

Excerpts from Important provisions of Regulations Governing the Use of Radio Frequencies

Article 6 The frequency use certificate must not be transferred, leased, pledged, mortgaged or otherwise disposed of. In the case where the certificate is missing, damaged or altered, relevant certification documents must be submitted to the competent authority to apply for reissuance, replacement or corrections thereof.

With respect to the aforesaid certification documents, the validity thereof must be prior to the approval date of original certificate.

The frequency use certificate shall become invalid upon expiry thereof.

Article 7 The application of radio frequency assignments shall comply with the uses described in “Table of Radio Frequency Allocations of the Republic of China” (hereinafter referred to as the Table of Radio Frequency Allocations) or announcements by the competent authority. If no relevant description is found in the Table of Radio Frequency Allocations or announcements of the competent authority, the competent authority may reject the application.

Article 8 For an applicant for radio frequency assignment (hereinafter referred to as the Applicant) in accordance with Paragraph 1, Article 56 of the Act, the eligibility for application, documents submitted, matters for review, frequency usage period and conditions for abolition of frequencies are set out in Appendix 1.

If the application as stated in the preceding paragraph only involves a change in the radio frequency use plan, it should be accompanied by the radio frequency use plan and a document for a comparison between the new and the old versions, while the other documents are not required.

Radio frequencies may only be used upon receipt of a frequency use certificate issued by the competent authority after approving the applications prescribed in Paragraphs 1 and 2.

Article 10 The competent authority shall examine the following matters

when reviewing the application of or amendments to frequency assignments as described in the precedent Article:

1. Compliance with the provisions of Table of Radio Frequency Allocations;
2. Compliance with the radio frequency supply plan;
3. Compliance with provisions related to “International Telecommunications Convention” or “International Radio Regulations”;
4. No harmful interference with assigned frequency;
5. No harmful interference with frequencies planned or registered by International Telecommunication Union (ITU);
6. The technology and efficiency of adopted radio technology;
7. The secondary use frequencies specified in the Table of Radio Frequency Allocations do not interfere primary use frequencies.

Where the frequency assignment application described in the preceding Article is not granted after the review, the competent authority may make assignments separately or reject the application.

Article 11 Regarding frequencies for which assignments are applied in accordance with Paragraph 1 of Article 56 of the Act, the Applicant may re-submit the application according to this Chapter within the first two months, three months prior to the expiry of the frequency use certificate.

Asides from matters specified in Paragraph 1 of the preceding Article, the competent authority shall examine the following matters in regard to the application described in the preceding Paragraph. In a case where the Applicant fails to pass the examination, the competent authority shall reject the application thereof.

1. Fails to use frequency resources effectively;
2. Serious violation of regulations;
3. Frequent interference to other legal users
4. Other major deficiencies or failure to undertake corrective action upon receipt of the competent authority’s notification.

Appendix 1

List of matters concerning applications for frequency assignments in accordance with Article 56, Paragraph 1 of the Telecommunications Management Act

Frequency use	Applicant eligibility	Documents submitted	Matters for review	Frequency use period	Conditions for abolishing frequencies
For dedicated telecoms network	<p>1. Those who apply for the establishment of public service network and use of radio frequency are limited to those confirmed by the competent authority of target business for compliance with public service purposes.</p> <p>2. Those who apply for the establishment of private network and use of radio frequency are limited to companies, juristic persons and organizations.</p>	<p>1. Radio frequency allocation application form</p> <p>2. Radio frequency use plan: 2.1) Purpose of and configuration for use of radio frequency: including radio frequencies, frequency bandwidths and transmission power used in the areas of establishment and radio wave coverage. The radio wave coverage shall be provided with a topographic or electronic map that contains longitudes and latitudes; 2.2) Necessary configuration against interference; 2.3) Planning of frequency allocations for networks and radio stations: including network establishment blueprint, as well as type, frequency, frequency bandwidth, transmitting power, quantity and technical specifications of stations., etc.</p> <p>3. Letter from competent authority of target business confirming compliance with public service purposes. (Exempted for users of private networks, government agencies, public schools, government-owned enterprises and non-departmental public bodies, etc.);</p> <p>4. Descriptions of services provided by telecommunications enterprises, the use of a frequency that does not need distribution, or fixed telecommunications network, which cannot fulfill the need of network</p>	<p>In addition to the matters stipulated in Articles 10 and 11 of the Regulations Governing the Use of Radio Frequencies (hereinafter the "Regulations"), the following matters shall also be examined:</p> <p>1. For those who apply for use of private network, whether the services provided by the telecommunications enterprises, the use of a frequency that does not need distribution, or fixed telecommunications network cannot fulfill the need of network establisher.</p> <p>2. Whether the application is in line with the purpose and area of establishment.</p>	<p>The period of validity of the frequency use certificate:</p> <p>1. 10 years for the establishment of public service network</p> <p>2. 5 years for the establishment of private network.</p>	<p>1. The competent authority abolishes the frequency allocation and use after the conditions specified in Article 62, Paragraph 2 of the Telecommunications Management Act (hereinafter the Act) are fulfilled.</p> <p>2. An application has been submitted for return of radio frequency before the frequency use certificate expires, and the competent authority revokes the frequency use certificate.</p>

