

**TELECOMS - TAIWAN** 

## Re-farming 3G spectrum

April 27 2016 I Contributed by Shay & Partners

The Ministry of Transportation and Communications is coordinating with the National Communications Commission (NCC) for re-farming the 3G spectrum in the 2,100 megahertz (MHz) band and 800MHz band, together with the release of the 2,300MHz band further to the Spectrum Provision Plan for 2015 and beyond, which was announced on May 4 2015 (for further details please see "Spectrum provision plan released for 2015 and beyond").

Taiwan released five 3G mobile communication licences by auction in 2002, which are set to expire on December 31 2017. Among the licences, one is in the 800MHz band (825MHz to 845MHz/870MHz to 890MHz) and the rest are in the 2,100MHz band. No renewal or extension will be available to the 3G licences pursuant to previously established rules.

According to NCC statistics, as of January 31 2016 there are more than 16 million 3G subscribers. Given that voice over long-term evolution service is not yet popular, or even available to emerging 4G service subscribers, both the ministry and the NCC regard it as a priority to plan the release of further mobile broadband service licences in the 2,100MHz band and 2,300MHz band by no later than 2017. Pursuant to Article 3 of the Fundamental Communications Act, the ministry is the sole agency in charge of spectrum allocation and the NCC will follow up frequency assignment immediately upon frequency recovery in the 2,100MHz band and 2,300MHz band. The NCC is planning to continue to release mobile broadband licences by auction in the above bands. The actual number of licences to be issued is pending further public consultation.

Other than the 2,100 MHz and 2,300MHz bands, the ministry has determined that the 800MHz band will be reserved for public protection and disaster relief following Resolution 646 of the World Radiocommunication Conference 2015. The Ministry of Interior Affairs has been invited to comment on how much spectrum would be in need of public protection and disaster relief. On the condition that public protection and disaster relief will always have priority, it is possible that a certain frequency in the 800MHz band could be assigned to the mobile broadband service.

As for licence-exempt spectrum, the ministry prefers tentatively planning in the 920MHz to 925MHz band, and therefore avoiding other uses in the 800MHz band.

For further information on this topic please contact Arthur Shay at Shay & Partners by telephone (+886 2 8773 3600) or email (arthur@elitelaw.com). The Shay & Partners website can be accessed at www.elitelaw.com.

The materials contained on this website are for general information purposes only and are subject to the disclaimer.

**AUTHOR** 



