

Telecommunications - Taiwan

Congress Agrees Bill on Base Station Control Measures

May 20 2009

On April 16 2009 the Transportation and Communications Committee of the the Taiwanese Congress (the Legislative Yuan) agreed a proposed bill to amend the Telecommunications Act and decided to adopt quantity controls on all mobile base stations nationwide. If the bill is passed in the forthcoming general assembly meeting, not only will existing second and third-generation operators be threatened with the removal of their base stations, but the would-be operators of Worldwide Interoperability for Microwave Access (WiMAX) will be left with nowhere to construct their base stations.

The main provisions of the proposed bill are that: (i) public elementary and secondary schools may deny a telecommunications operator's request to construct base stations on their land; and (ii) only three sets of mobile base station, and nine antennae in total, may be installed on top of each building.

According to Article 32, Paragraph 4 of the act, land and buildings owned by public sector entities are to be provided on a priority basis to mobile operators upon their request in order to allow for the construction of base stations. The proposed bill grants public schools the right to deny such a request, which would severely reduce total number of base stations available for system coverage and expansion and detrimentally affect the quality of connections.

Many mobile operators have complained that the proposed bill would critically impact on the provision of existing and forthcoming mobile services, including those via the following mobile telecommunication systems:

Second Generation	Global System for MobileCommunications 900 megahertz (MHz)
	Global System for MobileCommunications 1800 MHz
Third Generation	Wideband Code Division Multiple Access
	Code Division Multiple Access 2000
	Personal Handyphone System
	WiMAX

According to the estimation of one telecommunications industry association, due to the different mobile systems which need to be provided for, base stations must be built in sets of at least six and the number of antennae must be at least 46.

Some WiMAX operators have threatened to pull out of the mobile service provider industry altogether (asking the government to buy back their licences) should the issue of base stations not be resolved. For further information on base stations, please see "[New Rules Adopted on Takeover of M-Taiwan Project Base Stations](#)" and "[M-Taiwan Project WiMAX Base Stations to be Commercialized](#)".

For further information on this topic please contact [Arthur Shay](#) or [David CL Yeh](#) at Shay & Partners by telephone (+886 2 8773 3600) or by fax (+886 2 8773 3611) or by email (arthur@elitelaw.com or davidyeh@elitelaw.com).

The materials contained on this website are for general information purposes only and are subject to the [disclaimer](#).

Authors

Arthur Shay



David CL Yeh



ILO is a premium online legal update service for major companies and law firms worldwide. In-house corporate counsel and other users of legal services, as well as law firm partners, qualify for a free subscription. Register at www.iloinfo.com.



Official Online Media Partner to the International Bar Association
An International Online Media Partner to the Association of Corporate Counsel
European Online Media Partner to the European Company Lawyers Association

© Copyright 1997-2009 Globe Business Publishing Ltd