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		<p>establisher. (Exempted for users of public service network)</p> <p>5. Any other documents specified by the competent authority.</p>			
For dedicated experiments and R&D telecoms network	<p>Those who apply shall fall under one of the following qualifications and shall not be of a China-funded investment business:</p> <p>1. Corporations or public or private research institutions that have committed to related research or manufacturing of telecommunications network and radio communications.</p> <p>2. Other government agencies/organizations, educational institutes, companies, legal persons or groups that have the capabilities or experimental testing needs of establishing and managing experimental research and development telecommunications networks.</p>	<p>1. Radio frequency allocation application form.</p> <p>2. Radio frequency use plan:</p> <p>2.1) Experiment items, methods and benefits;</p> <p>2.2) Purpose of and configuration for use of radio frequency: including radio frequencies, frequency bandwidths and transmission power used in the areas of establishment and radio wave coverage. The radio wave coverage shall be provided with a topographic or electronic map that contains longitudes and latitudes;</p> <p>2.3) Description of the measurement evaluation data, which shall include various radio frequencies of radio wave ($\geq -125\text{dBm}$) coverage for each of the experimental areas and the range of the experiments.</p> <p>2.4) Planning of frequency allocations for networks and radio stations: including network establishment proposal, as well as type, frequency, frequency bandwidth, transmitting power, quantity and technical specifications of stations., etc.</p> <p>2.5) Necessary configuration against interference (Exempted in the case of technical experiments and R&D telecommunications network using specific experimental frequencies for specific experimental fields);</p>	<p>In addition to the matters stipulated in Articles 10 and 11 of the Regulations, the following matters shall be examined:</p> <p>1. Whether it is in line with the purpose, effectiveness and necessity of the experiment;</p> <p>2. Whether it conforms to the geographical range and the valid period of the establishment;</p> <p>3. Whether the research, development, testing or collection of relevant data will contribute to the development of the telecommunications industry and specific industries;</p> <p>4. For applications for the use of commercial experiments and R&D telecommunications networks, whether the execution planning and implementation period of business verification are feasible;</p> <p>5. Whether applications for the use of commercial experiments and R&D telecommunication networks will be effective in promoting the nation's industrial development and feasibility of commercialization of future verification services;</p> <p>6. Whether there is a need to continue current experiment items or to add new experiment items.</p> <p>For applications for the use of technical experiments and R&D telecommunications networks in the frequency band between 4.8GHz and 4.9 GHz, the following review criteria shall be considered in addition to</p>	<p>The validity period of the frequency use certificate:</p> <p>1. For the establishment and use of technical experiments and R&D telecommunications networks: One year from the date of issuance of the network examination approval certificate;</p> <p>2. For the establishment and use of commercial experiments and R&D telecommunications networks: Six months from the date of issuance of the network examination approval certificate, after the expiry of which the certificate shall be renewed only once, not subject to the provisions of Article 11, Paragraph 1 of the Regulations.</p>	<p>1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled.</p> <p>2. An application has been submitted for return of radio frequency before the frequency use certificate expires, and the competent authority revokes the frequency use certificate.</p> <p>3. The competent authority revokes the frequency use certificate upon the abolition of the network establishment approval or network examination approval certificate of experiments and R&D telecommunications networks.</p> <p>4. The applicant should obtain a network examination approval certificate within six months from the date of issuance of the frequency use certificate. If the applicant is unable to obtain the certificate, he/she may apply to the competent authority for an extension by stating the reasons for a</p>

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		<p>2.6) Available technical R&D telecommunications services or service items other than telecommunications services;</p> <p>2.7) Purpose and necessity of business verification of commercial experiments and R&D telecommunications network, including the telecommunications service items for the business verification and the description of the differences from existing public telecommunications service, as well as the execution planning and implementation period (exempted for users of technical experiments and R&D telecommunication networks);</p> <p>2.8) Benefits of the telecommunications of business verification for the development of domestic industries and the feasibility evaluation for future commercialization in domestic market (exempted for users of technical experiments and R&D telecommunication networks).</p> <p>3. A copy of the certificate of incorporation or other establishment document (exempt for government agencies or schools).</p> <p>4. Photocopies of documents relating to technology or services chartered, permitted or approved by other competent authorities of target business.</p> <p>5. Any other documents specified by the competent authority.</p> <p>For the application for the use of the frequency band from 4.8GHz to 4.9GHz,</p>	<p>those mentioned in the preceding paragraph:</p> <ol style="list-style-type: none"> 1. Whether the applicant is one who has the jurisdiction of the field, owner or user; 2. Whether the bandwidth applied for is reasonable; 3. Whether the necessary configuration against interference is feasible; 4. Whether the radio wave coverage exceeds the range of field applied for. <p>For applications for the use of technical experiments and R&D telecommunications networks, where the radio frequency and geographical coverage are overlapping across multiple applicants, the one with more subjects of cooperation shall have the priority; however, the competent authority may ask the applicants to reach a mutual agreement if necessary.</p> <p>Applications for the establishment of commercial experiments and R&D telecommunications networks using the frequency band between 4.8GHz and 4.9 GHz will be rejected.</p>		<p>maximum period of six months, limited to one extension. The competent authority shall revoke the frequency use certificate upon expiry.</p>

