

## **The legislation plan and regulations reorganization plan of National Communications Commission for 2016**

The legislation plan of the Commission for 2016 includes 6 statutes, 58 regulations, and 2 administrative rules.

### **I. Titles and summary of amendment points for the 6 statutes:**

	Titles of Statutes	Summary of Amendments
1	Broadcasting Terrestrial and Channel Service Suppliers Administration Act	<ol style="list-style-type: none"> <li>1. Current Radio and Television Act and Satellite Broadcasting Act will be merged.</li> <li>2. A vertical control structure of enterprise will be maintained, and specific chapters will be made to regulate wireless radio, wireless television, direct satellite broadcaster, and channel service providing enterprises, and at the same time a hierarchical management concept will be introduced.</li> <li>3. Current restrictions will be relaxed reasonably to enhance operational flexibility of radio and TV business.</li> </ol>
2	Multichannel Cable Platform Service Administration Act	A principle of “monitoring and management based on importance” is adopted, and therefore, in case that users of cable multichannel platform are not over 25% of the operation areas, and revenue of previous year is not more than the amount announced in public by competent authority, only general duties are required; while in case that above thresholds announced in public by the competent authority are reached, not only general duties but also special responsibilities for the public shall be performed, and specific management measures will also be adopted.
3	Telecommunications Service Suppliers Act	<ol style="list-style-type: none"> <li>1. After analysis of related regulations in place in the EU and Japan, the current special licensing and approval procedures are being replaced by simplified registration and approval procedures with view to lowering market entry barriers.</li> <li>2. Redundant restrictions are being removed, and general regulations concerning the service provided by telecommunication enterprises will be stipulated clearly; in addition, ex-ante control</li> </ol>

		<p>measures will be adopted only in specific service markets with insufficient competition.</p> <p>3. In order to protect the users' rights and interests, and to handle consumers' disputes, special regulations that meet specific criteria to be observed by telecommunication enterprises might be publically announced.</p>
4	Telecommunications Infrastructure and Resources Administration Act	The Telecommunications Infrastructures and Resources Administration Act is being enacted in order to facilitate the construction and development of telecommunication network infrastructures, maintain network quality, security, and reliability, enhance reasonable utilization and effectiveness of resources, and promote technical development and compatible applications.
5	Electronic Communications Act	<p>1. In order to protect safety of electronic communication network, liabilities of electronic communication service providers to disclose public business information and to cope with governmental measures will be prescribed.</p> <p>2. In order to protect user' equal access to electronic communication service, principles of management on communications protocols and traffic control will be prescribed.</p> <p>3. When there is a dispute between a user and an electronic communication service provider, the user may motion to a court for preliminary injunction.</p>
6	Draft of Partial Amendment on Satellite Broadcasting Act	The purpose is to cope with protection of encrypted signals provided in TPP.

## II. Titles and summary of amendment points for the 58 regulations:

	Titles of Regulations	Summary of Amendments
1.	Regulations Governing Application for Establishment of Cable Radio and Television Service (New)	To cope with amendment of Cable Radio and Television Act, content relevant to regulations titles, review process, and operation plans and so on of application guidelines will be adjusted.
2.	Regulations on Examination Measures for Application to Operate Cable Radio and	1. Examination items for application to operate cable radio and television service will be clearly prescribed.

