; enhance public benefits, interests, and welfare; and maintain the audiovisual diversity.

Article 2 The terms used in this Act shall be defined as follows:

1. Radio: Refers to the wireless transmission of sound for direct listening by the public.
2. Television: Refers to the wireless transmission of video for direct listening or viewing by the public.
3. Radio/television stations: Refer to legally approved and established radio/television stations (hereinafter referred to as stations).

4. Radio/television businesses: Refer to businesses that operate radio/television stations.
5. Frequencies: Refer to frequencies used for wireless electric wave transmissions by wireless radio/television stations.
6. Programs: Refer to the content of a scheduled independent unit composed by a series of images, sounds and relevant words.
7. Advertisements: Refer to images, sounds and relevant words broadcasted by an enterprise, agency (institution) group or person for the purpose of marketing or propagating product, concept, service or image.
8. Sponsorships: Refer to monetary or non-monetary payment offered by an enterprise, agency (institution) group or person for the purpose of promoting specific name, brand, image, activity or product under the circumstances of not affecting the content or independency of editing or producing the program.
9. Placement marketing: Refers to the behavior of presenting specific concept, product, brand, service or relevant information and characteristics in a program based on the compensable or quid pro quo relation with an enterprise, agency (institution), group or person for the purpose of marketing or propagation.

Article 3 The regulatory agency of this Act is National Communications Commission.

Article 5 Those established for specific purposes by the government in the name of the government are publicly operated radio/television businesses, whereas those established by companies limited by shares or by foundations, which are formed by ROC citizens, are privately operated radio/television businesses.

The minimum paid-in capital and total endowment assets of a radio/television business shall be prescribed by the regulatory agency. Those without ROC nationality may not be promoters, shareholders, directors, or supervisors of a radio/television business.

Article 5-1 The government and political parties, as well as foundations established with endowments provided by them, and those commissioned by them, may not directly or indirectly invest in privately operated radio/television businesses.

Unless otherwise provided by law, the government and political parties may not provide endowments for the establishment of a privately operated radio/television business.

Existing situations for the government, political parties, and foundations established with their endowments, and those

commissioned by them, that do not meet the provisions of the preceding two paragraphs prior to the implementation of the revision of this Act, shall be corrected within two years of the implementation of the revision of this Act.

Political party workers, political appointees, and elected public officials may not invest in radio/television businesses. Total shareholdings by their spouses, relatives by blood within the second degree of relationship, and lineal relatives by marriage, may not hold more than 1 percent of the issued shares of a radio/television business.

Radio/television businesses that have existing situations that do not meet the provisions of the preceding paragraph prior to the implementation of the revision of this Act shall have them corrected within two years of the implementation of the revision of this Act.

The government, political parties, political party workers, and elected public officials may not be promoters, directors, supervisors, or managers of a radio/ television business.

Radio/television businesses that have existing situations that do not meet the provisions of the preceding paragraph prior to the implementation of the revision of this Act shall have the related personnel discharged of their duties within six months of the implementation of the revision of this Act.

The scope of political party workers, political appointees, and elected public officials mentioned in the preceding article shall be defined in the Enforcement Rules of this Act.

Article 5-2 (Delete)

Article 6 (Delete)

Article 13 The organization of a radio/television business, and the qualifications of the responsible person shall meet the requirements of the regulatory agency.

Article 16 Radio/television programs are classified into the following four categories:

1. News and publicity of government policies and orders
2. Education and culture
3. Public service
4. Entertainment

Article 19 Locally produced programs shall not be less than 70 percent of the total radio/television programs; among them, locally produced drama programs that are broadcasted in the main time slot shall not be less than 50 percent of the programs with the same category.

Foreign-language programs shall carry Chinese subtitles or broadcast with Mandarin narration. If necessary, the regulatory agency may

instruct that the programs be dubbed in Chinese

The identification, category and main time slot of locally produced program as well as other relevant and to-be-followed details shall be regulated by the regulatory agency.

- Article 21 The contents of radio/television programs shall not:
1. Violate compulsory or prohibitive regulations under the law;
 2. Impair the physical or mental health of children or juveniles; or
 3. Disrupt public order or adversely affect good social customs.
- Article 29-1 (Delete)
- Article 33 Programs broadcasted by the station shall be readily recognized and be distinguished with inserted advertisement. However, this shall not apply to what is provided for in this Act.
- Article 34 Radio/television businesses shall acquire certificates issued by the central industry competent authorities prior to the broadcast of advertisements approved by the central industry competent authorities.
- Article 34-1 Radio/television businesses may not broadcast programs, short films, or advertisements funded or produced by the government in which election candidates participate. The same applies to programs, short films, and advertisements with election candidates as the theme and which are funded or produced by the government.
- Article 34-2 Upon acceptance of sponsorship, stations shall reveal the sponsor information before and after the broadcast of the program. The sponsor information can also appear in programs of sporting events or cultural/artistic activities under the premise of not affecting the benefits and rights of the viewers.
- Article 34-3 The duration of placement marketing and displaying the sponsor information shall not be counted in the duration of advertisements. The category of placement marketing programs; identification of news/report, children, sporting event and cultural/artistic activity programs; readily recognition and distinction of programs and inserted advertisements; methods of the placement marketing and sponsor information being applied or revealed; and restrictions and other to-be-followed details shall all be regulated by the regulatory agency.
- Article 36 Radio/television businesses shall be rewarded for any one of the following:
1. Outstanding achievements in publicizing national policies or disseminating Chinese culture
 2. Achievements in safeguarding national or social security
 3. Significant contributions to cultural exchange through international communications
 4. Outstanding achievements in promoting social education or public

service

5. Winning trophies or honors in national or international contests
6. Outstanding achievements in operating radio/television businesses in remote, poor, or special areas
7. Significant contributions to the radio/television sciences or innovations in radio/television technology

The provisions on rewards in the preceding paragraph shall apply mutatis mutandis to responsible persons and staff members of radio/television businesses.