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		<p>the following matters should be stated in addition to those set out in the radio frequency use plan:</p> <ol style="list-style-type: none"> 1. Relationship between the applicant and the field of application (those who have the jurisdiction, owner or user), with supporting documents submitted; 2. Bandwidth to be used in 10MHz. 			
For dedicated taxi telecoms network	Limited to legal entities or organizations whose taxi or taxi service business has been approved by the competent authority of highways.	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. Letter from the competent authority of highways approving the establishment of telecommunications network. 	Subject to the provisions of Articles 10 and 11 of the Regulations.	The validity period of the frequency use certificate: 5 years	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled. 2. An application has been submitted for return of radio frequency before the frequency use expires, and the competent authority revokes the frequency allocation and use. 3. Upon notification by the competent authority of highways regarding the revocation of the frequency use certificate of the dedicated taxi telecommunications network, the competent authority abolishes the frequency use certificate.
For terrestrial radio	Broadcasting enterprises established or operated under the Radio and Television Act.	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. Photocopy of the approval letter of establishment permit or broadcast license. 	Subject to the provisions of Articles 10 and 11 of the Regulations.	Frequency use is valid until the expiry date of the broadcast license.	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled. 2. An application has been submitted for return of radio frequency before

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					the frequency use expires, and the competent authority revokes the frequency allocation and use.
For terrestrial television	Television enterprises established or operated under the Radio and Television Act.	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. Photocopy of the approval letter of establishment permit or television license. 	Subject to the provisions of Articles 10 and 11 of the Regulations.	Frequency use is valid until the expiry date of the television license.	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled. 2. An application has been submitted for return of radio frequency before the frequency use expires, and the competent authority revokes the frequency allocation and use.
For broadcasting stations for school training	Applicants who have obtained the consent of the administrative authority of education to set up a broadcasting station for school training (television broadcasting, news, mass broadcasting, broadcasting technology or other related departments of higher education facilities for educational and practical training purposes)	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. A copy of the letter of consent from the administrative authority of education. 3. Radio frequency use plan: including radio wave coverage, radio frequencies, frequency bandwidths and transmission power used. The radio wave coverage shall be provided with a topographic or electronic map that contains longitudes and latitudes. 	Subject to the provisions of Articles 10 and 11 of the Regulations.	The validity period of the frequency use certificate: 10 years	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled. 2. An application has been submitted for return of radio frequency before the frequency use certificate expires, and the competent authority revokes the frequency use certificate.
For microwave links	<ol style="list-style-type: none"> 1. Telecommunications enterprises that have established public telecommunications networks. 2. Radio and television 	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. Radio frequency use plan: including an analysis of the radio frequency and frequency bandwidth needs of the communication network, the 	In addition to the matters provided for in Articles 10 and 11 of the Regulations, the use of microwave links shall be examined for back-up circuits or for terrain, physical obstructions or other practical applications.	The validity period of the frequency use certificate: 10 years	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled.

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	<p>businesses established or operated under the Radio and Television Act or the Cable Radio and Television Act.</p>	<p>transmitting power and the radio wave coverage. The radio wave coverage shall be provided with a topographic or electronic map that contains longitudes and latitudes.</p> <ol style="list-style-type: none"> 3. Radio station establishment planning data: including a list of the number of radio stations to be established, their intended locations and relative distances, antenna heights, azimuths and intervals between stations. 4. Interference analysis data: including descriptions of link analysis calculations and interference evaluation coordination. 5. Copies of relevant business operation license. 6. Other documents specified by the competent authority (New radio frequencies on existing networks should be accompanied by supporting documentation for the overall communications network). 			<ol style="list-style-type: none"> 2. An application has been submitted for return of radio frequency before the frequency use certificate expires, and the competent authority revokes the frequency use certificate.
For satellite links	<ol style="list-style-type: none"> 1. Telecommunications enterprises that have established public telecommunications networks. 2. Radio and television businesses established or operated under the Radio and Television Act or the Satellite Broadcasting Act. 	<ol style="list-style-type: none"> 1. Radio frequency allocation application form. 2. Information on the radio wave coverage of the satellite transponder: The radio wave coverage shall be provided with a topographic or electronic map that contains longitudes and latitudes. 3. Copies of contracts or certificates of right to use satellite transponder. 4. Copies of relevant business operation license. 5. Other documents specified by the competent authority (description of the satellite transponder number and its frequency configuration, as well as the evaluation of existing frequency interference in the same/adjacent path, etc.). 	Subject to the provisions of Articles 10 and 11 of the Regulations.	The validity period of the frequency use certificate: 10 years	<ol style="list-style-type: none"> 1. The competent authority abolishes the frequency allocation and use after the conditions set out in Article 62, Paragraph 2 of the Act are fulfilled. 2. An application has been submitted for return of radio frequency before the frequency use certificate expires, and the competent authority revokes the frequency use certificate.