	Television Service (New)	2. Examination criteria for application to operate cable radio and television service will be clearly prescribed.
3.	Regulations Governing Payment of Performance Bond in Application for Operation of Cable Radio and Television Service (New)	Provisions about amount of performance bond, due date of payment, payment methods, conditions of return, etc. will be prescribed.
4.	Rules for the Technical Engineering of Cable Radio and Television Systems	1. The clauses of laws authorizing these Regulations will be amended. 2. The term “Rules” shall be amended as “Regulations.”
5.	Technical Regulations Governing Terminal Equipment of Cable Radio and Television (New)	Application scope, required inspection items, and standards of cable radio and television equipment will be prescribed.
6.	Regulations on Compliance Approval of Cable Radio and Television Terminal Equipment (New)	Regulations regarding the compliance approval mode and procedure of cable radio and television terminal equipment, the issuance, renewal, replacement and termination of the certificate of approval, and the embossment, marking and use of Approval Label will be prescribed.
7.	Administration Regulations of Regulatory Certification Body for Cable Radio and Television Terminal Equipment (New)	Regulations governing the qualifications, the scope and limitations of delegated power, cancellation or termination of the commission, and supervision related to the commission of the aforementioned certification bodies will be prescribed.
8.	Regulations Governing Review Standards for Business Transfer, Merge and Investment of Cable Radio and Television (New)	Regulations governing review standards for relevant business transfer, takeover, merge and investment of cable radio and television operator will be prescribed, and promotion of effective competition in the market, protection of consumers’ rights and interests and other necessities of public interest will also be considered.
9.	Regulations Governing Amendment of Operation Plans of Cable Radio and Television Operators (New)	To cope with modification and implementation of Cable Radio and Television Act, regulations governing permission required items, notification required items and criteria of permission for application of modification on operation plan made

		by cable radio and television operators will be prescribed.
10.	Regulations Governing Cable Television Channel Planning and Approval of Type Change (New) (Current Administrative Rules)	Current Reference Criteria for Modification of Cable Television Plan will be upgraded to Regulations, and each reference criterion will be adjusted accordingly.
11.	Regulations Governing the Assessment of Cable Radio and Television Operation Plans (New) (Current Administrative Rules)	The current rules for the evaluation of Cable Radio and Television Operators' operation plans are being upgraded to Regulations. Stipulations concerning the assessment procedure, members of the assessment committee, as well as the method of calculation and assessment results, notices on drafting of assessment reports, etc. shall also be stipulated.
12.	Regulations Governing Review for Replacement of License to Operate Cable Radio and Television (New) (Current Administrative Rules)	To cope with modification of Cable Radio and Television Act, reference of Act titles, review procedures, and operation plans in original Guidelines will be adjusted accordingly.
13.	Regulations Governing Utilization of Inserted Characters in Cable Radio and Television (New)	Relevant regulations on utilization of inserted characters in accordance with Cable Radio and Television Act will be prescribed.
14.	Operation Regulations in the Event of Natural Disasters and Emergency for Cable Radio and Television System	Procedures and conditions of application relevant to responses in the event of natural disasters and emergency for cable radio and television system operators.
15.	Regulations Governing Planning and Utilization of Cable Television Channels for Public Usage (New) (Current Administrative Rules)	Regulations relevant to planning and utilization of channels for public usage will be prescribed.
16.	The Fee-Charging Standards for the Cable Radio And Television System Operators	To cope with implementation of modifications on Cable Radio and Television Act, Criteria for the Billing by Cable Broadcast and Television System Operators will be modified.

1 7.	Regulations Governing the Accounting Systems and Standard Formulas of the Cable Radio and Television System Operators	To cope with implementation of modifications on Cable Radio and Television Act, Regulations Governing the Accounting Systems and Standard Formulas of the Cable Radio and Television System Operators will be provided.
1 8.	Regulations on the Management and Operation of the Cable Radio and Television Development Fund	Its content includes provisions relevant to establishment, contribution, utilization and management, and so on of funds.
1 9.	Regulations Governing Implementation of Plans on Digitalization Experimental Zones for Cable Radio and Television (New)	To cope with implementation of modifications on Cable Radio and Television Act, experiment regulations such as digitalization experimental zones, experiment periods, experiment plans, types of digitalized basic channels, review of quantities and rates, assessment of experiment plans will be prescribed.
2 0.	Fee-Charging Standards for Terminal Equipment of Cable Radio and Television (New)	Items and amounts of relevant statutory fees that shall be charged for type approval procedures of cable radio and television terminal equipment will be prescribed.
2 1.	Enforcement Rules of the Cable Radio and Television Act	Enforcement Rules of the Cable Radio and Television Act will be amended in accordance with latest modified Cable Radio and Television Act.
2 2.	Regulations Governing Determination of Locally Produced Programs and Compliance Requirements (New)	<ol style="list-style-type: none"> <li>1. Criteria for determination and types of locally produced programs will be added.</li> <li>2. Relevant regulations about definition of major time slots and compliance requirements applicable to broadcasters will be added.</li> </ol>
2 3.	Regulations Governing Commercial Product Placement in Television Programs (New regulations with this temporary title)	<ol style="list-style-type: none"> <li>1. Determination of program types, news, children's programs, sports programs, and art programs that may have product placements.</li> <li>2. The content of programs and inserted advertisements shall be easy to identify and differentiate.</li> <li>3. Prescribed methods to disclose product placement's advertisers and sponsors, relevant restrictions and other requirements.</li> </ol>
2	Regulations Governing	(Same as above)

