

Telecoms - Taiwan

NCC invites comment on proposed Communications Convergence Act

Contributed by **Shay & Partners**

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After the draft amendments to the Telecommunications Act submitted by the National Communications Commission (NCC) were rejected by the Executive *Yuan* for the second time in July 2013, the NCC did not come up with a new draft of the Communications Convergence Act in compliance with the Executive *Yuan*'s request at the end of March 2014 (for further details please see "[New Communications Convergence Act planned for 2014](#)"). On July 2 2014 the NCC released the draft Recommendations and Strategies Concerning Legal Amendments Relating to Communications Convergence, planning to solicit public opinion in the upcoming months.

According to the NCC's explanation, the existing Telecommunications Act, Cable Radio and Television Act, Radio and Television Act and Satellite Broadcasting Act will be further amended to catch the evolving trends of digital convergence. However, in so doing, one or multiple legal proposals reflecting digital convergence concepts may be submitted to the Executive *Yuan* for approval.

The NCC has stressed that when laws and regulations are amended in future, deregulation will be pursued along with encouragement of innovations, participation and investment, while the regulatory framework will be geared towards flexible layering.

The convergence acts initially conceived by the NCC consist of four laws which are not yet officially named. Future legal amendments will focus on the following areas:

- The existing Telecommunications Act will:
 - reduce market entry barriers;
 - continue enforcement of asymmetrical control;
 - encourage infrastructure sharing;
 - promote effective and efficient use of frequencies; and
 - ensure personal data protection.
- The Cable Radio and Television Act will:
 - transform cable television systems into open platforms for video transmission;
 - ease control over mergers and acquisitions, multiple franchise operations and cross-sector competition with telecoms operators; and
 - enforce heavy-handed regulation on channel line-ups and programme licensing practice.
- Consolidation of the existing Radio and Television Act and the Satellite Broadcasting Act will:
 - grant licences on a per-channel basis according to their specific regulation;
 - ease requirements for self-deployed network infrastructure; and
 - encourage and promote self-regulation among industry players with respect to content regulation.
- The Communications Convergence Act:
 - The NCC has devised a scenario where all existing communications platforms, channels and media are highly converged and has planned to incorporate into the scope of regulation all service types which have emerged or may potentially emerge between telecommunications and existing radio and television.

There is no implementation schedule for the new convergence acts that can be inferred from the NCC's written statement. The proposed framework of the draft Communications Convergence Act once again indicates the NCC's serious intention to respond to the challenges brought by overwhelming digital convergence. However, it also steps on the line dividing authorities, including:

- the Ministry of Culture;
- the Ministry of Transportation and Communications;
- the Ministry of Interior Affairs;
- the Ministry of Finance; and

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- the Ministry of Health and Welfare.

There are many reservations about whether such a huge and controversial legislative plan can succeed.

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