

Fundamental Communications Act & A New Era of Digital Convergence

With the booming development of digital technology, broadcasting TV services are no longer restricted to the original media vehicles. Two-way voice service can be conveyed through cable transmission too. Distinct boundaries among communication broadcasting industries no longer exist. Previously, different institutions were to regulate different industries according to their media vehicles. For instance, Government Information Office took charge of TV broadcasting while the Ministry of Transportation and Communications supervised telecommunication business. Nowadays, duties of supervision have to be re-allotted on account of media vehicle convergences. To integrate communication and broadcasting, National Communication Commission (NCC) and Fundamental Communications Act (FAC) were promulgated in 2004.

Communication and broadcasting were different industries. In accordance with regulations, NCC and FAC make the two industries converge without interfering with their free competition and consumer rights. To meet the fast development of digital technology and the converging trend of telecommunications, IT and broadcasting technology, two drafts were ratified in 2003, namely, Fundamental Communications Act and National Communications Commission Regulations. Telecommunications and broadcasting were each under the administrative guidance of the Ministry of Transportation and Communications and Government Information Office. For unified management, National Communication Commissions (NCC) was set up to supervise the two industries.

Urgent demands from the two industries pushed forth the establishment of NCC. It was defined as an independent institute of supervision that took charge of policy-making, certificate issuance, content management and competition maintenance. Its business scale is next to that of financial

industry. The size of its staff varies from 500 to 700 persons, most of whom were repositioned employees from the Post and Telecommunications Division, Directorate General of Telecommunications, and the Department of Broadcasting and Television from Government Information Office.

Ex-Minister without Portfolio that contributed to the birth of NCC, Director Tsai Ching-yen points out that under the development trend of digital streaming, telecommunications industry provides the service of presenting video and audio contents while cable industry can also offer online connections and telephone services. However, under current laws, the two businesses belong to different supervisory authorities.

Tsai Ching-yen further states that NCC coordinates all administrative responsibilities to ensure a fair competition in the market and also provisions of new technologies and services. For instance, the high rates of ADSL can hopefully be lowered with cable TV industry joining the competition. Apart from channel supervision, NCC tends to run a low-profile management with regard to broadcast contents.

Chang Tien-chin, Director of Legal Affairs Section of the provisional office of NCC, says that FCA (Fundamental Communications Act) has preserved plenty of flexibilities for the services of new technology. As old rules hamper the growth of new industries, therefore, Article 6 of FCA stipulates less strict regulations be enforced so that development of new technologies and industries can be boosted.

Professor Chou Yun-tsai of the Department of Information Management at Yuan Ze University thinks that new communication broadcasting industries often replace old services with price-hacking ones. To maintain the public consumers' rights, the government should not set additional limitations.

Digital convergence is the combination of four independent traditional industries, namely, Information Technology (IT), Telecommunication, Consumer Electronics, and Entertainment. To meet the needs of the market, it then gives rise to cross-industry convergence. Microsoft's video game consoles are the transition of IT into Entertainment. Apple's iphones are IT that is taken to Telecommunication. Digitalized technology and contents enable digital convergence to achieve in the production of complex smart phones and set-top boxes. It applies internet, telecom fixed network and broadcast TV network for smartphones to upload or download music and video games, check emails, and use social networking apps to communicate.

The most significant trend of digital convergence is the convergence of contents. The contents can go as far as personal videos or audios, picture creations, or personal concerts combined with downloaded music. YOUTUBE of GOOGLE provides a platform for the sharing of creations. At the same time it also settles problems involving copyrights, allowing users to share and operate on the platform with ease.

Digital convergence integrates telecommunication, network, and broadcasting. Things like digital TVs and digital broadcasting are no longer confined to traditional wireless channels or cable TV channels. Digital streaming creates network composite media and the so-called "ordinary people live shows." Everyone can become a big star through platforms such as FB or YOUTUBE. In the surging waves of digitalization, FAC incorporates two divided industries into a bigger one, giving people in Taiwan an access to more potentials of business opportunities and industrial development.