	Sponsorship for Television Programs (New regulations with this temporary title)	
2 5.	Regulations Governing Clear Identification and Differentiation of Programs and Advertisements (New regulations with this temporary title)	(Same as above)
2 6.	Regulations Governing Commercial Product Placement and Sponsorship in Radio Programs (New regulations with this temporary title)	(Same as above)
2 7.	Enforcement Rules of the Radio and Television Act (Amendment)	<ol style="list-style-type: none"> <li>1. After considering the differing operational costs of broadcasting enterprises of different scale, different minimum paid-in capital or total endowment assets shall be prescribed for nationwide, regional, or community broadcasting businesses.</li> <li>2. Broadcasting enterprises are required to endeavor to achieve widespread and balanced service in accordance with allocated frequencies; moreover, in order to prevent broadcasting enterprises' concentration impeding the quality of produced programs, broadcasting enterprises shall also adhere to stipulations prescribing percentage of shares held by promoters and shareholders, and qualification requirements of directors and supervisors.</li> <li>3. Considering there will be different periods of time allowed for the length for the establishment of broadcasting enterprises depending on their scale and frequencies coverage, different regulations of progress and periodic construction are prescribed depending on broadcasting enterprises' coverage being nationwide, regional or a community service.</li> </ol>

2 8.	Regulations Governing the Person in Charge and Practitioners of a Broadcasting Enterprise (Amendment)	<ol style="list-style-type: none"> <li>1. The title is changed from “Regulations Governing the Person in Charge and Practitioners of a Broadcasting Enterprise” to be “Regulations Governing the Person in Charge of a Broadcasting Enterprise”.</li> <li>2. Provisions relevant to practitioners in the Regulations will be deleted.</li> </ol>
2 9.	Regulations Governing Examination and Approval for Satellite Broadcasters. (New) (Current Administrative Rules)	<ol style="list-style-type: none"> <li>1. These Regulations are promulgated in accordance with newly amended Paragraph 4, Article 6 of Satellite Broadcasting Act.</li> <li>2. Approval procedures, examination items, scoring criteria, and other compliance requirements will be prescribed clearly.</li> </ol>
3 0.	Regulations Governing Satellite Broadcasters’ Broadcasting of Locally Produced Programs.	<ol style="list-style-type: none"> <li>1. Criteria for determination and types of locally produced programs will be added.</li> <li>2. Regulations governing broadcasting time slots and restrictions on broadcasting percentage will be provided.</li> </ol>
3 1.	Regulations Governing Monitoring and Control of Responsible Persons such as Directors and Supervisors of Satellite Broadcasters (New)	<ol style="list-style-type: none"> <li>1. These Regulations are promulgated in accordance with Paragraph 3, Article 10 of newly amended Satellite Broadcasting Act.</li> <li>2. Due to great impact on the whole society exerted by media, qualifications of enterprises’ directors and supervisors will be prescribed to enhance corporate governance of satellite broadcasting companies and to have qualified persons serving for suitable positions.</li> </ol>
3 2.	Administrative Rules on the Establishment of Earth Stations by Satellite Broadcasters	<ol style="list-style-type: none"> <li>1. The title is revised.</li> <li>2. The authorizing clause of these Regulations is modified.</li> <li>3. The expression method of frequencies is revised.</li> </ol>
3 3.	Regulations Governing Assessment and Examination for Satellite Broadcasters. (New) (Current Administrative Rules)	<ol style="list-style-type: none"> <li>1. These Regulations are promulgated in accordance with newly amended Paragraph 3, Article 17 of Satellite Broadcasting Act.</li> <li>2. Approval procedures, examination items, scoring criteria, and other compliance requirements will be prescribed clearly.</li> </ol>
3 4.	Regulations Governing Review on Satellite	<ol style="list-style-type: none"> <li>1. These Regulations are promulgated in accordance with newly amended Paragraph 3,</li> </ol>