Article 43 Television businesses shall be fined from NT\$200,000 up to NT\$2,000,000, and radio businesses shall be fined from NT\$9,000 up to NT\$90,000 in the event of one of the following:

1. Failure to make corrections after receiving a warning, or repeated violation of the preceding article within one year;
2. The broadcast of a program or advertisement that violates any one of the Subparagraph 2, 3 of Article 21, or Article 32 where Subparagraph 2, 3 of Article 21 apply;
3. Violation of Article 22, Articles 27 through 29, or Article 34 or Article 34-2;
4. Serious violation of Article 33;
5. Violation of readily recognition and distinction of programs and inserted advertisements; methods of the placement marketing and sponsor information being applied / revealed; and restrictions and other to-be-followed details as stated in Paragraph 2 of Article 34-3.
6. Failure to broadcast programs or advertisements in time slots designated according to Paragraph 2 of Article 26-1 or Article 32 where Paragraph 2 of Article 26-1 applies

Radio/television businesses that are penalized for broadcasting programs or advertisements in violation of the preceding paragraph may be subjected to broadcast suspension of the said programs or advertisements.

Article 44 Television businesses shall be fined from NT\$400,000 up to NT\$2,000,000, radio businesses shall be fined from NT\$90,000 up to NT\$1,200,000, and the said businesses may be subjected to broadcast suspension from three days up to three months in the event of one of the following:

1. Violation of Article 42 or Article 43 after being penalized twice within one year
2. Broadcast of programs or advertisements that violate Subparagraph 1 of Article 21

3. Broadcast of programs or advertisements that violate Subparagraph 2 or 3 of Article 21
4. Unauthorized broadcast of advertisements in violation of Article 30
5. Violation of Article 35

Radio/television businesses shall be fined from NT\$400,000 up to NT\$2,000,000 and notified to make corrections by a prescribed deadline for violation of Paragraph 3 of Article 5 or Article 5-1. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline.

Article 44-2 Privately operated radio/television businesses shall be fined from NT\$200,000 up to NT\$2,000,000 and notified to make corrections by prescribed deadline in the event of one of the following. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline:

1. Violation of the minimum paid-in capital and total endowment assets prescribed by the regulatory agency as stated in Paragraph 2 of Article 5.
2. Violation of Paragraph 1 through 3 of Article 5-1

Radio/television businesses shall be fined from NT\$200,000 up to NT\$2,000,000 and notified to make corrections by a prescribed deadline for violation of Paragraph 6 or 7 of Article 5-1. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline.

Article 45 Radio/television businesses shall have their radio/television operating licenses revoked in the event of one of the following:

1. Receiving a guilty verdict for broadcasting programs or advertisements that commit or incite others to commit the offense of sedition or treason
2. Broadcast of programs or advertisements that seriously violates Paragraph 1 of Article 21
3. Violation of Paragraph 2 of Article 4
4. Violation of regulations prescribed by the regulatory agency in accordance with Article 7 or Article 26
5. Unauthorized broadcast of programs or advertisements during the period of broadcast suspension
6. Violation of this Act within one year of having been subject to broadcast suspension twice

Regarding the event stated in Subparagraph 1 of preceding paragraph, the regulatory agency may suspend broadcast operations before the final judgment.

Article 45-1 Those that illegally install stations, relay stations, or other broadcast

systems shall be fined from NT\$1,000,000 up to NT\$10,000,000, and the equipment shall be confiscated.

The equipment of illegally installed boosters, converters, and community common antennas shall be confiscated.

The local police agency may be requested to assist in enforcing the confiscation penalties under the preceding two paragraphs.

Article 45-2 (Delete)

Article 45-3 Any radio/television business with an establishment permit shall be fined a minimum amount of NT\$300,000 up to a maximum of NT\$3,000,000 in the event of operating without legally obtaining a station operating license. And the regulatory agency shall notify the said business to stop operation immediately. A business that fails to stop operations may be fined consecutively for each additional violation or it shall have its establishment permit revoked.

Any radio/television business which violates Paragraph 3 of Article 10-1 by illegally setting up a sub-station shall be fined a minimum amount of NT\$90,000 up to a maximum of NT\$900,000. And the regulatory agency shall notify the business to stop operation immediately. A business that fails to stop operation may be fined consecutively for each additional violation or it shall have its establishment permit revoked.

Article 49 (Delete)

Article 50 The Enforcement Rules of this Act and the Regulations Governing the Responsible Persons of Radio and Television Businesses shall be prescribed by the regulatory agency.