40 通訊傳播基本法 數位匯流新紀元

隨著數位科技快速發展，廣播電視服務不再侷限原有**載具**，雙向語音服務也可透過**纜線傳輸**，**通訊傳播**產業壁壘不再界線分明。原先以載具劃分管制機關，如**新聞局管廣播電視**，**交通部管理電信業務**，如今因載具的匯流，需要重新規劃，整

合通訊與傳播監理功能的**通訊傳播委員會**與**通訊傳播基本法** 2004 年公布。

通訊和傳播原屬不同產業，**通傳會**及**通傳法**讓兩個產業匯流，在不妨礙自由競爭及消費者權益，有遵循的依據。為因應數位科技快速發展以及電信、資訊與傳播科技的匯流趨勢，2003 年通過「**通訊傳播基本法**」、「**通訊傳播委員會組織法**」兩項草案，電信、傳播分屬**交通部**及**新聞局**管理的行政架構，未來將整併為獨立運作的「**通訊傳播委員會**」統一監督管理。

通訊傳播委員會當初急於設立，主要因為業者要求。NCC 將定位為獨立監理機關，負責通訊傳播監理政策、證照核發、傳播內容管理及競爭秩序的維護。通訊傳播業規模為僅次於金融服務業規模，通訊傳播委員會編制 500 到 700 人，將由**交通部郵電司**、**電信總局**、**行政院新聞局廣播電視事業處**的現有員額移撥。

催生通傳會的前**政務委員**、主任**蔡清彥**透露，在**數位匯流**的發展趨勢下，**電信業者**提供影音內容服務；**有線電視業者**也能提供上網、通話的服務，但現有的法令，兩項業務分屬不同的主管機關。

蔡清彥指出，NCC **統一事權**，確保市場的公平競爭，並促成提供新技術、新服務。例如 ADSL 費率高，有線電視業者加入競爭行列後，可望讓費率有效下降。除了頻道管理，未來在傳播內容上，NCC 則傾向於**低度管理**。

行政院通訊傳播委員會**籌備處法制組長張天欽**表示，對於新技術的服務，通傳法保留了彈性的空間，因為新產業如果用舊法規，會妨礙該產業發展，通傳法**第 6 條**規定，為了鼓勵新技術新產業，降低對新產業的管制。

元智大學資訊管理學系教授周韻采認為，新的通訊傳播服務，通常都是以**極具價格破壞性**替代舊有的服務，為了維護廣大消費者的權益，政府不應該多做設限。

數位匯流是**資訊**、**電信**、**消費電子**、**娛樂**四種相對獨立的傳統產業融合，數位匯流根據市場的需求產生**跨產業融合**，**微軟**生產**遊戲機**是資訊電子業**轉戰**娛樂業，**蘋果**出產**智慧手機**是資訊業走進電信業。數位科技與**內容數位化**，數位匯流造就**複合的智慧手機**和**數位機上盒**。數位匯流整合應用提供**網際網路**、**電信固網**、**廣播電視網網路**，智慧手機上、下載音樂與電子遊戲、收發電子郵件、**社群軟體**溝通。

數位匯流最重大趨勢是**內容匯流**，將個人影音、圖片創作，網路下載音樂或演唱

結合，GOOGLE 的 YOUTUBE 就提供創作分享的平台，也能代為解決紛雜的著作權困擾，讓使用者安心操作與分享。

數位匯流讓傳統相對獨立的電信、網路和廣播電視互相融合，類似像**數位電視**、**數位廣播**，都不再侷限於傳統**無線頻道**或**有線電視頻道**，數位匯流創造出**網路複合媒體**，還有所謂的「**素人直播**」，個人都可以透過臉書或 YOUTUBE 等平台成為大明星。數位化浪潮中，通訊傳播基本法將原本獨立或分開的產業，整合成較大的新產業，幫助我國民間取得更大商機與產業發展。