	Broadcasters' Certificate Replacement Application (New) (Current Administrative Rules)	Article 18 of Satellite Broadcasting Act. 2. Certificate replacement procedure, review items, scoring criteria, and other compliance requirements will be prescribed.
3 5.	Regulations Governing Review Process and Members Selection of the Consultation Committee Responsible for Evaluation of Establishment Applications and Certificate Replacement of Satellite Broadcasters (New) (Current Administrative Rules)	1. These Regulations will be promulgated in accordance with newly amended Paragraph 4, Article 20 of Satellite Broadcasting Act. 2. Regulations relevant to organization of Consultation Committee (including composition, numbers and service term of consultation commissioners) and recusal of consultation commissioners; procedures of meeting and decision making by consultation committee, grant of travel allowance, and recommendations on scoring and disposition principles for consultation committee.
3 6.	Regulations Governing the Classification of Television Programs	1. Classification of TV programs and age restriction on viewers will be prescribed. 2. Advertisement content in children's channels, hour restrictions and other compliance requirements will be prescribed.
3 7.	Regulations Governing Management for Advertisement Content of Satellite Radio and Television (New Regulations with temporary title)	(Same as above)
3 8.	Regulations Governing Advertisement Broadcasting by Satellite Radio and Television (New)	In order to protect audiences' rights and interests and to maintain positive competition in the market, relevant regulations governing commencement and cease of advertisement, quantities allocation, broadcasting methods will be drafted based on different time slots and types of programs.
3 9.	Regulations Governing Management for Inserted Content in of Shopping Channels in Satellite Radio and Television (New)	In order to protect integrity of content and audiences' rights and interests, detail regulations governing utilization of inserted characters in shopping channels will be prescribed.
4 0.	Processing Fee Criteria for Satellite Broadcasting	1. Authorizing clause of these Criteria are modified, and these criteria will be prescribed



	Businesses and Foreign Satellite Broadcasting Businesses	<p>in accordance with newly modified Article 66 of Satellite Broadcasting Act.</p> <p>2. Collection criteria of examination fees and license fees will be prescribed clearly.</p>
4 1.	Enforcement Rules for the Satellite Broadcasting Act	<p>1. These Enforcement Rules will be modified in accordance with Article 67 of Satellite Broadcasting Act.</p> <p>2. Requirements on minimum paid-in capital and total endowment assets applicable to Satellite Broadcasting Enterprises will be modified in accordance with Paragraph 3, Article of Satellite Broadcasting Act.</p>
4 2.	Administrative Regulations on Radio Waves	<p>1. To make a thorough review of frequencies management regimes in our nation for the purpose to cope with communications convergence legislation, some basic infrastructure planning and adjustment will be made.</p> <p>2. Different frequencies allocation methods and principles or procedures for interruption handling will be prescribed according to nature of each kind of communication business under current laws and regulations.</p> <p>3. To cope with regulations relevant to dynamic spectrum management, frequencies sharing and other technical issues, relevant laws and regulations, work procedures, and issues that shall be paid attention will be adjusted in advance.</p>
4 3.	Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Records from Relevant Authorities	<p>When requirements set in the Communication Security and Surveillance Act and Personal Information Protection Act are met, telecommunication enterprises will follow "Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Records from Relevant Authorities" and "Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Users' Data from Relevant Authorities (Agencies)" to provide</p>

		communication records and users' data. A study will be made to find out whether in such procedures there is any imperfect and modification required process and then recommendations on modification will be made.
4 4.	Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Users' Data from Relevant Authorities (Agencies)	When requirements set in the Communication Security and Surveillance Act and Personal Information Protection Act are met, telecommunication enterprises will follow "Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Records from Relevant Authorities" and "Regulations Governing Telecommunication Enterprises' Handling of Request to Inspect Telecommunication Users' Data from Relevant Authorities (Agencies)" to provide communication records and users' data. A study will be made to find out whether in such procedure there is any imperfect and modification required process and then recommendations on modification will be made.
4 5.	Regulations Governing Telecommunications Numbers	Different kinds of telecommunication numbers will be defined, and clear rules about which kind of numbers shall be applied, and for which kind of numbers only report is required will also be prescribed in considering scarcity of numbers and degree of impact on people. Besides that, standards of approval and allocation for numbers that must be approved and allocated, application forms, application procedure and management rules will also be prescribed clearly.
4 6.	Processing Fee Criteria for Radio and Television Businesses	Charging standards for processing fees such as approval fee, license fee and permission fee will be reviewed in order to cope with relevant regulations of Charges And Fees Act.
4 7.	Regulations Governing the Equal Access Service	1. The definition of mobile type selection service providers will be modified, and a kind of mobile broadband business operators will be added, and it will be also prescribed that mobile broadband business operators shall provide

		<p>equal access service in accordance with selection methods designated in regulations, and shall also offer their subscribers to select pre-selection service and call-by-call selection service when providing auto telephone services.</p> <p>2. It will be prescribed that if mobile broadband business operators are unable to provide Equal Access Service to prepaid card subscribers or roaming subscribers or any other specific categories of subscribers due to practical technical restrictions in accordance with Articles 4, 6 and 7, they shall enclose and submit reasons and related data to the NCC for verification.</p>
4 8.	Regulations Governing Personal Information File Security Maintenance Plan and Processing Methods for Non-Government Agency Designated by National Communications Commission	According to Paragraphs 2 and 3, Article 27 of Personal Information Protection Act, the government authority in charge of subject industry at the central government level may designate a non-government agency for setting up a plan of appropriate security measures for the personal information file or the disposal measures for the personal information after termination of business.
4 9.	Regulations Supervising and Guidance Internet Protocol Address and Domain Name Registration Management Services	In order to cope with opening of international new gTLD domain names, the domain names registration management agencies that may serve as representatives of our nation will be controlled after reviewing current laws and regulations.
5 0.	Administrative Regulations On Amateur Radios	<p>1. To be harmony with global trends (U.S. Canada, Australia, and Japan) of cancelling practicing test for second grade amateur radio operators, in Taiwan, it is also planned to cancel practicing test (Morse Code) of second grade amateur operators.</p> <p>2. In order to reach the aim of simplified administration for the convenience of people, and to encourage people to utilize amateur radios, and after considering systems of developed countries (in UK and Canada, licenses are not required), it is planned to cancel regulations requiring replacement of</p>

		<p>operator's license.</p> <p>3. In order to cope with modification on items for which station establishment permissions are waived, and to protect public interests and amateurs' rights and interests, and to comply with legislation essence and purposes, it is planned to waive requirements of licenses application and calling numbers allocation for the third grade mobile amateur stations that having been granted model certificate, and only license of amateur radios operators is required instead.</p>
5 1.	Administrative Regulations on the Controlled Telecommunications Radio-Frequency Devices	<p>In order to maintain the order of frequencies, provide practical methods of compliance, reduce unnecessary administrative costs, and prescribe different control measures applicable to different types of controlled telecommunications radio-frequency devices, draft amendments of partial clauses of "Public Announcement on Items for which Permission of Controlled Telecommunications Radio-Frequency Devices are Required", "Public Announcement on Items for which Station Establishment Permissions are Waived", and "Administrative Regulations on the Controlled Telecommunications Radio-Frequency Devices" are being planned; in addition, stipulations shall prescribe "Items and Dates for which Compliance Statements of Telecommunication Terminal Equipment will be Implemented" and Appendix 3 of "Format of Forms Designated in Accordance with Administrative Regulations on the Controlled Telecommunications Radio-Frequency Devices and Application Procedures" will be amended in order to simplify control measures and enhance efficiency of different levels of supervision for different types.</p>
5 2.	Regulations for Administration of Mobile Communications Businesses	<p>1. To enhance information security management and protection strength of business operators.</p> <p>2. To protect telecommunication users' data and safety of telecommunication network.</p>

		3. To monitor emergency response of operators in case of disasters or major accidents that causing failures of telecommunication lines and equipment for the purpose to protect consumers' rights and interests.
5 3.	Regulations for Administration of the Third Generation Mobile Communications Business	(Same as above)
5 4.	Regulations for Administration of Mobile Broadband Businesses	(Same as above)
5 5.	Regulations for Administration on Fixed Network Telecommunications Business	<p>1. To monitor emergency response of operators in case of disasters or major accidents that causing failures of telecommunication lines and equipment for the purpose of protecting consumers' rights and interests.</p> <p>2. To regulate business operators' making of protection plans for critical infrastructures and to enhance protection capability of critical infrastructures.</p>
5 6.	Technique Regulations of Indoor/Outdoor Telecommunication Equipment Engineering	To prescribe that new buildings of specific scale (including congregate housings, public buildings) shall be equipped with optical lines and relevant facilities.
5 7.	Regulations Governing National Communications Commission's Guidance and Incentives for Subsidiary Enterprises and Agencies in Establishing Affiliated Enterprises to Hire People with Disabilities	<p>1. Conditions for enterprises and agencies to be provided guidance and incentives by National Communication Commissions.</p> <p>2. Methods of guidance and incentive provision prescribed by these Regulations.</p>
5 8.	Regulations Governing Establishment of Broadcasting Enterprises	National Communications Commission prescribes procedures for establishment of broadcasting business and corresponding rules in accordance with Policy of "Broadcasting Stations Licensing Plan of 11 <sup>th</sup> Batch in Stage 1 " approved by Executive Yuan, and plans that licenses of nationwide and regional broadcasting business will

		be granted by review and then price competition, and community broadcasting business will be licensed by review and then lots casting. Besides that, it is planned to prescribe that lower and medium power radio-frequencies broadcasting business may apply to upgrade to regional or nationwide broadcasting business by promising to return original license and utilized frequencies; and such returned frequencies will be open for release next time after rearrangement and preparation.
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### III. Titles and summary of amendment points for the 2 administrative rules

	Titles of Administrative Rules	Summary of Amendments
1. 1	Administrative Rules of National Communications Commission's Commissioners Meeting in Deliberation and Entrusting Internal Units	<ol style="list-style-type: none"> <li>1. There shall be different review procedures for the designation and allocation of radios-frequencies based on importance; important ones shall be reviewed by a subcommittee commissioners meeting; other applications of minor importance, such as frequencies designation and allocation for usage of relay microwave link, which frequency bands have been specified by laws and regulations, shall be dealt with according to administrative procedure by the relevant department.</li> <li>2. There shall be different review procedures for the utilization, change and cancellation, and reclaiming of telecommunication numbers based on scarcity and their impact on the public. The utilization of scarce numbers is a key issue and shall be reviewed by the Commissioners Meeting; other issues shall be classified as agenda for subcommittee commissioner meeting, confirmation item or issues to be dealt with according to administrative procedure by the relevant department.</li> <li>3. The Radio and Television Act, Cable Radio and Television Act, and Satellite Broadcasting Act have already been amended and promulgated;</li> </ol>

		relevant content of these Administrative Rules shall be added, removed and amended accordingly.
2.	Administrative Rules for Reviewing Application to Establish a Broadcasting Enterprise	<ol style="list-style-type: none"> <li>1. In considering that there shall be different establishment licensing procedures for broadcasting enterprises of different scale, different review procedures, scoring and statistical rationalized handling by reviewing and consulting members, and criteria of passing will be prescribed clearly.</li> <li>2. In considering that electronic-magnetic frequencies belong to all people and for the purpose to have diverse comments and values, by reference that the Office of Communication, Ofcom, UK has established a content consultation committee to bring in comments of civil groups, and also introduced a system of review by civil groups, a review and consultation committee comprising of scholars, experts and representative of civil groups will be established, and rules about avoidance of meeting will also be made.</li> <li>3. To facilitate transparency of review, review items for application of establishment license, causes to increase or decrease scores, its grades, scoring criteria, and checking, and items and reference benchmarks for reviewing business' operation plans will be prescribed clearly.</li> </ol>